

**November 15, 2004**

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

Chairman Stone recognized Mr. Lynwood Buffaloe, Mr. Sidney Dunston, and Mr. Donald Lancaster as the newly elected Commissioners who will take their seats on the Board the first Monday in December. He also recognized Commissioner Robert L. Swanson who was re-elected to his seat.

### **1. Consent Agenda**

Chairman Stone requested a change to the consent agenda. Item 1-E. Resolution in Appreciation of Commissioner John R. Ball was changed to Item 9. on the agenda.

Vice-Chairman Foy requested an addition to the agenda. He requested Mr. John A. Edwards, Jr. be appointed to serve an unexpired term on the Health Board, representing the Engineer's position.

Upon motion by Commissioner Ball, seconded by Chairman Stone, with all present voting "AYE", duly carried to approve the agenda as amended.

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

- A. Approval of amended minutes of the Regular meeting held on September 20, 2004 and approval of minutes of the Regular meeting held on October 18, 2004.
- B. Approval of Tax Collection Report for the period October 1 through October 31, 2004.
- C. Approval of Tax Releases and Refunds for the period October 1 through October 31, 2004.
- D. Resolution Declaring the Result of the Bond Referendum held in the County of Franklin, North Carolina on November 2, 2004, Upon the Question of Approving \$30,000,000 School Bonds

Chairman Stone stated the Board of Commissioners has received the Bond Referendum official election returns from the Franklin County Board of Elections.

**RESOLUTION DECLARING THE RESULT OF THE BOND REFERENDUM  
HELD IN THE COUNTY OF FRANKLIN, NORTH CAROLINA ON NOVEMBER  
2, 2004, UPON THE QUESTION OF APPROVING \$30,000,000 SCHOOL BONDS**

**BE IT RESOLVED** by the Board of Commissioners of the County of Franklin, North Carolina:

Section 1. The Board of Commissioners, having received from the Franklin County Board of Elections a certified copy of the proceedings of said Board of Elections taken on November 9, 2004, evidencing said Board of Elections' determination of the result of the canvass of the returns of the bond referendum held in the County of Franklin, North Carolina on November 2, 2004, upon the question of approving \$30,000,000 School Bonds of said County, does hereby declare and certify the result of said referendum to be the result which is set forth

MINUTES OF MEETING OF NOVEMBER 15, 2004---cont.

in the following statement of the result of said referendum, which statement has been prepared by said Board:

**STATEMENT OF THE RESULT**  
**of the**  
**BOND REFERENDUM**  
**held in the**  
**COUNTY OF FRANKLIN, NORTH CAROLINA**  
**on November 2, 2004**  
**UPON THE QUESTION OF APPROVING**  
**\$30,000,000 SCHOOL BONDS**

At a bond referendum held in the County of Franklin, North Carolina on November 2, 2004, 30,120 voters were registered and qualified to vote.

At said referendum 14,135 votes were cast for the order adopted on August 16, 2004, authorizing not exceeding \$30,000,000 School Bonds of the County of Franklin, North Carolina for the purpose of providing funds, together with any other available funds, for constructing, expanding and renovating school buildings and other school facilities, including the acquisition of related land, rights of way and equipment, and 5,137 votes were cast against said order, and that a majority of the qualified voters of the County of Franklin, North Carolina who voted thereon at said referendum voted in favor of said order, said order was thereby approved and is in force and effect.

Board of Commissioners for the

## 1. Public Hearings

### A. Fiscal Year 2006 Community Development Block Grant (CDBG) – Concentrated Needs (CN) Program

Proper notice having been given and the Board having received the information, a second public hearing was held to receive comments on community development needs.

County Manager Chris Coudriet stated Mr. Pat Young of Holland Consulting Planners was present to brief the Board on the project. Mr. Coudriet stated the first public hearing was held at the September 20, 2004 Board meeting. At the October 18, 2004 Board meeting, which was the originally scheduled second public hearing, Ms. Tracy Tayloe of Holland Consulting Planners reported to the Board the original project was to be located in the Alert community but the project lacked sufficient need for upgrade to be competitive.

Mr. Pat Young stated Holland looked very diligently throughout the county for areas that would best fit the criteria for a competitive project. He emphasized that this is competitive regionally. There are twenty-five counties from just east of Greensboro to I-95. All those counties and municipalities would be competing for a limited amount of funds, approximately \$1.4 million dollars, enough for two projects to be selected. With that being said, Holland had to identify the most competitive project for Franklin County.

Mr. Young indicated that upon a thorough study of the Alert site, a determination was made that a project there would not be competitive.

Mr. Young indicated that a further study of a project a bit north of Louisburg, west of Highway 39, along Holmes Way, identified an adequate number of houses to be improved to constitute a competitive project.

MINUTES OF MEETING OF NOVEMBER 15, 2004---cont.

Owner occupied units are desirable because owners then tend to keep their houses in good repair.

Officials of the Town of Louisburg look with favor upon the project.

According to Mr. Young, a \$30,000 contribution from the county would enhance the competitiveness of the project, by adding 20% to the scoring.

Commissioner Swanson asked if the non availability of water and sewer had any bearing on the Alert community not being selected. Mr. Young replied no.

Commissioner Gupton stated that there is an old home place behind one of the houses and asked Mr. Young if Holland would recommend redoing the house or tearing it down. Mr. Young replied it would probably be torn down.

Vice-Chairman Foy asked if nine of the houses are owner occupied, what are the other three. Mr. Young replied the other three are currently vacant and Holland proposes to make the owners an offer based on fair market value, appraised value and then purchase the property, demolish the unit and make it available for resale to qualified low moderate income homeowners. Vice-Chairman Foy asked if any of the homes were rental. Mr. Young replied no. Of the nine owner occupied, several are heir type ownership and one is occupied by an heir.

Commissioner Swanson asked if Holland would recommend building replacement homes or put in mobile homes. Mr. Young replied due to budget restraints the firm would most likely recommend doublewide mobile homes that meet certain appearance specifications such as roof pitch. Commissioner Swanson asked if there currently were double-wide mobile homes that close to the town limits. Mr. Young replied no, but local zoning requirements will be followed.

Vice-Chairman Foy stated he does not recall with other CDBG grants the county having to have matching funds. Why is this case now? Mr. Young replied in this current application cycle, the state has changed its scoring criteria to require a local contribution.

Chairman Stone declared the public hearing open to hear public comments. He asked if there was anyone who wished to speak in favor of the project or speak opposed to the project.

Mr. Sidney Dunston, 129 George Leonard Road, Louisburg

Mr. Dunston spoke in favor of the project. It is part of his home area and being raised in that area and being very familiar with the housing there he knows there is a great need for repairs so he encouraged the Board to approve the project.

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

Mr. Roberson stated the only problem he has with the project is acquiring the property based upon a tax valuation. The valuations are over rated in some places and under rated in others. He stated if Holland is going to acquire this property from the owners they should have an independent appraiser that is approved by the individual owner to determine what the value of their property is going to be.

Mr. Young stated the county will hire an independent appraiser and the homeowner can hire its own appraiser if they want to challenge the findings of the original appraiser.

Chairman Stone asked if there were any comments from anyone opposed to this project. Hearing none, the public hearing was closed. Chairman Stone called for a motion of action.

MINUTES OF MEETING OF NOVEMBER 15, 2004---cont.

Upon motion by Commissioner Gupton, seconded by Commissioner Swanson, with all present voting "AYE", duly carried adopting a resolution authorizing the county manager to submit a CDBG application to the State supporting the appropriation of \$30,000 in local funds towards the proposed CDBG project in Fiscal Year 2006.

B. Map Amendment: Walter and Laura Hollingsworth, .53 Acres, U.S. Highway 401, Harris Township, R-15 to Highway Business (HB)

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a Map Amendment.

Mr. Coudriet asked Planning Director Matthew Winslow to report on the Findings of Fact the Planning Board issued specific to this project.

Mr. Winslow stated the Planning Board unanimously recommended approval of the rezoning request filed by Walter and Laura Hollingsworth to change the zoning classification of approximately .53 acres on U.S. 401 in Harris Township from R-15 Residential to Highway Business.

The Findings of Fact by the Planning Board: The property is located approximately 200 feet north of the intersection of Highway 401 and Flat Rock Road (State Road 1103). The Future Land Use Plan indicates that the property should be zoned to a commercial district. U.S. Highway 401 is designated a minor arterial road with an average daily traffic count of approximately 7,300 vehicles per day with a capacity of 5,200 vehicles per day. Water and sewer are available to the site. The property is in conformity with the Future Land Use Plan since it is adjacent to an intersection, which in turn encourages development in a nodal pattern. Properties to the south and east are zoned Highway Business (HB) and Neighborhood Business (NB) respectively. The properties located one parcel north along Highway 401 was rezoned to Highway Business (HB) in December of 2001.

Chairman Stone asked if the rezoning met the rezoning checklist guidelines. Mr. Winslow replied yes.

Mr. Winslow also stated there is an existing residential structure on the property and if that person can meet the building code then he could use the home for commercial use. Any structures in the highway district could be used on the property regardless if the residential structure stays or is demolished.

Chairman Stone declared the public hearing open. He asked if there was anyone who wished to speak in favor of or in opposition of the rezoning request. Hearing none, the public hearing was declared closed.

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

C. Text Amendment: Proposed Text Amendment to the Franklin County Unified Development Ordinance (UDO), to add Article 33. Adequate Public Facilities Ordinance

Proper notice having been given and the Board having received the information, a public hearing was held to receive comments on a Text Amendment.

Mr. Coudriet called on Mr. Winslow to provide a detailed brief on the ordinance and how the ordinance will apply to a newly created subdivision. Mr. Coudriet stated that Amendment One passed on the state referendum and there will need to be future discussion and analysis as to

how that amendment may support this proposed Adequate Public Facilities Ordinance.

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

Mr. Winslow stated the Adequate Public Facilities Task Force committee was created less than two years ago by the Board of Commissioners to study growth. The committee met and after three meetings they no longer had a quorum and the information they compiled was turned over to the Planning Board. The Planning Board looked at impact fees and their validity and studied this for about three months. By a unanimous vote recommended approval of the proposed text amendment adding Article 33. Adequate Public Facilities Ordinance.

Mr. Winslow provided a Power Point presentation. The presentation showed Franklin County has the 14<sup>th</sup> fastest population growth in the state. From 1990 to 2000 there was a 29.8% increase in population with 25.3% of that in migration. Approximately 9,216 persons moved into Franklin County. The population forecast by 2020 will be 72,093, twice that of 1990. Based on a map by the State Data Center, Franklin County is one of fifteen counties that has high growth, high net in migration.

An Adequate Public Facilities Ordinance is a tool to help pace residential growth so that it does not outpace the ability of the local government to pay for public infrastructure. Such an ordinance funnels growth into areas that are better able to serve the infrastructure needs of the development.

Residential developments require a lot of public services. Schools, roads, water, sewer, police protection, fire protection, and garbage collection among others.

Based on a study by the American Farmland Trust, for every dollar in revenue raised to provide public services to different land uses, cost per dollar for commercial and industrial services is \$.27, working and open (agricultural, forest land, etc.) is \$.36, and residential is \$1.16.

Based on a study by Wake County, for every dollar in revenues generated from properties with a particular land use, the county spends the following amounts to provide public services: \$.18 for commercial/industrial, \$.47 for farm and forest, and \$1.54 for residential.

Public facilities are the infrastructure that support a development and those addressed by this ordinance are schools, fire, rescue, law enforcement, solid waste, water and sewer. Transportation and recreation are not included because transportation is a State Department of Transportation function for counties and the county's current ordinance already requires a traffic impact study for subdivisions over 80 lots. For recreation, the county requires a developer to provide the recreational needs of the subdivision. The county already has an Adequate Facilities Ordinance of some type in the current ordinance. Article 33 is an addition to what the county already has in the current ordinance. If a developer plans a 100-lot subdivision, then he will have to conduct a traffic impact study to show that there will not be detrimental impacts on intersections, class of the road, turn lanes into the subdivision, etc. An example is a 100 lot subdivision times 2.37 (average number of people per household) equals 237 total people. When looking at rescue, the level of service is one vehicle and all the equipment for two medical personnel for every 5,000 people. The county has to look at when a planned subdivision will be available and have the level of service in place the first year following development approval. If the Board decides to add an additional ambulance and all

equipment and personnel a year in advance, the developer can continue on the permitting process.

When the planning department does a review for a subdivision, it goes through the checklist. It looks for road improvements, if they are adjacent to a water line, size of lots, landscaping, environmental issues, buffers, set backs, runoff, storm water, etc. This addition to the ordinance would be added to the checklist. Capacity for schools, fire, rescue, law enforcement, etc. would be checked. If a permit is denied due to over capacity, the developer can continue the permitting

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

process by doing a land dedication for a school, provide financial assurance to mitigate the cost of the additional capacity, or make improvements to the facilities that meet the level of service standards, such as putting in water and sewer lines themselves.

The cost of capital improvements to the county would be: for law enforcement, one cruiser and equipment at \$30,000 - cost per household \$51.00; rescue, one ambulance and equipment at \$100,000 - cost per household \$47.00; solid waste, one crusher and three open bins at \$100,000 - cost per household \$59.00; and schools at \$10,000,000 to \$25,000,000 - cost per household \$2,225. This data are based on set levels of service adopted in the Land Use Plan. Data not included in the Land Use Plan are based on standards used by individual agencies.

Residential development is just as important as commercial and industrial development. It is a continuous circle. Industrial supports residential; residential supports commercial; and commercial supports industrial.

Mr. Winslow stated that if the ordinance is adopted what needs to be done next is continue revisions as necessary to the Adequate Public Facilities Ordinance. It needs to be a document that can change with the community as demographics change. Some of the towns were involved in the Public Facilities Task Force and are aware of the needs contained in this ordinance. The county needs to start a fiscal impact analysis. A consultant would come in and analyze each zoning district, how much of each residential, industrial, and commercial the county has and find out what the county needs to work on. The county needs to update the Land Use Plan, which was adopted in 2000. Five years has almost gone by and data are outdated.

Commissioner Swanson asked what is the difference between the proposed ordinance and impact fees. Mr. Winslow replied an impact fee is a fee applied to each home across the board. The fee is added to the developers permit fee. Impact fees are for financing. The Adequate Public Facilities Ordinance is for planning to guide growth into certain areas, and to time growth with the existing infrastructure. Commissioner Swanson stated in order to enact an impact fee there has to be approval from the General Assembly. What about this ordinance? Mr. Winslow replied no. This type of ordinance has been used for years and tested in court and are legal. It does not require any special legislation to adopt.

Vice-Chairman Foy stated he understands an already approved subdivision would be exempt from this. Mr. Winslow replied yes. Vice-Chairman Foy asked how many underdeveloped lots are there in the county. Mr. Winslow replied there are between 5,000 to 6,000 lots that have been approved but not developed as yet. Vice-Chairman Foy asked if these lots were included

in the "first come, first serve" basis. Mr. Winslow replied yes. Vice-Chairman Foy asked if the capacity for these had already been figured. Mr. Winslow replied yes. Vice-Chairman Foy asked if a person would have to still pay for rescue service after paying upfront and paying property taxes. Mr. Winslow replied yes, fees are based on the level of service.

Commissioner Gupton stated the schools are already over capacity. Mr. Winslow stated there are .48 school age children per household.

Chairman Stone asked if the planning department would hold off any approval of a project until there was evidence of a school under construction to be open in no more than a year in advance. Mr. Winslow replied yes. He stated if a developer is not willing to wait that time period, they could provide the facilities themselves. They could donate land in an amount equal to what the cost to the county is.

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

They can do financial assurance. Chairman Stone asked how many counties have this type of ordinance. Mr. Winslow replied several.

Mr. Winslow stated the provision for fire was taken out of the ordinance at this time. They were not able to get the data necessary to set a base line. The EMS department is working on this to be added at a later time.

Chairman Stone asked County Attorney Darnell Batton if this plan is legally defensible. Mr. Batton replied yes, the important part, the payment portion, is primarily voluntary and if a developer wants to develop under these guidelines they would make a voluntary payment.

Chairman Stone declared the public hearing open. He asked if there was anyone who wished to speak in favor of the proposed ordinance.

Mr. Bill Lord (no address given)

Mr. Lord stated he sat on the Land Use Plan Development Committee about five years ago and it wrestled with this issue quite a bit. He has two children in school and is a taxpayer. We are behind the eight ball financially with inadequate facilities and the problem with development is not what we do but how we do it and this is a means of doing it equitably so those of us who pay taxes are not continually behind the eight ball with our taxes ever escalating and playing catch up with schools, water, sewer, and recreation. He applauds the Board for considering the recommendation and he supports it.

Bruce Youngbar, 655 Collins Mill Road, Louisburg, NC

Mr. Youngbar stated he is for this but feels it needs to be restudied and brought out a better way. It is poor in its context because the county is not putting the burden on themselves, but putting the burden on our children just as our father's burdens were put upon us, because of inadequate decisions at the proper time. Need to start setting some limits on lots. Should not be able to set up 200 to 300 lots without adequate facilities. What kind of money are the developers going to leave here in this county? Are they going to take all the money and run off to another county or stay in Franklin County? . A maintenance bond is needed. Suggested that developers and Commissioners sit down together and work on this plan together and do it



right.

Chairman Stone asked if there was anyone who wished to speak in opposition of the proposed ordinance.

Ms. Rosemary Champion, 1168 White Level Road, Louisburg, NC

Ms. Champion stated affordable housing in Franklin County is crucial with this issue. The county now has affordable housing to offer people. If you put too many fees on developers that is going to stop affordable housing here. There are a lot of communities where your firefighters, policemen, teachers, and people like that, can't even afford to live in their communities because the fees have gotten so outrageous that they can't even afford a home to live in. Developers already pay a certain amount of fees; \$250 per bedroom for water and \$350 per bedroom for sewer, \$100 administration, \$700 building permit, etc., so there is income to the county generated there. The most important income the county gets is the crucial tax base that is being developed. Homeowners are being put into homes that are going to continue to put tax dollars into Franklin County. Her concern as a resident of the White Level community is if Youngsville is the area that is growing so much, then the money is going to continue to go into Youngsville to increase their fire, their rescue, and their schools. But, if there is no growth in White Level, what is going to increase theirs.

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

Mr. Winters stated if you move a family into the county you only gain so much property taxes, but you also gain sales tax from other places they spend their

MINUTES OF MEETING OF NOVEMBER 15, 2004---cont.

money closer to home, which is the key here, to have people spend their money closer to home, and you can't do that unless you have commercial development within the county. The county has a lack of commercial development. It's not that we have too much residential growth, it's we don't have the stores collecting the sales tax. This is a simple issue. When the Board voted to support Durham County in their seeking of impact fees, he brought forth a lot of data that if Durham County can't do it with all of RTP and all the commercial development and industrial development that they have in their back pocket, how can Franklin County ever support the kind of growth that the county is having. We need to restrict spending, we need to encourage commercial growth, and he stands by his belief that that is the real issue that faces this county.

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

Mr. Roberson asked does this program encompass individual homes that are on individual lots. He has 15 acres and does not want to develop it with four or five houses, but he would like to build a house there for his granddaughter.

Mr. Winslow replied to Mr. Roberson that this ordinance only applies to developers. Any subdivisions that are six lots or more. It does not apply to minor subdivisions.

Mr. Roberson continued and asked when would the Board consider the issue he has brought before them previously regarding roads. He has been told that his road has to be at least 50

foot wide and up to state standards before he can put another house on his property. Feels the width of the road needs to be the same as the state requires. His property is land locked because he is required by the county to have a 60-foot right-of-way rather than a 30-foot right-of-way required by the state. He would like to have county water but it would cost too much and he is stuck with a well. He would like to see a more liberal ordinance. There needs to be more for the individual land owners.

Chairman Stone asked the county manager and the planning director to look into local road requirements.

Mr. Don Lancaster, 75 Remington Court, Youngsville, NC

Mr. Lancaster encouraged the Board to think this through very carefully. Look at what happened in Cary. They reduced their fees by 30% because heavy fees did stop growth completely. Orange County started out at \$750 and ended up with \$4,400 and talking about going to \$10,000 and he does not feel this is very healthy. Impact fees are not a "solve all" solution. It can be called anything and disguised anyway, but they are impact fees. Retail sales follow roof tops and that's where you get your sales tax. It all works together. If we do the right thing in Franklin County he believes we can improve our tax base by attracting commercial and industrial development. This is what the county needs to be focusing on and he encouraged the Board to tread careful and think this thing out very carefully.

Mr. Michael Shriver, 526 Wild Oak Court, Louisburg, NC

Mr. Shriver stated he wanted to share two perspectives; first as a small business owner; and second, as a citizens of Franklin County who plans to raise his children here, putting them through the school district, as well as somebody who is a product of Franklin County schools. There is a need to strengthen the school system. Education starts in the county. A new building is not an education, what a student takes from that building is an opportunity. He works hard to provide for his family. There are developers out there who are entrepreneurs like him who are just taking their life investments and seeing an opportunity. Our industry is the only industry that creates residual income for the county. If the county has roughly 400 single-family houses built in a year the average assessed tax value is \$200,000, that is \$680,000 a year in annual revenue. What industry in Franklin County provides the residual income that residential provides. Water fees have

MINUTES OF MEETING OF NOVEMBER 15, 2004---cont.

increased. The citizens need a level of security in their communities. The county has lost homeowners to other counties due to the tax rate. He has lost home buyers due to the school redistricting. Franklin County is his home. From his police experience, crime rates occur in high populated areas. We do not need to provide water and sewer to everyone in the county. Concerned with density. Not fair to charge same fees to someone buying a \$125,000 and a \$500,000 home. If this is approved, can the Board guarantee that the money generated from these fees will go to schools, EMS, and sheriff? If there are 400 to 600 houses a year being built in the county and there is already 5,000 to 6,000 lots permitted, that is ten years worth of lots. This plan is not going to solve the county's problems. How do we pay for growth from the last five to ten years? How does a developer giving land pay for a new ambulance and the salaries for additional staff? As a taxpayer believes in education of children. Feels there is an alternative means of generating revenue to achieve this goal. Asked the Board to table the

proposal for further review.

Mr. Dennis Cyrus, 1189 Tarboro Road, Louisburg, NC (Denmark Construction)

Mr. Cyrus stated he does a lot of developing in the county and wanted to know just how much this would cost him to develop a 500 lot subdivision. These cost will eventually go to the homeowner, but if it continues to cost so much to get the development done, then the land is not going to be any good. Asked if the developer is paying all these fees, do they get their own rescue, fire department, schools, etc.? The people buying these new homes as well as everybody else is already paying taxes and is in the same boat. How is a developer himself going to take care of Franklin County's problems? He just had something looked at by the planning department that cost him \$20 per lot. Why should he be paying for something that might not even get approved and where is that money going? The same staff reviews it each time.

Mr. Winslow replied the larger subdivisions take additional review time and staff time to review. They look at each subdivision on a lot by lot to make sure each meets the standards of the ordinance. This takes a couple of weeks to review. Not only does the planning staff look at it, but they send it to just about every department head and school staff for review. The bigger the subdivision the more cost to the county. Not only is there the upfront cost, but subdivisions are continually being reviewed as it is approved. If you have a 500 lot subdivision and it is over capacity in every aspect, and the developer does not want to wait and is willing to pay money upfront, the cost per household in that subdivision will be about \$2,500.

Vice-Chairman Foy asked if this was in addition to property taxes and do they get a break on their taxes since developers pay money upfront? Mr. Winslow replied no, they would still have to pay property taxes.

Mr. Cyrus continued stating the \$20 fee is for pre review of a sketch. It does not go to the other agencies for their review until after the design work is done. Also, now for pre approval, the water and sewer design has to be included. Franklin County is the only county that does this.

Mr. Winslow replied that the planning department does require a certain level of design so that the Planning Board can make an informative decision. An example is if it's a 100-lot subdivision, which is more than 80 lots, the developer will have to spend money for a traffic impact study. An engineer will be needed to study traffic impact. There are some up front costs. As far as every detail of the design and construction, the planning staff does not need every detail, just general information to make an informative decision.

Mr. Cyrus continued stating that this proposal will stop development because there is no way anybody can come up with the amount of money it's going to take to open up any development. If construction stops everything in the county

MINUTES OF MEETING OF NOVEMBER 15, 2004---cont.

stops. There are already 5,000 to 6,000 lots sitting with no building going on. A person can put a doublewide on an individual lot and not pay anything and still get the same services and there will still be the same amount of students in the schools. It's should not be just the developers problem, it is an all taxpayers problem.

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

Vice-Chairman Foy asked how this is going to affect people making minimum wage? Although the fee will be put on the developer, he will in turn put it on the people buying the homes. How are people going to afford this? When he first became a commissioner the county had a pay as you go school construction fund and money was taken away from it for other things and he feels the same thing will happen again.

Commissioner Swanson feels the newly elected commissioners need to be a part of the decision and give their views. Does not feel the five member Board needs to make a decision on something that will affect the seven member Board.

Chairman Stone stated in reading the document he had some unanswered questions. The school board submitted a capital improvement program to this Board for \$70 million dollars. This Board submitted it to the Local Government Commission who stated the county's debt capacity was about \$30 million. This Board submitted it to the people and they voted for a \$30 million dollar school bond, which leaves \$40 million for the school capital improvement program and this resolution would put the Board on record as implementing the school capital improvement program, but where are we going to get the \$40 million dollars from?. This proposed change not only affects developers but people who wish to move into the county. We have the highest out migration of employment in the state into the surrounding areas. He also feels this needs to be studied further and come back with a more defensible, more clearly defined document than we have now. He supported not taking action at this time.

Motion was made by Commissioner Swanson, seconded by Vice-Chairman Foy, with all present voting "AYE", duly carried to table the proposed text amendment pending further study.

### **3. Public Comments**

Bruce Youngbar, 655 Collins Mill Road, Louisburg, NC

Mr. Youngbar stated for the past four to five years he has been trying to get a responsibility act from the county. He wants to get the county, the churches, and the business sector to help to neuter all cats and dogs in the county to stop 3,000 animals from being slaughtered. The Humane Society cannot adopt out all animals. Everyone needs to work together as a community to find a solution to the problem.

### **4. Water Extension to Apogee Medical and Stay-Right Tank Company**

Mr. Coudriet stated Mr. Ronnie Goswick, Economic Development Director, and Mr. Jim Wrenn, Tax Administrator, were present to address the Board on the water extension at Apogee Medical, which is an expansion that is already underway. Stay-Right Tank Company is a potential business relocation from Wake County.

Mr. Goswick stated the Apogee Medical project is well within the expansion policy that the county has on hand and the pay back will be in almost one year what the cost of this line will be. They will be located in the existing Youngsville Commerce Center. This will open up not only the lot being built on, but also an

MINUTES OF MEETING OF NOVEMBER 15, 2004---cont.

additional lot to the north of the expansion and there is an additional lot behind the expansion that may be developed in tying these two systems together.

Mr. Goswick stated the Stay-Right Tank Company project will consist of installing 16" water lines on the east side of U.S. 1. The county currently has water on the west side of U.S. 1 at Martin Marietta's entrance, but is about 4000 feet from where this line needs to be placed. In talking with the Economic Development Commission, instead of running an 8" line back up, it was recommended to punch under U.S. 1 with a 12" line opening up that side of the road from Cedar Creek all the way to Joe's Creek right at Martin Marietta.

Mr. Wrenn stated on the Apogee Medical project there is an additional 42,000 square foot building being constructed. There will be approximately 9,000 square feet of clean rooms, which is where their product is manufactured in a controlled environment; 3,000 square feet of additional office space; 30,000 square feet of additional warehouse area, for a total added value of \$1,951,000. Also to this added value there is some increase in the land value because of a more primary building site that goes to the operation of the facility, and also included is an additional \$287,000 in machinery and equipment. The first year tax yield will be \$15,413 at the current tax rate.

The Stay-Right facility, which is vacant land at this time, is currently on the county tax record under farm use and will have to be changed. With this change, it has been valued at \$2,306,000, with \$878,000 in land value and with \$528,000 in the proposed 19,800 square feet building. They are proposing to put in \$900,000 in additional equipment and machinery. The first year tax yield will be \$18,217 at the current tax rate.

Chairman Stone asked Mr. Goswick how many people Stay-Right Tank Company will employ. Mr. Goswick replied initially about 75 people and Apogee Medical will employ an additional 30 to 40 people. Mr. Goswick added that Mr. Bryce Mendenhall, Public Utilities Director, has reviewed both these projects and concurs that the county should put a 12" line and an 8" line in up to Apogee Medical. Chairman Stone asked if the cost estimates given where the best they have at this time. Mr. Goswick replied yes, Hobbs Upchurch estimated what the cost would be.

Upon motion by Chairman Stone, seconded by Commissioner Gupton, with all present voting "AYE", duly carried approval of water extension projects to Apogee Medical and as an incentive for Stay-Right Tank Company, as outlined by the county's water extension policy

County revenue for these projects will come from undesignated fund balance.

## **5. Capital Area Metropolitan Planning Organization (CAMPO) Invitation to Join**

Mr. Coudriet stated the Capital Area Metropolitan Planning Organization (CAMPO) extended

an invitation to Franklin County and the towns of Bunn, Franklinton, Louisburg, and Youngsville to join as members of the planning organization. Franklin County is currently a member of the Rural Planning Organization (RPO), which is managed through the Kerr-Tar Council of Government (COG). The invitation to join CAMPO is an action associated with a redefinition of the existing MPO boundary, which is a federal planning regulation.

Mr. Matthew Winslow stated certain census tracts are used when CAMPO does their transportation modeling for air quality attainment. Census tracts 603, 604, 605, 606 and 608 are in Franklin County. The urbanized boundary (MOP boundary) comes into Franklin County and does not go into any other county because of the growth here. Urban boundaries are redrawn after each census is

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

taken. CAMPO felt it was essential to invite all those involved, Franklin County, Granville County, Johnston County and Harnett County to join the organization due to the number of vehicles coming from these counties into Wake County each day. With at least 10,000 vehicles a day traveling into Wake County, Franklin County has a large impact on the transportation infrastructure of Raleigh and Wake County.

Franklinton and Youngsville have agreed to join and Bunn's Town Council has not met, but has indicated it plans to join. The Town of Louisburg turned down the invitation to join. Some of Franklin County's jurisdictions fall under the MPO and some under the RPO, so the county is represented well in two organizations. The county does not want other organizations pulling against some of the transportation projects that we are trying for. An example is the widening of Highway 401 project.

Chairman Stone asked what the annual cost would be for the county to join CAMPO. Mr. Winslow replied right now all the cost incurred are through federal funds and picked up by the City of Raleigh. Since the organization is growing they are looking into cost sharing. His estimate would be several thousand dollars. The county will have to work its way up in the MPO and have a voice in the decision making. As long as Franklin County keeps sending vehicles into Wake County everyday, the county is going to be a force in transportation decisions. An advantage to being a member of both organizations is that they both may be trying for the same projects. Chairman Stone asked how will CAMPO influence Department of Transportation decisions. Mr. Winslow replied most organizations, as RPO has, use a rating system. When going before the DOT Board, projects are presented as a group rather than for individual jurisdictions.

Vice-Chairman Foy asked Mr. Winslow if he presented this to the Town of Louisburg. Mr. Winslow replied no, each town's staff has presented it to its jurisdiction. Vice-Chairman Foy stated Louisburg has a lot to be impacted by Highway 401. Mr. Winslow stated from his perspective, Louisburg feels it is represented under Franklin County.

Commissioner Swanson asked about the impact of joining CAMPO upon Highway 401 widening. Mr. Winslow replied with the rating system each project would be able to stand on its own merit. Commissioner Swanson wondered if the work done by RPO would be supported by CAMPO. He does not see where it would help to have both involved. Mr. Winslow stated we would have a voice in both organizations.

Commissioner Gupton stated he feels the more the county is involved, the better off we will be.

Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with all present voting "AYE", duly carried approval of the CAMPO invitation to join. The acceptance on the Board's part should exclude census track 603, which encompasses the Town of Louisburg.

## **6. Public Officials and Employee Bonds**

Chairman Stone stated N.C. General Statute 159-29 requires Fidelity Bonds on specific government employees and a blanket bond on all other employees. Proposed bonds effective December 1, 2004 are: Finance Director \$250,000; Tax Collector \$50,000; Deputy Tax Collector \$25,000; Register of Deeds \$10,000 and Sheriff \$25,000.

Upon motion by Commissioner Gupton, seconded by Chairman Stone, with all present voting "AYE", duly carried approval of the bonds.

MINUTES OF MEETING OF NOVEMBER 15, 2004---cont.

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

Commissioner Gupton reported he attended the K.A.R.T.S. meeting. K.A.R.T.S. has allocated \$125,285 for dislocated workers of which \$96,067 is allocated for adults. Of those, 274 have received training and 80% are now employed.

Commissioner Ball reported on the efforts of the Council of Governments (COG) to find a new site for its offices. More on that will be reported at the next COG meeting.

Vice-Chairman Foy requested Mr. John A. Edwards, Jr. be appointed to serve an unexpired term on the Health Board, representing the Engineer's position. He fits the qualifications of an Engineer and does reside in the county.

Upon motion by Vice-Chairman Foy, seconded by Commissioner Gupton, with all present voting "AYE", duly carried the appointment of Mr. Edwards to the Health Board.

Chairman Stone reported he and Mr. Goswick attended the Rural Economic Development conference in Raleigh and got some good ideas on how the county can continue to develop in a rural area. He represented the county in the opening of the Volunteer Medical Clinic on Church Street in Louisburg. He attended the Education Sub Committee and the Legislative Committee of the State Association of County Commissioners. The NCACC has established a committee made up of Commissioners, Register of Deeds, Clerks, Finance Officer, and other officials across the state, to formulate a legislative program to be presented to the 2005 session of the General Assembly. He also reported the Board held a successful retreat last week that included the newly elected Commissioners. The swearing in ceremony with a reception to follow has been scheduled for Monday, December 6<sup>th</sup> at 4:00, for which the public is invited. He and the county manager have agreed to meet informally once a week to discuss matters that need to be communicated between the manager and the Board. A meeting between the manager and the director of the Area Mental Health Program went well. The HUB Task Force has met and will meet again in early December. It is very close to making a site

selection for the HUB project in one of the four counties.

## **8. Manager's Report**

Mr. Coudriet reported Franklin and Wake counties are working jointly to clarify boundary discrepancies associated with the Richland Hills subdivision along Wall Road. This subdivision is split by the county boundary and incorporated by the City of Wake Forest. Four lots by the developer thought to be in Wake County are clearly in Franklin County; tax and GIS offices in both counties recognize the lots as Franklin County parcels. Franklin and Wake counties agree it is appropriate to ask the North Carolina Geodetic Survey to resurvey the boundary and place monuments along the boundary for clearer indications to surveyors. The Franklin County tax office, the county attorney, and the county manager's office will bring a resolution forward in December to initiate the boundary survey through the geodetic survey.

An eight-person team of county employees (management and non-management staff) kicked off a personnel policy rewrite effort in early November. The primary charge of the team is to offer a draft policy that offers both policy and procedure for personnel administration in a manner that is equitable to both the organization and its employees. The team's plan is to meet twice a month with a post-meeting summary made available to the manager's office that highlights meeting successes and next steps. A draft is expected for presentation to department heads in early February, 2005, with a presentation for the board of commissioners likely set for the regular business meeting in February.

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

An agency-wide information technology assessment is underway that is focused on determining existing technology platforms and system vulnerabilities. The agency-wide assessment is an expansion of effort started initially for those departments most near the courthouse square. The conclusion of the assessment will bring a plan for standardizing information technology countywide, offer an opportunity for integrated digital communication, and set the parameters of an information technology policy.

County departments and the manager's office are developing a new commissioner orientation manual that is intended to introduce the Commissioners-elect to county government in general and Franklin County specifically. This manual will serve as a reference point throughout the Commissioners' term. The manual will include departmental summaries, a fiscal overview, planned capital projects, existing Boards and committees, and Board policy and ordinance identification. It is expected this manual will be available by December 6, 2004.

Keep America Beautiful will honor Keep Franklin County Beautiful affiliate and the county's solid waste department as a President's Circle Award Winner in December of this year. This recognition comes as Franklin County has achieved success in litter prevention, waste reduction and beautification, and community improvement.

Matthew Winslow passed the national planning certification exam is now recognized as an American Institute of Certified Planners (AICP) member. Official acknowledgement will come from the APA in the immediate future.



## **9. Resolution in Appreciation of Commissioner John R. Ball**

Chairman Stone read the following resolution:

**WHEREAS**, John R. Ball has served this community well for many years in numerous capacities, including four years as a member of the Franklin County Board of Commissioners; and

**WHEREAS**, these years of service have been marked by dedication to the best interests of the community as he has worked constantly for the betterment of its economic, cultural and aesthetic development; and

**WHEREAS**, through the performance of his duties and responsibilities as a Commissioner for four years and as the chair from December, 2001, through June, 2003, he made valuable contributions to Franklin County government and brought forth constructive suggestions that benefited all citizens; and

**WHEREAS**, he has earned the admiration and high regard of those with whom he has come into contact and the affection of his fellow public servants, who are proud to call him "friend";

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the County of Franklin does hereby express its sincere appreciation and thanks, as well as that of all citizens, to John R. Ball for his distinguished service to the county;

**BE IT FURTHER RESOLVED** that a copy of this resolution be spread upon the pages of this proceeding and a copy be forwarded to John R. Ball with sincere best wishes for continued success and many happy years ahead.

Upon motion by Commissioner Swanson, seconded by Commissioner Gupton, with all present voting "AYE", duly carried to adopt the resolution.

MINUTES OF MEETING OF NOVEMBER 15, 2004---cont.

Commissioner Ball was presented an engraved pewter bowl as a token of appreciation from the county.

## **10. Closed Session**

Pursuant to General Statute 143-318.11 (a) (6), a Closed Session was held in order for the Board to discuss personnel matters.

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 go into closed session at 10:00 P.M.

At 11:10 P.M., upon motion by Chairman Stone, seconded by Commissioner Ball, with all

present voting "AYE", duly carried to return to open session.

Chairman Stone reported the Board took no action on the personnel matters.

At 11:15 P.M., upon motion by Commissioner Gupton, seconded by Chairman Stone, with all present voting "AYE", the meeting was adjourned sine die.

---

RAYMOND A. STONE, CHAIRMAN KATHY MOORE, CLERK