

**March 15, 2004**

The Franklin County Board of Commissioners convened at 5:15 P.M. at the Cooperative Extension Offices for dinner and the departmental presentation. The meeting recessed at 6:45 P.M.

The Board reconvened 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, Jimmie R. Gupton, and John R. Ball.

### **1. Consent Agenda**

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

- A. Approval of minutes of Regular meetings held on December 15, 2003, January 20, 2004, and February 16, 2004.
- B. Approval of Tax Collection Report for the period February 1 through February 29, 2004.
- C. Approval of Tax Releases and Refunds for the period February 1 through February 29, 2004.
- D. Petition for Road Addition to the State Maintained Road System - Will Woods Way located in Will Woods Acres Subdivision, Phase 2 and Phase 3, Franklinton Township. Located East of the intersection of State Road 1211 and NC Highway 1234. There are a total of 12 occupied homes having street frontage. The application meets State requirements. (The Board approved a petition for Phase 1 at the December 15, 2003 meeting.)

### **2. Public Hearings**

- A. Map Amendment

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a map amendment request from David R. Carter to change the zoning classification of approximately 1 acre on NC Highway 96 West, Youngsville Township, from Mixed Use (MU) to Highway Business (HB).

The Planning Board unanimously recommended approval of the rezoning request. The property is located on NC Highway 96, which is a major thoroughfare in the County with

an average daily traffic count of 6,300 vehicles, and a capacity of 9,200 vehicles per day. The Future Land Use Plan indicates that the property should be some type of commercial or industrial use. Located directly to the east of the property is a new mini-storage facility zoned HB. The surrounding properties to the north, south, and west are primarily rural residential uses zoned mixed use (MU). The property has a commercial building that was last used as a fiberglass and/or auto repair shop. The property fronts a major highway, is identified on the Land Use Plan, and adjoins other commercial properties.

Chairman Stone declared the public hearing open.

Chairman Stone called for 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 map amendment.

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##### B. Map Amendment

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a map amendment request from Tony Hagwood to change the zoning classification of approximately 1.33 acres on the southwest corner of the intersection of NC Highway 98 and Bethlehem Church Road (State Road 1103), Harris Township, from R-1 Residential to Highway Business (HB).

The Planning Board unanimously recommended approval. The Future Land Use Plan indicates those properties at the intersection of NC Highway 98 and State Road 1103 should be zoned commercial. NC Highway 98 is a major thoroughfare with an average daily traffic count of 6,200 vehicles per day. A portion of the Hagwood property (.89 acres) is currently zoned Highway Business, and 1.33 acres has been recombined with the existing commercial property for a total 2.22 acre tract. This rezoning will be an expansion of an existing HB District. The Hagwood property has previously been used as a commercial business.

Chairman Stone declared the public hearing open.

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

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

##### C. Map Amendment

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a map amendment from Charles and Cathy Ray to change the zoning classification of approximately 2 acres on the west side of NC Highway 39, Dunn Township, from R-40 Residential to Highway Business (HB). The property is located in the Pilot Community approximately 400 feet south of the intersection of NC Highway 39 and Old US Highway 64 (State Road 1770).

The Planning Board unanimously recommended approval. According to the Future Land Use Plan, properties in the Pilot Community at the intersection of NC Highway 39 and State Road 1770 should be zoned to a commercial and office-institutional district. NC Highway 39 is a major thoroughfare with an average daily traffic count of 4,900 vehicles per day. The property located directly north of the applicant's property is zoned Highway Business. Other surrounding properties are primarily rural residential zoned R-40. The property fronts on a major highway, is identified on the Land Use Plan, and adjoins other commercial properties.

Chairman Stone declared the public hearing open.

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

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

### **3. Comments from the Public**

Mr. Joe DeSantis, 150 Huntington Road, Louisburg, NC

- spoke against impact fees – Durham County is different from Franklin County – impact fees burden developers then homeowners – asked Commissioners to table decision

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Chairman Stone asked Mr. DeSantis if he had any suggestions for funding schools.

Mr. Gil Silva, 78 Walter Grissom Road, Kittrell, NC

- commended Board on decision to terminate the contract with the County Manager – inquired as to when the County would have a plan ready showing where the County is going – not a land use plan – stated there is something wrong with County government being the largest employer in the County – stated the County does not need anymore taxes

Mr. Hugh Williams, 57 Bery Williams Road, Zebulon, NC

- wanted clarification on his permit for operating a racing facility – stated Planning Board said he was limited as to what he can do at his race track

Chairman Stone instructed County Attorney Darnell Batton to review the permit with the Planning Department for an answer and report back to the Board within a month. County

Attorney Batton stated the permit was a Special Use Permit for operating a go-kart track.

Mr. Ed Strickland, 65 Ed Cottrell Road, Louisburg, NC

- stated he supports impact fees but does not support Durham County impact fee resolution – Representative Lucy Allen supported the County Menu Bill – if the Board supports a resolution without ruling from the General Assembly he feels this is saying it is okay to break the General Statutes of North Carolina and the Constitution of the United States. – feels the General Statute is wrong but Commissioners need to request the General Assembly to change it

Ann Marie DellaMorte, 80 Fiddlers Drive, Youngsville, NC

- spoke on behalf of the Humane Society and its concerns regarding the animal shelter being an inadequate facility as far as unsanitary conditions, no employee present during operating hours of the animal shelter, a donated chip detector not being utilized, the operating hours of the shelter, and the need for volunteers being utilized

Chairman Stone referred the matter to the Interim County Manager and Health Department for their study and recommendations.

Ms. Lee Robinson, 60 Lake Royale, Louisburg, NC

- stated she is in favor of impact fees – feels new construction tears up roads and someone needs to pay for the repair – new families need schools – builders do not need to pass on the entire fee to the homeowner but be willing to pay some themselves

Mr. Jim Latvala, Raleigh, NC (President of Franklin County Home Builders Association)

- stated he was against impact fees – feels that sales tax on materials and property taxes on new homes would generate tax revenue – feels new home buyers pay their fair share of taxes

Chairman Stone asked Mr. Latvala how could the County fund schools. Mr. Latvala responded with bonds. Chairman Stone asked Mr. Latvala if he would support a tax increase to support schools.

Mr. Ezra Swarey, 91 Swarey Way, Franklinton, NC

- stated he is a builder and his trucks do not tear up the roads – he does not support Durham County breaking the law – homeowners cannot afford impact fees

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

Mr. Danny Pearce, 462 Henry Baker Road, Zebulon, NC

- stated he feels the Commissioners have no political right to raise taxes – feels impact fees are an easy way to get money but hurts growth – feels a builder cannot afford to pay impact fees and then pass the cost on to the home buyer – feels impact fees reduce the affordability of homes and can cause a potential home buyer not to qualify for a home loan

Mr. Bob Winters, 211 Lake Royale, Louisburg, NC

- stated he is against impact fees – feels the way to finance schools is by cutting back on government employees

Chairman Stone clarified impact fees and stated the purpose of the resolution is to support Durham County in legally finding out if impact fees can be imposed and if a County has the authority to impose them.

#### **4. Resolution Designating "Happy Whistlers Week"**

The Franklin County Arts Council requested the Board declare the week of April 19-24, 2004 as "Happy Whistlers Week".

#### **RESOLUTION HAPPY WHISTLERS WEEK**

**WHEREAS**, the Franklin County Arts Council has formed the International Whistlers Convention and the International Whistlers Museum with headquarters in Louisburg in the County of Franklin, North Carolina; and,

**WHEREAS**, these projects of the Arts Council have brought favorable national and international recognition to the county's government, community and people; and,

**WHEREAS**, this recognition has produced pride and honor to the county's citizens with an opportunity to participate and to observe others participating in these worthwhile projects; and,

**WHEREAS**, the ancient art of whistling is being preserved with public displays of talent and artifacts in the nation's only museum of its kind; and,

**WHEREAS**, the art of whistling is both a performing art and a healthy expression of happiness for the community.

**NOW, THEREFORE, BE IT RESOLVED** that the Franklin County Board of Commissioners, in appreciation for the Arts Council's efforts to provide an educational and artistic service to the county's citizens, declare the week of April 19-24, 2004 as

#### **"HAPPY WHISTLERS WEEK"**

and commend its observance to all of the citizens of Franklin County.

ADOPTED this the 15th day of March, 2004.

## **5. Proclamation Designating "County Government Week"**

Mr. Charles Murray, Jr., Interim County Manager, reported that the committee for "County Government Week" has organized several events which include a County Government Expo and Business After Hours. Chairman Stone stated

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County employees who have retired would also be appropriately recognized during that week.

### **PROCLAMATION**

WHEREAS, April 18-24, 2004, is the National County Government Week and North Carolina's county governments are proud of their key role in the governmental partnership as the local provider and facilitator of important services for the community; and,

WHEREAS, North Carolina's counties face the challenge of using limited resources efficiently and effectively to meet the needs of the public through such programs as health care, child and elder care, environmental protection, deed registration, social services, job training, public education funding, emergency medical services, drug and alcohol abuse treatment, law enforcement, water and sewer services, and library services; and,

WHEREAS, many North Carolina counties seek a stronger partnership with their citizens in defining community problems and solutions through such efforts as strategic planning and local focus groups; and,

WHEREAS, leadership in county government today requires a commitment to long hours and continued learning in a variety of topic areas, and a strong sense of purpose to assure that necessary services are provided without undue burden on the taxpayers;

NOW, THEREFORE, the Franklin County Board of Commissioners does hereby proclaim April 18 through April 24, 2004, as

### **"COUNTY GOVERNMENT WEEK IN FRANKLIN COUNTY"**

and urges all citizens to be more involved in and aware of issues facing our counties by volunteering for county programs, voting in elections and attending public meetings.

ADOPTED this the 15th day of March, 2004.

## **6. Proclamation Designating "Child Abuse Prevention Month"**

Ms. Nicki Griffin, Social Services Director, was present and introduced staff who work

with this program. She stated Governor Mike Easley proclaimed April as "Child Abuse Prevention Month" in North Carolina.

## **CHILD ABUSE PREVENTION MONTH 2004**

### **BY THE FRANKLIN COUNTY BOARD OF COMMISSIONERS**

#### **A PROCLAMATION**

WHEREAS, our children deserve the best we have within us and look to us to be their protectors, role models, heroes and heroines; and,

WHEREAS, children who are loved and nurtured grow up to love and nurture others. They give back to their own families, their neighborhoods, and the entire county the good that was bestowed on them. The cycle continues: and,

WHEREAS, in Franklin County, 547 reports alleging abuse and neglect were received last year. Of these reports, 286 were investigated and 84 were found to have been abused or neglected. These children often carry the burden of their abuse into adulthood; and,

#### **MINUTES OF MEETING OF MARCH 15, 2004---cont.**

WHEREAS, child abuse and neglect know no social nor economic boundaries. We dedicate our energies to preventing child physical abuse, sexual abuse, emotional abuse, neglect, and their terrible legacy; and.

WHEREAS, preventing child abuse and neglect is the responsibility of every citizen, and community action and involvement are essential to breaking the cycle of abuse, and,

WHEREAS, it is vital that we join together to reach out to parents and children to prevent the senseless abuse and neglect of all children;

NOW THEREFORE, I, Dr. Raymond Stone, Chairman of the Franklin County Board of Commissioners, do hereby proclaim April, 2004, as "CHILD ABUSE PREVENTION MONTH" in Franklin County, and urge our citizens to support this observance.

#### **7. Proclamation Designating "Litter Sweep"**

Mr. John Faulkner, Solid Waste Director, was present and stated that during this period, roadside cleanup is planned in conjunction with the North Carolina Department of Transportation and other groups. Also, a number of programs will be conducted in the schools.

#### **LITTER SWEEP 2004 - A PROCLAMATION**

WHEREAS, the North Carolina Department of Transportation organizes an annual

Spring statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the Spring 2004 "LITTER SWEEP" roadside cleanup will take place April 17 – 30, 2004, to encourage local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during "LITTER SWEEP" and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our State and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the 2004 Spring cleanup celebrates the 16th anniversary of the North Carolina Adopt-A-Highway program and its 6,000 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

WHEREAS, the "LITTER SWEEP" cleanup will be a part of educating the children of this Great State regarding the importance of a clean environment to the quality of life in North Carolina;

NOW, THEREFORE, the Franklin County Board of Commissioners, does hereby proclaim April 17 - 30, 2004, as "LITTER SWEEP" time in Franklin County, and encourages all citizens to take an active role in making their communities cleaner.

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Motion was made by Vice-Chairman Foy, seconded by Commissioner Swanson, with all present voting "AYE", duly carried approval to amend the agenda to add Item 7-A.

#### **7-A. Proclamation Designating "Four-Way Test Writing**

Ms. Nancy Hall, representing the local Rotary Club, was present and stated the Rotary Club is sponsoring an essay contest for students in grades seven and eight. The essay is to reflect the contestants thinking on the four measures of ethics. Awards will be given on a local and district level to first, second and third place winners.



## **Four-Way Test – Proclamation**

WHEREAS, only trust which is developed from truthful deeds will bring goodwill and peace to all peoples on earth;

WHEREAS, we live in a troubled time when man's distrust of man can bring confrontation and conflagration which may destroy the world and every living thing on it; and,

WHEREAS, the best leaders are those who lead by the example they set with their personal conduct, and those persons who personally maintain high ethical standards help others achieve higher levels of conduct; and,

WHEREAS, a simple measuring stick of ethics easily understood by everyone is provided by the Four-Way Test, which is as follows:

1. Is it the TRUTH?
2. Is it FAIR to all concerned?
3. Will it build GOODWILL and BETTER FRIENDSHIPS?
4. Will it be BENEFICIAL to all concerned?

NOW, THEREFORE, BE IT RESOLVED, that the week of March 15-21, 2004, is designated

### **Four-Way Test Week in Franklin County**

and every citizen is exhorted to apply the Four-Way Test to all they think, say or do.

PROCLAIMED this the 15th day of March, 2004.

Upon motion by Commissioner Swanson, seconded by Commissioner Ball, with all present voting "AYE", duly carried adopting the resolution "Happy Whistlers Week", April 19-24, 2004; and proclaimed April 18-24, 2004 as "National County Government Week"; April, 2004 as "Child Abuse Prevention Month"; April 17-30, 2004 as "Litter Sweep 2004"; and March 15-21, 2004 as "Four-Way Test". (Signed copies of the resolution and the proclamations are on file in the County Clerk's office.)

**Item 8 on the agenda, Scheduling Dates for the Board of Equalization and Review, was moved to the Board's work session on April 5, 2004.**

## **5. Presentation of Audit Report**

Mr. Charles Clark of Holden, Moss, Knott, Clark, and Taylor, the County's auditor, was in attendance to present the Audit Report for Fiscal Year ending June 30, 2003. The County has received an Unqualified Audit Opinion, which represents the highest possible opinion. The

Finance Office has submitted the

#### MINUTES OF MEETING OF MARCH 15, 2004---cont.

audit report and associated documents to be considered for a Certificate of Achievement for Excellence in Financial Reporting, which represents the highest level of open books and accurate public information.

Commissioner Ball asked Mr. Charles Murray if the County was at a position not to take anymore money out of the fund balance. Mr. Murray responded there are funds available for appropriation and the County has more than the 8% minimum reserve recommendation by the Local Government Commission.

Chairman Stone asked Mr. Clark if his firm was in a position to look at the efficiency of the County in collecting revenue and spending revenue. Mr. Clark responded his firm does not provide that service but he would be glad to recommend a firm that does. Commissioner Ball asked if there are specialty firms that do this kind of work. Mr. Clark responded yes. Commissioner Swanson asked Mr. Clark if he would tell us if we were out of compliance. Mr. Clark responded yes, but there was none this year.

Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with all present voting "AYE", duly carried accepting the Audit Report for Fiscal Year ending June 30, 2003.

### **9. Amendment to the Franklinton Water Contract**

On March 1, 2000, Franklin County assumed maintenance responsibility from the Town of Franklinton for several water lines and pumps throughout the County. This contract amendment spells out which parties are responsible for the various items, and deletes the 17 cents per thousand-gallon charge the County paid to the Town until March 1, 2000. It also further explains the service boundaries.

Mr. Tom Couch, Public Utilities Director, stated the contract amendment cleans-up any verbal agreements.

County Attorney Batton stated everything is in order with the contract amendment.

Mr. Mike Morton, Administrator for the Town of Franklinton, stated the Town has been working on this contract since 2000 and hopes the Commissioners will approve it.

Upon motion by Commissioner Ball, seconded by Commissioner Swanson, with all present voting "AYE", duly carried approval of the amendment and forwarding to the Town of Franklinton for its approval.

### **10. Amendment to the Louisburg Water Contract**

The water contract between the Town of Louisburg and Franklin County expires September

20, 2004, which is the end of its first automatic one-year renewal. If the Board chooses not to renew for another year, 180 days notice of termination is needed. That date is March 24, 2004. A verbal agreement with the Town of Louisburg has been in place since October 2003. This verbal agreement eliminates the required purchase of 233,000 gallons per day and replaces it with an approximate purchase of 80,000 gallons per day. This 80,000 gallons per day ensures the water along Highway 56 from Louisburg to Novozymes stays fresh for residential customers.

Mr. Charles Murray, Interim County Manager, stated the Town is holding its Council meeting this date and is acting on giving the County an extra 60 days in order to act on the contract. They want both Boards and their attorneys to meet. Commissioners stated they would like to see the agreement continue.

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Commissioner Ball stated a motion was passed at an earlier meeting and there was no response from Louisburg and now they want an additional 60 days.

County Attorney Batton stated there would be a 120-day window versus a 180-day window if the Town does act on prior to March 24<sup>th</sup>.

Chairman Stone stated he has assurance from the Town that they will grant the extra 60 days within the 180 day provision.

Commissioner Ball suggested a motion to request that Louisburg acknowledge a previous action of this Board which was to renew the contract on the same terms that are in the current contract which would include acknowledgement of the verbal agreement of a minimum of 80,000 gallons per day and the rate would continue to be that rate charged their highest volume users with no penalties unless they are mutually applicable. And, that in order to meet the March 24, 2004 contract requirement for notification, the County therefore, give notice of cancellation of contract at the end of 180 days if the contract is not negotiated on the terms as stated here.

Commissioner Swanson stated he felt the Board needed to wait the 60 days in order for the committee to explore. He asked Mr. Couch if he had any concerns.

Mr. Couch stated he has met with Mr. Gobble and the Town's interest is to continue selling water to the County and wants to work out the contract. Mr. Couch stated the County would have to use the pump station at Mays Cross Roads and Peach Orchard Road to keep the water flushed along Highway 56 if the Town was not providing this for the County.

Commissioner Swanson stated he felt it was in the best interest of the County to negotiate with the Town of Louisburg.

County Attorney Batton stated Commissioner Ball's motion would eliminate the Board having to hold a special meeting. The motion would set forth a notice to the Town of Louisburg. He stated he was in support of the motion and it gives the County a window to negotiate. He suggested including in the motion the verbal agreement made by the Town with the former County Manager and approved by the Board.

Upon motion by Commissioner Ball, seconded by Commissioner Gupton, with all present voting "AYE", duly carried the Board requests that Louisburg acknowledge a previous action of this Board which was to renew the contract on the same terms that are in the current contract which would include acknowledgement of the verbal agreement between the former County Manager and C.L. Gobble, Administrator for the Town of Louisburg, which was discussed at the November 3, 2003 Board's work session and approved by the Board at the November 17, 2003 regular meeting, of a minimum of 80,000 gallons per day and the rate would continue to be that rate charged their highest volume users with no penalties unless they are mutually applicable. And, that in order to meet the March 24, 2004 contract requirement for notification that the County, therefore, give notice of cancellation of contract, at the end of 180 days if the contract is not negotiated on the terms as stated above.

### **11. Award of Youngsville Industrial Park Road Project**

At the February 12, 2004 meeting, the Board of Commissioners approved an agreement between the County and North Carolina Department of Transportation for the construction of an access road from Bert Winston Road into the Youngsville Industrial Park for \$330,000. An agreement has also been entered into with Nemo Associates, Inc. to pay any cost that may be incurred in excess of the \$330,000.

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Mr. Murray requested the Board award the contract to S.T. Wooten for \$440,717.25 and execute the documents upon the receipt of a cashiers/certified check from Nemo Associates, Inc. for the difference between the DOT award and S.T. Wooten's bid.

Upon motion by Commissioner Gupton, seconded by Commissioner Swanson, with all present voting "AYE", duly carried awarding the contract to S.T. Wooten.

### **12. Budget Ordinance Amendment #6**

The purpose of the Budget Ordinance Amendment is to reflect grants received as follows: EMS Homeland Security Grant (\$145,413) for equipment upgrades and security upgrades at Water and Sewer facilities located in Franklin County; EMS Grant (\$4,615) for community fire education and prevention; EMS Grant (\$2,500) for purchasing child safety seats; Cooperative Extension Grant (\$25,000) to continue funding for the Breastfeeding Education and Support Program; Soil and Water Conservation Grant (\$1,450) to purchase equipment for the Neuse-Tar-Pamlico project; and a Temporary Job Creation Grant (\$29,418) through the Kerr-Tar Regional Council of Governments to be administered by the Recreation Department.

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

### **13. Mortuary Refrigerators**

Mr. Johnnie Gilliam, Assistant Director of Emergency Medical Services, was present to discuss the purchase of a two-drawer mortuary refrigerator. This is the first phase of a two-phase project. Five companies have been contacted and three responded:

Bally Refrigerated Boxes, Inc. - 47" x 92" x 65" unit with telescoping trays, exterior stainless steel front, lockable casters and a five-year compressor warranty at a cost of \$6,165.

Mortech Manufacturing Company B 38.5" x 97" x 75" unit with telescoping trays, stainless steel construction, and casters at a cost of \$6,495.

Mopec B 42" x 96" x 85" unit with telescoping trays, stainless steel construction, and locking wheels at a cost of \$11,345.

Commissioner Ball asked if the building would be built large enough for expansion. Mr. Gilliam stated the proposed building would be 20' x 30' or 30' x 40', built around the refrigerator. He stated the medical examiner has requested the expansion of the building be large enough to accommodate four examining tables and two two-drawer mortuary refrigerators.

Upon motion by Commissioner Swanson, seconded by Chairman Stone, with all present voting "AYE", duly carried appropriating funds to purchase a two-drawer mortuary refrigerator from Bally Refrigerated Boxes, Inc. at a cost of \$6,165.

#### **14. Resolution in Support of the Efforts of Durham County Related to County Impact Fees**

Durham County recently adopted an impact fee ordinance on new residential construction. The North Carolina Association of County Commissioners (NCACC) Board of Directors adopted a resolution in support of Durham County's efforts and requested support from all North Carolina Counties.

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#### **RESOLUTION IN SUPPORT OF THE EFFORTS OF DURHAM COUNTY RELATED TO COUNTY IMPACT FEES**

WHEREAS, the Franklin County Board of Commissioners has been notified that the Durham County Board of Commissioners has adopted an impact fee ordinance for funding public school capital costs, under N.C.G.S. § 153A-102; and

WHEREAS, N.C.G.S. § 153A-102 enables county boards of commissioners to fix the fees and commissions charged by counties for performing services or duties permitted or required by law; and

WHEREAS, county boards of commissioners are required by law to fund school capital costs under N.C.G. S. § 115C-521(b), § 115C-249(e), § 115C-522(c); and

WHEREAS, the Franklin County Board of Commissioners supports the right of the Durham County Board of Commissioners to take such actions, resulting in the adoption of said ordinance; and

NOW, THEREFORE, BE IT RESOLVED the Franklin County Board of Commissioners supports the Durham County Board of Commissioners' efforts in these areas; and copies of this resolution be sent to the Durham County Board of Commissioners, the North Carolina Association of County Commissioners, Representative Lucy Allen, Senator A.B. Swindell, and made available to the news media.

Adopted this 15<sup>th</sup> day of March, 2004.

Vice-Chairman Foy stated he supports Durham County but not sure Franklin County wants impact fees. He stated when he moved to Franklin County in 1980 it took all his money he had saved to purchase one acre of land and put in a well and septic tank. If he had had to come up with more money at that time to pay an impact fee, then he would not have been able to purchase the land. He stated the County gets more and more money each year from taxes and needs to be careful where extra money is spent.

Chairman Stone commented that he supports clarification of the law only.

Upon motion by Commissioner Gupton, seconded by Chairman Stone, with all present voting "AYE", with the exception of Commissioner Foy voting "NO", duly carried adoption of the resolution.

Commissioner Gupton stated he would only support impact fees in Franklin County if the money goes to schools.

## **15. Board Committee Reports and Comments**

Commissioner Ball:

- attended Economic Development Commission's quarterly meeting – the meeting was a breakfast meeting to discuss what is going on in the County, such as water and sewer.
- the monthly Kerr-Tar Council of Governments (COG) meeting was cancelled due to members being in Washington meeting with Legislative representatives. Dr. Visingard is leaving going back to Michigan and Commissioner Ball expressed his regrets.

Commissioner Swanson:

- announced the Chamber of Commerce has named a new director and Commissioner Swanson is looking for great things to come from the Chamber

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Vice-Chairman Foy:

- attended the Health Board meeting in February and discussion was on grants and budget – a budget meeting was scheduled for March 25<sup>th</sup>
- attended the Aging Advisory Board meeting and discussion was a new "Meals on Wheels" program in the Pilot community which will cost just over \$9,000

Chairman Stone:

- stated he was grateful Mr. Murray accepted the Interim Manager position - ads have been placed for the position and the Board hopes to have someone hired by the first of July
- reported he and Mr. Murray meet with the Local Government Commission to discuss the Bond referendum for schools – \$70M is too heavy for the County to carry at this time – a 21% tax increase would be needed to fund a \$70M Bond
- reported the final meeting of the Research Triangle Park competitive task force was held and their study findings will be published forthcoming – the purpose of the task force was to generate research of a Mini-Hub in the five county area – each county involved would benefit from revenue generated
- he and Mr. John Faulkner met with landowners to discuss land purchase for the County landfill

## **15. Interim Manager's Report**

Interim County Manager Murray reported the following to the Board:

- Solid Waste Transfer Station – Bids are currently being sought and are due on Thursday, March 25<sup>th</sup> at 2:00 p.m. in the Commissioners Meeting Room. We have discovered a little bad news in that it appears there is a shortage of steel and metal. This could increase the project by \$50,000 or more.
- Solid Waste Transfer Station Project Loan Proceeds – he is currently completing an application to be forwarded to the LGC (Local Government Commission) for approval to borrow funds to pay for the project. The Board will have to take action before the application can be submitted. This will be included on the April 19<sup>th</sup> agenda. He is currently talking with the firm of Womble and Carlyle (Bond Attorneys) and will be requesting them to submit us with a proposal for Bond Counseling services for this project.
- General Obligation Bonds for School – School officials and County officials met with the LGC (Local Government Commission) on March 8<sup>th</sup> and the meeting was very productive. The LGC will be providing him with some specific schedules to look at and as soon as he receives these, the committee will meet again and decide how to proceed.

## **15. Closed Session**

Upon motion by Commissioner Swanson, seconded by Chairman Stone, with all present voting "AYE", with the exception of Commissioner Foy voting "NO", duly carried approval for the Board to go into closed session at 9:05 P.M. to discuss personnel matters and contract matters.

Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with all present voting "AYE", duly carried to return to open session.

Chairman Stone stated the Board gave consent to the Interim County Manager to proceed with the hiring of the Veterans Services Director and the Emergency Services Director.

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Chairman Stone stated the Board discussed the settlement and payment of former County Manager Richard Self's severance package.

Chairman Stone stated the Board instructed County Attorney Darnell Batton to proceed with the purchase of the land adjacent to the landfill.

There being no further business to come before the Board, the meeting was adjourned at 11:20 P.M.

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RAYMOND A. STONE, CHAIRMAN KATHY MOORE, CLERK