

November 17, 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: Harry L. Foy, Jr., Vice-Chairman Jimmy R. Gupton, Commissioner Robert L. Swanson, Commissioner John R. Ball, and Commissioner Raymond A. Stone.

1. Consent Agenda

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

- A. Approval of minutes of meeting held on October 20, 2003.
- B. Approval of Tax Collectors Report for the period October 1, 2003 through October 31, 2003.
- C. Approval of Tax Releases and Refunds for the period October 1, 2003 through October 31, 2003.

2. Public Hearings

A. Map 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 map amendment request from Diane C. Dickerson and Jerry S. Cottrell to change the zoning classification of approximately 1.5 acres at the southeast corner of the intersection of NC 39 and Ferrells Bridge Road (State Road 1001) in Harris Township from R-30 to Neighborhood Business (NB).

The Planning Board unanimously recommended approval of the rezoning request. The intersection is not designated on the Land Use Plan as a commercial node, but does have the characteristics for a low impact commercial zone. This intersection has an approximate average daily traffic count of 6,300 vehicles. County water is available at this site. Rural business (RB) was approved directly to the west of the intersection in March of this year.

Ms. Donna Wood, Senior Planner, was present to answer questions from the Board.

Chairman Foy declared the public hearing open.

Chairman Foy called for 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 map amendment.

B. Map 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 map amendment request from Clearwater Group LTD to change the zoning classification of approximately 4 acres on NC 96 in Youngsville Township from R-40 to Neighborhood Business (NB).

The Planning Board unanimously recommended approval of the rezoning request. The Land Use Plan indicates that the area should remain as Agricultural-Residential, but as the characteristics of the community change so does the land use patterns. If Ballymore Plantation subdivision develops, then the new entrance will significantly change the traffic and land use patterns. In February 2002, the Board of Commissioners approved a 5-acre tract for NB located across the street from the petitioner's property. The property is located along a major thoroughfare with an

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average daily traffic count of 6,300 vehicles. Neighborhood Business is specifically designed to accommodate the low impact commercial needs of a residential community.

Ms. Donna Wood, Senior Planner, was present to answer questions from the Board.

Chairman Foy declared the public hearing open.

Ken Lane, 75 Canton Gable Place, Youngsville (Aberdeen Subdivision)

- feels there are traffic problems now and additional business in the area would create more traffic

- in two to three years Youngsville is planning to build a fire department across the street from his subdivision

- he and others in the subdivision do not want added traffic

Judy Mitchell, 6814 NC Highway 96, West, Youngsville

- has no objection to the rezoning, feels business needed in the area

- lives next door to the property in question

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

Commissioner Swanson asked if the Board previously approved the land across the street from the 5-acre tract. Ms. Wood responded the property is not part of the neighborhood previously approved, it is located on the north side of Highway 96. Commissioner Swanson asked who owns the land. Mr. John Tooney spoke stating he is the owner of Clearwater Group, the petitioner, and purchased the land in hopes of putting businesses at the site.

Commissioner Ball asked Mr. Tooney if he had any objection to additional traffic in the area. Mr. Tooney stated Ballymore subdivision would have more to do with increased traffic. Commissioner Ball asked what type of business was he planning to build. Mr. Tooney stated he plans to build a coffee shop or something to that effect, depending on the needs of Ballymore residents.

Commissioner Ball asked Mr. Tooney if the DOT has already included businesses in their planning for the road, such as turn lanes. Mr. Tooney responded yes.

Commissioner Stone asked Mr. Tooney if the request for rezoning is approved was it his plan to proceed with building soon. Mr. Tooney responded he plans to wait to see the needs of the residents of Ballymore such as a day care, coffee shop, etc.

Chairman Foy stated he felt there should be no reason for traffic concerns due to having businesses in the area will help with people not driving up and down the road to get services elsewhere.

Commissioner Swanson asked Mr. Tooney if he did not know at this time what type of business he plans to develop why did he request the rezoning now. Mr. Tooney responded he was approached by the fire department to see if he would sell the land to them and he feels that a fire department was inappropriate for the location and feels Highway Business zoning will prepare for future development.

Commissioner Ball asked Mr. Tooney other than envisioning a soda shop, did he have any idea beyond that as to what businesses should be in the area. Mr. Tooney

responded whatever business would help the residents of Ballymore.

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Vice-Chairman Gupton asked if there were other people who objected to the rezoning request. Six people in the audience stood.

Rene McCormick, 15 Riders Court, Franklinton

- the entrance to Aberdeen Subdivision is a T-intersection and is several lots down on the left side of the road before any neighborhood business zoning begins

Joe Alley, 1654 Sid Mitchell Road, Youngsville

- opposed five-acre tract rezoned across from Ballymore
- residents bought property to live in a residential area not a business area
- felt the Board was putting itself in danger to justify another zoning change in this area
- the Board approved the Land Use Ordinance with this property zoned as is

Ms. McCormick spoke again stating the Board recently approved a zoning change for a golf cart business up the road.

Mr. Lane spoke again stating he feels that more traffic increases traffic accidents.

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

Motion was made by Vice-Chairman Gupton to table the decision to allow further discussion. Motion failed for lack of second.

Motion was made by Chairman Foy to approve the map amendment. Motion failed for lack of second.

Commissioner Ball asked Vice-Chairman Gupton why was it his decision to table. Vice-Chairman Gupton responded he felt more time was needed to look at all presentations.

Vice-Chairman Gupton restated his motion and Chairman Ball seconded the motion to table until the next regular Board meeting, with all present voting "AYE".

C. Map 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 map amendment request from Clearwater Group LTD to change the zoning classification of approximately 1.4 acres on NC 96 west of US 1 in Youngsville Township from R-40 to Neighborhood Business (NB).

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

Ms. Donna Wood, Senior Planner, was present to answer questions from the Board.

Chairman Foy declared the public hearing open.

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Commissioner Swanson asked where the land was in relationship to the land in the previous public hearing. Ms. Wood responded it was two parcels to the west on Highway 96.

Commissioner Stone asked what is the zoning classification of the land beside it. Ms. Wood responded a house is on one parcel and the other parcel is vacant. Commissioner Stone asked if there were any plans for the property to the west. Ms. Wood responded it was the entrance to Ballymore subdivision.

Rene McCormick, 15 Riders Court, Franklinton

- stated the house belongs to Judy Mitchell and she is planning to submit a petition to the Planning Department on November 18th to request a rezoning of this property to HB as well

- Ms. Mitchell has already had a request to use the house as a daycare

Judy Mitchell, 6814 NC Highway 98, West, Youngsville

- stated she plans to request all her property be rezoned HB

Commissioner Ball asked Ms. Mitchell if she will request all lots be rezoned and Ms. Mitchell responded yes.

Joe Alley, 1654 Sid Mitchell Road, Youngsville

- stated the entire nature of peoples homes and communities rely on the Board's decision on this matter

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

Motion was made by Commissioner Stone to table the decision until the next Regular Board meeting due to the relation of this property to the previous rezoning request, seconded by Commissioner Swanson, with all present voting "AYE".

1. Robert Segal, CPA Update

Mr. Segal was present to update the Board on their work during the past few weeks. As requested by the Board at the October 20, 2003 meeting, Mr. Segal provided them with a status report of his findings:

- A review of the North Carolina motor fuel reports indicated that some purchases might have been omitted. – Mr. Segal will review the reports for the past thirty-six months and prepare applicable amended refund claims.

- A review of the current accounts payable files indicated that North Carolina sales and use tax was not always coded to the appropriate receivable account and would therefore not have been claimed as a refund. Mr. Segal will conduct a search for unclaimed sales and use tax and prepare the appropriate refund claims.

- Franklin County has a contract with the U.S. Marshal Service to house federal inmates on a temporary basis and past attempts to obtain a higher day reimbursement have been unsuccessful. Mr. Segal requested permission from the Board to calculate a new rate and if it is higher than the current rate, assist

the County with negotiating a new agreement with the U.S. Marshal Service.

- A review of the accounts with Progress Energy appeared to be on the rate schedules that would yield the lowest cost.

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- State Criminal Alien Assistance Program (SCAAP) is a federal program that reimburses counties for housing illegal aliens. Franklin County has never participated and the Sheriff's Department has expressed their desire to have Mr. Segal perform the process of obtaining these funds.

Commissioner Swanson asked if the sales tax was not being filed correctly. Mr. Segal responded it was filed properly.

Chairman Foy asked how much money would the County have received. Mr. Segal responded about \$10,000 on gas tax a year. He also stated a previous consulting firm thought the County was exempt.

Commissioner Ball asked if the County could apply now and get the exempt status. Mr. Segal responded yes, the County needs to become exempt status. Commissioner Ball asked if the County needs to renew annually. Mr. Segal responded yes, the County would receive a form each year to sign for renewal.

Commissioner Stone asked if by applying now would this take care of the status henceforth. Mr. Segal replied yes.

Mr. Chuck Murray, Finance Director, stated changes have been made in his office to ensure the tax was being filed correctly.

Mr. Segal stated the County has seven to eight gasoline vendors.

Commissioner Ball asked if an agreement would be required with each vendor and Mr. Segal responded yes.

Commissioner Stone asked if the signed agreement between Mr. Segal and the County required the Board to approve each finding. County Attorney Darnell Batton stated yes, the Board requested Mr. Segal report back to them on each finding.

Commissioner Stone stated it bothers him that the tax was not coded to appropriate accounts and asked why the auditors did not discover it. Mr. Segal responded they do a random search.

Commissioner Ball asked where is the responsibility. Mr. Segal responded with the Department Head and then accounting. Commissioner Ball asked if he was referring to County staff. Mr. Segal responded yes and a sales and use tax expert has meet with the accounting staff and gone over the proper coding.

Chairman Foy asked in regards to the U.S. Marshal Service, has the County tried themselves to get the higher reimbursement and Mr. Segal responded yes. Mr. Murphy added the County has tried the past two years to no prevail.

Commissioner Ball asked what is the average reimbursement across the State. Mr. Segal responded Pitt County gets \$50.00 a day, Guilford County gets \$48.00 a day, and Mecklenburg County gets \$110.00 a day.

Chairman Foy asked why the County is not being reimbursed for housing illegal aliens. Mr. Segal stated the County has not applied for reimbursement.

Commissioner Ball asked Mr. Segal if his audit on the Correctional Facility showed the

County gets reimbursed on the State and Local level. Mr. Segal responded yes. Commissioner Ball asked Mr. Segal if he got the impression from his audit that Franklin County houses a lot of Federal inmates. Mr. Segal responded yes.

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County Attorney Batton stated he has talked with the U.S. Marshal Service and they stated that when you have a language barrier with inmates it cost more for the County to provide interpreter service. The Sheriff is not aware of a contract for this service.

Commissioner Ball asked if it was worth the time to investigate the number of illegal aliens. Mr. Segal responded yes.

Motion was made by Commissioner Ball, seconded by Vice-Chairman Gupton, with all present voting "AYE", to approve the information and recommendations presented by Mr. Segal. The motion also instructed Mr. Segal to continue with reports to the Board, and authorized the County Manager to sign the contracts.

1. Board Appointment

The Town of Bunn requested the Board reappoint Mr. Elmer Gene "Mann" Mullen to another term on the Bunn Planning and Zoning Board. The term is for three years, expiring November 2006.

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

2. Ordinance – Criminal History Record Checks for Future Employees in Sensitive Positions

The Sheriff's Office has requested the Board approve an ordinance granting them authority to administer criminal history record checks for applicants and current employees.

The current County Personnel Policy manual grants authority to conduct criminal background checks to "confirm the qualification and character of a potential county employee in an effort to insure the highest quality county employee" (Article VII, Section 13). However, in order for the Sheriff's Office to provide official record checks through use of the SBI/DCI (State Bureau of Investigations/Division of Criminal Information) network, there must be local legislation granting them authority to conduct such checks on non-justice employees (employees who do not work for a criminal justice agency).

As an employer, the County is obligated by state law to conduct criminal background checks on employees (or volunteers) involved in the treatment for or services to children, elderly, mental health, or disabled (NCGS 114-19.3). In a proactive effort to minimize any potential claims of negligent hiring or retention, it is a good employment practice to perform such checks on any employee or potential employee (applicant) who will perform direct care duties. All applicants and employees must provide signed consent before fingerprinting and background checks are conducted. Fingerprints will not be kept on file in the Human Resources Office.

Ms. Ursula Hairston, Human Resources Director, was present to answer questions the Board might have.

Commissioner Ball asked if the criminal background check would include all current employees. County Manager Richard Self responded it would only affect future applicants. Commissioner Ball asked if it included all volunteers. Ms. Hairston responded not all volunteers and applicants, only those who give direct care.

Commissioner Ball stated he felt it could be perceived as discriminatory to only check certain people. Ms. Hairston stated it is not the people, it is the position, in which case any applicant for a certain position would be subject to the background check. Commissioner Ball asked if it included current volunteers. Ms. Hairston responded the County does not have enough manpower to check all current employees and volunteers. Commissioner Ball asked if clearance would be required by the Sheriff's Department. Mr. Hairston responded yes. Commissioner Ball asked what would
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happen if the County did not get clearance on someone, how would the information be used. Ms. Hairston responded the information would be used to determine whether or not the applicant should be hired. Commissioner Ball asked who would have access to the report. Ms. Hairston responded the Sheriff's Department and if a potential employee contested the results, then they could obtain a copy of the report. Commissioner Ball asked how much of a delay in hiring would the background check cause. Mr. Graham Stallings, Chief Administrator for the Sheriff's Department, responded four to six weeks. Commissioner Ball asked if the current policy was not efficient. Ms. Hairston responded no, currently the County cannot get the actual report. Commissioner Ball asked if approval of the ordinance by the Board would give access to the report. Ms. Hairston responded yes. Commissioner Ball asked if the County Attorney had reviewed the draft ordinance. Ms. Hairston responded no.

Commissioner Stone asked about the use of the term "safety sensitive" in the draft ordinance and how those positions would be defined. Mr. Hairston stated that she has a list of positions that would be considered safety sensitive positions and that list has been circulated to the Department Heads for their review but not finalized. Commissioner Stone asked why the list was not made a part of the ordinance. Ms. Hairston responded if the list were made a part of the ordinance, then anytime there was a change of duties to a position that would alter that positions appearance on the list, it would have to be brought before the Board each time for approval.

Commissioner Stone stated he felt that for a sensitive position there should be clear language in the ordinance so there would be no questions. He also stated he felt it was imperative the County have this ordinance.

Chairman Foy asked if just North Carolina records would be checked. Ms. Hairston responded that if you go through the SBI for information they only provide State records. If you go through the Sheriff's Department, they provide both State and Federal records.

Motion was made by Commissioner Ball to send the draft ordinance back for further study, seconded by Commissioner Stone, with all present voting "AYE".

3. Progress Energy

Kathy Hawkins, Community Relations Manager, was in attendance to brief the Board on Progress Energy activities and plans affecting Franklin County.

4. Petition for Road Additions to the State Maintained Road System

Popular Creek Drive in Popular Creek Subdivision, Phase I and Adler Court in Popular Creek Subdivision, Phase II (Franklinton Township). Located near the intersection of NC Highway 56 and Mount Olive Church Road (State Road 1202). There are a total of 26 occupied homes having street frontage. The application meets state requirements.

Upon motion by Commissioner Swanson, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly approved the petition.

5. Petition for Road Abandonment Resolution

At the June 16, 2003 Board of Commissioners meeting, a Petition for Road

Abandonment to the State Maintained Road System was brought before the Board for consideration. Winston Street (State Road 1207) 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, and 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.

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The County Manager 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 and 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 with any cost associated to be paid by the petitioner. The Board approved to hold a public hearing and all cost associated with the closing to be paid by the petitioner. The public hearing is scheduled for January 19, 2004.

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

6. Ordinance – Franklin County Park

Copies of an ordinance and the resulting policies were previously presented to the Board for their consideration. The ordinance and resulting policies have been recommended by the Park and Recreation Advisory Board and will allow for the preservation of the Park and the citizens utilizing the facility.

Mr. Dave Munden, Parks and Recreation Director, was present and stated the ordinance was for all parks in Franklin County. The ordinance will allow signage and enable laws to be enforced. Fees for using park facilities can be posted and the County can collect charges. Operational hours will also be posted. Mr. Munden stated he solicited information from other counties and feels that having the same rules throughout the County ensures that everyone is treated fairly.

Chairman Foy questioned the rule regarding picnic tables being "picked-up" not "dragged" when moved. Mr. Munden stated this was included in the rules to avoid damage to the property.

Vice-Chairman Gupton asked if the Board would be able to add to and take away from any of the rules and regulations at a later time. Mr. Munden responded yes.

Commissioner Ball asked if eventually the park is annexed into the Franklinton Town Limits, has Franklinton seen the ordinance? Mr. Munden responded no, Franklinton asked the County to come up with the rules. Commissioner Ball asked if the Board should hold off on approving the ordinance until Franklinton could review it. Mr. Munden responded the ordinance enforces the same rules as the schools in Franklinton enforce. He stated the ordinance is needed now to be able to enforce needed rules. He stated any necessary changes could be made at a later time.

Commissioner Swanson asked if Franklinton agreed for their police to patrol and keep a check on the park. Mr. Munden responded the Town Administrator agreed to this.

Commissioner Ball stated he feels Franklinton should review the ordinance before any decision is made.

Vice-Chairman Gupton stated he felt the rules were needed now.

Upon motion by Commissioner Ball, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly carried approval of the Park Ordinance as presented and the Board will review and amend if changes need to be made at a later date. (Signed Ordinance on file in the County Clerk's office.)

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7. Budget Ordinance Amendment

Hurricane Isabel Funds from the State in the amount of \$6,222 to be expended for hurricane relief affecting individuals not covered by insurance or federal assistance; \$5,000 donation to the Library from an estate with funds designated to the Louisburg Library; \$78,000 from the Rescue Incentive Funds to purchase an ambulance for the Bunn Rescue Squad.

Upon motion by Vice-Chairman Gupton, seconded by Commissioner Swanson, with all present voting "AYE", duly carried approval of the budget ordinance amendment #3.

8. Franklin County – Louisburg Water Contract

The Board discussed the Louisburg water contract at the November 3rd work session and requested the County Attorney to meet with the Town Attorney and work out an amended contract for the purchase of water.

County Attorney Batton stated he met with Louisburg Town Attorney, Conrad Sturges. Henderson may or may not change their water treatment process. If Louisburg's water becomes incompatible with Henderson's water, Louisburg may have to alter its process of treatment to remain compatible with Henderson.

Mr. Tom Couch, Water and Sewer Director, was present and stated he felt it is important to enlarge the duration for additional water than what Henderson can provide in the next ten years and keep the contract with Louisburg.

County Attorney Batton stated the amended contract states that each party must give at least 180 days notice to terminate, contract has been extended for ten years and there is an early termination penalty of \$10,000.

Mr. Couch stated based on the Water and Sewer Study in the year 2010 or 2011, the County could run out of water. This ten-year agreement will get the County pass the ten-year study.

Commissioner Ball asked Mr. Couch if he was comfortable with a ten-year agreement to protect the County. Mr. Couch responded he felt the early termination penalty of \$10,000 should be for the County and the Town of Louisburg, not just the County.

Vice-Chairman Gupton stated he felt the County needs its own water.

Commissioner Ball stated that he feels the Board needs to conduct a workshop on the 20-year Water and Sewer Study. He also stated the contract needs to be changed to reflect the \$10,000 fine applying to both parties and eliminate the high volume.

Mr. Couch stated the County is already using over 50,000 gallons per day. Commissioner Ball stated if the County is being charged based on highest water usage payer it will cost the County more.

County Attorney Batton stated he would take the contract back to the Town of Louisburg for revisions requested by the Board.

Upon motion by Commissioner Stone, seconded by Commissioner Ball, with all present voting "AYE", duly carried that the County Attorney take the contract back to the Town of Louisburg for revisions and bring back before the Board at the next regular meeting.

9. Airport Hanger Expansion

Mr. Chipolat is preparing to add another hangar as mutually agreed upon in the contract and is requesting the County provide consent to an encumbrance to the individual loaning the money. County Attorney Batton has reviewed the document and will

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present it to the Board.

County Attorney Batton stated the bank is loaning \$300,000 to Mr. Chipolat and he secured the loan with a lien on all property. The Agreement has been amended to show that only the property the loan covers will hold the lien and he has no problem with the Agreement.

Upon motion by Commissioner Swanson, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly carried to accept the Agreement.

10. Resolution on Manufacturing

Mr. Ronnie Goswick, Economic Development Director, was present to discuss the global impact on furniture manufacturing and its impact on Franklin County. The Resolution prepared by Mr. Goswick is in support of helping our local industries.

RESOLUTION SUPPORTING EQUAL JOB OPPORTUNITIES IN FRANKLIN COUNTY

WHEREAS, Franklin County has a strong dependence on the furniture industry; and

WHEREAS, Franklin County, the State of North Carolina and the United States of America has lost over 34,700 jobs from May 2000 to May 2003; and

WHEREAS, with every one (1) manufacturing job we lose, we also lose 1.8 support jobs; and

WHEREAS, the workers of Franklin County, the State of North Carolina and the United States of America are not afraid of competition, as long as it is played on a "level playing field"; and

WHEREAS, Congressional leadership must establish rules and guidelines that will address unfair trades practice and analyze the cost impact of domestic regulation;

NOW, THEREFORE BE IT RESOLVED, that the Franklin County Board of Commissioners hereby asks that the North Carolina Congressional delegation to support our efforts to provide a "level playing field" for our citizens by addressing unfair trade practices and analyzing the cost impact of domestic regulation.

Mr. Goswick stated Ms. Edna Joyner, President of Joyner Manufacturing Company in Louisburg, requested the Resolution be brought before the Board for consideration. He stated that companies are moving overseas to locations where labor is cheaper.

Vice-Chairman Gupton stated he felt the Board should give Ms. Joyner all the help she needs by contacting our delegates.

Mr. Goswick stated the only companies in the United States that are safe are the ones

who manufacturer items that cannot be shipped overseas.

Commissioner Ball asked Mr. Goswick if he had received any response from local manufacturers as to how NAFTA has affected jobs in Franklin County. Mr. Goswick responded no. Commissioner Ball asked Mr. Goswick if any local manufactures have considered relocating to Mexico or other locations. Mr. Goswick responded Novozymes has a plant in China as well as Franklin County and they have to manufacture products where they will be used. They cannot ship overseas.

Upon motion by Commissioner Ball, seconded by Vice-Chairman Gupton, with all present voting "AYE", duly carried to adopt the Resolution and distribute copies to the Congressional Delegation, Local Legislation, and local businesses.

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(added to the Agenda)

Mr. Goswick asked the Board to consider an Agreement between the County and the N.C. Department of Transportation for the construction of an industrial road into the Youngsville Industrial Park. The Road will be funded through the Senate Bill 1005 allocation announced by Secretary Tippet in October. The DOT has allocated \$330,000 toward this project.

Mr. Bob Neeb, the Youngsville Industrial park developer, will assume responsibility for any overruns of the \$330,000 allocation, thus, holding the County harmless for any costs of this project.

The road will serve approximately 200 acres of medium industrial property off of U.S. 1 and Bert Winston Road. Currently there are two industries that have options on property in this industrial park; Captive-Aire and an electrical supply distribution company.

Mr. Tom Couch will help manage the project to ensure that all aspects of the contract are followed. The County will contract with an independent engineer to test the compaction of the sub-grade, stone and asphalt.

The right-of-way will be donated to the County/State and all environmental permits have been approved by the State.

Mr. Bob Luddy, Captive Aire, would like to start clearing the land this winter.

Commissioner Ball asked if Mr. Luddy was the primary occupant. Mr. Goswick responded Lloyd Matthingly would be building an electrical supply distribution company. Commissioner Ball asked if Mr. Luddy would be moving the current operation to the new location. Mr. Goswick responded yes, his current lease would expire next year. Commissioner Ball asked if Mr. Luddy made a necessary commitment. Mr. Goswick responded yes, the DOT took this into consideration.

Chairman Foy asked what would happen if Mr. Luddy defaults. Mr. Goswick responded the DOT and Senate Bill 1005 will still put in the road.

Mr. Goswick stated he would meet with the County Attorney to go over the wording of the Agreement.

Upon motion by Commissioner Ball, seconded by Commissioner Stone, with all present voting "AYE", duly carried approval of the Agreement contingent upon commitment by Mr. Neeb and authorize the manager to sign the necessary documents.

11.Board Meeting Schedule

The Board requested at the October 20, 2003 Regular Meeting that a monthly work session be held on the first Monday of each month. The rules of the Board require this

be voted on at the next regular meeting after introduction.

Commissioner Ball read his motion from the October 20th meeting:

"I move that we amend the Procedures for Meetings of the Franklin County board of Commissioners in order to hold a monthly work session on the first Monday of each month at 7:00 P.M. The meeting is called according to the special provisions of Section 1-B (meetings) of our procedures or by a majority of the Board. Discussion topics are requested from members of the Board. The staff or the Public may suggest or request that certain topics be discussed if done so one week before the work session. The Chair of the Board will be responsible for organizing the workshop topics and will preside at the meetings. The Board will not be limited to an agenda and has the freedom to discuss topics in view of timelines, appropriateness
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and necessity. Necessary actions will be referred to the next regular meeting of the Board."

Commissioner Stone requested to amend the statement to say:

"The meeting is called according to the special provisions of Section 1-B (meetings) of our procedures or by a majority of the Board unless agreement by majority to cancel."

Commissioner Ball stated he accepts Commissioner Stone's amendment.

Upon motion by Commissioner Ball, seconded by Commissioner Stone, with all present voting "AYE", duly carried approval to amend the Board Rules.

Commissioner Swanson stated since the Board cannot vote in a work session and any action taken will have to come before the Board at the next regular meeting, unless a special meeting is called, he feels there are some issues that need action taken prior to the next regular meeting.

12. Discussion of Redistricting Resolution

Commissioner Stone had requested the Redistricting Resolution previously adopted by the Board be discussed in light of the November 4, 2003 election. He stated that the redistricting results in the County are a long time commitment and obligation. He feels the Board should discuss the redistricting further in their December work session to make sure it is what they want and if it carries out the wishes of the voters.

County Attorney Batton stated the Board did adopt a Resolution supporting the redistricting and did approve a map, which set forth districts and what years each district would run for office. This was on the ballot the voters successfully voted on and it has been forwarded to the Justice Department as the Referendum results and based on that nothing can be changed.

Attorney Batton explained the referendum process, the Justice Department process and the local election process.

13. Comments from the Public

Ms. Susan Pearce, 434 Rogers Road, Zebulon

- Ms. Pearce stated her family has had a recent situation of a hunter deer hunting on their land and this has raised a safety issue for her family
- she is concerned that if a deer is between them and the hunter, the hunter will not be able to see and shots could easily be fired in the direction of her yard where her children play

- she feels the Board should adopt an ordinance requiring hunters to be a certain distance from the nearest occupied residence

Commissioner Stone stated this topic should be discussed at the next work session.

Chairman Foy stated he felt a public hearing should be held on the matter.

Joe Alley, 1654 Sid Mitchell Road, Youngsville

- stated he was glad that the County Manager's evaluation was not conducted in a Closed Session and feels the public deserves to hear

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Ralph Knott, 310 Edward Lane, Louisburg

- stated County Attorney Batton was right with what is said on the Redistricting issue – the Board has gone through the steps and had the Referendum
- we have to live with what we have and the people voted on and voted for the Referendum by a 62% vote and it is in Washington now for review
- hopes the Board does not set themselves up for another lawsuit
- if the Justice Department and Civil Rights approves the plan then it is the County's plan and we have to go by what the plan says
- he encouraged the Board to accept the plan and move on to something else

Commissioner Stone stated he does not want to change the map, he helped come up with the map. He wants to let the people know that two Commissioners will come from one district.

Sidney E. Dunston, 129 George Leonard Road, Louisburg

- spoke on Redistricting and stated the Referendum ballot read new Redistricting was based on the map and Resolution adopted by the Board
- he feels the Board acted in good favor in establishing the map and Resolution
- the public spoke when they voted in good favor
- put the issue to bed and see what the Justice Department does

1. Board Committee Reports and Comments

Commissioner Ball:

- the COG Executive Committee meet last week and discussed Mental Health in the region – concern over new State reorganization
- NCACC Steering Committee has met and discussed Mental Health and Health reorganization
- the COG Executive Committee discussed rural planning organization and the expansion of metropolitan planning organization – Franklin County is participating with Wake County; Granville County has not agreed to yet

Commissioner Stone:

- attended State level Mental Health meeting – discussion was in-house services

by Mental Health staff verses private provider under contract - this works well in a large metropolitan area but does not work well in rural areas

- the NCACC will meet again on Thursday, November 20th to discuss the three areas of substance abuse

1. Manager's Report

County Manager Self reported the following to the Board:

- reminded the Board of the TIP (Transportation Improvement Program) meeting to be held Thursday, November 20th at the Vance County Courthouse in Henderson, 4:00 – 7:00 p.m.

Commissioner Foy stated the December 1st work session discussion would be workshop goals.

MINUTES OF MEETING OF NOVEMBER 17, 2003---cont.

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

HARRY L. FOY, JR., CHAIRMAN

RICHARD B. SELF, CLERK