

**May 17, 2004**

The Board of Commissioners of Franklin County, North Carolina, met in Regular Session at 7:00 P.M. in the Commissioner's Meeting Room located in the County Administration Building with the following Commissioners present: Chairman Raymond A. Stone, Vice-Chairman Harry L. Foy, Jr., Commissioners Jimmie R. Gupton, Robert L. Swanson, and John R. Ball.

**Addition to the Agenda – Item 15. Parks and Recreation Grant; and Item 16. Closed Session**

Upon motion by Commissioner Ball, seconded by Commissioner Swanson, with all present voting "AYE", duly carried to amend the agenda to add the two additional items.

**1. Consent Agenda**

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

- A. Approval of minutes of Regular meeting held on April 19, 2004.
- B. Approval of Tax Collection Report for the period April 1 through April 30, 2004.
- C. Approval of Tax Releases and Refunds for the period April 1 through April 30, 2004.
- D. Petition for Road Addition to the State Maintained Road System:

Broken Arrow Trail and Broken Arrow Circle located in Green Estates Subdivision, Phase I, Youngsville Township. Located west of the intersection of Tarboro Road (State Road 1100) and Murphy Road (State Road 1150). There are a total of 34 occupied homes having street frontage. The application meets State requirements.

**2. Public Hearings**

- A. Special Use Permit

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 from Robert Gehring to operate a Motor Cross Track (Grounds and Facilities for Open Air Games and Sporting Events) on approximately 11 acres located on T.K. Allen Road (State Road 1418) in the Louisburg Township in the Agricultural-Residential District.

Background Information: The special use conditions listed in the Unified Development Ordinance, Chapter Two, Article 9 Special Uses (E), can be met. The petitioner has built the motor cross track primarily for recreational use, and has stated he does not plan to hold any

organized races.

The Planning Board recommended approval of the special use permit for the Motor Cross Track, with the following conditions to help reduce or eliminate any potential impacts on the surrounding properties:

- Maintain the existing buffer strip along the North, South and East property lines and trees within the track.
- Plant a buffer along the West side of the track of a least four feet in height in accordance with the ordinance.
- Limit the hours of operation to one day during the week 10:00 a.m. until 6:00 p.m. and 10:00 a.m. until 6:00 p.m. on the weekends, except for Sunday after 1:00 p.m.
- Change the configuration of the track along the Northwest side to increase the separation between the road and track.
- Wet the track to reduce the amount of dust.

MINUTES OF MEETING OF MAY 17, 2004---cont.

- Limit the parking area to 25 vehicles.
- Limit the number of riders on the track at any one time.
- No banners.
- No alcohol.
- No loud music.

Mr. Matthew Winslow, Planning Director, was present and gave an overview of the permit request. He stated Mr. Gehring has obtained a sediment and erosion control plan from the State.

Vice-Chairman Foy asked if someone has land and wants to ride a four-wheeler in their own yard, can they? Mr. Matthew replied yes, but this track is built for special use of the property owner and others. Vice-Chairman Foy asked if there is a limit? Mr. Winslow replied no, but this is a larger scale.

Commissioner Swanson asked if the petitioner has met all the requirements set forth by the Planning Board? Mr. Winslow replied Mr. Gehring is waiting for the Board of Commissioner's decision before completing everything.

Chairman Stone declared the public hearing open.

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

Following are those who spoke in favor of the Special Use Permit:

Robert C. Gehring, 376 T.K. Allen Road, Louisburg, NC (Petitioner)

Mr. Gehring stated the following:

- the track was built for his son and his son's friends to have a place to ride dirt bikes
- safety gear is required
- no racing allowed – there is no starting gate
- track is just for fun – father and son adventure
- has set rules – no one is allowed on the track unless he is present; a bike cannot be ridden to the track – it must be brought in on a trailer
- all conditions set-forth by the Planning Board will be met – once track is completed he will contact the Planning Department for inspection

Chairman Stone asked Mr. Gehring what are Open Air Games and Sporting Events? Mr. Gehring replied in his case, riding dirt bikes.

Commissioner Ball asked if all 25 vehicles would have trailers? Mr. Gehring replied either trailers or racks carrying the bikes.

Mr. Gehring provided pictures of the site to the Board.

Chairman Stone asked Mr. Gehring if four-wheelers and two-wheelers would be on the track at different times? Mr. Gehring replied yes.

Commissioner Swanson asked if there would be racing? Mr. Gehring replied no. Commissioner Swanson asked Mr. Gehring if two people were on the track racing what would he do? Mr. Gehring replied as long as they were riding safe it is okay for two riders to be on the track at the same time.

T. Allen Gardner, Jr., 101 South Main Street, Louisburg, NC (Attorney representing Mr. Gehring)

Mr. Gardner stated the following:

- the track would be an advantage to the County in that children will have a place to ride and will not be trespassing on others property or riding along the highways

MINUTES OF MEETING OF MAY 17, 2004---cont.

- Mr. Gehring and his son have been riding bikes for a long time
- the track covers 11 acres through wooded areas

- the track will cut down on noise, dust and safety on the highways
- the track will be moved 125 to 150 feet further from the road than it is now
- Mr. Gehring will create a 220 foot buffer of trees to increase the separation between the road and track and a 100 to 150 foot buffer of trees for separation between the track and the nearest house – this will help with noise and dust
- a watering system has been installed on the track to reduce dust
- safety will be strictly enforced – certain types of riding boots, helmets and padding will be required
- riders must abide by the rules or will be asked to leave
- there will be no charge to use the track
- the track will not be a burden on the public but a service to the public in offering a safe place for kids to ride
- no one will be allowed to ride a bike to the track
- by having a place to ride, it will cut down on trespassing on others property
- Mr. Gehring has the necessary equipment to cut the track through the woods
- the hours of operation have been cut during the week and on Sunday – all activity will stop at 6:00 p.m.
- Mr. Gehring has done and will do everything to make the track complible to the Planning Board's recommendations

Commissioner Gupton asked about liability insurance. Mr. Gardner replied the County would not be held responsible. Mr. Gehring would have a waiver for each rider to sign.

Commissioner Ball asked Mr. Gardner is Mr. Gehring has any insurance coverage beyond homeowners insurance, such as liability insurance? Mr. Gehring replied he could obtain more insurance.

Vice-Chairman Foy asked if the County could require Mr. Gehring to get additional insurance? County Attorney Darnell Batton replied yes, that is a valid request. The Board has an obligation to ask Mr. Gehring to obtain liability insurance.

Duane Tetterton, 2660 N.C. Highway 98, West, Louisburg, NC

Mr. Tetterton stated the following:

- wanted to speak regarding Mr. Gehring's character – has known him for seven years and worked with him four years and Mr. Gehring has always done what he said would do

- there is no facility in the County for this type of sport
- landowners have problems with trespassers riding bikes and this will solve the problem

Brian Laible, 1409 High Holly Lane, Raleigh, NC

Mr. Laible stated the following:

- his son uses the track and Mr. Gehring provides a safe place to ride – safety is first with him
- he offers new riders a chance to learn
- it is good exercise for adults and kids
- there is no where else to go to enjoy the sport

Tyler Brewer, 1925 Poplar Creek Road, Henderson, NC

Mr. Brewer stated the following:

- his father, Chris Brewer, owns Brewer Cycles in Henderson
- feels the track is a good place to practice and ride for fun
- there is no other place to go

MINUTES OF MEETING OF MAY 17, 2004---cont.

Following are those who spoke against the Special Use Permit:

Edna Fogg, 413 T.K. Allen Road, Louisburg, NC

Ms. Fogg stated the following:

- she requests the Board not grant the permit
- she lives across the road from the track and is the closest house to the track
- if you have ever heard a dirt bike you know the sound they make
- has lived in the community for 57 years where people protect and respect the nice, quiet neighborhood
- wants to breath fresh air instead of the dust in the air
- cannot enjoy being outside

- attends a community Church and the noise from the track can be heard at the Church
- has had problems with riders riding through the Church cemetery to get to the track
- has petitioned the people of the community who oppose the track and many of them were in attendance at the meeting
- the neighborhood is not the place for a dirt bike track
- asked the Board to hear the plea of those who oppose the tract and do not issue the Special Use Permit

Vice-Chairman Foy asked Ms. Fogg if the problem with riders riding through the Church cemetery was resolved? Ms. Fogg replied yes.

Boyd Sturges, Louisburg (Attorney representing Ms. Fogg and Allen Chapel Baptist Church, 693 T.K. Allen Road, Louisburg, NC)

Mr. Sturges stated the following:

- he presented a petition with 90 signatures of those opposing the dirt bike trail
- he asked those who were in attendance who were surrounding landowners and/or members of the Church to stand (about 50 people stood)
- there were problems last summer with dust and noise from the track
- if there is only one person using the track then there is not a lot of noise and dust – if up to 25 vehicles with trailers carrying 2 to 4 bikes each are allowed, then you are looking at a great number of riders

Michael Tyson, Bailey Road

Mr. Tyson stated the following:

- purchased the Gupton Farm near the track
- owns 45 acres and is in the process of selling and developing lots
- spent a lot of money on the home located on the farm and will have problems selling it if a dirt bike track is located next door

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

Motion was made by Vice-Chairman Foy to approve the Special Use Permit but motion failed due to the lack of a second.

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 rezoning request filed by Joseph L. Dickerson to change the zoning classification of approximately 1.45 acres on the southeast corner of the intersection of US 401 and Fuller Road/Tollie Weldon Road (State Road 1401) in the Sandy Creek Township from Agricultural-Residential (AR) To Rural Business (RB). The Planning Board recommended approval of the rezoning request.

Background Information: The property is located on US 401 Highway, which is a major thoroughfare in the county with an average daily traffic count of 2,700 vehicles per day, and a capacity of 4,600 vehicles per day. The Future Land Use

MINUTES OF MEETING OF MAY 17, 2004---cont.

Plan indicates that properties at the intersection of US 401 and State Road 1401 should be zoned a commercial use. Commercial development should be developed in a nodal pattern at intersections in accordance with the land use plan. Spot zoning is more than likely not an issue since the property fronts on a major highway, and is identified on the Land Use Plan.

Chairman Stone declared the public hearing open.

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.

#### 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 rezoning request filed by Georgia Carolina, Inc. to change the zoning classification of approximately 9.75 acres on the north side of NC Highway 56 West of Louisburg and approximately one-half mile West of the intersection with Phelps Road (State Road 1223) in the Franklinton Township from Light Industrial (LI) to Heavy Industrial (HI). The Planning Board recommended approval of the rezoning request.

Background Information: The property is located on NC Highway 56, which is a major thoroughfare with an average daily traffic count of 6,800 vehicles per day, and a capacity of 9,200 vehicles per day. The Future Land Use Plan indicates that properties on NC Highway 56 West should be zoned Light Industrial and Office Institutional. The Georgia Carolina property, along with other properties along NC Highway 56, were previously zoned Heavy Industrial. When the countywide rezoning was adopted in August 2003, properties along NC Highway 56 were rezoned from Heavy Industrial to Light Industrial. Other surrounding properties are primarily zoned Light Industrial (LI), with property to the South across NC Highway 56 zoned Highway Business (HB). Adjacent to this property is Heavy Industrial uses, such as the Katesville Pallet Mill, Carolina Sky Sports, and Container Systems.

Chairman Stone declared the public hearing open.

John Garrett, President, Georgia Carolina, Inc., Wendell, NC  
(Petitioner)

- stated the property was previously zoned Heavy Industrial then changed to Light Industrial and he would appreciate it if the Board would consider changing it back

Chairman Stone asked if there was other Heavy Industrial companies in the area? Mr. Garrett replied yes.

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.

#### D. Map Amendment

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 NAMPARA, LLC to change the zoning classification of approximately 102.07 acres on the East side of Will Mitchiner Road (State Road 1222) approximately three-fourths of a mile North of NC Highway 56 in the Franklinton Township from Light Industrial (LI) to Agricultural Residential (AR). The Planning Board recommended approval of the rezoning request.

#### MINUTES OF MEETING OF MAY 17, 2004---cont.

Background Information: The Future Land Use Plan indicates that the property should be Agricultural Residential. When the countywide rezoning was adopted in August 2003, this 102-acre parcel was rezoned to Light Industrial. Other surrounding properties are primarily zoned Light Industrial (LI) to the South, and Agricultural Residential to the North. The larger tracts along NC Highway 56 such as this one were changed to Light Industrial to reserve land for the future industrial growth along the Franklinton-Louisburg corridor. Due to the distance from NC Highway 56 and the location of this tract, industrial development would be unlikely.

Chairman Stone declared the public hearing open.

John Williamson, Louisburg (Petitioner)

- stated the property was previously zoned Agricultural – it joins other farmland and he feels it is best to change the zoning back to Agricultural to preserve its bucolic setting

Chairman Stone called for further 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 rezoning request.

#### E. Map Amendment

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 Melvin D. Edwards and Bobbie Nelson to change the zoning classification of approximately 1.40 acres on NC Highway 39 just South of the intersection with M.C. Wilder Road (State Road 1706) in the Harris



Township from R-30 Residential to Rural Business (RB). The Planning Board recommended approval of the rezoning request.

Background Information: The Future Land Use Plan Indicates that properties at the intersection of NC Highway 39 and M.C. Wilder Road (State Road 1706) should be zoned a commercial use. Commercial development should be developed in a nodal pattern at intersections in accordance with the Land Use Plan. NC Highway 39 is a major thoroughfare with an average daily traffic count of 4,100 vehicles per day, and a capacity of 4,700 vehicles per day. Surrounding properties to the North on which existing businesses are located are zoned Neighborhood Business. This rezoning would be an extension of an existing commercial district.

Chairman Stone declared the public hearing open.

Shirley Edwards, 4214 Marvin Place, Raleigh

- stated she owns Hand and Hand Consignment shop next door and Family Memories and asked the Board to approve the petition

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.

## **1. Comments from the Public**

Bob Winters, 211 Lake Royale, Louisburg, NC

- spoke on behalf of the Lake Royale property owners and thanked Mr. Matthew Winslow for his help at the April 16<sup>th</sup> meeting of the Bylaws and Covenants Committee

MINUTES OF MEETING OF MAY 17, 2004---cont.

- also thanked and congratulated Mr. Winslow for all his help given to Lake Royale

Oscar W. Williams, P.O. Box 43, Warrenton, NC

- spoke regarding the insurance coverage at Perry School stating the Alumni no longer has liability insurance or insurable interest for a company to insure them and they need this insurance

Chairman Stone asked County Attorney Darnell Batton to update the Board on the agreement with the Perry School Alumni. Mr. Batton stated the Alumni pays the County \$1.00 a year to lease the school. He stated there were issues several years ago regarding the fire insurance coverage but that was resolved. He stated in accordance with the agreement, the Alumni was to obtain and maintain general public liability insurance coverage for personal injury to protect from liability if someone was injured on the property. Mr. Batton stated the insurability has not been a problem in the past. The agreement also states that the Alumni are responsible for the

maintenance, repairs and upkeep of the building at its cost.

Chairman Stone referred the matter to Mr. Batton and Interim County Manager Charles Murray.

#### **4. Resolution – Vance-Granville-Franklin-Warren Area Authority**

*(This item was taken from the agenda of the April 29, 2004 meeting in order that the Board may receive further information and discuss at the May 3, 2004 Work Session.)* The VGFW Area Authority Board has requested the Board of Commissioners in each of the four counties to consider a resolution that will allow VGFW Area Authority to pursue a personnel system that is substantially equivalent to the State Personnel System. The areas in which VGFW would like to pursue substantial equivalency include 1) recruitment, selection, advancement, and 2) classification and compensation.

Chairman Stone stated this resolution would grant the same authority to the Area Authority that the State personnel system now has in those two areas. He stated he has met with the Area Board and the State Personnel Commission has given it authority to shift from the State Personnel System to a locally administered "substantially equivalent" system.

Motion was made by Chairman Stone to adopt the resolution, seconded by Commissioner Swanson, with no vote.

Commissioner Ball stated he has met with Chairman Stone and the Area Mental Health Director regarding this. He stated he had provided the Board of Commissioners with a copy of General Statute 126.11, which provides the legal provisions for the change, and he would like for them to have an opportunity to study the legislation in order to understand what they are committing the County to do. He indicated a concern about the precedent that is being set for other departments of County government especially in the area of compensation and classification of professional positions.

County Attorney Batton stated the Statute does not give the Area Board the authority to deviate from the State personnel system and does not clearly state what the Area Board can deviate to. He stated he does not want the Commissioner's decision to impact what the County does with its own personnel system. Mr. Batton asked, "Does the resolution itself give the Board of Commissioners any further information as to what the Area Board wants to change?" He stated the Board should take more time to study the legislation and consequent request since our County government could be affected.

#### **MINUTES OF MEETING OF MAY 17, 2004---cont.**

Chairman Stone stated four County Commissioners serve on the Area Mental Health Board of Directors and they want the authority to set-up the system and not have a hybrid system. He does not feel the concerns are real.

Commissioner Ball stated the Area Board would have the responsibility to classify positions. He does not know if the County or local mental health has the required experts to do the necessary job classifications and reclassifications. Mental health is a highly professionalized area and requires both knowledge and ability for such work.

Mr. Batton asked if the Area Board was given authority to shift from the State Personnel System to a locally administered "substantially equivalent" system, would we know what is substantially equal?

Chairman Stone stated a Psychiatrist is not classified under this contract, only people in local management, not professionals.

Commissioner Ball stated the Board should review who and what is substantially equal.

Chairman Stone stated the Board of Commissioners could review the provisions with the Board of Directors.

Motion was made by Commissioner Ball to amend the resolution to state changes to the personnel system are subject to review by this Board as to substantial equivalence and to restrict substantial equivalency to non-professional positions by adding that statement to the proposed resolution. Commissioner Gupton agreed with the motion but made a substitute motion.

A substitute motion was made by Commissioner Gupton for the Board to see more studies on the subject. Motion was seconded by Vice-Chairman Foy with Commissioners Gupton, Foy, Swanson and Ball voting "AYE", and Chairman Stone voting "NO". The substitute motion carried.

## **5. Resolution – Installment Financing**

At the April 19, 2004 meeting, the Board approved a resolution calling for a public hearing in connection with an installment financing for the construction of a Solid Waste Transfer Station and the renovation of the County Human Services Building. The public hearing was scheduled for the May 17, 2004 meeting, but lack of full information dictates that the public hearing be held later.

Upon motion by Chairman Stone, seconded by Commissioner Gupton, with all present voting "AYE", duly carried amending the resolution to change the public hearing date to June 21, 2004.

## **6. Proclamation – "Emergency Medical Services Week"**

The week of May 16-22, 2004 has been designated as "Emergency Medical Services Week" in Franklin County. This special period is to recognize the value and accomplishments of the Emergency Medical Services team and to set aside a special period to observe the contributions of these men and women to our County and Country.

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

MINUTES OF MEETING OF MAY 17, 2004---cont.

## 7. Appointments

### A. Adult Care Home Community Advisory Committee

Ms. Kimberly Hawkins, Regional Ombudsman at the Kerr-Tar Regional Council of Governments (COG), recommended the following nominees for appointment to the committee. Each candidate is a new nominee to serve an initial one-year term beginning April 30, 2004 and expiring April 30, 2005.

Ms. Bernice Kingsberry, Kittrell, NC

Reverend Diane Dozier, Franklinton, NC

Ms. Mattie Grey, Franklinton, NC

Ms. Dorine Massenbourg, Franklinton, NC

Ms. Gladys Joyner, Kittrell, NC

\*Two Vacant Positions (Industry Nominees)

\*(N.C. General Statute 131D-31(b) (4) requires that a minority of the members (not less than one-third, but as close to one-third as possible) of the Adult Care Home Community Advisory Committee be nominated by a majority of the Adult Care Home Administrators (Industry) in the County. Ms. Hawkins has asked that these two positions be reserved for the Industry nominees.)

### B. Nursing Home Community Advisory Committee

Ms. Kimberly Hawkins requested the Board consider the reappointment of the following individuals to three-year terms, beginning April 30, 2004 and expiring April 30, 2007:

Ms. Peggie Kearney, Chairperson, Franklinton, NC

Ms. Jackie Stallings, Zebulon, NC

Ms. Hawkins also requested the Board consider the appointment of Mr. Clarence Williams, who previously served on the committee from 2000 to 2002, to a two-year term, beginning April 30, 2004 and expiring July 31, 2006. This will allow his term to coincide with his initial appointment date.

### C. Solid Waste Education Task Force

Mr. John Faulkner, Solid Waste Director, recommended the Board consider the reappointment

of the following individuals to two-year terms, retro to March, 2003 (when last term expired) and expire March, 2005. This will allow each members term to expire March, 2005.

Mr. Monty Riggs, Franklin County Schools

Mr. Randy Green, Novozymes, Inc.

Mr. Wyatt McGhee, Franklin County Resident

Also, Ms. Mary Jane Jennings resigned from the Task Force effective May 1, 2004. Her term was for three years, expiring March, 2005. Mr. Faulkner recommend Mr. Pierre Giani fill the unexpired term of Ms. Jennings and Ms. Claudette Giani fill an additional position on the Task Force for a one-year term, beginning March, 2004 and expiring March, 2005.

#### D. Emergency Medical Services Advisory Committee

Mr. Johnnie Gilliam, Emergency Medical Services Director, recommended the Board consider the following reappointments and appointments of the following individuals:

1. Representative of Administration of Franklin Regional Medical Center – reappoint Mr. Tom Dunning to a three-year term, expiring March 31, 2007.

#### MINUTES OF MEETING OF MAY 17, 2004---cont.

2. Representative of Franklin County Communications – appoint Ms. Jennifer Smith to fill an unexpired three-year term, which will expire March 31, 2005.
3. Representative from two Rescue Squads:
  - Franklinton Rescue Squad –appoint Mr. Bradley Grissom, Chief, to a three-year term, expiring March 31, 2007.
  - Youngsville Rescue Squad – reappoint Mr. Scott Wheeler, Chief, to a three-year term, expiring March 31, 2007.
1. Emergency Room Nurse from Franklin Regional Medical Center – appoint Ms. Donna Perry to a one-year term, expiring March 31, 2005.
2. Citizen-At-Large – reappoint Mr. Jack Edgerton to a three-year term, expiring March 31, 2007.
6. Representative of Franklin County Government – appoint Manager or Manager's designee.

Upon motion by Commissioner Swanson, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried to approve all reappointments and appointments.

#### **8. North Carolina Statewide Emergency Management Mutual Aid and Assistance**

## **Agreement**

In 1997, the North Carolina Association of County Commissioners and the League of Municipalities in conjunction with the Governor's Task Force on Emergency Preparedness developed an Agreement for Statewide Emergency Management Mutual Aid and Assistance in anticipation of disasters. The Agreement clarifies the procedures to be followed when a county or municipality finds it necessary to request assistance as a result of any disaster which may have occurred. The Board approved the Agreement January 5, 1998. The Agreement has been revised and the Board was requested to approve the revised Agreement.

Upon motion by Commissioner Swanson, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried approval of the revised Agreement and authorized the Chairman to execute it on behalf of the county.

## **9. Wastewater Treatment Plant Expansion Update**

Mr. Michael Wicker, Hobbs Upchurch and Associates, was present to update the Board on the Wastewater Treatment Plant expansion project and explain the field order changes completed to date.

Chairman Stone asked what is the total amount of the changes? Mr. Wicker replied State Utility's total is \$32,362.00 and Barnes and Powell Electric's total is \$66,943.00.

Commissioner Swanson asked if the money was appropriated? Mr. Charles Murray, Interim County Manager, replied yes, this is the first change order on the project.

Vice-Chairman Foy asked what caused the change order? Mr. Wicker replied one thing was the existing fence was moved and additional fencing was needed to relocate away from construction and provide security during construction.

Mr. Murray asked how long ago did this take place? Mr. Wicker replied the first month of construction, which was March of last year.

Vice-Chairman Foy stated he thought the Board was supposed to approve any changes and additional cost prior to them being done. Mr. Murray stated this would be done in the future. The former County Manager gave permission to

MINUTES OF MEETING OF MAY 17, 2004---cont.

proceed with these changes. Mr. Wicker added that the changes were discussed at project meetings.

Chairman Stone reiterated that the Board discussed at a work session that change orders are to be approved by the governing board before executed.

Mr. Wicker stated that there are two upcoming change orders to be approved. Vice-Chairman Foy asked why these changes were not dealt with in the original engineering bid? Mr. Wicker replied there was some allowance for changes in some line items.

Commissioner Ball asked Mr. Wicker if he anticipates everything being completed on time. Mr. Wicker replied yes. He also stated he would like for each Commissioner to visit the plant. The new filter system is unique.

Upon motion by Chairman Stone, seconded by Commissioner Ball, with all present voting "AYE", duly carried approval of the field order changes as a change order to the contract.

## **10. Airport Design Contract**

This contract between Franklin County and The LPA Group provides for the clearing and grubbing, seeding and mulching, removal of structures, and installation of erosion control features in the approach to Runway 4. It also provides for the installation of a Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights (MALSR). The design cost will be \$83,500 or 13.91% of the total \$600,000 budget.

Mr. Ronnie Goswick, Economic Development Director, was in attendance to answer any questions the Board had regarding this project. He stated the County's portion of the cost is 10%. Without the MALSR system pilots can currently descend to 400 feet. With the MALSR system, pilots can descend to 200 feet to verify visual sighting of the runway.

Mr. Murray stated the grant money runs out the end of the year and if the County does not use it by then they will have to ask for another extension.

Commissioner Gupton asked how large of a plane could land? Mr. Goswick replied some corporate jets now but another 1000 feet would have to be added to the runway for larger jets. Commissioner Gupton asked where is the house that Parks and Recreation occupies in relation to the runway? Mr. Goswick replied to the left of the end of the runway.

Vice-Chairman Foy asked Mr. Murray if the County's portion was being paid out of the General Fund? Mr. Murray replied yes.

Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with Commissioners Swanson, Gupton, Ball and Stone voting "AYE", and Vice-Chairman Foy voting "NO", motion carried to approve the contract for services rendered at the Airport.

## **11. Fireworks Display Company and Permits**

Hale Artificier Fireworks, Inc. requested permission to have a fireworks display at Lake Royale as part of the July 4<sup>th</sup> celebration.

In accordance with G.S. 14-413. (a) Permits for use at public exhibitions, the Board of Commissioners may issue permits for public exhibitions. In addition to Hale Artificier Fireworks, Inc., if any other groups petition the County prior to the next regular Board meeting, the Board was requested to authorize the Chairman

MINUTES OF MEETING OF MAY 17, 2004---cont.

to sign approval of the petition and report to the Board at the next regular meeting of any permits granted.

Mr. Matthew Winslow recommended approval stating all forms submitted by Mr. Hale were in order.

Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with all present voting "AYE", duly carried approval of Hale Artificer Fireworks, Inc. as the fireworks display company for the Lake Royale July 4<sup>th</sup> celebration, and authorized the Chairman to sign approvals for other petitions that may be presented to the County.

## **12. Budget Ordinance Amendment #8**

The purpose of the Budget Ordinance Amendment is to reflect grants received as follows: Health Department – State Grant (\$134,517); EMS – HRSA (Human Resources and Services Administration) Bioterrorism Preparedness Grant (\$17,430); Aging Department – United Way contribution (\$1,360); and Social Services – United Way contribution (\$570)

Upon motion by Commissioner Gupton, seconded by Commissioner Swanson, with all present voting "AYE", duly carried approval of Budget Amendment #8.

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

Commissioner Ball:

- reported the Council of Government (COG) is in the process of relocating their office – the COG Executive Committee approved the budget

Vice-Chairman Foy:

- asked County Attorney Batton if there was in liability to the County for the helicopter incident, which took place on Friday (May 14<sup>th</sup>)? Mr. Batton stated that was yet to be determined. Vice-Chairman Foy asked where the helicopter was kept? Mr. Batton replied at the Franklin County Airport. Vice-Chairman Foy asked if the County was paying anything towards the helicopter? Mr. Batton replied he was making an inquiry into the circumstances surrounding the crash of the helicopter.

Chairman Stone asked Mr. Batton if he would report his findings to the Board? Mr. Batton replied yes. Chairman Stone instructed Mr. Batton to start his investigation immediately and report back to the Board as soon as possible.

Chairman Stone:

- reminded the Board to review the applications for the County Manager position
- reminded the Board of the Legislative Briefing to be held Wednesday, May 19<sup>th</sup> in Raleigh



- reminded the Board of the meeting of the Board of Equalization and Review Thursday, May 20<sup>th</sup>
- reported the Rural Center wants to consider amending the State Constitution regarding bonds and property values

Vice-Chairman Foy asked if this was linked to property taxes going up and if taxes do not go up then who pays? Mr. Goswick replied the Private Public Partnership would exist under new General Statute provisions. The County would have the option of participating or not participating under its provisions. He will have a resolution to present to the Board at a later time.

MINUTES OF MEETING OF MAY 17, 2004---cont.

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

No report.

### **10. Parks and Recreation Grant**

The North Carolina Department of Transportation sponsors Transportation Enhancement Projects every other year. The Safe, Accountable, Flexible and Efficient Transportation Equity Act (SAFETEA) provides funds to promote diverse modes of travel. Funding for this project as mandated by federal law cannot be used for any purpose other than enhancement activities.

Mr. Dave Munden, Parks and Recreation Director, was present to request the Board approve a grant application for the funding of a 7.4 mile Pedestrian and Bicycle Facility that would be located upon the abandoned CSX railroad corridor located between Louisburg and Franklinton in order to provide alternate transportation linkage from Vance Granville Community College to the Old Rail Depot in Franklinton.

In order for Franklin County to submit an application they must agree to be willing to accept maintenance of the facility, fund 20% of the cost with a cash match, administer all aspects of the project including all environmental, design and construction contracts per federal and state requirements and submit monthly progress reports to the NCDOT and resolve all issues involving rights-of-way and property necessary for the completion of the project. The project will be divided into three phases and each phase should cost \$800,000 with the County's match costing \$160,000 per phase, a 20% match.

Commissioner Ball asked Mr. Munden if the grant includes the cost of title searches? Mr. Munden replied that he could request that in the application. Commissioner Ball asked who owns the railroad bed? Mr. Munden replied the NCDOT and the County could lease it.

Vice-Chairman Foy referred to the description and application process where it states "In order to submit an application the sponsor must agree to be willing to accept maintenance of the facility, fund 20% of the cost with a cash match, administer all aspects of the project including all environmental, design and construction contracts per federal and state requirements and submit monthly progress reports to the NCDOT and resolve all issues involving rights-of-way/property necessary for the completion of the project." He stated with the needs of the schools he does not feel the County needs to fund any portion of this project. He feels that property owners along this route would be concerned about this pedestrian and bike trail in their yard and he thinks the Board should hold a public hearing on the matter.

Upon motion by Chairman Stone, seconded by Commissioner Ball with Commissioners Stone, Ball, Swanson and Gupton voting "AYE", and Vice-Chairman Foy voting "NO", motion carried to approve the request.

## **11. Closed Session**

Upon motion by Commissioner Swanson, seconded by Commissioner Ball, with Commissioners Swanson, Ball, Stone and Gupton voting "AYE", and Vice-Chairman Foy voting "NO", motion carried to go into closed session at 9:00 P.M. to discuss potential litigation.

At 10:05 P.M., upon motion by Vice-Chairman Foy, seconded by Commissioner Gupton, with all present voting "AYE", duly carried to return to open session.

Chairman Stone reported the Board took no action on the potential litigation matter.

MINUTES OF MEETING OF MAY 17, 2004---cont.

Chairman Stone reported the Board further discussed taking an option upon a Mini Hub site.

Vice-Chairman Foy reminded the Board of the final meeting of the Board of Equalization and Review Thursday, May 20<sup>th</sup> at 6:00 P.M.

At 10:10 P.M., upon motion by Chairman Stone, seconded by Commissioner Swanson, with all present voting "AYE", the meeting was adjourned.

---

RAYMOND A. STONE, CHAIRMAN KATHY MOORE, CLERK