

July 26, 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 Robert L. Swanson, John R. Ball and Jimmie R. Gupton.

Addition to the Agenda – Item 14. Closed Session

Upon motion by Chairman Stone, seconded by Commissioner Swanson, with Chairman Stone, Commissioners Swanson, Ball 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 Regular meeting held on June 21, 2004.
- B. Approval of Tax Collection Report for the period June 1 through June 30, 2004.
- C. Approval of Tax Releases and Refunds for the period June 1 through June 30, 2004.
- D. Petition for Road Addition to the State Maintained Road System:

Eastwind Road located in Eastwind Subdivision, Phase I and Phase II, Youngsville Township. Located west of the intersection of Flat Rock Church Road (State Road 1103) and Cook Road (State Road 1111). There are 14 occupied homes having street frontage. The application meets State DOT requirements.

- E. Public Utility Easement – Progress Energy

Progress Energy is seeking an easement located in the Louisburg Township at Louisburg High School baseball field for the purpose of moving a line that runs above the middle of the field to outside the fence in the wooded area. County Attorney Darnell Batton has reviewed the easement agreement.

1. Public Hearings

- A. Special Use Permit – Motorsports Park

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 requested by Hugh C. Williams for a Motorsports Park (Grounds and Facilities for Open Air Games and Sporting Events) to include racing motorcycles, bicycles, four cylinder cars and trucks, and four wheelers (ATV), mudsliding, dragstrip, and truck and tractor pulls, on approximately 14.48 acres on Berry Williams Road (State Road 1742) in the Dunn Township in the R-30 District. The Planning Board unanimously recommended denial of the Special Use Permit request.

Background Information: The special use conditions listed in the Unified Development Ordinance, Chapter Two, Article 9 Special Uses (E), cannot be met. The petitioner has not submitted a complete detailed site plan. The Planning Board found there are outstanding issues concerning noise, dust, lighting, litter, traffic, access (Berry Williams Road [State Road 1742] is an unpaved road), crowd control, safety of spectators and participants, and the effect of property values to adjoining owners.

Chairman Stone declared the public hearing open.

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

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Mr. Hugh C. Williams, 57 Berry Williams Road, Zebulon, NC (Petitioner)

Mr. Williams stated the following:

- "At this time I would like to withdraw my petition if it is okay with the Board."

Chairman Stone asked if there was a motion from the Board to accept the withdrawal of the petition.

Motion was made by Commissioner Swanson, seconded by Vice-Chairman Foy to accept the withdrawal.

Chairman Stone called for discussion from the Board.

Commissioner Ball asked what is the reason for the withdrawal. Mr. Williams replied he has been advised by his attorney to withdraw his petition at this time. Commissioner Ball stated the petition is before the Board without any reason for withdrawal and suggested the Board go ahead and let the decision be made tonight.

Chairman Stone stated there is a motion to withdraw the petition and that motion is on the floor at the present time.

Vice-Chairman Foy asked if Mr. Williams still had his permit for the Go-Kart track. County Attorney Darnell Batton stated yes. Vice-Chairman Foy asked if it was still valid. Mr. Batton stated within the realm of how he can properly operate, yes, it is still a valid permit. Chairman Foy asked this is the permit the Board granted him years ago. Mr. Batton stated yes, as amended.

Mr. Williams stated that none of the copies of the actual permit have Go-Kart on it. He stated he is not prepared because he was advised by his legal counsel to withdraw and his legal counsel, Mr. Davis, could not be present.

Commissioner Ball asked if Mr. Williams was in default on his permit right now. Mr. Batton replied the County has not taken any action to revoke that permit. Commissioner Ball asked isn't there a citation, a default and complaints against him at this time. Mr. Batton replied there have been ongoing complaints over the past years. Commissioner Ball asked if there was a reason for no action. He has violated the petition. Mr. Batton replied that action would have to be taken by the Board.

Chairman Stone asked if Mr. Matthew Winslow, Planning Director, had any comments he wanted to add to what has been heard. He also asked Mr. Winslow what is the status of the permit. Is it in good standing. Is it for a Go-Kart track. Asked him to explain what a permit for a Go-Kart track is. Mr. Winslow replied currently Mr. Williams has been taken to court for violation of the Special Use Permit and he was granted a permit for a Go-Kart track. Mr. Williams contends that he was granted other things other than a Go-Kart track and he pleaded no contest after taking him to court over that very same issue. Whether we are going to revoke his Go-Kart permit or not, right now is still up in the air. We are still investigating that option as to whether we can or cannot revoke that permit. Since the Go-Kart track is inactive at this time there is not a push for that.

Vice-Chairman Foy asked if at this time Mr. Williams is free to have Go-Kart races. Mr. Winslow replied yes, at this time.

Commissioner Ball asked if there was mention of taking Mr. Williams to court. Mr. Winslow replied yes, we did take Mr. Williams to court over this issue. Commissioner Ball asked was it in violation of the Go-Kart permit. Mr. Winslow replied yes, violation of the Unified Development Ordinance specifically. Mr. Batton explained Mr. Williams was not taken to civil court for violation of the

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conditions of the Special Use permit. He was prosecuted for that matter criminally and he pleaded no contest. There was another court action after the tragic accident at the mudsling and the County filed action for an injunction for him not to have any more mudsling or any other events other than the Go-Kart track. The County entered into a consent order that he was not to operate that facility in any manner other than the Go-Kart tract until the Board of Adjustment could uphold the ruling of Mr. Winslow that Mr. Williams was in violation and denied that appeal of Mr. Winslow telling them that he was in violation. The Board of Adjustment upheld the Winslow ruling that he was in violation and denied that appeal of Mr. Winslow, telling him that he was in violation. The only means for which he could operate in any capacity other than go-karts, was by coming to this Board for a Special Use Permit and receiving authority to operate under Special Use Permit for activities other than Go-Kart. This is why he is here tonight, to actively seek valid authority by going before the Planning Board and then before this Board for a Special Use Permit for a Motorsports Park which included a number of activities beyond the Go-Kart track. That is all the court action that has taken place.

Commissioner Swanson asked what the Planning Board recommended. Mr. Batton replied they unanimously recommended revocation of the permit. Commissioner Swanson stated he

would like to withdraw his motion to allow the withdrawal of the petition for a Special use Permit.

Chairman Stone allowed Commissioner Swanson to withdraw his motion to allow the withdrawal of the petition.

Vice-Chairman Foy asked that if Mr. Williams withdraws his petition does that mean he can come back another night or does he have to wait another year to come back. Mr. Batton replied, in his opinion, if Mr. Williams withdraws he would have to go back to the Planning Board and back to this Board. If it is determined tonight that the Special Use Permit be denied he would have to wait twelve months before he could reapply for another permit.

Mr. Winslow stated in addition, the Planning Board would have to make findings that he is bringing substantial evidence that could change the outcome of this decision. Even if Mr. Williams wants to withdraw his petition tonight, the Board still could hear this matter tonight and make a decision tonight because it is brought forth in a public hearing.

Chairman Stone asked Mr. Batton if the Board grants Mr. Williams the decision to withdraw tonight does that in effect deny the petition or can the Board grant the request to withdraw and still have the matter before the Board. Mr. Batton replied if the Board allows him to withdraw tonight then it cannot heard. It would have to be taken off the agenda. The only way the Board can hear it tonight is to deny Mr. Williams's request.

Commissioner Ball made a motion to deny Mr. William's request to withdraw at this time.

Chairman Stone ruled that the maker of the motion (Commissioner Swanson) was in order when he requested that his motion be withdrawn, therefore the motion is not before the Board.

Chairman Stone called for Commissioner Ball's motion again. Commissioner Ball made a motion that Mr. Williams be denied the request to withdraw and hear the petition, and Commissioner Gupton seconded the motion.

Chairman Stone asked Mr. Batton if such an action met the requirements of due process of the law. Mr. Batton replied that he has not researched that issue but to the best of his knowledge, it does. He does not believe the Board has to grant

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Mr. Williams' request to withdraw taking into consideration the public notice given and the number of persons present responding to the public notice.

Chairman Stone stated the motion duly before the Board is that the petition as presented to them, notwithstanding the request to withdraw, be denied.

Chairman Stone called for further discussion from the Board.

Chairman Stone asked Mr. Williams if he had anything further to say. Mr. Williams replied he did not think the Board was being fair when he could not be properly represented by legal counsel and it is not his fault. He does not feel there is any court in this country that would not continue a case one time. He stated he thought Mr. Batton would agree with that, the courts do

hundreds a day to get one continuous to allow someone to be represented by their counsel. He asked Mr. Batton if he agreed. Mr. Batton replied not in this setting. Mr. Williams asked why is that the first question they ask when you go to court. They ask if there is anyone who wants to continue. Mr. Batton replied that is general practice in a criminal court to continue a case but it is not a legal right. This is a quasi-judicial procedure, this is certainly not a criminal case. This Body gave public notice to a large number of citizens who turned out tonight to address this issue. Mr. Williams has had since going before the Planning Board the opportunity to seek and obtain and have legal counsel present on his behalf. He spoke to Mr. Williams' legal counsel earlier in the day with regards to their not being able to be present tonight and they inquired as to the possibility of a continuous. That is also the decision of this Board and it would certainly be within this Board's prerogative to deny or allow a withdrawal based on the sole purpose of having legal representation. Mr. Williams could have seeked legal counsel prior to today and he certainly could have been provided legal counsel tonight had he choose. Mr. Williams stated evidently they could not. Appear for him tonight.

Vice-Chairman Foy stated he has been in the courtroom when he has had one case continued nine times. Mr. Batton stated it is true that criminal court cases do get continued and typically in a criminal case on the first time the judge does continue. In all fairness to Mr. Williams he said it is certainly within the authority of the Board to grant the motion to withdraw. He said he was not here as your counsel telling you what to do. His job is to tell you what you have the right to do. You have the right to allow him to withdraw. You have the right to deny him the privilege to withdraw.

Vice-Chairman Foy asked Mr. Batton if there was such a thing as tabling something or is that a continuous. There is a difference between withdrawing and having something tabled. Mr. Batton stated the Board has a right to table an action.

Chairman Stone asked Mr. Williams if he had anything further to say. Mr. Williams replied nothing other than that if he withdraws, the Board is through with it altogether it appears to him. A motion was made and seconded and he does not know how you can have two motions on the floor at the same time. Chairman Stone replied there are not two motions on the floor at the same time. The first motion was properly withdrawn.

Chairman Stone asked Commissioner Ball to state his motion again.

Commission Ball stated his motion was that Mr. Williams be denied the request to withdraw.

Chairman Stone stated the motion was seconded by Commissioner Gupton. Commissioners Ball, Gupton, Stone and Swanson voted "AYE", Vice-Chairman Foy voted "NO".

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Chairman Stone called for a vote on the motion to proceed with the hearing. Commissioners Ball, Gupton, Swanson and Stone voted "AYE", Vice-Chairman Foy voted "NO". Motion carried to proceed with the hearing.

Chairman Stone asked if there was anyone else present who wished to speak in favor of the petition. No one spoke including Mr. Williams.

Chairman Stone asked the Clerk to note that Mr. Williams left the meeting at this time.

Chairman Stone asked those who wished to speak in opposition of the petition raise their hands.

Ms. Ardelia Brown, 87 L. J. Lane, Zebulon, NC

Ms. Brown stated the following:

- She is Candace Brown's mother-in-law.
- She opposes because she thinks Mr. Williams has created enough tragedy in the community.
- As far as she can see and as far as her family can see they have been through enough and do not need to keep going over this thing over and over.
- He does not need to be granted any kind of permits for anything.
- If he was the kind of person that he should have been and been responsible.
- He owned that property and he had a responsibility to keep those spectators safe regardless of what a lot of other people think.
- When you own a business, any kind of business, any of you that own one know that you have a responsibility to the public.
- Mr. Williams did not stand up and take responsibility.
- All he did was stand there and take in the money. That's all he wants now.
- My son lost his wife. My granddaughter lost her mother. I hold that baby every night and she cries. Sitting at my dinner table she turned and looked at her daddy and said "daddy, my mommy can't hold me anymore can she because she's an angel". My son looked at her and said "no she can't honey, but your daddy can".
- Do you all want this to happen to somebody else.
- Are you all going to give him the opportunity to destroy somebody else's life like he has destroyed ours.
- Our lives are ruined. Our lives will never be the same. You can't replace that person that is gone. She was special. She was special to me. We got out everyday and rode golf carts together, planted flowers together, we hung out together, we went shopping together. She was the daughter I never had.
- They were planning on building a new house. They were just getting ready to start. She just started a job as a nurse. All of that was taken away because of one greedy, irresponsible citizen of Franklin County.
- I beg you as citizens of Franklin County please stand up and say no to Hugh Williams. Do not give him a chance to ruin somebody else's life.

Mr. Barry L. Williams, 502 Flowers Avenue, Zebulon, NC

Mr. Williams stated the following:

- Adjacent land owner, along with his brother, to the south of Mr. Hugh Williams.
- Has 600 plus signatures of people who have had enough of this guy. (He presented the signed petition to the Board and Chairman Stone stated the Board had been provided copies in their agenda packet.)
- Asked what more does the Board need then the guy leaving the meeting. Not even going to go over what he brought to go over because Mr. Williams left.
- He went over a few violations that Hugh Williams has had in about ten years or so in the operation of Go-Karts.

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- When the track was approved it was approved for one parcel of land and when he put it in he put it on two parcels of land and he had to come back before the Board to correct that violation.
- Presented a violation dated June 23, 2003. There are two buildings on the property that were not permitted or consequently have never been inspected. This violation was from the Franklin County Planning and Inspections department.
- He admits to holding events beyond time limits but there were no provisions in the limit for him to do that.
- He held a race in 2001 the last Saturday in February, and his permit plainly states March 1st through December 31st. He was there and another gentleman named Kurt Smith remembered the event. His mother, Lucy Williams, remembers the event.
- Mr. Hugh Williams has admitted to both the Board of Adjustment and the Planning Board that he has allowed the following motor sports vehicles to operate on his track under his Go-Kart permit only: bikes, midget cars, sprint cars, mini sprint cars, Winston Cup cars, motorcycles and mud sling vehicles with tractor tires. He has also had fireworks and bands.
- This issues is not about good but is about greed and green (he showed the Board actual money) and it's at all cost.
- The County has given this fellow every opportunity to cooperate and to get his house in order but he prefers to make it a mockery of the system and do it his way. The County gave him an inch – he took a mile. He said in the past that there was no opposition.

- County officials have voted fourteen to two against his appeal and new application. We ask you to do the same – cast a no vote.
- Not only do we ask you for a no vote tonight, we also ask you to revoke the existing permit because of his continuously, intentionally and knowingly operating outside of his Go-Kart permit.
- Judge this issue on the track record, if you will, and not on his promise.

Mr. Williams also had pictures of some of the things that are on the property.

Commissioner Ball stated that some of the grievance is apparently that the Planning Board came to a unanimous decision not to grant the request based on issues which had to do with noise, dust, lighting, litter, traffic, access (Berry Williams Road is an unpaved road), crowd control, safety of spectators and participants, and the effect of property values to adjoining owners. He asked Mr. Williams if he could comment on any or all of these issues.. Mr. Williams stated he owns property, along with his brother, adjoining Mr. Hugh Williams's property to the south. He stated he does not believe he could get the money for it that it is tax valued at. For what's there now and if the Board approves something that is bigger and better, then he feels this would deteriorate the value even more. Commissioner Ball asked if his property value had been affected a large percentage. Mr. Williams replied the last time it was valued he called the tax adjuster and got a 15% decrease in it because of this very thing. Commissioner Ball stated that if it has affected Mr. William's property value then he was sure it has affected other people. Commissioner Ball asked Mr. Williams about the noise and dust. Mr. Williams replied he does not live there, he lives in Zebulon, but his mom lives there and he has been over there at times when there have been races and it's not a pleasant situation to have to listen to that roaring and screaming and carrying on when he was trying to do work around his mother's house or just do nothing. Commissioner Ball asked Mr. Williams that even as a visitor he was affected. Mr. Williams replied yes. Commissioner Ball asked Mr. Williams if he had heard other neighbors make comments about the noise and other things. Mr. Williams pointed out some of the neighbors in attendance at the meeting and also gave names of other neighbors.

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Mr. Miles Bunn, (no address given)

Mr. Bunn stated the following:

- He lives just behind the race track – his house is about 200 yards away.
- The last time they had a race the windows in his house vibrated.
- He does not know of anybody on the Board that would sit in their backyard and listen to what he listens to. This is his home.
- He and his wife on a 30 acre tract next to the race track and he feels they have a right to

live in peace.

- He feels it is totally unfair and unwise for the County to allow this to continue.
- Last August he and his wife were sitting on the front porch of their home when the bad accident happened at the race track and he had to hallow for her to hear him talk and she was sitting right next to him. That's how loud it is. He does not know of anyone who wants that.
- There has been some question as to why he built his house knowing that the race track was 200 yards away, but he purchased his farm before the race track was built and he had plans to build his home on this farm and when time came to build, he did not have an option to go somewhere else to build because he did not have the money to do it. He already had the farm there.
- Members of the Board, you represent the people of Franklin County and we have hundreds of signatures, 500 to 600, in opposition of this race track and I hope you will hear our voices.
- Our forefathers wrote in the preamble to the Constitution of the United States, "We the people of the United States in order to form a more perfect union to establish justice and ensure domestic tranquility". Though I'm sure they did not know anything about mud slings and racing, I do know that if you are sitting on my front porch during one of these events that's about as far from tranquility as you can get, and this is what we are asking for.

Ms. Michelle Seidel, 2808 Remainder Drive, Raleigh, NC

Ms. Seidel stated the following:

- She stands to inherit land near the race track.
- The one thing that she wants to make the point to is he applied for this permit again to be reissued less than a year that this young lady died. What kind of conscious does he have.
- I know first hand what these people are going through. My little girl lost her daddy when she was young. That's all I have to say. Thank you for your consideration.

Ms. Michelle Bunn Robinson, 613 Clyde Pearce Road,

Ms. Robinson stated the following:

- She lives about 500 yards behind the track.
- There are trees as a buffer but there is no amount of trees and bushes that he can plant that will buffer that noise.
- She build her house before he built the racetrack. She built her house 1500 feet off the road so she could have peace and quiet and now she is having to contend with this type

of noise.

- You can't even enjoy going out and having a cook out in your back yard and most of you would not want to live in that kind of environment and to have that going on.
- This is the middle of a residential area. No one wants to listen to that noise, not to mention the fact that it does devalue our property. She has not been to the tax office but she does pay her taxes and she can assure that anyone who would come to her home to buy it would not pay what it is worth because of that noise.
- She does not want to sell her home. That is her home. She grew up there. It is family land and she does not want to leave there and sell her home.
- She does not want to listen to the noise and does not feel she should have to just because one person invested some money.

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- When this initially came up she was not notified because the track does not directly join her property so when the public notice came out she was not notified.
- She has been to several of these hearings and as a person that lives in that community who is 500 yards behind the track, she does not want to have to listen to the noise and doesn't think anyone would.
- She asked the Board to please do not grant any more request for him to come here and have, whether it is go karts tracks or mud slings or race car tracks, when you make your decision ask yourself do you want to have to listen to that in my backyard. Do you want to have to think about listening to someone on a loud speaker when you have people over. Nobody wants that so she just asked the Board for their consideration when they vote ask what do I want in my backyard.

Ms. June Wheeler, 833 Johnson Town Road, Zebulon, NC

Ms. Wheeler stated the following:

- She is approximately one and a half miles from the Go-Kart tract.
- She has spoken to a number of the Board members concerning violations over the years, and last year there were several departments in Louisburg that she called trying to get this permit that he did not have and the one that he had for the Go-Karts be in compliance.
- When he started the mud sling without a permit, her question to the Board was, what regulations and rules when the Board grant or pass a Special Use Permit or Conditional Use Permit does the Board have anyone in a department in Louisburg to go out and inspect to make sure that this person is meeting all that is required on the permits.

Chairman Stone asked Mr. Winslow to respond. Mr. Winslow replied yes, the Planning Department does.

- She asked was this done with the Go-Kart track in 1995.

Mr. Winslow replied at that time there was no specific procedure for that process and he could not speak on that because he was not here in 1995.

- She asked if the departments are notified of violations as it started in March of 2003 with the mud sling. The preparation started in March. The first mud sling was held in April and continued until August 16th. Every time there was a mud sling there were calls made to the code enforcement, the Planning Board, the Sheriff's department, and a few of the Commissioners she called. She wants to know the length of time and why did it take from April until August and why did the County continue to allow the departments to send notices of violations. If the tragedy had not happened would the County continued to send notices of violations. She asked where is it in the County's ordinances the time frame that if a person is operating without a permit, what time frame does the County have to shut them down.

Chairman Stone stated to Ms. Wheeler he was sympathetic to her questions but he was going to rule her questions out of order as irrelevant to the question before the Board because the Board is concerned with the petition itself and he hoped she understood.

- She stated what she was trying to get across information about the man that had this permit and was operating with a permit and without a permit. That is the reason she wanted to bring it to the Board's attention.
- She stated that if the Board does grant him this we will have the same problem again and we did everything we could to prevent that tragedy.

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Mr. Kurt Smitherman, 192 Pilot Riley Road, Zebulon, NC

Mr. Smitherman stated the following:

- He was opposed to this track seven years ago when it first begin.
- The reasons are simple – we live in a nice community with several homes and a track such as this with Go-Kart racing with two-stroke motor engines, had no place in a residential area.
- He even hired a lawyer to take this situation on. He fought it as best he could and he lost.
- You see where we are today. This man, Hugh Williams, has violated the rules that were set forth on several occasions. The occasions that Mr. Williams did violate the rules, he

made a phone call several times, to the Franklin County Sheriff's department and was told that Mr. Williams was not breaking the law although he was operating outside the limits of his Special Use Permit. He was also told there was really not much they could do. He stated all that was left for him to do was to make a phone call to the County Commissioners and go from there but by then the deed is done.

- He asked the Board how could this even come before them again and if they say yes to it how can that be.
- The question was asked how many people oppose that live in our area. He listed several people who live right there that are animatedly opposed to it and have had to live with this decision made seven years ago that has forced them to where they were not allowed to sit on their porches in the evening time on Saturday and Sundays because the noise was horrendous, absolutely horrendous. They could not even invite someone over because of the noise.
- He referenced the tax. When this track first went in he went to the tax office and stated he wanted a lower tax on his property and he received it because of the race track. Where does the common sense lie with that decision of Franklin County on reducing his taxes because of what is across the street. Where did the County win on that. We live in our homes, we make our house payments and we hope our value will increase on the property we own. We do not make a dime until we sell. As long as that track exist in the state that it's in or with further petitions the property values for the surrounding homeowners will go down and there is not doubt about it.

Chairman Stone called for further comments.

Chairman Stone stated he would like to hear closing remarks from Mr. Winslow.

Mr. Winslow stated as a matter of procedure, he wanted to reiterate the findings and go over what the petition is for. He stated the Planning Board heard this and the petition before the Board of Commissioners tonight is for a Motorsports Park, which is a Grounds and Facilities for Open Air Games and Sporting Events, which is to include racing motorcycles, bicycles, four cylinder cars and trucks, and four wheelers (ATV), mudsling, dragstrip, and truck and tractor pulls, on approximately 14.48 acres on Berry Williams Road (State Road 1742) in the Dunn Township in the R-30 District.

Mr. Winslow stated the findings by the Planning Board were the special use conditions listed in the Unified Development Ordinance, Chapter Two, Article 9 Special Uses (E), have not been met at this time. The petitioner has not submitted a complete detailed site plan in accordance with the Unified Development Ordinance. He stated Commissioner Ball has already gone over the issues concerning noise, dust, lighting, litter, traffic, access (Berry Williams Road [State Road 1742] is an unpaved road), crowd control, safety of spectators and participants, and the effect of property values to adjoining owners.

Commissioner Ball asked Mr. Winslow based on the Findings of Fact, has Mr. Williams suggested a mitigation plan of any sort on how to deal with these

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issues. Mr. Winslow replied no, Mr. Williams had actually refused to deal with the issues at all.

Commissioner Swanson stated he has received about fifteen calls from citizens in the area of the racetrack opposing the track.

Vice-Chairman Foy asked if this petition gets turned down does Mr. Williams still have the right to operate the go-kart track. Mr. Winslow replied this goes back to the issues Commissioner Ball brought up earlier, and the reason the Planning Department has not moved forward on this earlier is the petition before you now. Vice-Chairman Foy stated he understood that but his question is if this gets turned down does he still has the rights to a go-kart track. Mr. Winslow replied yes, he does. Vice-Chairman Foy stated he feels that some of the people in attendance at the meeting think that after tonight that issue is gone and it's not. Mr. Winslow stated it will be action taken after this meeting to remove that permit from Mr. Williams because prior to tonight no action has been taken up to this point and denial of this permit will have to force the County into removing that permit from Mr. Williams.

Chairman Stone, in speaking to the Board, stated the Board has heard that the permit granted to the individual making this petition is still valid. The individual was given the opportunity to speak in favor and he chose not to speak in favor. You have heard several people speak in opposition to this proposal to grant a Special Use Permit to Mr. Hugh Williams for the operation of a Motorsports Park. He asked the Board what is their desire in reference to this matter.

Mr. Batton stated the Board's decision would have to be based on the findings as outlined in the procedural guide.

Chairman Stone stated he thinks the individuals who have spoken have well spoken on these matters. 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 drivers 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 all these conditions have been addressed.

Chairman Stone stated the Chair is ready to entertain a motion on this matter.

Commissioner Ball reviewed specifics of the ordinance and the considerations given by the Planning Board, and that we have cited: noise, dust, lighting, litter, traffic, access (it being an unpaved road), crowd control, safety of spectators and participants, and the effect on property values to adjoining owners; these

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conditions cited must be met and given the fact that the Planning Director reports that Mr. Williams has no mitigation plans and no plan to protect against, reduce, abate, or diminish the above factors. He moved that the petition for a Special Use Permit to operate a Motorsports Park be denied.

Chairman Stone asked if there was a second to the motion. Second was made by Commissioner Gupton.

Chairman Stone stated he wanted entered into the record that he received a letter from Ms. Stephanie Benarao opposing the petition and he received a telephone call from Ms. Jackie Stallings opposing the petition.

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

Chairman Stone asked the Clerk to call the roll for votes. Commissioner Gupton voted to deny the petition, Commissioner Ball voted to deny the petition, Commissioner Swanson voted to deny the petition, Vice-Chairman Foy voted to approve the petition, and Chairman Stone voted to deny the petition. The motion to deny carried by a vote of four to one.

A. Map Amendment – Rezoning Request

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 Joyce S. Bunn to change the zoning classification of approximately .69 acres on the west side of Stallings Road (State Road 1746) in the Dunn Township from R-40 Residential to Highway Business (HB). The property is located in the Pilot Community approximately 85 feet south of the intersection with Old US Highway 64 (State Road 1770). The Planning Board unanimously recommended approval of the rezoning request.

Mr. Matthew Winslow gave an overview of the rezoning request: The Future Land Use Plan indicates that properties in the Pilot Community at the intersection of State Road 1770 and State Road 1746 should be zoned to a commercial and office-institutional district. Commercial development should be developed in a nodal pattern at intersections in accordance with the land use plan. Property located directly north of the applicant's property is zoned Highway Business, therefore the rezoning will be an expansion of an existing HB District. Other surrounding properties are primarily rural residential zoned R-40 and R-30. Spot zoning is more than likely not an issue since the property is located at an intersection, in conformance with the Land Use Plan, and adjoins other commercial properties.

Chairman Stone declared the public hearing open.

Mr. Buddy West (did not give address)

Mr. West stated the following:

- He plans to open an antique store on the property.

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

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

A. Map Amendment – Rezoning Request

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 Denmark Construction to change the zoning classification of approximately 195.72 acres from Mixed use (MU) to R-8 Residential. The property is located

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on the west side of Long Mill Road (State Road 1134) and north of NC Highway 96. The Planning Board, by a majority vote, recommended approval of the rezoning request.

Mr. Matthew Winslow gave an overview of the rezoning request: The Future Land Use Plan indicates the future use of this property is proposed to be commercial and office-institutional. There is a mixture of residential and commercial zoning in the immediate area, with residentially zoned property west across NC Highway 96, and other surrounding property zoned Mixed Use, Highway Business, and General Business. The area was rezoned from Agricultural Residential (AR) to Mixed Use (MU) during the Countywide Rezoning. The area is rapidly developing and is primarily residential in nature. Direct access is available along NC Highway 96, which is a major thoroughfare, and Long Mill Road (State Road 1134). NC Highway 96 has an average daily traffic count of 6,300 vehicles per day with a capacity of 9,200 vehicles per day.

Chairman Stone declared the public hearing open.

Chairman Stone asked Mr. Winslow what is R-8 residential zoning. Mr. Winslow replied R-8 is high-density residential district. Chairman Stone asked what would be the size of the lots. Mr. Winslow replied the smallest, with a cluster subdivision where you would need 20% open space, would be 5,000 square foot lots. The typical lot would be an 8,000 square foot lot. Chairman Stone asked if R-8 meant 1/8 of an acre. Mr. Winslow replied no, it is 8,000 square feet, which would be almost 2/10 of an acre.

Vice-Chairman Foy asked if there is sewer available. Mr. Winslow replied yes, they would have to tap onto water and sewer if this property is developed for a residential subdivision.

Mr. Winslow stated that what is before the Board is a rezoning and not the actual petition for a

subdivision. Currently with the Mixed Use property the developer could develop the property as small as 15,000 square foot lots which is about 1/4 of an acre.

Commissioner Ball asked what type of building would go here. He stated the size of the lot would determine the size of the house so what would that be. Mr. Winslow stated the petitioner could answer that.

Commissioner Gupton asked if there is water and sewer in this area. Mr. Winslow replied yes. He stated whether this property is developed as a Mixed Use district or not, if 15,000 square foot lots are developed as R-8 or even with 8,000 or 10,000 square foot lots, whatever the lots are developed as, the developer would have to make substantial improvements to that area to the water and sewer infrastructure.

Chairman Stone asked if the property is fairly close to land already zoned for Highway Business or Industrial Development. Mr. Winslow replied yes. He stated directly across the street there are residential tracts (he pointed them out on a site plan included in the agenda packet). He stated to the north there are tracts that are in the Mixed-Use district which allows residential uses. Approximately 2/3 of the tracts has a house on them now and on the other side is vacant along Long Mill Road. Along Highway 96 at the intersection there is Highway Business and to the north is residential. He showed on the map where Bert Winston Road and Martin Marietta are located. In that area which connects to Long Mill Road is zoned General Business which is new district created when the County wide redistricting was done and includes Light Industrial and Highway Business uses. All the property on the backside between Long Mill Road and U.S. #1 is zoned General Business.

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Chairman Stone asked if the proposed rezoning request is compatible with existing zoning in that area and actual uses. Mr. Winslow replied yes. He stated

another subdivision, Ballymore, which is located north of this property is a residential subdivision.

Commissioner Ball asked what is the land from Bert Winston Road down Long Mill Road up to Pocomoke Road, with the exception of a rezoning the Board approved as Heavy Industrial, the south side of Bert Winston Road zoned. Mr. Winslow replied General Business. Commissioner Ball asked if what we are finding is the west side of Long Mill Road is residential and the east side north of Bert Winston Road is Heavy Industrial. Mr. Winslow replied yes. He stated with the help of Martin Marietta and the natural buffer that Long Mill Road creates this type of zoning on its on without enforcement from the County. Commissioner Ball stated it defines that area, Highway #1, Bert Winston Road and Pocomoke Road all the way into the city limits of Franklinton. Mr. Winslow agreed.

Mr. Mike Crowley, Crowley & Associates, Inc., Wake Forest, NC

Engineer for the Petitioner, Denmark Construction

Mr. Crowley stated the following:

- Stated they are requesting 196 acres be rezoned for mixed use R-8.

- The proposed use is for residential single-family lots of 10,000 square foot size, which is not allowed in the Mixed Use zoning district.
- Mixed Use allows business and commercial uses and R-8 allows residential uses. Denmark feels down zoning of this area. The large tract of land is in an area that does have a lot of existing residential uses.
- Denmark will have to obtain a number of permits, which include permits from the DOT, which will elevate any traffic issues that might come up.
- Infrastructure improvements including water and sewer extension, roadway improvements, etc. are all installed by the developer to serve the subdivision.
- Denmark Construction is a quality homebuilder in Franklin County and surrounding counties. Dennis Cyrus is from Franklin County. They are looking at here a quality development with amenities packages that complement the area.

Commissioner Ball asked if they are planning an entrance off Highway 96 where the pond is. Mr. Crowley replied this has been discussed with the developer and the current sketch plan does not show an entrance in that location. They do not want to disturb the pond. The area does not appear wide enough to support an entrance and at this time it will be kept undisturbed or used for some other use in future development. Commissioner Ball asked if the pond to the north of Burt Winston Road on the left part of this 196 acres. Mr. Crowley replied yes, there are two ponds on the property, one on Long Mill Road and the other at John Mitchell Road and Highway 96. Commissioner Ball asked if the two access roads off of Long Mill Road had right-of-ways. Mr. Crowley replied there are openings left between these lots which are part of this parcel. Commissioner Ball asked these openings belonged to existing homeowner's property. Mr. Crowley stated no, they were not crossing other parcels to get to Long Mill Road. Commissioner Ball asked about the property where they are planning the sixty-foot right-of-way. Mr. Crowley stated the one closest to Highway 96 is actually wider than what would be required for a sixty-foot right-of-way. They have discussed with the developer an entrance feature and landscaping both to shield from the existing commercial uses along Highway 96 and from the residential uses that are adjacent to where that entrance will be.

Ms. Valerie Cosmos (.), 1595 Long Mill Road, Youngsville, NC

Ms. Cosmos stated the following:

- Until recently she did not know Denmark was looking at the property.
- She does not want her water affected by this subdivision.
- She hopes the homes are something pretty to look at.

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- If a new subdivision is going to be built she hopes it is taken care of and completed.
- There are two subdivisions now on Long Mill Road that has never been finished.

- As a homeowner, she has no objections to Denmark's rezoning request to suit their needs as she feels that will go from start to finish and a completed project would be fine.

Ms. Karen Edwards, 1647 Long Mill Road, Youngsville, NC

Ms. Edwards stated the following:

- She lives cattycorner to where Denmark wants to build and she has no objections to Denmark coming in and building.
- She would rather see them than another Martin Marietta or another asphalt plant and all the other things they have to contend with on Long Mill Road.
- Keep it a neighborhood.

Ms. Pam Spragins, 1954 Long Mill Road, Youngsville, NC

Ms. Spragins stated the following:

- The 195 acres is directly behind her property.
- The notices for this meeting that were posted on Long Mill Road and Highway 96 did not contain a date nor a time until she called the Planning Board and they promptly got out and posted dates and times on the signs. Anyone who lives in that area does not know when this meeting was to be held.
- She has several concerns as to the rezoning of this property, as proposed, she is against. The existing homes in this area are on one acre or more and what is being proposed is lots of .23 acres in size or 780 homes on 195 acres. The developer already has five subdivisions in the area and she is very impressed with how the development is laid out and how nice the lots look. If only this was what is proposed for the development of the 195 acres. They are proposed to be anywhere from .23 to five plus acres.
- She is concerned with water and sewer issues. There is currently water run to the entrance of the property on Highway 96 but no sewer. There are no water and sewer lines on her section of Long Mill Road.
- It was mentioned at the June 8th meeting of the Planning Board that there is a development on Long Mill Road approximately one mile north of this proposed development that cannot get sewer, so she does not know how Denmark plans to get it and who is going to pay to get it there.
- The schools in Youngsville cannot handle more children. Citizens of Franklin County should not bare the expense of building new schools to accommodate this subdivision.
- What about police protection. It takes 45 minutes to one hour response time now, if someone shows up.
- What about hunters. The prospective landowners do not want hunters in their backyard. There is currently no law against this now.

- The convenient center for this area cannot take anymore trash.
- As for electricity, which power company will handle this new subdivision. Can Wake Electric and Progress Energy, who share the land, handle the extra load. They already have problems with power outages in the area.
- What is going to be done about drainage due to run off from the property. New development will make a bad situation worse.
- Is the developer going to leave the 500 foot existing tree buffer between the development and existing property which will serve as a visual and noise barrier.
- Asked what is the proposed plan for the additional traffic. It is already bad when trying to turn left off Long Mill Road on to Highway 96. She stated the traffic count at this intersection needs to be looked at again.

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Mr. Doug Spragins, 1954 Long Mill Road, Youngsville, NC

Mr. Spragins stated the following:

- He agrees with everything his wife said. High residential does not conform to what is there.
- There is no water on Long Mill Road.
- Concerned with traffic volume on Long Mill Road.
- He opposes this rezoning.

Chairman Stone asked Mr. Winslow if the Planning staff has addressed these concerns mentioned. Mr. Winslow replied the issues are addressed when a subdivision permit is requested.

Vice-Chairman Foy asked Mr. Winslow about the signs notifying property owners of the rezoning. Mr. Winslow stated the signs had the date and time on them.

Commissioner Ball asked if water and sewer is there. Mr. Winslow replied yes, at the intersection.

Commissioner Ball asked if the traffic count was correct. Mr. Winslow replied yes, the count came from a 2002 thoroughfare plan.

Commissioner Ball stated the speed limit on Long Mill Road is already 45 miles per hour. Mr. Winslow stated yes. Commissioner Ball stated at the intersection of Long Mill Road and Highway 96 there is increased traffic almost daily. He asked if when the DOT had their presentation at the June 21st Board meeting, did they not state that they were going to put in turn lanes at that intersection. Mr. Winslow stated he did not recall but the developer will be required to do a traffic impact study and if the study comes back stating he has to put traffic lights, turn lanes, etc. there then he will be required to do that before he starts any construction. Commissioner Ball stated it was his understanding that DOT was going to do this and the developer may want to contact them. He feels the residents would be interested to see if there is a plan to deal with the traffic.

Dorothy Fieldmore, 2125 Long Mill Road, Youngsville, NC

Ms. Fieldmore stated the following:

- Stated her concern is with the traffic. As already stated, the traffic is already bad on Long Mill Road. Has problems backing out of her driveway.
- Concerned about the waste. The dumpster residents in this area use is only open four days a week and sometimes she has to bring her trash back home because everything is full.
- Relative owns property near one of the ponds and she is concerned how far they are developing in that area.
- Concerned where the children are going to school. Youngsville is already running over and with more kids in a new development there will not be anywhere for them to go.
- As a concerned tax payer she feels making plans to build is fine, but when a place is already full it's not but so much more can be done.
- There are elderly citizens on Long Mill Road who walks for exercise and the traffic does not pay attention to them.
- There are a lot of wrecks at the intersection of Highway 96. There are a lot of big trucks on Long Mill Road and they do not drive the speed limit.
- Deer already in peoples yard because of development and they have to have somewhere to go.

Mr. Bruce Youngbar, 655 Collins Mill, Castalia, NC

Mr. Youngbar stated the following:

- Problem facing the Humane Society and other rescue groups is the same thing the County is facing with the schools. If a developer brings in 300 or 700 homes, he is going to bring more people and more animals into the

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County, and they are already stretched so thin now they do not know where they are going to get finances to deal with the issues.

- The Board needs to set up some kinds of rules for the developers so that when they bring these developments in they have some kind of responsibility for the animals the people bring in. There is no sense in putting down 3,000 animals a year, which the County has had to pay for. It does not effect just the developer and his community, it effects all of Franklin County citizens because it comes out of taxes.
- Would like for the Board to look into this and try to implement it not only in this issue, but also in every issue since it is an all out County issue and not just a private issue.
- Money is keeps being spent but the problem keeps coming from more development. Lake Royale has a lot of stray animals. Set rules for spaying and neutering.

Dennis Cyrus, Co-owner of Denmark Construction, 416-B U.S. #1 North, Youngsville, NC

Mr. Cyrus stated the following:

- Heard many concerns but one of the biggest things is that they are putting two entrances into the neighborhood. One of the entrances is going to be close to Bert Winston Road, which will force a lot of traffic to U.S.#1 down Bert Winston Road and not going down Long Mill Road to Highway 96. There will also being another entrance located behind Ronnie White's Tire.
- The homes in the development are going to be done in pods. They are looking at doing some type of retirement community on part of it. The homes will be from \$120,000 up to over \$200,000 in different pods.
- There will be swimming pools, clubhouse, tennis courts, but no golf course.

Commissioner Ball stated that more than one person has made the point that Long Mill Road has a bad track record in terms of finishing developments. He stated to Mr. Cyrus that he does not think that is his track record and asked Mr. Cyrus to comment. Mr. Cyrus replied that is not his track record. The company has developed at least five or six neighborhoods in Franklin County and they all are complete and houses have been built in all of them and some have sold out. They have built homes in neighborhoods in Franklin County that are \$300,000 to \$700,000 homes, which is what Franklin County needs, but you also have to build homes for the working people too, who don't own companies, so you have to build homes for them in the \$120,000 to \$140,000 range. There has not been a neighborhood like this one built in Franklin County where the nicer amenities are going to be done, but with smaller homes.

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

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

A. Special Use Permit – Motorcross Track

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 requested by Joseph M. Roeder for a Motorsports Park (Grounds and Facilities for Open Air Games and Sporting Events) on approximately 2.11 acres at 214 North Pointe Drive in the Dunn Township in the R-30 District. The Planning Board, by a majority vote, recommended approval of the Special Use Permit request.

Background Information: With proper screening and buffering, the motorcross track will not have significant adverse impacts on adjoining properties or the neighborhood. The petitioner has built the motorcross track primarily for recreational use, and has stated he does not plan to hold any organized races.

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Chairman Stone declared the public hearing open.

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

Mr. Joseph Roeder, 214 North Pointe Drive, Louisburg, NC (Petitioner)

Mr. Roeder stated the following:

- Is at meeting to get permission to ride his motorcycle in his own yard.
- It is not something that is open to the public, it is for him and a couple of his friends on occasion to ride in his backyard. It is not something that goes on every weekend or all hours of the night.
- The Planning Board voted nine to three approval of the permit.
- He would just like to ride his motorcycle in his own yard.

Chairman Stone stated to Mr. Roeder that the description of Motorsports Park, Grounds and Facilities for Open Air Games and Sporting Events, does not meet what he just said. Chairman Stone asked Mr. Winslow to clarify.

Mr. Winslow stated Motorsports Park, Grounds and Facilities for Open Air Games and Sporting Events, is the category the Planning Department uses for baseball fields, softball fields, any type of outdoor activity, motorcross track, same thing for the Hugh Williams case. When the petitioner comes before the Board they ask for a specific use through the special use process. He stated in Mr. Roeder's case, he is asking for a motorcross track, which is the petition the Board has before them.

Chairman Stone asked Mr. Winslow to clarify again the difference between a Motorsports track and a Motorsports park. Mr. Winslow stated Mr. Hugh Williams was asking for a Motorsports park to do other things other than a motorcross track, such as drag racing, racecars and trucks and four-wheelers, in addition to the motorcycles. In Mr. Roeder's case it is just a motorcross track just for motorcycles.

Chairman Stone asked Mr. Winslow to explain what an R-30 district is. Mr. Winslow stated it is a low to medium density residential district with single and multi family dwellings with a conditional and special use permit. Chairman Stone asked what is the lot size. Mr. Winslow replied 3/4 of an acre right at 30,000 square feet or more.

Commissioner Gupton asked how is the conditions going to be separated. Mr. Winslow stated that when a petitioner comes before the Board they are asked for the specific use, just like Mr. Roeder is asking for the motorcross track, he is asking to race motorcycles. Instead of trying to list every single use that could possibly be thought of, which you could not think of everyone. You have this open use and you specify it when you apply for a permit. In Mr. Roeder's case on his permit he is asking for a proposed use of a motorcross track.

Commissioner Ball asked if this was in a residential neighborhood. Mr. Winslow replied it is in a subdivision with an average lot size of one to two acres.

Vice-Chairman Foy stated a month ago there was another motorcross track petition that was turned down and in his neighborhood there are people riding up and down the highway, cutting through other people's yards, and it would be a lot better like Mr. Roeder is requesting to be able to ride in their own yards instead on going down the highway, because right now that is the only they have to go. If this gets turned down that's where Mr. Roeder will go, down the middle of the highway and through people's yards and he would not want to go that route.

Mr. Roeder added that before he did this he talked to all his neighbors and asked them if they minded and they all said no. Two of his neighbors helped him build

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the track. This is not open to the public. This is for two or three people that come over to his house once or twice a month for a couple of hours on the weekend to ride. They do not ride down the middle of the highway. They are respectful people. He told all his neighbors that if they had something going on to let him know and they would not ride that day, and if the noise gets to be too much just to let him know. He is just trying to have a little fun in his own yard that he pays taxes on to live there. He just wants to ride his motorcycle for pleasure, not racing. The most people there were three people before having to get the permit. Prior to this he asked all his neighbors if they minded and they said no. He had a signed petition that all the neighbors signed, except one surrounding neighbor, stating they had no problem with it.

Commissioner Swanson asked if the track was already built. Mr. Roeder replied yes. He stated he asked his neighbors if they had a problem with him riding his dirt bike in his yard and they said no. He stated he built a dirt track that is 1,400 feet long with a couple of little jumps in it. The Planning Department came to him and said he could not do this. Since that time there has been no riding on the track. He has been going through the proper channels to try to get a permit so he could ride his own dirt bike in his own backyard. The person who is opposing this, before this all came about, their child would ride their four wheeler in their backyard and they had no problem with that.

Commissioner Gupton asked if there was an issue with the track being under a power line. Mr. Roeder replied yes, it was under a power line and he went to Progress Energy and they told him the guidelines he had to meet in order to have the track located there and they did not have a problem.

Commissioner Swanson asked Mr. Roeder if he had written permission from Progress Energy. Mr. Roeder replied the Planning Department has the letter from Progress Energy. Mr. Winslow stated the Planning Department contacted Progress Energy and asked them to go out and take a look at the site and make sure he would not be in violation of the right-of-way agreement. They went and looked at the site and found several violations and said that he needs to correct these violations, which were the jumps located on the track are directly beneath the conductors and are in violation of the ground to conductor clearance clause of the easement and any portion of the track shall be at least 40 feet from any structure to keep from hitting the structure.

Chairman Stone asked Mr. Winslow, to his knowledge, have these conditions been met. Mr. Winslow replied he had not been to the site in the past week and he asked Mr. Roeder if he had moved the jump. Mr. Roeder replied no, he was waiting to get the permit.

Mr. Batten recommended that in the special conditions recommended by the Planning Board it should state "conform" rather than "concur" with the letter from Progress Energy concerning regulations for transmission right-of-way. He can agree with the letter but still not "concur".

Chairman Stone stated the letter from Progress Energy clearly states "the jumps located on the track are directly beneath the conductors and are in violation of the ground to conductor clearance clause of the easement and any portion of the track shall be at least 40 feet from any structure. He stated this letter is dated May 10th, two months or so ago, and asked if these conditions have been met, or corrected, or conformed to. Mr. Winslow replied no, not at this time.

Chairman Stone asked if there was anyone present who opposed the Special Use Permit.

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Ms. Angie Jowers, 124 Pineview Drive, Louisburg, NC

Mr. Jowers stated the following:

- She presented pictures showing the track from her backyard.
- Stated Mr. Roeder was a little misleading about asking the neighbors – she was not asked, her husband was approached and told there would be one rider. She did not mind one rider but four to six riders she does mind.
- The noise factor – you can be in her living room and when two to three are riding her windows rattle, you can hear them in her house. She has been waked up from a nap from the noise.
- She has spoken to three different realtors regarding the value of her property. They could not tell her unless she tried to sell it if it would decrease or what it would do.

- As people stated in the Hugh Williams case, nobody wants to buy her property.
- Her garden is out there and she does not want to be out in her garden with them riding.
- She is asking for consideration of that being in her backyard and not wanting it there. She moved there ten years ago for the peace and quiet, it is a very quiet neighborhood, until we got this.

Mr. Jimmy Jowers, 124 Pineview Drive, Louisburg, NC

Mr. Jowers stated the following:

- Stated he was approached by Mr. Roeder about riding the motorcycles and he told Mr. Roeder as long as he kept it within reason and not a nuisance to them, he did not have a problem with limited riding with his motorcycle, not multiple motorcycles.
- Stated he had an article from Dirt Bike magazine stating what a decimal of a motorcycle does at 88 to 90 at 50 feet for one motorcycle. This track is 250 feet off the back of his house and you can tell by looking at the pictures how close it is.
- He did not go to the Planning Board because he did not think they would approve putting a track on a two acre lot in a neighborhood, that's what they all are. On this 2.1 acres that this man owns there is a house, a two-car garage with an office built off it and another house with living facilities in it plus wants to add this track. This track is 3 feet off his property, that's how close it is to them. You can see from the pictures the jumps are 10 to 15 feet in the air, which has got to be torn down.
- He presented a petition with signatures. Mr. Roeder lives in North Pointe III and he lives in North Pointe IV and there is a power line that separates the two phases of the subdivision. There is no road between the two. One road comes out on Old Halifax and their road comes out on John Winstead Road. There are six landowner's property that touches Mr. Roeder's property and three of those landowners are against this. The one signature on Mr. Roeder's petition is a child, not taxpayers, and another neighbor who signed in favor is moving, so it did not make any difference to them. The signatures opposing the track are people who live on Pine View Drive and some are on John Winstead Road, and some on Franklin Farms, which backs up to the power lines. These signatures are from people who live around there and have to listen to this and they have no use for it.

Mr. Daniel Jeffares, 519 John Winstead Road, Louisburg, NC

Mr. Jeffares stated the following:

- Lives at the entrance to North Pointe.
- When it was brought to his attention it was going to be a Motorsports Park with four to six to eight people riding at a time, which he had a problem with. One of the biggest reason he had a problem with it was where are these people coming in to the subdivision from. There is already an issue with people riding four-wheelers up and down John Winstead Road. He has notified the Sheriff's Department several times and they said they couldn't

do

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anything unless they actually catch them. They do not come to look for them to try and catch them.

- How people are going to gain access to the track is another situation.
- He owns a four-wheeler himself and lives on 3.11 acres on John Winstead Road and that's not enough land for him to be riding by his self. He loads his four-wheeler and goes to Moncure with 300 acres plus to ride on or the hills of West Virginia on thousands of acres.
- It does not seem like enough room for a track to create extra problems and extra headaches.

Joanne Cox, 205 North Pointe Drive, Louisburg, NC

Ms. Cox stated the following:

- She lives right beside Joe Roeder.
- She owns 5 acres of land and is in the process of building a new home.
- Him riding his motorcycle along with three or four of his friends does not bother her in the least or any of her neighbors who live on North Pointe Drive.
- She is for it. If she rode a motorcycle she would hate to think her neighbors would tell her she could not ride on her property nor have her friends come ride on her property with her.
- If you own property you should be able to do things of pleasure on your property as long as it's within the law.

Mr. Ron Miller, 107 Pine View Drive, Louisburg, NC

Mr. Miller stated the following:

- Stated he and his wife moved to the subdivision five years ago for the peace and quiet.
- He has worked a long career for the postal service and is eligible to retire soon and his wife is also and that's why they moved there, for the peace and quiet. It's a very quiet neighborhood, it's country. But, to hear motorcycles, no.

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

Chairman Stone asked what is the pleasure of the Board concerning the request to grant a Special Use Permit to Joseph Roeder to create a motorcross track.

Vice-Chairman Foy made a motion to approve the request.

Chairman Stone asked if there was a second to the motion and hearing none the motion died for lack of a second.

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.

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- 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 all these conditions have been addressed and stated the floor was open to a motion to deny or to approve.

Commissioner Swanson made a motion to deny the petition.

Chairman Stone stated that a motion had been made to deny the petition of Mr. Joseph Roeder to create a Motorcross Track on 2.11 acres of land at North Pointe Drive in the Dunn Township. He asked if there was a second to the motion, Chairman Stone seconded the motion.

Vice-Chairman Foy stated the only place to ride is where you are not supposed to ride, which is up and down the highway. He guesses they will continue to ride in the highway since they can't ride in their own backyard. It is one of the reasons on his property that he put up a fence around the 18 acres because four-wheelers were coming through at 2:00 and 3:00 in the morning going right through his property. We would be better off if they had some place to go that they could ride.

Commissioner Ball asked Vice-Chairman Foy if he feels like they'd be better off in their

neighbors back yards at 3:00 in the morning. Vice-Chairman Foy replied they had hours of operation and the Board could set all of that. The Board could set just one day a week. Commissioner Ball stated all the conditions that the Chairman read has to be met and he did not hear where any of them had been met. Vice-Chairman Foy stated he did not hear anything contrary either. He stated the Board can set hours of operation and enforce that. It's not wide open even if the Board grants the permit. The Board can set any kind of conditions. They can set one day a week for just a couple of hours. They can ask that it be buffered like is already in the conditions. He stated he was trying to think what could be done as a Board.

Chairman Stone called for further discussion.

Commissioner Ball stated it was not the burden of this Board to enable him to meet the criteria set forth. He needs to come before the Board being able to show evidence that those standards have been met and he did not hear that and he questioned that. He moved to call the question.

Chairman Stone stated the motion was to deny the petition by Joseph Roeder to create a Motorcross Track. He asked the Clerk to call the roll for votes. Commissioner Gupton voted to deny the petition, Commissioner Ball voted to deny the petition, Commissioner Swanson voted to deny the petition, Vice-Chairman Foy voted to approve the petition, and Chairman Stone voted to deny the petition. The motion to deny carried by a vote of four to one.

A. Town of Franklinton Extraterritorial Jurisdiction Expansion

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a request for an extension of the extraterritorial jurisdiction for the Town of Franklinton. The Planning Board unanimously recommended approval of the proposed request.

Background Information: The Town of Franklinton has recently annexed 236 parcels of land into the town limits. The Town can extend its zoning jurisdiction to include a one-mile perimeter in accordance with NCGS, Chapter 160A, Article 19. The extension to the extraterritorial jurisdiction will assist the Town in preparing for its future development.

MINUTES OF MEETING OF JULY 26, 2004---cont.

Chairman Stone declared the public hearing open.

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

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

B. Franklin County FY 2002 Community Development Block Grant (CDBG) Scattered Site Housing (SSH) Program Close-Out

Proper notice having been given and the Board having received the information, a public

hearing was held to receive comments on the Franklin County FY 2002 Community Development Black Grant (CDBG) Scattered Site Housing (SSH) Program Close-Out.

The housing rehabilitation and replacement activities under this grant have recently been completed and, as, such, the Board is required to hold a Public Hearing to Close-Out the County's FY 02 CDBG-SSH project.

The purpose of this hearing is to review the budget and activities that have been accomplished through the County's FY 02 CDBG-SSH grant.

Background Information: In July, 2002, Franklin County was awarded a CDBG-SSH grant in the amount of \$400,000 from the North Carolina Division of Community Assistance (DCA) to rehabilitate or demolish and replace dilapidated, owner-occupied homes of low-to-moderate income homeowners in the unincorporated areas of the County, and within the corporate limits of the Towns of Louisburg, Franklinton and Youngsville. Holland Consulting Planners, Inc. (HCP) of Wilmington and Raleigh, North Carolina have administered this grant on behalf of the County.

The above reference project involved the expenditure of \$275,425 on the replacement of five severely dilapidated owner-occupied houses with new replacement units and the rehabilitation of one moderately deteriorated unit (an average of \$45,904 per home). The remaining funds have been spent on administration, construction inspection, land surveying, legal services (e.g.: title opinions, etc.), asbestos inspections, asbestos removal, lead based paint inspections and remediation, demolition, site clearance and preparation, and insurance costs.

An interim-monitoring visit conducted by DCA in the fall of 2003 found no findings or concerns with the grant.

A detailed description of project activities, beneficiaries and budgets was included in the Certificate of Completion and Closeout Performance Report for the Franklin County FY02 CDBG-SSH project.

Chairman Stone declared the public hearing open.

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

Vice-Chairman Foy asked if the program administrator was present. Mr. Pat Young, Holland Consulting Planners, came forth to answer any questions.

Vice-Chairman Foy asked Mr. Young about one of the concentrated needs houses in Pilot having a for sale sign on it. Mr. Young stated the unit is not for sale. It's the vacant lot behind it that is for sale. The home that was on that lot with a dilapidated trailer they cleared off. The gentleman that owned it died and the heirs are selling the lot, which is within the rights of the program.

MINUTES OF MEETING OF JULY 26, 2004---cont.

Vice-Chairman Foy asked Mr. Young if these people who get their houses fix up are not allowed to sell them. Mr. Young replied they are allowed to sell them but they have to repay the County. Vice-Chairman Foy asked if there was anything attached to the Deed of Trust or a

lien. Mr. Young replied yes there is a lien that prohibits them from selling the property for an eight-year term and if they do sell they will have to repay the County the cost of the rehabilitation. This is in the Deed recorded with the Register of Deeds.

Chairman Stone entertained a motion to adopt the resolution.

Upon motion by Commissioner Gupton, seconded by Commissioner Swanson, with all present voting "AYE", duly carried to adopt the resolution authorizing the Interim County Manager to submit all necessary Close-Out documentation required by DCA.

3. Comments from the Public

Mr. Bruce Youngbar, 655 Collins Mill, Castalia, NC

Mr. Youngbar stated the following:

- Stated he was there on behalf of all the animal rescue operations in the County.
- For the past twenty years or so the County has been working in the opposite direction as it should be. Buying more trucks, building bigger facilities to put these animals in, and putting down thousands and thousands of animals a year. Not only the County but also the State.
- The simple solution for this is to take and spayed all the female dogs and instead of buying a new truck or building a new building, lay money aside for poor people in each of the Towns in the County to come in and apply for this money so they can take animals to vet. Not everybody has the \$80 or \$90 to have this done and what happens is more puppies and more cats are born and running up and down the roads.
- Alleviate the problem by getting to it before it happens.
- The Humane Society has done the best they can but they are burned out. They have turned people away because they can not do anymore.
- He asked the Board to consider working out a plan where the Towns and County can lay this money aside and used directly for the animals.
- There are people willing to volunteer to pick up animals and take them to the vet and then take them back to the owners.
- He asked the Board to work with the Mayors to come up with something that would work for the County and do away with paying tax dollars out.

Chairman Stone stated that was a very good point and the Board would take it under advisement. The Board knows that excess dogs and cats are a major problem in the County. Some are allowed to run lose and run along the roads and scavenge where they can. The Board is very much aware of the problem.

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

Mr. Pearce stated the following:

- Wanted to speak on regulations concerning firearms' use near residents and wanted to know if the Board was going to present something on it at this meeting.

Chairman Stone stated it was not on the agenda for consideration at this meeting. It has been talked about and the attorney is working on it. Chairman Stone asked Mr. Batton if he wanted to comment on it.

Mr. Batton stated that he was prepared to discuss it if the Board wanted to.

Chairman Stone stated it was not on the agenda and could be discussed at the August meeting.

MINUTES OF MEETING OF JULY 26, 2004---cont.

Mr. Batton stated it is a rough draft that was put together after discussion with the Wildlife Commission and viewing other counties ordinances.

Chairman Stone suggested putting it on the agenda for the August work session for discussion and define it and then put it on the agenda for action at the August regular meeting.

Vice-Chairman Foy stated he felt a public hearing should be held. Chairman Stone stated it could be presented at a public hearing.

Mr. Batton stated he has consulted with the Deputy Director of the Wildlife Commission and with the Sheriff and their concern is unless you alter the wildlife regulations through a Legislative process and a local Bill process, any ordinance the County adopts related to hunting is not enforceable by the Wildlife officers and every violation, proposed violation and alleged violation would have to be investigated by the Sheriff's Department even though it is related to hunting. Their recommendation was to have local Bills presented for the Legislative' consideration to alter the hunting laws in Franklin County. The County is not allowed to alter the State laws. We are pre-empted so the only way you are going to alter the hunting laws validly is by having local Legislation adopt which would go before the Wildlife Commission. He would like for the Board to move in that direction. He did prepare a Firearms Ordinance for the Board's review that deals with some of the concerns that Mr. Pearce has but it does not relate to hunting. It exempts out the people who are otherwise likely to hunt and hunting legally on property. It does not go to the extreme of what he thinks the Pearces have advocated for because he feels they would be interested in measures such as a person still hunting has to do it from a certain height, which is available in other counties and not in Franklin County because that was done by a local Bill. He stated the Board needs to consider if they would like to have in a local Bill so that the Wildlife Commission can enforce, not just a deputy. Also, a firearm ordinance in addition to that effort, if the Board desires to look at a separate ordinance, could be enforced by the Sheriff's Department as a County law. But the Wildlife Commission would not enforce even a firearm ordinance.

Mr. Pearce stated however what Mr. Batton and the Board think is best and permissible, he is for that. His and his family's concern for being here has nothing to do with denying people the

right to hunt. He grew up on a farm hunting. With the way the County is growing, he can sympathize with people as the horizons are changing. There are a lot of people coming to this area, especially in the southern part of the County where he is from. He is before the Board strictly for safety and being accountable. He sees a problem in the making, an accident waiting to happen. There are subdivision where you can throw a rock and hit your neighbors house in those places that use to be farms. These people are firing high-powered weaponry.

Chairman Stone stated to Mr. Pearce that the Board will ask Mr. Batton to provide the Commissioners with the information for their work session, which is next Monday night, August 2nd , and the regular business meeting is Monday, August 16th.

Mr. Pearce stated his interest is strictly safety, he does not mind if people hunt but he does see real safety issues.

4. Fiscal Year 2003-2004 Annual Tax Settlement

Mr. Jim Wrenn, Tax Administrator, presented the annual tax settlement pursuant to NCGS 105-373 for the Board's review. This settlement represents all sums collected by the Tax Collector's office during the fiscal year 2004-2005. Mr. Wrenn went over the tax settlement.

MINUTES OF MEETING OF JULY 26, 2004---cont.

The annual settlement as of the close of business June 30, 2004 is as follows:

Levy by Property Class

	<u>Levy</u>	<u>Collected</u>	<u>Balance</u> (Unpaid)	<u>Percent</u> <u>Collected</u>
Real Estate	\$19,188,630.85	\$18,798,507.07	\$390,123.78	97.97%
Personal Property	\$ 2,073,839.56	\$ 1,984,124.16	\$ 89,715.40	95.67%
Registered Motor Vehicles	\$ 3,394.991.58	\$ 2,895,288.90	\$499,702.68	85.28%
Totals	\$24,657,461.99	\$23,677,920.13	\$979,541.86	96.03%
2003-2004				(Final Collection Rate)

Fees Collected – Privilege License (Beer) \$ 924.25

(Wine) \$1,416.25

Total \$2,340.50

Real estate represents 77.82% of the total levy, personal property represents 8.41% of the total levy, and registered motor vehicles represent 13.77% of the total levy for 2003.

The total levy increased 4.40% over last year's levy. The Tax Office collected \$1,084,524.11 more than last year.

The Real Property Levy increased by 4.68%.

The Registered Motor Vehicle Levy increased by 4.27%.

The Personal Property Levy increased by 2.06%.

Mr. Wrenn stated he was pleased to report an increase in the collection rate over last year by 0.37%. He thinks this is the result of a number of factors, such as an economy that appears to be improved, more enforced collections actions produced by the collection staff and the improved performance by the county attorney's office reflecting a significant increase in the number of foreclosure actions filed.

The State has created a committee that consists of people from the Department of Revenue, the Department of Motor Vehicles and the North Carolina Association of County Commissioners who have been looking into alternative ways of collecting motor vehicle taxes. They have looked at how other States are doing this and after visiting Kentucky, they are in the process of modeling a proposal for the Legislature that is modeled after Kentucky's method of collection. The way it is now is if you go to buy motor vehicle tags you pay your taxes and if you do not pay you do not get a tag. They are trying to devise a way the taxpayer can pay their property tax on their motor vehicles either at the local DMV office or tax office. This will require extensive writing of software to make this come together for each office to communicate electronically. It may be two to four years before it actually becomes law.

Last year's rate of collection was 95.66%. 1998 was the last year the County has been at or above 96% in collection.

The collector's office has turned over 281 accounts for foreclosure to the county attorney and thus far 164 complaints have been filed. This has been a contributing factor in being able to get the success rate up.

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The Tax Office staff remains committed to strive to further improve the collection rate to the best of our ability with the resources available to us.

Mr. Wrenn stated he and his staff appreciate the support the Board has given them this past year as well as the support of the taxpayers of Franklin County for whom they work.

Commissioner Gupton stated he thought the process of getting motor vehicle tag renewals, where you have to pay your taxes before you can get renewal tags was already in place. Ms.

Bobby Gravitt, Tax Collector, stated they are trying to change it where you would pay the taxes ahead of time before you have to get your tags. The way it is done now is you renew your tags and pay the taxes four months later.

Mr. Wrenn requested the Board approve the settlement and give him charge to collect the 2004 taxes.

Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with all present voting "AYE", duly carried to approve the Tax Settlement and charged the Tax Administrator with the responsibility of collecting taxes due to Franklin County.

5. Surplus Property

A list of surplus property and real property was presented to the Board. The list represents vehicles, equipment, real property and supplies that have been deemed surplus property by various County departments.

Upon motion by Commissioner Ball, seconded by Chairman Stone, with all present voting "AYE", duly carried to declare the referenced items surplus property and instructed the Interim Manager to dispose of the property by means allowed under North Carolina General Statutes.

6. Boards and Commissions

At the July 12th Work Session, the Board revised proposed policies regarding Boards and Commissions with their appointments. The Boards and Commissions appointees would be named concurrent with the terms of the Commissioners. As we move from a five to a seven member Board each Commissioner would have one appoint to each Board and Commission, unless otherwise dictated by General Statutes. The Board decided that those policies would be presented for adoption at this meeting.

Upon motion by Commissioner Ball, seconded by Commissioner Gupton, with all present voting "AYE", duly carried to adopt the proposed policies as presented.

7. Appointments

A. Department of Social Services Board

Commissioner Robert L. Swanson's term on the Social Services Board expired June, 2004.

Upon motion by Chairman Stone, seconded by Commissioner Gupton, with all present voting "AYE", duly carried to reappointment Commissioner Swanson to the Social Services Board.

B. Kerr-Tar Rural Transportation Planning Organization (RPO) Transportation Advisory Committee (TAC)

MINUTES OF MEETING OF JULY 26, 2004---cont.

Ms. Shelby Powell, Transportation Planner, Kerr-Tar RPO, requested the Board reappoint Commissioner Robert L. Swanson and Louisburg Mayor Karl Pernel to a two-year term on the TAC. Their terms will expire July, 2006.

Upon motion by Commissioner Gupton, seconded by Commissioner Ball, with all present voting "AYE", duly carried to approve the reappointments.

C. Airport Commission

At the July 12th Work Session, the Board discussed reactivating the Airport Commission and appoint Mr. Tom Albright as the Convening Chair for the Airport Commission. He will assist in clarifying membership criteria for Board membership as well as nominees for the Commissioners consideration.

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

Commissioner Ball recognized Mr. Albright.

Mr. Albright stated he appreciated the confidence of the Board in appointing him to this position. He views the airport as a major asset of the County and should serve in the best interest of the citizens of Franklin County. He stated he has been in aviation for many, many years and looks forward to working with the airport and making that asset a true asset, which he understands it is not. He hopes working with the current leasee, the Commissioners and the other committee members to turn this asset around and into a real asset. He stated the Charter calls for a five member Board and he will be the Convening Chair and will pick three outside members, including himself and two inside. He requested the Board appoint Commissioner John Ball and Commissioner Jimmie Gupton as the two representatives on the Board representing the Commissioners. He understands Commissioner Ball will be going off the Board at the end of his term. There is a provision in the Charter to handle this and he would like for Commissioner Ball to be on the Board for at least one year. Commissioner Ball has a real vision for the airport and what it can mean to the County.

Motion was made by Commissioner Swanson, seconded by Chairman Stone, with all present voting "AYE", duly carried to amend the agenda to include the appointments of Commissioner Ball and Commissioner Gupton to the Airport Commission.

Chairman Stone stated he received a letter from Lyndo Tippett, Secretary of the North Carolina Department of Transportation, stating Franklin County has been awarded \$150,000 in Federal funds for improvements at the airport.

Commissioner Ball stated the action just taken by the Board may sound contrary to the previous action the Board took where they adopted policy for the guidance for appointments to

Boards and Commissions for the County, however there was discussion that the airport commission appointments would be made as stated in the Commission ordinance, so it is not contradictory. He also thanked Mr. Albright to serve in this way. Mr. Albright and this Commission will be reporting directly to the Board of Commissioners and at this they have not assigned any staff from the manager's office or any other staff services to Mr. Albright, but will wait to hear from him. Mr. Albright will make reports directly to the Board on his recommendations and suggestions. He encouraged the Board to read the ordinance so that they would know the powers granted to the Commission and be prepared to support the Commission. Mr. Albright and the manger will have to consider the application the County makes to the DOT in order to make proper use of those funds.

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Vice-Chairman Foy asked if the grant money that the County is going to match been voted on yet by the Board. Chairman Stone replied yes, the Board voted some time ago to submit the application with the matching funds of \$16,000 in order to obtain \$150,000. Mr. Murray stated there was money budgeted in this years budget for that.

5. Designation of Voting Delegate to the North Carolina Association of County Commissioners' Annual State and National Meetings

The North Carolina Association of County Commissioners' Annual Conference will be held August 19-22, 2004 in Asheville, NC. According to NCACC by-laws, each County is required to select a voting delegate to represent the County in the business session.

Upon motion by Commissioner Swanson, seconded by Commissioner Ball, with all present voting "AYE", duly carried designating Chairman Stone as the voting delegate for Franklin County.

6. Lake Royale Ordinance Revisions

At the July 21, 2003 meeting, the Board approved an ordinance for Lake Royale Subdivision. Since that time it has been determined that revisions need to be made to the ordinance. The County Attorney has reviewed the changes and has approved as to form.

Mr. Bob Winters, President of Lake Royale Board of Directors, was present to discuss the revisions with the Board. He stated the ordinance has been a tremendous success and asset to Lake Royale and the County, especially in cleaning things up. They are asking for some "tweaking" of the ordinance. They want to add junk boats; reduce the maximum fine from \$1,000 to \$500 to make it more compliant to State law; and add five traffic regulations.

Chairman Stone asked Mr. Batton if he had reviewed the revisions. Mr. Batton replied yes and he did not find any objections. As expressed last year when the ordinance was

brought before the Board, their attorney provided the legal opinion to this Board that these ordinances were enforceable in court and Mr. Batton was unable to give the Board that opinion. Their hold harmless provision is in the County's favor as Lake Royale had said they will be responsible for all costs of enforcement and in addition they would hold the County harmless against any action by virtue of the enforcement of these ordinances. For that to be valid, their Board of Directors would have to authorize and appropriate funds to execute the validity.

Mr. Winters stated the Board of Directors has already approved this provision.

Upon motion by Commissioner Swanson, seconded by Commissioner Ball, with all present voting "AYE", duly carried to approve the revisions subject to proper execution by the Lake Royale Board of Directors.

7. Human Services Building Renovations – Contractor

Bids were opened on July 7, 2004 for renovations at the Human Services Building. The lowest responsible bidder has been identified as C. & G. Builders, Inc. totaling \$679,117. The County currently has budgeted \$550,000 for this project. The Interim Health Director has offered to provide the additional \$129,117 from Health Department reserves accumulated over previous years. Mr. Harold Annis, Architect of the project, will be in attendance to answer any questions the Board may have related to the project.

MINUTES OF MEETING OF JULY 26, 2004---cont.

Commissioner Swanson asked when the project would get started. Mr. Murray replied forty-five days once the contractor is notified they have been awarded the bid.

Upon motion by Commissioner Gupton, seconded by Commissioner Ball, with all present voting "AYE", duly carried awarding the bid for the Human Services Building renovations project to C. & G. Builders, Inc. and authorized the Chairman and Interim Manager to execute the documents.

8. Resolution – "Order Authorizing \$30,000,000 in School Bonds

A resolution has been prepared for the Board of Commissioners to consider entitled "ORDER AUTHORIZING \$30,000,000 IN SCHOOL BONDS". The Board has previously agreed to hold a bond referendum on the November ballot for \$30,000,000 for school renovations, land acquisition, and equipment.

Chairman Stone stated the Board of Commissioners has gone over this thoroughly with the Board of Education and this is going to require favorable action by both Boards and the citizens of the County in order to move forward.

Upon motion by Chairman Stone, seconded by Commissioner Swanson, with all present voting "AYE", duly carried to adopt the resolution and instructed the Finance Director to forward the resolution to the Local Government Commission and the Bond Attorneys. Also, the Board instructed the Clerk to the Board to call for a public hearing at the August 16, 2004 Board of Commissioners meeting to allow public comment from anyone who wishes to be heard on the questions of the validity of the bond orders and the advisability of issuing bonds. (Signed resolution on filed in the County Clerk's office.)

9. Board Committee Reports and Comments

Commissioner Ball:

- Stated in the July 16th weekly departmental update from Cooperative Extension, it was noted that Charles Mitchell and Martha Mobley participated in the annual National Ag Extension Agent annual meeting in Orlando, Florida. Mr. Mitchell was presented the National Ag Extension Agent Achievement Award for the Southern States Region and Ms. Mobley was the National runner-up in the Search for Excellence Ag Program in the United States.

Commissioner Ball made a motion, seconded by Chairman Stone, with all present voting "AYE", to invite Mr. Mitchell, Ms. Mobley and Mr. Cedric Jones, Cooperative Extension Director, to the Board's August meeting to be recognized for these accomplishments.

- Stated he finds the weekly departmental updates useful and that the Board needed to make it an Order that these reports be done on a bi-weekly basis rather than a weekly basis. This would be conducive to better quality and 100% participation by all departments. He suggested that as part of the motion

Commissioner Ball made a motion, seconded by Commissioner Swanson, with all presented voting "AYE", to adopt this policy by Order of the Board of Commissioners and ordering that these reports be done on the 1st and the 15th of each month, that no editing of the reports be done and they should be sent as prepared to the Clerk.

Commissioner Gupton asked Commissioner Ball what was the problem with the reports. Commissioner Ball stated that each department's report varies in information provided. At some point the Board may want to give some idea of

MINUTES OF MEETING OF JULY 26, 2004---cont.

the content that would be helpful to them. This report is informational to the Board in providing what goes on in a department. Commissioner Ball also stated he feels these reports are public information. A bi-weekly report will give the department more time to prepare a thorough report.

Chairman Stone:

- Stated he received a letter from the Army Corps of Engineers, Wilmington District, stating they are beginning a study of the Tar River Basin and Pamlico Sound to determine

whether planning for flood damage reduction, environmental restoration and protection, and related purposes should proceed further. They are requesting written comments from all interested parties to help in the identification of significant water resource issues and concerns for the Tar River Basin and Pamlico Sound. Any comments the Board might have can be discussed at the August 2nd work session and then forward them to the Army Corps of Engineers by August 15th.

5. Interim Manager's Report

Mr. Murray reported the Local Government Commission has approved funding for the Human Services renovations and the Solid Waste Facility renovations.

14. Closed Session

Upon motion by Commissioner Ball, seconded by Commissioner Gupton, with Commissioners Ball, Gupton and Stone voting "AYE", and Vice-Chairman Foy voting "NO", motion carried to go into closed session at 10:10 P.M. to discuss personnel matters [General Statute 143-318.11 (a) (6)].

At 10:55 P.M., upon motion by Commissioner Ball, 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 Monday, August 2nd, at which time the scheduled Work Session would be held.

At 11:00 P.M., upon motion by Chairman Stone, seconded by Commissioner Swanson, with all present voting "AYE", the meeting was recessed until 7:00 P.M. on Monday, August 2, 2004.

RAYMOND A. STONE, CHAIRMAN KATHY MOORE, CLERK