

August 16, 2004

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 Raymond A. Stone, Vice-Chairman Harry L. Foy, Jr., Commissioners Jimmie R. Gupton, Robert L. Swanson, and John R. Ball.

Deletions from the Agenda – Item 6. Proposed Lease of Space on the Telecommunications Tower and Item 7. Boards and Commissions Appointments – Agricultural Advisory Board

Upon motion by Chairman Stone, seconded by Commissioner Ball, with all present voting "AYE", duly carried to amend the agenda to delete Item 6 and Item 7 from the agenda. The Proposed Lease of Space on the Telecommunications Tower will be placed on the September 20th regular meeting agenda and the Boards and Commissions Appointments – Agricultural Advisory Board will be discussed at the September 7th Board work session.

Addition to the Agenda – Closed Session

Upon motion by Chairman Stone, seconded by Commissioner Ball, with Chairman Stone, Commissioners Ball, Swanson and Gupton voting "AYE", and Vice-Chairman Foy voting "NO", motion carried to amend the agenda to add a Closed Session for the purpose of discussion of a personnel matter [General Statute 143-318.11 (a) (6)].

1. Consent Agenda

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

- A. Approval of minutes of recessed meeting held on June 22, 2004 and Regular meeting held on July 26, 2004.
- B. Approval of Tax Collection Report for the period July 1 through July 31, 2004.
- C. Approval of Tax Releases and Refunds for the period July 1 through July 31, 2004.

1. Public Hearings

- A. Order Authorizing \$30,000,000 School Bonds

Proper notice having been given and the Board having received the information, a public hearing was held to hear anyone who might wish to be heard on the questions of the validity of said order or the advisability of issuing said bonds.

Pursuant to the Local Government Bond Act, as amended, the County of Franklin, North

Carolina is hereby authorized to contract a debt, in addition to any and all other debt which said County may now or hereafter have power and authority to contract, and in evidence thereof to issue School Bonds in an aggregate principal amount not exceeding \$30,000,000 for the purpose of providing funds, together with any other available funds, for constructing, expanding and renovating school buildings and other school facilities, including the acquisition of related land, rights of way and equipment.

Taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

A sworn statement of debt of said County has been filed with the Clerk to the Board and is open to public inspection.

This order shall take effect when approved by the voters of said County at a referendum as provided in said Act.

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A bond referendum will be held in the County of Franklin, North Carolina on Tuesday, November 2, 2004 regarding approval of the following not to exceed \$30,000,000 SCHOOL BONDS of said County. The proceeds of said bonds would be used for constructing, expanding and renovating school buildings and other school facilities, including the acquisition of related land, rights of way and equipment, all as set forth in the bond order adopted by the Board of Commissioners of said County on August 16, 2004. If said bonds are issued, taxes in an amount sufficient to pay the principal and interest thereof may be levied upon all taxable property in the County of Franklin.

The Franklin County Board of Elections will conduct the referendum. The last day for new registration of those not now registered to vote is Friday, October 8, 2004.

Chairman Stone recognized Dr. Bert L'Homme, Superintendent, Franklin County Schools, and other school staff present.

Chairman Stone declared the public hearing open.

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

Mr. Charles Murray, Jr., Interim County Manager stated this is the last instrument as far as putting in place the legality of the issuing of this bond with the exception of the approval of the voters in November. The application has been filed with the Local Government Commission and they have not received any comments against the issue and they will be submitting the application to the commission the first of September for final approval. The next step is the voters coming out to support the issue and approve it.

Upon motion by Commissioner Swanson, seconded by Commissioner Ball, with all present voting "AYE", duly carried approval of the order and adoption of the resolution calling for a bond referendum for \$30,000,000 to be held on November 2, 2004.

Chairman Raymond A. Stone announced that this was the hour and day fixed by the Board of Commissioners for the public hearing upon the order entitled "ORDER AUTHORIZING

\$30,000,000 SCHOOL BONDS" and that the Board of Commissioners would immediately hear anyone who might wish to be heard on the questions of the validity of said order or the advisability of issuing said bonds.

No one appeared, either in person or by attorney, to be heard on the questions of the validity of said order or the advisability of issuing said bonds and the Clerk to the Board announced that no written statement relating to said questions had been received except as set forth in Exhibit A attached hereto.

Thereupon, upon motion of **Commissioner Robert L. Swanson**, seconded by **Commissioner John R. Ball**, the order introduced and passed on first reading on July 26, 2004 entitled "ORDER AUTHORIZING \$30,000,000 SCHOOL BONDS" was read a second time and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: Commissioner Robert L. Swanson, Commissioner John R. Ball, Chairman Raymond A. Stone, Vice-Chairman Harry L. Foy, Jr., Commissioner Jimmie R. Gupton

Noes: (None)

Chairman Raymond A. Stone then announced that the order entitled "ORDER AUTHORIZING \$30,000,000 SCHOOL BONDS" had been adopted.

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The Clerk to the Board was thereupon directed to publish said order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Franklin Times.

Thereupon, **Chairman Raymond A. Stone** introduced the following resolution the title of which was read and copies of which had been previously distributed to each Commissioner:

RESOLUTION CALLING FOR A BOND REFERENDUM

BE IT RESOLVED by the Board of Commissioners of the County of Franklin, North Carolina (the "County"):

Section 1. A bond referendum is hereby called to be held between 6:30 a.m. and 7:30 p.m., on Tuesday, November 2, 2004, at which there shall be submitted to the qualified voters of the County the question stated in the form of ballot set forth in Section 4 of this resolution.

Section 2. For said referendum, (i) the registration records for elections in the County shall be used, and the registration records shall be open for the registration of qualified persons and for public inspection in the manner, under the conditions and at the times and places provided by the Franklin County Board of Elections, (ii) the chief judges, judges and assistants appointed by the Franklin County Board of Elections for the several precincts and voting places in the County shall be the precinct officers for such precincts and voting places and (iii) the precincts and voting places shall be that fixed by the Franklin County Board of Elections, subject to change as provided by law. The Franklin County Board of Elections is hereby requested to conduct said referendum in the County and to take all necessary steps to that end in accordance with the provisions of this Section.

Section 3. The Clerk to the Board shall cause a notice to be published in The Franklin Times once at least fourteen days before October 8, 2004 (being the 25th day prior to said referendum), and once again not less than seven days before said day, such notice to read substantially as follows:

NOTICE OF BOND REFERENDUM

COUNTY OF FRANKLIN NORTH CAROLINA

A bond referendum will be held in the County of Franklin, North Carolina on Tuesday, November 2, 2004 regarding the approval of not to exceed \$30,000,000 SCHOOL BONDS of said County. The proceeds of said bonds would be used for constructing, expanding and renovating school buildings and other school facilities, including the acquisition of related land, rights of way and equipment, all as set forth in the bond order adopted by the Board of Commissioners of said County on August 16, 2004. If said bonds are issued, taxes in an amount sufficient to pay the principal and interest thereof may be levied upon all taxable property in the County of Franklin.

The referendum will be conducted by the Franklin County Board of Elections. The last day for new registration of those not now registered to vote is Friday, October 8, 2004. For further information and questions regarding said referendum, voter registration, procedures for those residents who have changed residences from the date of the last election, voting by absentee ballot, one stop voting and polling places, please contact the Franklin County Board of Elections, Hamilton H. Hobgood Courthouse Annex, 113 S. Main Street, Room 102, Post Office Box 180, Louisburg, North Carolina 27549, (919) 496-3898.

The Franklin County Board of Elections' website is <http://www.co.franklin.nc.us/docs/fcboe/index.html>.

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Larry E. Tetterton

Chair, Franklin County Board of Elections

Kathy Moore

Clerk to the Board, County of Franklin, North Carolina

Section 4. The form of the ballot to be used at said referendum shall be substantially as follows:

OFFICIAL BALLOT

BOND REFERENDUM

COUNTY OF FRANKLIN, NORTH CAROLINA

November 2, 2004

Instructions

- a. To vote IN FAVOR OF THE ORDER, complete the arrow at the right of the word "YES."
- b. To vote AGAINST THE ORDER, complete the arrow at the right of the word "NO."
- c. If you tear or deface or wrongly mark this ballot, return it and get another.
- d. Use only the pen or pencil provided.

Shall the order adopted on August 16, 2004, authorizing not exceeding \$30,000,000 SCHOOL BONDS of the County of Franklin, North Carolina for the purpose of providing funds, together with any other available funds, for constructing, expanding and renovating school buildings and other school facilities, including the acquisition of related land, rights of way and equipment, be approved?

YES []

NO []

[Facsimile of signature]

Chair of the Franklin County Board

of Elections

Note: Language on the ballot should be revised as necessary to reflect the method of voting used by the Franklin County Board of Elections.

Section 5. The Clerk to the Board is hereby directed to mail or deliver a certified copy of this resolution to the Franklin County Board of Elections within three days after the adoption hereof.

Section 6. This resolution shall take effect upon its passage.

Thereupon, upon motion of **Commissioner Robert L. Swanson**, seconded by **Commissioner John R. Ball**, the foregoing resolution entitled "RESOLUTION CALLING A BOND REFERENDUM" was passed by the following vote:

Ayes: Commissioner Robert L. Swanson, Commissioner John R. Ball, Chairman Raymond A. Stone, Vice-Chairman Harry L. Foy, Jr., Commissioner Jimmie R. Gupton

Noes: (None)

I, Kathy Moore, Clerk to the Board of Commissioners of the County of Franklin, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Board of Commissioners of said County at a regular meeting held on August 16, 2004, as it relates in any way to the holding of a public hearing, the adoption of a bond order authorizing bonds of said County and the calling of a bond referendum upon such order and that said proceedings are recorded in the minutes of said Board of Commissioners.

I DO HEREBY FURTHER CERTIFY that a schedule of the regular meetings of said Board of Commissioners, stating that the regular meetings of the Board of

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Commissioners of the County of Franklin, North Carolina are held in the Commissioners' Meeting Room located in the County Administration Building in Louisburg, North Carolina, on the third Monday of each month at 7:00 p.m. has been on file in my office at least seven calendar days prior to said meeting in accordance with G.S. 143-318.12.

I DO HEREBY FURTHER CERTIFY that I mailed or delivered a certified copy of the resolution passed on August 16, 2004 entitled "RESOLUTION CALLING A BOND REFERENDUM" to the Franklin County Board of Elections on or before the third day following the passage of said resolution.

EXHIBIT A

[A list of any persons making comments and a summary of such comments to be attached. If no comments are made, please insert "None".]

None

A. Map Amendment – Rezoning Request (John C. Grier)

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a rezoning request filed by John C. Grier to change the zoning classification of approximately 35 acres from R-40 Residential to R-8 Residential. The property is located at the northwest corner of Sid Mitchell Road (State Road 1138), approximately one-quarter mile north of Holden Road (State Road 1147). The Planning Board unanimously recommended approval of the rezoning request.

Chairman Stone declared the public hearing open.

Mr. Matthew Winslow, Planning Director, presented the following background information: The Future Land Use Plan states that the property should be zoned as Light Industrial (LI) but the characteristics of the area have changed due to the residential growth along Sid Mitchell Road and Holden Road. The properties in the area are all in the WS-IV Watershed and restrict the density and buildable area of each development. Due to the WS-IV watershed, the rezoning from R-40, which requires lots of a least 40,000 square feet, to R-8 will only allow a density of 20,000 square feet per lot with an average of two units per acre. The properties to the North and West are zoned R-40 with primarily residential uses. The properties to the East and South are zoned Light Industrial and are primarily agricultural uses. Sid Mitchell Road (State Road 1138) does not have a recent traffic count, but at the intersection of Holden Road the average daily traffic count is 5,500 vehicles per day, with a capacity of 7,700. All adjacent property owners have been notified, signs have been posted and the proposed rezoning has been advertised in the local newspaper.

Chairman Stone asked Mr. Winslow to explain the difference between R-40 and R-8 zoning. Mr. Winslow stated the main differences are density. R-40 is one acre approximately 40,000 square feet, almost an acre and R-8 is lot sizes 5,000 to 8,000 square feet.

Vice-Chairman Foy asked if five to six units could be put on one acre. Mr. Winslow replied no, this is in a WS-IV watershed, which limits density of development. . For every one-acre there can be two houses, which is the general layout of the subdivision. The planning staff attempts to promote use of land not suitable for development, that close to creeks and wetlands, for conservation easements. Smaller building lots fronting property reduce infrastructure costs to the developer and protect environmental features outside watersheds, eight or nine lots per acre can be developed.

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Commissioner Ball stated it is indicated that the Future Land Use Plan, approved by this Board, called for zoning of Light Industrial and asked if this had ever happened. Mr. Winslow replied no, not this tract.

Chairman Stone stated this particular tract is currently zoned R-40.

Commissioner Ball asked if there was a reason why since it was recommended and approved by the Board that it be zoned Light Industrial and it was not. Mr. Winslow replied the tracts north of this property are all zoned residential. The road has created a buffer between Light Industrial and residential development. Due to development patterns on this side of the road, zoning has remained residential. Commissioner Ball asked Mr. Winslow if he was reporting that the planning staff and the Planning Board did consider the recommendation and decided not to rezone. Mr. Winslow replied yes. Commissioner Ball asked if after the completion of the Land Use Plan, WS-IV was declared for this area. Mr. Winslow replied WS-IV has been in place in this area since 1996. Commissioner Ball stated it is zoned R-40, which is one house per acre, and the Board is being asked to double the intensity there, in a watershed. Mr. Winslow replied yes. Commissioner Ball asked if this protects the watershed. Mr. Winslow replied yes, it still meets the regulations on the watershed, which allows two units per acre. Commissioner Ball stated it was implied that it is possible for a developer to set aside and dedicate some property. Is this the intent of this developer? Mr. Winslow stated he could not answer that but that issue would not be addressed until it came before the Planning Board for the subdivision. Commissioner Ball stated to Mr. Winslow that in response to Vice-Chairman Foy's question, he used that as the rationale for the recommendation made by the Planning Board. Mr. Winslow stated that Vice-Chairman Foy had asked about the maximum density of the property. Commissioner Ball stated he was lead to believe there was a plan that every square inch of this property would not be developed, that some land would be set aside. Mr. Winslow stated this was not his intention. He was giving an example other than just the general one or two homes per acre subdivision.

Chairman Stone asked what would happen if a developer came with a plan to build three to four houses per acre. Mr. Winslow stated that would never get approved.

Vice-Chairman Foy stated that would be clusters. Mr. Winslow stated that if you take a tract of land and divide it up, no matter how you divide it, the most you could have is two units per acre at maximum. If you took part of it and reserved it for conservation, then you could have smaller lots and put an average of seven units per acre, but the overall tract still only averages two

units per acre, so it is still the same number of houses no matter what you do with it. Vice-Chairman Foy stated if a developer has 35 acres he could, in essence, put 17-1/2 acres in open space or dedicated space and put the 70 units on the remaining 17-1/2 acres by clustering. Mr. Winslow replied yes.

Commissioner Ball asked if there was anything that would require that. Mr. Winslow replied no.

Chairman Stone asked if there was anyone who wished to speak in favor of the rezoning request.

Mr. John Grier, 1813 West 45th Street, Richmond, Virginia (Petitioner)

Mr. Grier stated the following:

- The intent of their efforts to get this rezoned and ultimately develop the property is to take advantage of that clause that is in the County's ordinance which is the cluster provision of the R-8. The property before the Board now and the next property both had pine plantation development on it and from a marketing prospective, those trees are golden. Houses could be clustered,

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interior to the properties, having a substantial buffer of pines anywhere from a 100 to 200 foot, along Holden Road and Sid Mitchell Road. They can also take advantage of an existing pond on the site to really add some amenities to the community rather than just gridding it out in the current R-40 designation. Some of the development in that area has some really fantastic new subdivisions. The County's plan addresses the preservation of rural character and roadside appearance. The presence of the pine forest is a gem that enhances market ability. The pine forest and proposed placement of houses would be an asset to R-8 zoning and enables something desirable to happen at that corner.

Commissioner Ball asked Mr. Grier that in looking at the final plat to be approved by the Board, was he saying that he intends to cluster and dedicate the other property to pine forest. Commissioner Ball stated he wanted to understand just what Mr. Grier was going to submit and what the price of the units would be. Mr. Grier replied, in terms of planning the use of the site, the next property up for rezoning has been tempered, but it was all done inside the edge of the property with a 200-foot ring of pine forest retained on the edges. The 47-acre additional purchase would provide a desirable buffer. It is the intent of our proposal before the Board to retain a buffer of similar depth. It would not be used as active forestry but it would be maintained as massive open space to serve as a buffer to Holden Road both for residents and for people traveling up and down Holden Road.

Commissioner Ball asked Mr. Grier about the prices of the homes. Mr. Grier replied they anticipated the lowest price unit \$250,000 to \$275,000 and midpoint in the mid \$300,000 range.

Chairman Stone stated that what he is hearing Mr. Grier and Mr. Winslow saying is that on 35 acres there would be no more than 70 housing units on that 35 acres. Mr. Grier replied that is correct. It may not be possible to achieve the 70 units with the type of community. Chairman Stone asked if 70 would be the max. Mr. Grier replied yes, using the one unit per 20,000

square feet per lot, which is what the watershed designation limits.

Commissioner Swanson asked Mr. Grier if he was planning \$250,000 to \$350,000 per unit, two units per acre lots. Mr. Grier replied yes, some of the lots may be smaller. There are people that will pay a premium to have a small lot so they have less yard to maintain but then have open space for their use that is maintained by everybody in the community but the average density would be two units per acre.

Commissioner Gupton stated that less than a half acre for these big houses would be close.

Vice-Chairman Foy stated these priced houses would pay more property taxes.

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

Motion was made by Vice-Chairman Foy to approve the request, seconded by Chairman Stone. The matter was up for discussion by the Board.

Commission Ball asked Mr. Winslow to clarify an issue regarding the rezoning guide/checklist that is included with the petition, Item 8 under Impacts, "The request would not have a serious impact on existing public facilities, such as schools, fire and rescue, etc.?" and Commissioner Ball added garbage and law enforcement. His question to Mr. Winslow if the item is not checked does that imply that the Planning Board did not use this guide/checklist in their decision. Commissioner Ball asked if the project would have an impact on these issues.

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Mr. Winslow replied no, it would not have a serious impact on any of these facilities. Commissioner Ball asked Mr. Winslow how would he know. Mr. Winslow replied this development in the area where it is located is key to get commercial development along U.S. 1. Commissioner Ball stated to Mr. Winslow that that was not his question. He asked Mr. Winslow again how does he know that this development will not have a serious impact on existing public facilities, such as schools, fire and rescue. Commissioner Ball stated that some time ago the Board established an Adequate Public Facilities Task Force and the Board has yet to receive a report from them. It has almost been two years. One of the things that the Board expected was a continuing analysis that would answer this question. It is his understanding that the Planning Board uses a Technical Review Committee. Commissioner Ball stated the Board is at a time when they can no longer ignore the issue of serious impact. We have in place a task force that can provide us with that information and he suggested they get back to the original intent of the use of that task force and use it as a second type of technical committee advising not only the Commissioners but the Planning Board so that both would know if they are overrunning their ability to serve the children in that area with schools. The Board would know what are the impacts on water and sewer and they would know if there was adequate fire and rescue. At a previous meeting where there was a rezoning request, a citizen opposed to the approval the Board gave, illustrated the fact that there were times when the convenience center was full and she had to take the garbage back home. This is another serious impact. We are impacting every utility that we have in the area and approving issues such as this without reference with some serious consequences for the County. Commissioner Ball stated this sounds like an upper scale development and he is pleased with the price of \$250,000 to \$300,000, but he does not think the Board can any longer ignore their

responsibility for understanding what is the impact and what action needs to be taken by the Board.

Chairman Stone asked Commissioner Ball if he was suggesting the Board postpone consideration of this rezoning until they receive further information on the impacts and find out where the Adequate Public Facilities Task Force is in its work and see if they can bring any information to the Board as far as any impacts this development would have.

Commissioner Ball stated that at some point the Board needs to make that decision. The development community is going to have to help the Board in this regard. If the Board postpones its decision, that is not a denial, it is just a chance for additional information so the Board can better understand the consequences of the serious impact. He stated he was not requesting disapproval of the request but it is time to take some time out. No one likes the idea of a moratorium but at a point you begin to get overrun by your decisions and go way beyond our financial ability to provide services for people who are going to invest this much money and they have a right to expect us to be able to serve them and he is not sure we can.

Vice-Chairman Foy stated that if you look at what the developer is bringing to the table, he is planning on 70 units in the range of \$250,000 to \$350,000 and that will generate roughly \$1.4 million coming back to the County in property taxes. And the way the statistics go on children, there would be about 38 children in that subdivision and the County is getting back \$1.4 million, and that is not even two classrooms. Where is it costing the County. Studies show there are an average of .59 children per household. If you want commercial and industry in the County you have to have people and you can't have one without the other.

Commissioner Gupton stated the statistics show there are 1.66 children per household so that would be 116 children in that subdivision.

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Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with Commissioners Swanson, Gupton, Ball and Chairman Stone voting "AYE", and Vice-Chairman Foy voting "NO", motion carried to table the rezoning request until the September 20th meeting to get further information from the Adequate Public Facilities Task Force as to the impact this rezoning would have on existing public facilities.

A. Map Amendment – Rezoning Request (John C. Grier)

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a rezoning request filed by John C. Grier to change the zoning classification of approximately 47 acres from Light Industrial (LI) to R-8 Residential. The property is located at the northwest corner of Sid Mitchell Road (State Road 1138) and Holden Road (State Road 1147). The Planning Board unanimously recommended approval of the rezoning request.

Mr. Matthew Winslow, Planning Director, presented the following background information: The Future Land Use Plan states that the property should remain as LI, but the characteristics of the area have changed due to the residential growth along Sid

Mitchell and Holden Road. The surrounding properties are zoned primarily residential except for the tract located east of Sid Mitchell Road. Sid Mitchell Road is a geographical divider and buffer for existing and future residential and non-residential development. In August of 2000, the property located directly south across from Holden Road was rezoned from Light Industrial to R-8. The average daily traffic count on Holden Road is 5,500 vehicles per day, with a capacity of 7,700.

Chairman Stone declared the public hearing open.

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

Commissioner Swanson stated that since the previous rezoning request was tabled he felt this one should be tabled also since it was the same situation.

Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with Commissioners Swanson, Gupton, Ball and Chairman Stone voting "AYE", and Vice-Chairman Foy voting "NO", motion carried to table the rezoning request until the September 20th meeting to get further information from the Adequate Facilities Task Force as to the impact this rezoning would have on existing public facilities.

Commissioner Ball asked Commissioner Swanson if it was the intent of his motion that the Planning staff would have adequate time to determine whether there is serious impact on existing public facilities or not. Commissioner Swanson replied he felt it would take more than 30 days. Commissioner Ball stated the only rationale to table the request is to get an adequate answer to Item 8 of the rezoning guidelines. Commissioner Swanson stated it could still be brought up at the next meeting. Commissioner Ball stated a report could be made to see what progress has been made and the Planning staff would be encouraged to resuscitate the Adequate Public Facilities Task Force to help them with this report.

Chairman Stone stated it is the intent of the Board to have the Planning staff review this very carefully and bring at least partial, if not complete answers back to the Board at the next monthly meeting for further information at that time.

B. Special Use Permit – ATV Repair Shop (Sanfords ATV Repair, LLC)

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a Special Use Permit request

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by Sanfords ATV Repair, LLC for an ATV repair shop under the use of small engine and farm equipment repair. The property is located on Weldon Road (State Road 1249) approximately 1.5 miles northwest from the intersection of Weldon Road and N.C. Highway 39. The Planning Board unanimously recommended approval of the Special Use Permit request.

As required in a quasi-judicial zoning hearing, each person offering testimony was sworn in by the Clerk to the Board.

Mr. Matthew Winslow stated Mr. and Mrs. Sanford are requesting a Special Use Permit for an ATV repair shop under the use of small engine and farm equipment repair. It is located approximately 1.5 miles northwest of the intersection of Weldon Road and N.C. Highway 39. There are actually two tracts involved in this. Mr. Winslow showed the site plan and stated the small tract is where the primary residence is located and where the primary part of the business is located. On the larger tract, approximately 50 acres, they have a small test site in the back to test out equipment once they have repaired it. The findings of the Planning Board are that the petitioners can meet the Special Use Conditions listed in the Unified Development Ordinance, Chapter Two, Article 9 Special Uses (E). Due to the location and size of the operation it will not adversely impact the adjoining properties. The project is approximately five hundred (500) feet from the state road. The project will not adversely affect the capacity and movement on Weldon Road due to the limited vehicle traffic the operation will generate. The property is properly buffered with trees all around it and this is why the Planning Board considers there would be little to no impact on adjoining properties.

Commissioner Gupton asked Mr. Winslow what the home density was in this area. Mr. Winslow replied very rural.

Commissioner Ball asked Mr. Winslow if the business was already constructed. Mr. Winslow replied the business has been in operation full time for six to seven years. Commissioner Ball asked if it was done in compliance within the requirements of the Planning department. Mr. Winslow replied no, but it complies with the ordinance. Commissioner Ball asked if it was permitted. Mr. Winslow replied no, not at that time. Commissioner Ball asked if there was a dirt test track that appears to be 620 plus feet. Mr. Winslow replied yes, from the surveyors drawing it is 520 feet long and 50 feet wide. Commissioner Ball asked if the track was used for anything other than a test track. Mr. Winslow replied no. Mr. Sanford's only intention is to use it only as a test track and Mr. Sanford could provide more information on the background of that. Commissioner Ball stated he would like to ask if he plans to go beyond his intentions and if it will be used for any other purpose than a test track.

Vice-Chairman Foy asked if the business itself was properly zoned. Mr. Winslow replied no, that is why he has to get the Special Use Permit for it. It was just discovered by mistake and the planning department checked and Mr. Sanford had never gotten the zoning permit for the property. Mr. and Mrs. Sanford have been very cooperative. They brought in the site plan and have been working with staff on this project.

Chairman Stone asked Mr. Winslow if he or the Planning office ever heard any complaints from any neighbors about this project. Mr. Winslow replied they initially heard a complaint but the person never left their name or anything else. They just asked about what was going on and where the test track was going to be located and that was all they ever heard about it. The Planning Department has notified all the adjoining property owners and signs were put out and also it was advertised in the newspaper.

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Chairman Stone declared the public hearing open and asked if there was anyone present who wanted to speak in favor of the project.

Mr. Freddie Sanford, 887 Weldon Road, Henderson, NC (Petitioner)

Mr. Sanford stated the following:

- They have been doing business there for 15 years, part time for five years and full time the last ten years. He stated they were contacted by Mr. Winslow about not being properly permitted so they did everything they could to get into compliance. As far as the test track goes, they just needed a spot that was flat and level to test vehicles that they work on. Due to the thinning of the woods after the ice storm, the location was a good open spot for the track. It was back far enough away from all the neighbors and they thought they would not have a problem. Basically it's just for testing vehicles.

Vice-Chairman Foy asked Mr. Sanford what year he started his business. Mr. Sanford replied he has been in business for fifteen years. He worked there after work in the afternoons and full time the last ten years. Vice-Chairman Foy asked Mr. Sanford if this is what he does for a living. Mr. Sanford replied yes.

Commissioner Ball asked Mr. Sanford if he used the track for anything other than testing. Mr. Sanford replied no. Commissioner Ball asked if he had ever used it for racing or anything of that sort. Mr. Sanford replied no. Commissioner Ball asked if he knew why a neighbor would complain. Mr. Sanford stated no, he does not have a name and he has talked with all the neighbors around him and everybody said they were happy with things.

Chairman Stone asked if there was anyone present who wanted to speak in opposition of the Special Use Permit request.

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

Motion was made by Vice-Chairman Foy and seconded by Commissioner Swanson to approve this request.

Chairman Stone asked if there was any discussion concerning the motion.

Commissioner Ball asked if Vice-Chairman Foy would accept an amendment to the motion. Vice-Chairman Foy stated it depended what the amendment was. Commissioner Ball stated with this being a Special Use Permit request that the track be restricted only to testing vehicles that Mr. Sanford works on. Vice-Chairman Foy replied that Commissioner Ball would have to see if that was okay with the applicant before he would go along with it. Commissioner Ball stated he felt that was a question for the Board. Vice-Chairman Foy asked Commissioner Ball to restate the request to the applicant and ask him if he wants to agree to those terms. Commissioner Ball stated to Mr. Sanford that the Special Condition be that the race track be used only as a test race track for work that he has done. Mr. Sanford stated they work on bikes that are race bikes and they have to test them, it is not a race.

Chairman Stone asked if it was a test track rather than a race track. Mr. Sanford replied yes.

Vice-Chairman Foy stated Mr. Sanford test his work and makes sure it is running before returning it to the customer.

Commissioner Ball stated should Mr. Sanford not be in business and this is an approved track, it could be abused. He is asking if Vice-Chairman Foy will accept an amendment for a Special Condition that states the track Mr. Sanford has developed and as he will develop it in the future, be used only to test out his

MINUTES OF MEETING OF AUGUST 16, 2004---cont.

work. Vice-Chairman Foy stated that if it was okay with Mr. Sanford then it was okay with him.

Chairman Stone stated the proper motion is to approve this project subject to the use of the test track for testing the product before delivery to customers.

Chairman Stone went over the specific conditions pertaining to the proposed Special Use Permit:

- All applicable specific conditions pertaining to the proposed use have been or will be satisfied.
- Access roads or entrance and existing drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.
- Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties in the general neighborhood.
- Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the proposed use.
- The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impact.
- The type, size, and intensity of the proposed use, including such considerations as hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impact on adjoining properties or the neighborhood.

Chairman Stone stated the checklist for the Special Use Permit has been met and the floor was open to a vote. All present voted "AYE", and motion carried for approval of the Special Use Permit request.

A. Text Amendment – Unified Development Ordinance (Church and Family Cemeteries)

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a proposed text amendment to the Franklin County Unified Development Ordinance to amend Article 7, Section 7-3, Cemetery, Commercial, and Article 6, Section 6-2, Note 6, Church and Family Cemeteries concerning set back requirements. The Planning Board unanimously recommended approval of the proposed text amendment.

Mr. Matthew Winslow, Planning Director, presented the following background information: The Planning Board recognizes the need to update and make corrections to the Unified Development Ordinance (UDO). The Planning Board finds that the current cemetery setback requirements are restrictive. The revision will allow additional flexibility while still protecting the integrity of the Unified Development Ordinance.

Mr. Winslow stated the petitioners that requested this proposal are the Bethlehem Methodist Church and Williams, Pearce and Associates are representing them. Originally what they proposed was to eliminate all set backs around the property except for along the road and that was in case the DOT widened the road they would not have to move grave sites. The petitioners stated the current ordinance reads that you have to have a 30 foot set back around all property lines and right-of-ways and they felt this was too restrictive and eliminated a lot of the property they could use for grave sites. They came to the Planning Board with a proposal that stated no set backs on the side and the rear except for a 30 foot set back on the front along the road's right-of-way. The Planning Board asked them how they felt about a revision that would reduce it down to a 10 foot set back and plant a buffer in place of the 30 foot set back. It's

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a either or; you do a 30 foot set back or you do a 10 foot set back with a buffer according to the ordinance. The petitioner felt comfortable with that revision. It is allowing them to put more gravesites on the property and at the same time there is very little impacts on adjoining properties.

Chairman Stone asked was a provision made in the original ordinance for the many churches that have roadside cemeteries that possibly encroach upon the 30-foot right-of-way of the highway. With all the churches across the County, is there already provisions made for those. Mr. Winslow stated most that you find now are the older cemeteries and older churches. Most cemeteries now survey off of plats of each gravesite so they know where those are located. Chairman Stone asked if the older cemeteries were covered by the grandfathered clause. Mr. Winslow replied yes. Chairman Stone asked since they were in existence they were exempt. Mr. Winslow replied yes, and that is why the Planning Board felt so strongly about leaving some type of buffer because they can recall from their own experience of gravesites being placed in ditch banks and edges of woods and crossing over other people's property, so this is how this came about.

Chairman Stone asked what the actual amendment to the text is. Mr. Winslow replied it is to allow to keep it as it is with a 30 foot set back with an amendment to say that if they choose to have a smaller set back of 10 feet that they place a buffer in accordance with the County's ordinance. Chairman Stone asked Mr. Winslow if it was his impression that that would satisfy the petitioner. Mr. Winslow replied yes and hopefully any other petitioner that comes before the Planning Department to put in a commercial or family cemetery.

Vice-Chairman Foy stated that he does not see where going from a 30 foot set back to a 10 foot set back would be a high impact. Mr. Winslow stated if you put a cemetery next to someone's house it makes them feel uncomfortable. At the same time, it is an adequate set back to deter people from crossing over the property lines and going into the ditch banks.

Commissioner Ball asked Mr. Winslow if on three sides there would be a 10 foot buffer. Mr. Winslow replied yes. Commissioner Ball asked what about on the road side. Mr. Winslow replied that would remain at 30 feet and it is that way so if the road ever expands at any time they would not have to move grave sites.

Commissioner Swanson asked if the cemetery would still have the same number of plots, what would be the difference. Mr. Winslow replied he had been given an example of two proposals, the original proposal was with no set backs, 247 plots as it is and 517 with no side or rear set backs. It is considerably more than what it would be if there were 30 foot set back all the way around.

Chairman Stone declared the public hearing open and asked if there was anyone present who wanted to speak in favor of or against the proposed text amendment and hearing none declared the public hearing closed.

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

B. Zoning Ordinance Amendment - Sign Moratorium on Directional Signs

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a request from the Franklin County Board of Adjustment for a moratorium to be placed on off-premise directional advertisement signs. The Planning Board unanimously recommended approval of the proposed text amendment.

Mr. Matthew Winslow, Planning Director, presented the following background information: Since the adoption of the off-premise directional advertisement signs in December of 2003, the Board of Adjustment has had numerous requests

MINUTES OF MEETING OF AUGUST 16, 2004---cont.

for off-premise directional advertisement signs. If you have a business that is not on a main road you can place a directional sign at the intersection but you have to get a Conditional Use Permit before you could do that. The current ordinance allows as many as six signs per business, but does not regulate the number of signs that can be placed at one location. The Planning Department has received 16 proposals since December. The Board of Adjustment needs something tangible to work with and is asking for a ninety (90) day moratorium to work with Planning Staff in order to bring a solution to the Planning Board and Board of Commissioners as to where these signs can be placed, the number of signs at one intersection, should they be spaced along the road or clustered at one place, etc. The moratorium is just to give a little breathing room to start work on this. The Planning staff has already started work on this proposal and that is why it is such a short time period of ninety (90) days.

Vice-Chairman Foy asked why couldn't it just go on like it is and just hurry up with the proposals. Mr. Winslow replied if you figure six signs per business and depending on the number of businesses that want to put up signs, you can have a lot of signs along the main thoroughfares.

Commissioner Gupton stated a business owner cannot put signs up anywhere unless he has

permission from the landowner.

Chairman Stone asked if there was a time limit on the moratorium. Mr. Winslow replied yes, ninety (90) days. November 14, 2004 will be the ending date. It may not make a difference on the ordinance itself, we may find that we can keep it as it is or make changes. It just give a little time for the Planning staff to work on it without the Board having to worry about the number of signs that are coming in.

Chairman Stone declared the public hearing open.

Mr. Scott Lerew, Chairman, Board of Adjustment, was present and stated part of what the Board of Adjustment has to do is make their decisions based on findings of fact. When someone brings a sign request to them they may have the landowners approval, but what happens to the adjoining landowners when that person's soul purpose is to get as many signs as they can and generate revenue from those signs. What happens to the adjoining landowners when there are sixteen, seventeen, etc. and it becomes a haven for a different number of directional signs. There is not really anything in the ordinance for the Board of Adjustment to be able to say how many signs can go in a specific area. There is a maximum size, 4 x 8, but no direction as to what can go on those signs. It becomes a glorified advertisement for that particular business. It just becomes another way for them to promote their business. As a small business owner, he is all for the signs but, he is also for the residential and the landowners in the vicinity of these signs that say how many is enough. Right now, we do not have that direction. They do not have any direction on what a sign can look like and who is going to keep up the signs. The Board of Adjustment is just asking for ninety (90) days to come up with a plan before the Planning Board to come back to the Board of Commissioners with suggestions as to how many signs can be put up at an intersection, should they be spaced out with so many within a certain mile radius or within so many feet from each other. The Board of Adjustment does not have anything to go on when someone brings a request before them and they cannot say yes, we can do that or no, we cannot do that. They cannot make a judgement call when their decisions must be based on fact.

Vice-Chairman Foy asked Mr. Lerew is the Board of Adjustment was going to start getting into colors of signs. Mr. Lerew stated that was just an example. If people start putting pictures on signs that someone may find not appropriate, or appropriate, they don't know. Vice-Chairman Foy asked how does the Board propose to judge things like that. What may seem okay to one person may not seem okay to another person. Mr. Lerew stated he felt it may be prudent for

MINUTES OF MEETING OF AUGUST 16, 2004---cont.

them to look at what other counties are doing as far as their signs and see how they are regulating the number of signs.

Chairman Stone asked could this been done in less than the ninety (90) days. Mr. Lerew replied it could be fewer days, whatever time can be allotted. Ninety days was what they felt was maximum as far as getting the information and taking the suggestions before the Planning Board.

Vice-Chairman Foy asked why couldn't they do it in less time. Mr. Lerew replied if someone brings a request before the Board and it is denied and they ask what basis are you denying the signs, the are a Board of finding of facts. There has to be some structure.

Commissioner Gupton stated there are already some rules in place such as a person has to have the landowners permission, the sign cannot be over 4' x 8', etc. Mr. Lerew stated how many signs are enough. You can only have six signs per business. By having something for them to work from they can tell a business owner who already has six signs in one area, there are too many signs in one area would you consider moving it down to another area and right now, they do not have anything to go on to be able to make that decision. They need ninety (90) days to explore the possibilities.

Commissioner Swanson suggested keeping the sign ordinance as it is and the Board of Adjustment comes back later with their recommendations without the ninety- (90) day moratorium. Mr. Lerew stated it already takes thirty (30) days to go before the Planning Board and then another thirty (30) days to go before the Board of Commissioners, so that is a minimum of sixty (60) days.

Vice-Chairman Foy stated if someone puts in an application to put signs up to tell people where their business is located it is still going to take a couple of months for that to get through, so why do we need a ninety (90) day moratorium. Mr. Lerew replied that just want time to get suggestions from the Planning Board and the Board of Commissioners.

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

Commissioner Gupton stated he opposes the moratorium.

Commissioner Ball stated he felt it is a reasonable request for a volunteer group that they have additional time to study what appears to be a significant problem for the County.

Upon motion by Commissioner Ball to approve the sign moratorium resolution, seconded by Chairman Stone, with Commissioner Ball and Chairman Stone voting "AYE", and Vice-Chairman Foy, Commissioners Swanson and Gupton voting "NO", the motion failed by a vote of three to two.

Commissioner Swanson stated he has no problem with the Board of Adjustment coming back before the Commissioners with recommendations without the moratorium.

Chairman Stone stated he thinks it is the sense of the Board that they would like very much for the Board of Adjustment and the Planning staff to come up with some rules and regulations that can be submitted to the Board that will put these in some type of order and do it concurrently as they are worked on and maybe it could be done in sixty (60) days, and if not, ninety (90) days.

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1. Comments from the Public

Mr. Dallas Pearce, 434 Rogers Road, Zebulon, NC

Mr. Pearce stated the following:

- He read the proposed Firearms Ordinance proposed at the July 26th meeting by County Attorney Darnell Batton.
- Paragraph two states "Local ordinances adopted solely by the County without legislative involvement related to the discharge of firearms would be enforceable only by the Sheriff's Department and not by Wildlife Officers. To that end, complaints received relative to the violation of the local firearm ordinance, including those which arise by virtue of persons hunting, would be investigated by the Sheriff's Department personnel only." He reviewed this ordinance and it does not include hunting, although it has similar characteristics to what he has proposed, it is useless. How can you have a firearms safety ordinance and not include hunting. A majority of people that are discharging firearms, other than law enforcement people, are hunters. He does not understand how they can be excluded from this proposed safety ordinance.

County Attorney Darnell Batton replied to Mr. Pearce that if you want to regulate hunting beyond those limits currently existing, such as the Wildlife Commission and the Sheriff's Department, it would prudent to do it through a Local Bill process in the General Assembly so that the Wildlife Officers can enforce the regulations relating to hunting. What he has prepared and that has been reviewed is an ordinance that was not related to hunting based on that pretext, that the Wildlife Commission regulations could be amended through the Local Bill process. It did not include hunting due to the wishes of the Sheriff's Department as well as the Wildlife Commission that those hunting regulations be amended or changed as a result of Legislative act, not a local ordinance.

Chairman Stone stated that short of Legislative authority, this Board does not have the authority to regulate hunting per se. Mr. Batton replied the Board is preempted to the point that they cannot pass local ordinances that are contrary to what is otherwise local laws as by State Statute. The Board can regulate who can shoot, where they can shoot and under what circumstances they can shoot as it is not related to local hunting laws. Mr. Pearce wants to get to the hunting aspect of firearms safety and to do that it would be best to do that through a Local Bill.

Mr. Pearce asked Mr. Batton to explain to him the sentence that says "...complaints received relative to the violation of the local firearm ordinance, including those, which arise by virtue of persons hunting, would be investigated by the Sheriff's Department personnel only." Mr. Batton replied if what they are doing is otherwise lawful under the hunting regulations and the complaint goes to the Wildlife Commission and it does not relate to hunting, they are going to say you have to go to the Sheriff's Department. Mr. Pearce asked if someone was firing a gun to close to someone's house then they couldn't call the Sheriff's Department. Mr. Batton replied it depends if this regulation is adopted. Mr. Pearce stated there is a fine line between safety concern and what is law. If you exclude hunting then about 95% of the people who would discharge a firearm are hunters, other than law enforcement people. Who is going to answer the call. Is it going to be the Wildlife Officers or the Sheriff's Department. If a hunter has done something that is illegal then the Sheriff's Department would show up anyway.

Chairman Stone stated to Mr. Pearce that he has stated a continuous problem, which this Board, working with him and others, would have to address to the General Assembly through the County's representatives to see if some legislative action could be proposed in Raleigh to

give this Board some authority or to define the areas to be regulated. Mr. Pearce stated he would like to have the safety issue addressed as quickly as possible.

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Mr. William Roberson, 95 Roberson Lane, Louisburg, NC

Mr. Roberson stated the following:

- He is opposed to regulations on firearms unless firearms are affecting some other individual and the other the individual has to show that they were being violated. If you have an ordinance that affects firearms then there will probably be a lot of violations of it. He will probably be one that violates it because if something or someone comes into his yard that affected him or his family he will shoot and probably be arrested under this ordinance.
- He came to speak about the issue of the Planning Department has a regulation that limits one house to a piece of property. It does not make any difference as to the size of the property if a house is sitting back from the 30-foot right-of-way of the road. The 30 foot right-of-way road is designated by the State Statute that says if he is land locked that he can go before the courts and the court will allow this individual to sell him the 30 foot right-of-way for access to get in and out of his property.
- Over a period of time the landowner may have sold off pieces of parcels over the years. Presently there is property on the road he lives on, which is a private road and the road is thirty-(30) foot. Some people have 65 acres, some have 15 acres and some have 10 acres. The ordinance states that a person is limited to only one house on that piece of property. If has a grandchild that wants a piece of his property, right now he cannot give that grandchild a piece of property to build a house on his land of 15 acres. This is unreasonable and the thirty-(30) foot right-of-way is unreasonable.
- The right-of-way is wide enough for emergency vehicles to have access. The State has decided that the thirty-(30) foot right-of-way is adequate for access to property. The people that live on this road cannot afford to get the road up to standards for the State to take over the maintenance. The thirty-(30) foot right-of-way has no variance. The purpose of the ordinance is for the protection of the individual property owners so that emergency vehicles can access the road and this is not a problem. The road is accessible. The only person he can sell any of his land to is an adjacent landowner, not his child or grandchild.
- If the County wants to write an ordinance that limits the number of houses do it not on a road that is proven access. The ordinance needs to be reviewed and clarified. The only purpose of a forty-five-(45) foot right-of-way is if you want the State to take over the road.

Chairman Stone asked the Interim County Manager and the Planning Department to look at this provision of the Unified Development Ordinance and Land Use Plan and review it and bring some comments back to the Board at a future time.

Mr. Joe Swanson, 1364 White Level Road, Louisburg, NC

Mr. Swanson stated the following:

- In referring to the gun ordinance, the constitution states a man has a right to bear arms

1. Recognition of Agricultural Extension Agents

Mr. Charles Mitchell and Ms. Martha Mobley, Franklin County Agricultural Extension Agents, participated in the 2004 National Association of County Agricultural Extension Agents' Conference in Orlando, Florida in July.

Mr. Mitchell was chosen as the 2004 recipient of the State Achievement Award for Excellence in overall extension program efforts in the area of Horticultural Production and Marketing. Mr. Mitchell was also the North Central District Achievement Award nominee.

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Ms. Mobley was selected as the State winner for her work in the "Young Beginning Farmers and Ranchers Production Program". She was also a national finalist and placed first runner-up.

The Board recognized them for their achievements.

The Board also recognized Mr. Victor Alston, Franklin County Veterans Service Officer, who has achieved his certification towards becoming an Accredited Veterans Service Officer.

Mr. Charles Murray, Jr., Franklin County Finance Director and Interim County Manager, was also recognized by the Board. The Franklin County Finance Department has attained the Certificate of Achieve for Excellence in Financial Reporting for the fifth straight year. This Certificate is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by government and its management.

2. Hazard Mitigation Plan

The County recently received a Hazard Mitigation Grant Program (HMGP) grant from the North Carolina Department of Crime Control, Division of Emergency Management (NCDEM) in the amount of \$10,300. Of this total grant amount, \$7,800 is Federal funds, and \$2,500 will be local match, that will be provided through a combination of staff contributions of time and effort and cash match provided by municipal governments in Franklin County participating in the hazard mitigation planning process (i.e.: no cash match required by the County).

Senate Bill 300 (2000 session, SB300) and the Federal Disaster Mitigation Act of 2000 (DMA2K) require that all local governments in North Carolina have a hazard mitigation plan fully compliant with SB300 and DMA2K as a condition of future disaster recovery assistance as of November 1, 2004. This grant will allow the County to update its existing hazard mitigation plan to DMA2K and SB300 standards and will allow Franklin County municipalities to be included in the plan at minimal cost to them (\$700 per municipality).

The County has entered into a contract with Holland Consulting Planners, Inc. (HCP) of Raleigh and Wilmington, NC for \$7,500 to assist it with plan development. HCP developed the County's original hazard mitigation plan and has completed 13 NCDEM approved hazard mitigation plans since 1997.

The County must approve a project ordinance and financial management resolution in order to ensure NCDEM reimbursement of funds expended on the hazard mitigation plan.

Upon motion by Commissioner Ball, seconded by Commissioner Swanson, with all present voting "AYE", duly carried to adopt the project ordinance and financial management resolution and name the Finance Officer as the administrator of the plan.

FRANKLIN COUNTY

HAZARD MITIGATION GRANT PROGRAM (HMGP)

PROJECT ORDINANCE

Be it ordained by the Franklin County, North Carolina, Board of Commissioners that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the hazard mitigation grant program planning project described in the work statement contained in the grant

MINUTES OF MEETING OF AUGUST 16, 2004---cont.

agreement between Franklin County and the North Carolina Department of Commerce. This project is more familiarly known as the Franklin County Multi-Jurisdictional Hazard Mitigation Plan.

Section 2. Franklin County staff is hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the North Carolina Department of Crime Control and Public Safety and the North Carolina Division of Emergency Management, and the budget contained herein.

Section 3. The following revenues and resources are anticipated to be available to complete the project activities:

HMGP Grant (Federal Funds) \$7,500

Sub-Grantee Administrative Funds \$ 300

Section 4. The following amounts are appropriated for the project activities:

Contract for Consulting Services

w/ Holland Consulting Planners, Inc. \$7,500

Franklin County Administrative Costs

associated with the HMGP Program \$ 300

Section 5. The Grant Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the North Carolina Department of Commerce required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Funds for the purpose of making payments as due. Reimbursement requests should be made to the North Carolina Department of Commerce in an orderly and timely manner.

Section 7. The Grant Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Grant Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Grant Finance Officer for direction in carrying out this project.

3. Proposed Lease of Space on the Telecommunications Tower

Removed from the agenda.

4. Boards and Commissions Appointments

Removed from the agenda.

5. Division of Community Corrections Annual Report

Mr. Royster Washington, Judicial District Manager, was in attendance to present an annual report on the Division of Community Corrections' activities in Franklin County. The report covers July 1, 2003 through June 30, 2004.

Chairman Stone asked Mr. Washington to report to the Board the affect as to what the

division is doing in terms of reducing crime or making people who have been convicted worthy members of society once again.

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Mr. Washington stated last year 45% of offenders completed their sentence and 103 offenders were revoked probation. If it were not for this program, 50% of these people would be in prison. 68% were transferred to unsupervised probation and when you add 68% to 45% that gives you 113%. This is better than the 103 that were revoked. They had 5 that were elected to serve. Given the people that they have to deal with, they try to get them into alternative programs such as GED, drug treatment, family counseling, domestic violence, etc. Unfortunately it is a growth business. As the County gets bigger their caseloads increase. Along with growth you have to have the facilities to lock up the people who do not comply with the laws.

Chairman Stone asked Mr. Washington what happens to people when their probation is revoked. Mr. Washington replied they go to prison. They get a suspended sentence. If it is less than six months they go to the local jail and if it is more than six months they go to prison. Chairman Stone asked if that was already determined or do they have to go back through the court system. Mr. Washington stated it was already determined. The day they are sentenced the judge either gives them an active sentence or a suspended sentence.

Chairman Stone asked Mr. Washington if the whole thrust of this program is to keep as many people out of the jails and prisons as possible and try to head them back towards worthy citizens of society. Mr. Washington replied yes.

Commissioner Gupton asked Mr. Washington how many repeat offenders does he have. Mr. Washington replied not many.

Chairman Stone asked Mr. Washington how many people does he have working in his program. Mr. Washington replied twelve plus a supervisor in Franklin County.

Chairman Stone thanked Mr. Washington for what he does.

6. Budget Ordinance Amendment #1

The purpose of the Budget Ordinance Amendment is to reflect incomplete projects from last fiscal year as well as new grants for this fiscal year as follows: Industrial Road Project (\$220,000); Industrial Main (\$120,000); Aging Prescriptions (\$3,500); Aging Meals (\$4,000); and Law Enforcement Equipment (\$25,500).

Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with all present voting "AYE", duly carried approval of Budget Ordinance Amendment #1.

7. Board Committee Reports and Comments

Commissioner Gupton:

- Attended the K.A.R.T.S. meeting Tuesday, August 10th . Cost is up due to high gas prices. They have lengthier trips and have older vans, which cost more to operate. They are waiting on new vans. They are working on a new inter city bus route in Henderson and it is set to go into motion October 4th with special bus stops and if it works they may add on to it.

Commissioner Ball:

- Attended the annual Council of Governments (COG) Director's Board meeting in Asheville. One item of discussion was COG owning their own buildings, which is not allowed under General Statute. Ownership would give them more money for programs. This will be discussed with a committee within our COG as they have found themselves with a "sick building" and had to do an

MINUTES OF MEETING OF AUGUST 16, 2004---cont.

emergency move. Legislation will be asked for local COG to be able to own their own buildings.

- Airport – A series of meetings with Commissioner Gupton, Interim County Manager Charles Murray and himself have been held with members of the Airport committee, the Airport operator and the T-Hanger owner. No report has been finalized.
- Reminded the Board of the Committee of 100 special meeting on September 1st . A panel from Beaufort County will speak on how to grow.

Vice-Chairman Foy:

- The Health Department is promoting "Healthy Carolinians" for Franklin County, which is made up of the schools and several County agencies, Church groups, etc. to educate people on some of the health issues before they become serious.
- There will be a Health Board Meeting at 7:30 P.M. on Thursday, August 19th and everyone is invited to attend.
- Four or Five years ago the Board passed a resolution to have the highway in front of the Bunn Middle School constructed with a turning lane and he is happy to report that the turn lane has been completed and it has been a real improvement. At the same time a resolution was done to have a turn lane at the Youngsville Middle School. Commissioner Ball stated it has not been constructed yet and that is a very dangerous intersection.

Chairman Stone asked Vice-Chairman Foy if the Board should restate that resolution and address it to the DOT District Engineer. Vice-Chairman Foy replied yes.

Commissioner Gupton stated there was not a turn lane at Royale Elementary School either.

Upon motion by Vice-Chairman Foy, seconded by Commissioner Gupton, with all present

voting "AYE", duly carried to submit a resolution to the NC Department of Transportation District Engineer to construct turn lanes at all schools throughout Franklin County.

Commissioner Swanson:

- Attended the Chamber of Commerce meeting August 5th. They are working on the Tar River Festival. It will be the biggest yet and they are asking for volunteers. The new director is doing an excellent job.

Chairman Stone:

- The number of candidates for the County Manager position has been reduced to three. They have been interviewed and references and background checks have been completed. The process has gone well.
- Monday, August 23rd, the Area Mental Health Board will meet at the Administration Building in Henderson at 7:00 P.M. – discussion will be on the lack of delivery of psychiatric and social services related to people in Mental Health substance abuse and mental disabilities.

1. Interim Manager's Report

Mr. Charles Murray reported the following:

- Reported on the Human Services Building renovations – contracts are being reviewed by the architect
- Surplus property sale – he is in the process of getting quotes from different auctioneers and hopes to set the date for the 3rd weekend in September.

Chairman Stone asked the Manager to get in touch with the members of the Public Facilities Task Force to set up a meeting to discuss the issues brought up earlier in the meeting regarding impacts of development.

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Upon motion by Commissioner Swanson, seconded by Commissioner Ball, with Commissioners Swanson, Ball, Gupton and Stone voting "AYE", and Vice-Chairman Foy voting "NO", motion carried to go into closed session at 9:05 P.M. to discuss personnel matters [General Statute 143-318.11 (a) (6)].

At 9:40 P.M., upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with all present voting "AYE", duly carried to return to open session.

Chairman Stone reported the Board would recess the meeting until Tuesday, August 24th to further discuss personnel matters.

At 9:45 P.M., upon motion by Commissioner Swanson, seconded by Commissioner Ball, with all present voting "AYE", duly carried to recess the meeting until Tuesday, August 24th.

RAYMOND A. STONE, CHAIRMAN KATHY MOORE, CLERK

August 24, 2004

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 Raymond A. Stone, Vice-Chairman Harry L. Foy, Jr., Commissioners Jimmie R. Gupton, Robert L. Swanson, and John R. Ball.

Chairman Stone informed the Board that the Interim Manager; Charles Murray Jr., would be acting clerk for the meeting.

Upon motion by Chairman Stone, seconded by Commissioner Swanson, with Commissioners Stone, Swanson, Ball, and Gupton voting "AYE", and Vice-Chairman Foy voting "NO", motion carried to go into closed session to discuss personnel matters as allowed per General Statute 143-318.11 (a) (6).

At 7:28 P.M., upon a motion by Commissioner Ball, seconded by Commissioner Swanson, with all present voting "AYE", duly carried to return to open session.

Upon motion by Chairman Stone, seconded by Vice-Chairman Foy and Commissioners Swanson, Ball, and Gupton, motion carried to employ Mr. Chris Coudriet as the Manager of Franklin County. Chairman Stone requested that Mr. Charles Murray Jr., the appointed clerk for the meeting, call the roll. The vote was as follows: Commissioner Ball "AYE", Vice-Chairman Foy "AYE", Commissioner Gupton "AYE", Chairman Stone "AYE", Commissioner Swanson "AYE". The motion was unanimously approved.

Mr. Chris Coudriet was recognized and introduced to the public. Mr. Coudriet made comments to the public and thanked the Board for its confidence in him as the new Manager.

Chairman Stone recognized Commissioner Swanson for being recognized by his peer commissioners at the annual conference in Asheville for providing outstanding service to the citizens of Franklin County for over twenty years. Chairman Stone stated the attendance at

meetings held by the Commissioner's Association is vital and allows the Board to hear what is coming down from the Federal and State government as to laws that the County must carry out and find ways to pay for it.

At 7:55 PM, Chairman Stone, seconded by Commissioner Gupton, with all present voting "AYE", duly carried to adjourn the meeting.

RAYMOND A. STONE, CHAIRMAN CHARLES MURRAY, JR.

APPOINTED CLERK