

January 21, 2003

The Board of Commissioners of Franklin County, North Carolina, met in Regular Session at 7:30 P.M. in the Commissioner's Meeting Room located in the County Administration Building with the following Commissioners present: Chairman John R. Ball, Vice-Chairman Harry L. Foy, Jr., Commissioner Robert L. Swanson, Commissioner Jimmie R. Gupton, and Commissioner Raymond A. Stone.

Chairman Ball read the Agenda Items.

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 meeting held on January 6, 2003, with the following corrections to the draft minutes:

Correction to Item 4. – Solid Waste Transfer Station

Correct the thirteenth paragraph to read "Commissioner Stone asked Mr. Sullivan if his fees were scaled by the Society of Professional Engineers as architect's fees were by the American Institute of Architects."

Correction to Item 7 – Board Committee Reports and Comments

Correct the second paragraph to read "Chairman Ball reported that the north side of Wake Forest has annexed into Franklin County and future annexations were possible."

- B. Additions to the State Maintained Road System: Shiloh Lane, Bethany Lane, Bethel Court, and Goshen Lane in Brookfield Subdivision, Youngsville Township.

2. Public Hearings

- A. Rezoning Petition – Even Temp

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 **Even Temp** to change the zoning classification of approximately 7.11 acres (North Raleigh Farms, Lot 188) on NC 96 west of US 1 in Youngsville Township from R-40 to Rural Business (RB).

Chairman Ball recognized Interim Planning Director, Matthew Winslow. Mr. Winslow stated that the Planning Board's Findings of Fact are as follows: The future land use plan does not call for Rural Business in this specific location, nevertheless, the plan does indicate that nearby property be zoned commercially. The property is located on NC 96, which is a major thoroughfare with an ADT of 6,300 vehicles per day, and there are existing businesses nearby. An existing large building and business have been in operation on this property prior to adoption of countywide zoning. The Rural Business classification is stricter and does not allow as many uses as the Highway Business District. There were no Special Conditions recommended by the Planning Board.

Mr. Winslow stated that the existing building on the property was previously used as a hauling/backhoe business. The Planning Board recommended approval by a majority vote. He stated a car lot is located a short distance across NC 96, and 3,800 feet, at the intersection with Long Mill Road, are several other businesses.

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The existing 10,000 plus square foot structure was built prior to zoning and had a non-conforming use.

Chairman Ball asked if there were any questions or comments from the Board.

Commissioner Swanson asked Mr. Winslow when the existing building was built. Mr. Winslow responded 1974.

Commissioner Stone asked Mr. Winslow what was the minority vote objection. Mr. Winslow responded that it was due to the property being in a residential area.

Chairman Ball declared the public hearing open.

John Carlton, 6051 Highway 96, Youngsville, NC (Owner, Even Temp, Petitioner)
Mr. Carlton stated he was the new owner of the property and has requested the rezoning in order to operate an HVAC company. He stated he does not plan to change anything that would cheapen the property. He will use as is. He will make the property look better. He wants his business in Franklin County. He stated that the building could not be seen from the road. He stated the house on the property would stay the same, as he is living in it now but wants to make it into an office.

Chairman Ball asked if anyone had comments in favor of or against the rezoning request.

Donna Wheeler, 104 Beach Cove Road (North Raleigh Farms), Youngsville, NC
Ms. Wheeler spoke against the rezoning:

- The property backs up to her property
- The building on the property was previously used for storage
- The property is part of North Raleigh Farms which is residential
- The covenants for the subdivision stated that the property was to be used for single-family homes
- Rezoning will affect property value

Norma Reaser, 188 North Raleigh Farms Road, Youngsville, NC

Ms. Reaser spoke against the rezoning:

- Early morning truck traffic
- 260 lots in North Raleigh Farms were approved as residential
- Why put more businesses in a residential area
- She presented pictures to the Board

Joseph Alley, John Mitchell Road, Youngsville, NC

Mr. Alley spoke against the rezoning:

- The County needs to stop rezoning residential property to business
- He is in commercial real estate and there other property is available

Ms. Virginia Carlton, 6051 Highway 96, Youngsville, NC (Owner, Petitioner)

Ms. Carlton spoke in favor of the rezoning:

- The property was properly posted.
- Clean up of the property is already underway
- She stated that the previous owner had not as a business for two years
- Even Temp will keep the property clean

Mr. Carlton stated that the business is residential and commercial HVAC, would be mostly used for storage. He stated a majority of his business is

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conducted in the field. The only business conducted on the property would be fabricating duct work.

Chairman Ball called for further comments and hearing none declared the public hearing closed. He asked County Attorney Darnell Batton about the covenants. Mr. Batton replied that all neighboring property owners were notified of the rezoning. He stated that private property owners have the right with private enforcement and they should retain an attorney to enforce the covenants. He stated that the Board of Commissioners cannot enforce the covenants but can consider.

Vice-Chairman Foy asked when North Raleigh Farms subdivision was established. Mr. Winslow stated it was established in 1984. Commissioner Swanson stated there was little residential use for a building this size.

Chairman Ball reviewed the key elements in rezoning with the Board prior to their voting decision:

1. Does the proposed zoning classification conform to the County Land Use Plan?
2. Is there a public need for additional land to be zoned for this use in the district?
3. Will the granting of the rezoning request impose serious hardships on adjacent property owners in the form of noise, odors, signs, and/or similar nuisances?
4. Does the request raise any legal questions such as "spot zoning", "violation of precedents", and the rule of reasonableness?
5. Will the granting of the rezoning request be of benefit to the general public and not solely for a private individual or individuals?
6. Will granting the request result in lessening the enjoyment or use of adjacent properties?
7. Will granting the request have a serious impact on existing public facilities, such as schools, fire and rescue, etc.?

Upon motion by Vice-Chairman Foy, seconded by Commissioner Swanson, with Vice-Chairman Foy, Commissioner Swanson, and Commissioner Stone voting "AYE", Chairman Ball and Commissioner Gupton voting "NO"; motion carried the approval of the request for rezoning ordinance. (Signed ordinance on file in the County Clerk's office.)

B. Proposed 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 allow construction and operation of Fire Station/Rescue Operations in the R-40 and R-80 Districts as a Conditional Use, and as a Use By Right in the Highway Business, Neighborhood Business, and Rural Business Districts. Currently, they are not allowed in R-40, R-80, and Highway Business. Due to the large size of R-40 and R-80 districts in the County, the current restriction could impair the expansion of Fire/Rescue operations in the County. The Planning Board unanimously recommended approval of the Proposed Text Amendments.

Chairman Ball declared the public hearing open and recognized Interim Planning Director, Matthew Winslow. Mr. Winslow stated that the Planning Board's Findings of Fact are as follows: The Planning Board recognizes the need to update and make corrections to the Unified Development Ordinance. The Planning Board felt that this use should be listed in all zoning districts as either a

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use by right or a conditional use. There were no Special Conditions recommended by the Planning Board.

Chairman Ball asked if there were any 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 the approval of the request for text amendment to the Unified Development Ordinance. (Signed ordinance on file in the County Clerk's office.)

C. Proposed Modification and Issuance of the NPDES Permit

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 Modification and Issuance of the NPDES Permit: Permit Number

NC0069311, County of Franklin – Franklin County Regional Wastewater Treatment Plant located between Franklinton and Youngsville for an increase in the discharge of treated municipal wastewater into Cedar Creek. Representatives from NCDNER, Division of Water Quality, and Hobbs and Upchurch were in attendance to address this issue.

Chairman Ball declared the public hearing open and recognized Michael Wicker of Hobbs, Upchurch and Associates.

Mr. Wicker reported the County has applied for modification and expansion from 1 mgd to 3 mgd of their NPDES permit for the discharge of treated domestic or municipal wastewater into waters of the Tar River basin. On the basis of preliminary DENR staff review and application of Article 21 of Chapter 143, General Statutes of North Carolina, and other lawful standards and regulations, the North Carolina Environmental Management Commission has proposed to issue a NPDES permit for this facility subject to specific pollutant limitations and special conditions. Franklin County has determined that it is in the public interest that a meeting be held to receive all pertinent public comment on whether to issue, modify, or deny the permit.

Mr. Wicker gave an explanation of the North Carolina Environmental Management Commission's permitting procedure. He stated the NPDES permit (National Pollutant Discharge Elimination System) issued by the Division of Water Quality is required for any project involving the construction, alteration and or operation of any treatment works which results in the discharge of wastewater to the surface waters of North Carolina.

He stated facilities which are publicly funded and have an expansion greater than 500,000 gpd must follow NCSEPA requirements. An Environmental Assessment was required on this proposed expansion. This was submitted to DENR, to the State Clearinghouse and a FNSI was issued in October 2002.

Mr. Wicker stated that following issuance of the Finding of No Significant Impact [FONSI], the NPDES group of the DWQ began review of the application, which was submitted September 2002. The DWQ has a normal process time of 180 days from receipt of the completed application.

Mr. Wicker stated the NPDES group considers the impact of the wastewater on the receiving body as well as downstream impacts. The impacts are modeled in the waste load allocation model established by the DWQ for the Tar River Basin.

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This model considers both direct and cumulative impacts of this and other dischargers. An alternatives analysis is submitted with the application and/or EA for alternate treatment options. The alternative analysis must indicate that discharging is the most environmentally sound alternative from the cost-effective options.

Mr. Wicker stated the NPDES group establishes new discharge limits for various regulated pollutants based on the stream model, the Tar River Basin Management Plan and regulated pollutant criteria established by the State of North Carolina and /or EPA.

He reported an onsite inspection is required. Public Notice of the draft permit is circulated at least 45 days prior to any proposed final action and a public meeting may be held. Usual permit conditions include effluent limitations, monitoring requirements, and reporting requirements.

Mr. Wicker reported to the Board the proposed effluent limits to the NPDES permit. He stated that following the end of the public notice period and the resolution of any public comment by February 7, 2003 the DWQ will issue the revised NPDES permit. The issuance date is projected to be February 15, 2003. An explanation of the action for which each permit is required will be made by Franklin County.

Mr. Wicker stated the NPDES permit expansion is necessary to accommodate the industrial and residential growth in Southern Franklin County near Youngsville and Franklinton. The expansion of Flextronics, Incorporated allowed the County to access grant funds from the Economic Development Administration of the U.S. Department of Commerce, the Community Development Block Grant and Industrial Development Funds Grant from the North Carolina Department of Commerce, and a Supplemental Grant from the North Carolina Rural Economic Development Center. Grant Funds for this project total \$3.15 million dollars. Franklin County is providing matching funds for the estimated total project cost of \$7.915 million dollars.

Commissioner Gupton asked if this modification would take care of growth. Mr. Wicker replied yes, they looked at twenty years from now and targeted the area and projected population growth and industrial growth.

Chairman Ball asked if there were any further comments and hearing none declared the public hearing closed.

3. Recognition of Employee of the Year

Ms. Vivian Cowan, Accounting Tech II for the Franklin County Health Department, was in attendance in order for the Board to recognize and congratulate her on her selection as the Employee of the Year for 2002. Ms. Cowan has been employed with the County since April 23, 1990, and was selected for this recognition by a committee of her peers, which was appointed at random.

Chairman Ball and Vice-Chairman Foy, who is Chairman of the Health Board, presented Ms. Cowan with a certificate and a \$300.00 cash award. They commended her on being selected as Employee of the Year.

Ms. Sandra Wood, Interim Health Director, was also present to participate in the presentation. Ms. Cowan spoke stating her co-workers treat her like family and she really enjoys her job with the Health Department.

4. Recognition of Employee of the Quarter

Mr. Matthew Winslow, Planner, Franklin County Planning Department, was in attendance in order for the Board to recognize and congratulate him on his selection as the Employee of the Quarter for the Quarter ending December, 2002. Mr. Winslow has been employed with the County since January 03, 2001, and selected for this recognition by a committee of his peers, which was appointed at random.

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

5. Recycling Contract

Chairman Ball reported that the Board had awarded a Recycling Contract at the December 2, 2002 meeting. The County has received notification that Waste Industries, Inc. has declined to accept the contract. He stated that NC General Statute 143-129.2(e)(2) authorizes the Board to select the bidder of choice, in this case, the next lowest responsible bidder is recommended. Chairman Ball reported the bids received: BFI – no bid; Phillip Sanders – no bid; Tide Water Fibre – no bid; Waste Management - \$68,944.00; Republic Waste - \$45,208.84; and Waste Industries - \$32,228.20.

Chairman Ball reported Republic Waste is the next lowest bidder with a bid of \$45,208.84. Chairman Ball asked the Board to consider awarding the bid to Republic Waste.

Commissioner Stone asked Mr. John Faulkner, Franklin County Solid Waste Director, if he had discussed with Republic Waste lowering their bid. Mr. Faulkner responded that recycling generally is more expensive than hauling. Mr. Faulkner stated that he was very pleased with the bid received and it would be a significant savings to the County.

Upon motion by Chairman Ball, seconded by Commissioner Stone, with all present voting "AYE", duly carried the approval of the award of bid to Republic Waste for the Recycling Contract.

6. Presentation of Audit Report

Chairman Ball reported the Board's Auditors, Holden, Moss, Knott, Clark, and Taylor, were in attendance to present the Audit Report for Fiscal year ending June 30, 2002. The County has received an Unqualified Audit Opinion, which represents the highest possible opinion. The Finance Office has submitted the audit report and associated documents to be considered for a CAFR (Comprehensive Annual Financial Report) which represents the highest level of open books and accurate public information.

Chairman Ball recognized Mr. Thomas Parker of Holden, Moss, Knott, Clark, and Taylor. Mr. Parker reported the audit was a "clean audit" and an unqualified opinion was issued. He stated the tax collection rate was consistent with previous years. He referenced a management letter sent to the Board of Commissioners stating the implementation of the Governmental Accounting Standards Board (GASB) Statement 34, Basic Financial Statements and Management's Discussion and Analysis for State and Local Governments. This establishes new financial reporting requirements for state and local governments. When implemented, it will create new information and will restructure much of the information that governments have reported in the past. Mr. Parker stated that Franklin County is required to implement GASB 34 beginning with the 2002-2003 fiscal year. He suggested that steps be taken to learn and understand the requirements of GASB 34 and begin preparing for its implementation.

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Mr. Bob Taylor of Holden, Moss, Knott, Clark, and Taylor, spoke to the Board on Bond Ratings. He referenced that the financial statements would look strange to an individual who is not familiar with governmental accounting. Mr. Taylor stated that this change would not affect the County's Bond Rating.

Commissioner Stone asked if all revenues collected and expenditures were covered in the audit. Mr. Taylor answered yes. Commissioner Stone asked if monies received by the volunteer agencies were audited. Mr. Taylor stated that his firm does not audit these individual agencies on behalf of Franklin County, but that option is available if the Commissioners would like to pursue it. Commissioner Stone stated that in his opinion, all agencies receiving County funds should be audited.

Upon motion by Chairman Ball, seconded by Commissioner Swanson, with all present voting "AYE", duly carried the acceptance of the Audit Report for Fiscal Year ending June 30, 2002. (Audit Report on file in the County Finance Office.)

7. Comments from the Public

Mr. Joe Alley, 1654 Sid Mitchell Road, Youngsville, NC

The county needs commercial and industrial growth to pay for new schools and the way to get commercial development was to provide good quality of life, a good environment, good education, and sanctity of home to citizens in order for commercial developers to hire capable employees. He stated that his quality of life was destroyed earlier in the meeting when the Board voted to zone property as business in a residential subdivision.

8. Board Committee Reports and Comments

Vice-Chairman Foy reported that he attended the Franklin County Health Board meeting. He stated the reelection of officers took place and he was reelected as Chairman. He thanked Ms. Sandra Wood for her hard work on grants. He reported that the meeting dates for the 2003 calendar were established, March 20th, April 17th, August 21st, and December 4th. He also reported that the adoption fee at the Animal Shelter has changed.

Chairman Ball reported that he attended the North Carolina Association of County Commissioners conference. Topics of discussion were Rural Issues Task Force and Medicaid analysis. He stated 14.82% receive Medicaid benefits and 16% are eligible to receive Medicaid. He also reported that Franklin County is ranked at the bottom of the list for teacher turnover in the State. Franklin County is 18th in the State. Chairman Ball also reported that information received through the County Commissioner's Listserve showed a comparison of Medicaid expenditure to county general funds for many of the counties in North Carolina. This one expenditure is taking a disproportionate amount of funds from the counties. He reported that he has received a letter from the Department of Health and Human Services accepting Franklin County's audit report. He reported that the Governor acknowledged the FEMA resolution. He reported that the John Lock Foundation has ranked Franklin County as 55th in the State as far as tax burden.

Commissioner Gupton reported that he attended the Franklin County Firemen's Association meeting in Epsom. The Epsom fire department has purchased a new truck at a cost of \$200,000. Vance County will help pay for the truck due to sharing the fire district with Franklin County. Tower footings were also discussed at this meeting. Commissioner Gupton reported that he also attended the Kerr Area Regional Transportation Authority (K.A.R.T.S.) meeting. They have increased their transportation fees by \$1.00 due to the high cost of gas and this will help replace aging vans.

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Commissioner Stone reported that he attended the Council of Governments (COG) meeting. Discussion was to create mini hubs of industries (a basic industry with smaller industries around it). He stated that discussion was that no one would want to contribute funds to build industry in another county. He stated there was no action on the discussion. He also attended a Mental Health meeting. Discussion was on basic change of mental health in the State. He reported that mental health treatment would be delivered through contracts. He also attended the County Commissioner's Legislative Goals Conference and the number one priority is Medicaid relief.

Mr. Matthew Winslow reported to the Board that a Code Enforcement Officer has been hired as an employee of Franklin County but will also be working with the Town of Louisburg. Mr. Griff Gardner will begin work Monday, January 27th.

9. Manager's Report

County Manager Richard Self recognized Mr. Steve Hinnett of the North Carolina Department of Transportation, to report to the Board the status of debris clean up in the County. Mr. Hinnett presented a map showing the areas that have been completed. He stated that the DOT has had to stop the clean up to do some road maintenance and they have contracted out the debris clean up. The contractors started the clean up December 12th and as of January 18th they have picked up 57,812 cubic yards of debris and hauled it over a twenty-three day period. FEMA has requested the projected dates of completion of the debris clean up and the DOT is expecting it to be completed the end of February or the first of March.

Mr. Self asked Mr. Hinnett those citizens who live in gated and private communities who have already cleaned up their debris if FEMA would reimburse them. Mr. Hinnett stated it would be up to FEMA. It depends on how property is listed as to whether or not it qualifies for reimbursement.

Mr. Paul Hershey of Lake Royale spoke stating that his neighborhood has removed over 7,000 cubic yards of debris.

Mr. Self reported to the Board on the FEMA designation of a County Agent. The FEMA standards required the County to designate a Primary Agent and a Secondary Agent to prepare, sign and submit damage and reimbursement reports. He requested the Board designate Chuck Murray as Secondary and him as the Primary Agent.

Mr. Self acknowledged and receipt of \$5,000.00 from Progress Energy to support the emergency shelters.

Mr. Self reported the water and wastewater study is progressing and the computer growth models are being developed.

Mr. Self reported on the E911 Communication Tower Project: Louisburg Town Council approved the construction of the tower; the 300' tower has been ordered from Sabre Communications and should be installed by the end of February; the communication building has been ordered and will be installed when the tower is completed; system installation should be completed by May.

He reported that the revaluation project is on schedule with 32.5% complete.

Mr. Self reported Holland Consulting Planners, Inc. status:

- Hurricane Floyd Crisis Housing Assistance Program is complete and the closeout monitoring visit produced no findings or concerns.

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- 2002 CDBG Scattered Site Housing Program - staff is reviewing the applications prior to submission to the Project Advisory Committee, which meets on January 22nd.

Mr. Self reported that the Legislative Goals Conference was held in Durham on Thursday and Friday. A copy of the Legislative Goals was provided to the Board.

He reported on the Water and Sewer Projects - a listing and status of current projects were provided to the Board as information.

Mr. Self provided directions to Cedar Cross Retreat Center where the Board Retreat will be held Saturday, January 25th.

He stated for those Commissioners attending the Economic Update on Wednesday, January 29th in Raleigh, he would be glad to assist with the car-pooling.

Mr. Self reported staff has reviewed the ice storm and initiated several changes in the service and communication delivery, which will assist in future disasters. They all noted a shortage of generators at various county and school facilities, the need for more computers and telephone lines at the EOC, Progress Energy has committed to work with us to find better ways of providing updates on power outages, expand citizen education (charcoal outside, multi-language, CATV, Website, etc.), better defined roles of those who should be at the EOC, the need for 4-wheel drive vehicles, and the need to hold practice sessions at the EOC. Overall, the staff, volunteers, private sector and municipalities worked well together and produced the desired results of protecting life and property during the disaster.

There being no further business to come before the Board, motion was made by Commissioner Swanson to adjourn, seconded by Commissioner Gupton, with all present voting "AYE". Adjournment recorded at 10:00 P.M.

JOHN R. BALL, CHAIRMAN

RICHARD B. SELF, CLERK