

November 20, 2006

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 Sidney E. Dunston, Vice-Chairman Lynwood D. Buffaloe, Commissioners Harry L. Foy, Jr., Raymond A. Stone, Jimmie R. Gupton, Donald C. Lancaster, and Robert L. Swanson.

1. CONSENT AGENDA

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

- A. Tax collection report
- B. Jail Health Contract: Southern Health Partners

Commissioner Lancaster then asked to be recused from Item 6 and stated his brother has a minority interest in a company that owns Burlington Mills.

Upon motion by Commissioner Buffaloe to recuse Commissioner Lancaster from Item 6, seconded by Commissioner Swanson, with all present voting "AYE" duly carried.

2. FRANKLIN COUNTY COOPERATIVE EXTENSION RECOGNITION

Chairman Dunston recognized Franklin County Cooperative Extension Director Cedric Jones and his staff for being selected as the district's outstanding staff for 2006 by Epsilon Sigma Phi.

3. COMMENTS FROM THE PUBLIC

This is the time set aside by the Board of Commissioners to allow individuals five minutes to address the Board on issues concerning the county.

No comments were made.

4. PUBLIC HEARINGS

- A. Zoning Map Amendment: Mitchiners Grove Baptist Church, 6.61 Acres, Franklinton Township, Mitchiners Grove Way (Off NC 56 Hwy) & Phelps Road (State Road 1223), Light Industrial (LI) to Office-Institutional (OI)

According to Franklin County Planning Director Pat Young, Mitchiners Grove Baptist Church is petitioning the Board to rezone approximately 6.61 acres from Light Industrial (LI) to Office Institutional (OI). The property is located off of Mitchiners Grove Way on the north side of NC 56 Hwy and west of Phelps Road (State Road 1223) in Franklinton Township.

According to the Future Land Use Plan, the property is identified as Office & Institutional. The surrounding properties along NC 56 Hwy are zoned Light Industrial, with some Heavy Industrial, Highway Business, and Office & Institutional zoning. The surrounding uses are primarily industrial and agricultural uses. The average daily traffic information for NC 56 Hwy is 6,800 vehicles per day, with a capacity of 9,200 vehicles per day.

Young said the proposed use of a church is in conformance with the County's Land Use Plan which has designated this area for Office & Institutional uses. The Office & Institutional designation has been located in areas that have already been developed or requires a transition between conflicting land uses. Office & Institutional land use designations are located along transportation corridors such as NC 56 where public and private utilities exist in addition to preserving carrying capacities for transportation corridors. The proposed rezoning from Light Industrial to Office & Institutional is in harmony with existing land uses and the adopted Comprehensive Land Use Plan.

The Planning Board unanimously recommended approval of the zoning map amendment to rezone 6.61 acres of land located along Mitchiners Grove Way from Light Industrial (LI) to Office & Institutional (OI).

At approximately 7:06 P.M., the public hearing was opened and closed with no one comments from the public.

Upon motion by Commissioner Foy to adopt the zoning map amendment to rezone 6.61 acres of land located along Mitchiners Grove Way from Light Industrial (LI) to Office and Institutional (OI), seconded by Commissioner Swanson, with all present voting "AYE", duly carried.

B. Zoning Map Amendment: Harry Smith & Sarah Pickrel, 26.91 Acres, Franklinton Township, NC 56 Hwy, Office-Institutional (OL) to Mixed Use (MU)

Harry Smith and Sarah Pickrel are petitioning the Board to rezone approximately 26.91 acres from Office Institutional (OI) to Mixed Use (MU). The property is located on the south side of NC 56 Hwy approximately 850 feet west of the intersection with Will Mitchiner Road (State Road 1222) in Franklinton Township.

Franklin County Planning Director Pat Young said according to the Future Land Use Plan, the property is identified as Office Institutional, with surrounding Light Industrial designation. The proposed rezoning to a designation allowing single-family dwelling units is not in conformance with the County's Land Use Plan which has designated this area for Office & Institutional uses. The Office & Institutional Land Use designation has been located in areas that have already been developed or requires a transition between conflicting land uses. Office & Institutional land use designations are located along transportation corridors such as NC 56 where public and private utilities exist in addition to preserving carrying capacities for transportation corridors.

Young said the vesting of rights for and creation of additional single-family dwellings within this industrial corridor could significantly limit future economic development initiatives, due to potential incompatibilities between light industrial and low-density residential land uses.

The Planning Board by a majority vote of 7 to 4, recommended denial of the rezoning request as submitted by Harry Smith & Sarah Pickrel, to rezone approximately 26.91 acres of land from Office & Institutional (OI) to Mixed Use (MU) along NC 56 approximately 850 west of the intersection of NC 56 and Will Mitchiner Road.

At approximately 7:20 P.M., the public hearing was opened.

Harry Smith owns the property in question and stated his intentions to locate five homes on the land for his children if they chose to move there. When asked whether or not there were wells

on the property, Mr. Smith responded he now had access to county water following a contamination by Novozymes years ago. He also stated that part of the deal he has with Novo included an agreement that he would not develop the property other than locating homes there for his children.

County Attorney Darnell Batton reminded the Board the rezoning could not be conditional and said rezoning would open the land up for any and all uses permitted under Mixed Use even if the intentions of the current owner are honorable. He stated that a contract with Novo could bind him, but that Board action tonight would not bind him later to the uses of this property.

Shane Pickrel, 6166 NC Highway 56, Louisburg, NC

- Mr. Pickrel is Mr. Smith's son-in-law and stated he had property located in the middle of Mr. Smith's. He stated a concern that a school could be located on the land with the current rezoning, but that a house could not and made reference to health and safety concerns. He also stated there was no sewer hookup available there for business.

Following no further comments, the public hearing was closed at approximately 7:37 P.M.

Commissioner Foy then made a motion to approve the rezoning, which was seconded by Commissioner Lancaster.

County Attorney Darnell Batton reminded the Board that new laws require that prior to taking action, the Board must issue a statement stating why it is reasonable and in the public interest to change the zoning if the rezoning is not compatible with the current land use plan. In this particular situation, the rezoning is not compatible with the land use plan.

Commissioner Foy then stated his reasons for approving the rezoning. He said the reclassification had produced a hardship on the homeowners and state the reclassification was done without their knowledge. He also stated there was no infrastructure for sewer placing even more hardships on the landowner.

Commissioner Lancaster stated the zoning isn't compatible now because it's located near a historic site. He went on to comment that it was wrong to tell the landowner he could not offer that property to his children.

Commissioner Stone said it was in the public interest to protect and preserve long term family farms that exist in Franklin County. He said he is aware of the dedication of economic development and the need for broadening the tax base, but said a mistake was made when the property was rezoned to (OI) Office and Institutional rather than (LI) Light Industrial similar to the property nearby.

In reference to comments made by Commissioners Foy and Stone concerning the zoning classification in 2003 and for the record, County Attorney Batton stated that proper legal public notice was given to over 10,000 property owners that the zoning was changed. He said to include a provision in this motion to say the change created a hardship and to say the rezoning was done improperly would be erroneous.

Commissioner Stone then stated he was certain the notice was properly given but said his argument had to do with why the area was not zone Light Industrial like the land nearby.

Upon the original motion by Commissioner Foy to adopt a zoning map amendment to rezone 26.91 acres of land located along NC 56 approximately 850 feet west of the intersection of Will Mitchiner Road from Office & Institutional to Mixed Use, seconded by Commissioner Lancaster, the motion carried 6 to 1, with Commissioner Dunston voting "NO".

5. CDBG BENEFICIARY DESIGNATION AND REHABILITATION CONTRACT AWARD

The Planning and Inspections Department requested the designation of Ms. Susie Macon as a FY05 CDBG-Scattered Site Housing program beneficiary and the award of a rehabilitation contract to JLH Community Action to rehabilitate Ms. Macon's home. Ms. Macon was selected as a recommended beneficiary after the completion of the originally scheduled scope of work for the FY05 CDBG-SSH project.

Upon motion by Commissioner Gupton to designate Ms. Susie Macon as a FY05 CDBG-Scattered Site Housing program beneficiary and consider awarding a rehabilitation contract to Malone Construction Company to rehabilitate Ms. Macon's home, seconded by Commissioner Buffaloe, with all present voting "AYE", duly carried.

6. RECOMMENDED ACTION PLAN FOR THE BURLINGTON MILLS WATER INTAKE

The director of Public Utilities and the County Manager outlined an action plan for the Board's consideration as it relates to the Burlington Mills water intake. Specifically, it is recommended the board commission a detailed feasibility study that examines and offers possibilities for water treatment options, Interbasin transfers, partnership opportunities associated with intake, and cost effectiveness of the intake vis-à-vis other water supply options.

Upon motion by Commissioner Swanson to approve a detailed feasibility study for the Burlington Mills Water Intake, not to exceed the \$30,000 cost estimate, seconded by Commissioner Buffaloe, with six commissioners voting "AYE", duly carried. Commissioner Lancaster did not vote.

7. LAND PURCHASE CONTRACTS

Staff presented two draft land purchase contracts for the board's discussion and consideration on two tracts as a potential HUB site adjacent to the Franklin County Regional Airport.

County Attorney Darnell Batton addressed the elements of the contract and stated Commissioner Lancaster (the Board's representative for the HUB) has been looking for a Franklin County site for the HUB. The other participating counties (Warren, Granville and Vance) have already been able to identify sites. He stated two potentially unsuccessful sites had been considered and that the third property that may be available for a HUB site involves one tract of land that is under contract with Felix and Lucy Allen and Michael Leonard and a second tract of 15 acres, owned by John Rock is available for a road connecting US 401 to the potential HUB site and the Franklin County airport.

The first tract to be purchased from Michael Leonard is under contract with Lucy and Felix Allen. That contract demands Leonard purchase the property before December 4, 2006 for \$2.5 million dollars. Mr. Batton stated negotiations with Leonard had been deemed necessary to close the county's purchase by December 4, 2006. Mr. Batton stated there were a number of contingencies including the approval of the contract by the Board of Commissioners. He also said a binding contract must be in place with John Rock for the 401 access prior to closing

on this contract. Negotiations with Mr. Leonard and Mr. Rock have been agreed to in principal and Mr. Batton stated he did not foresee a problem with Mr. Rock. Without access, he said the county would not be obligated to buy this tract and said there were no liens of record on this property which would hinder the intended use by the County. He then stated that Mr. Leonard would pass the property over to the County with no financial benefit to Leonard. Mr. Batton said 250 acres were needed for the site. He said Mr. Rock was under contract to provide access to the road including providing a turn off lane off Highway 401. He said if additional land is needed to get the HUB, Mr. Rock is obligated to sell that land to Franklin County so the county will have the 250 acres it needs. He quoted the price of \$12,000 per acre with an unknown quantity of up to 15 acres. Batton said there is already a contract in place with Michael Leonard and with John Rock. He said a deed must also convey the property without liens. Stump removal would be done by the county. Mr. Batton also stated if the land is abandoned as the HUB site, Mr. Rock would get his back.

Commissioner Lancaster then addressed the Board on behalf of the HUB project and stated the project must involve a minimum of 250 acres and a maximum of 1,000 acres that do not have to be contiguous tracts of land. He talked about negotiations and on finding a site and said the first site identified wasn't successful because the property owners were not interested in selling. He stated the second tract considered was in the US#1 corridor and said the land was much too expensive. Commissioner Lancaster stated the land near the airport was a good site for the HUB and said the project may even leverage the county to expedite the widening of Highway 401. He said another benefit for locating the HUB at the airport was to better showcase the services the airport offers. He also commented the HUB would create a tier 1 park of which we are currently tier 5. He said added benefits included the creation of jobs, improving the tax base and changing the ratio of residential and commercial development.

Commissioner Buffaloe then made a motion to approve the contract as presented by the Attorney. That motion was seconded by Commissioner Swanson.

Mr. Matt Cooper then asked to speak to the Board in reference to the HUB site.

Matt Cooper, P.O. Box 516 (311 West Mason Street), Franklinton, NC

- Mr. Cooper stated he had never had a conversation with Commissioner Lancaster and said he had an alternative site along US#1 to offer for the HUB project and said he would like for the Board to have an opportunity to consider his property. He said he disagrees that Highway 401 will be the asset it is projected to be for the HUB.

Despite the positive features of the location Mr. Cooper spoke of, Commissioner Lancaster stated the bottom line was the land was not affordable.

Upon the motion made earlier by Commissioner Buffaloe to approve the contract as presented by the Attorney, seconded by Commissioner Swanson, the motion carried 5 to 2, with Commissioners Stone and Foy voting "NO".

8. BOARD, MANAGER AND CLERK'S COMMENTS

This is the time set aside for the Board of County Commissioners, the County Manager, and the Clerk to the Board to report on various activities. The Board may also discuss other items of interest.

Commissioner Foy: Commissioner Foy stated he recently attended a Board of Health

meeting and commented on the formation of a well ordinance that will be forthcoming. He also mentioned several successful activities of the Franklin County Department of Aging.

Commissioner Stone: Commissioner Stone explained the “NO” vote he cast tonight in reference to the HUB purchase. He stated he was in favor of the HUB but said the Board should have heard more details about the proposal by Mr. Cooper. As this was Commissioner Stone’s last night to preside on the Board before newly elected commissioners are sworn in, he took a few moments to highlight his accomplishments while serving on the Board.

Commissioner Buffaloe: Commissioner Buffaloe mentioned that he attended the Veteran’s Day Celebration.

Commissioner Swanson: Commissioner Swanson also commented that he attended the Veteran’s Day Celebration.

Commissioner Gupton: Commissioner Gupton updated the Board on activity by the KARTS board.

Commissioner Lancaster: Commissioner Lancaster also attended the Veteran’s Day Celebration.

Commissioner Dunston: Commissioner Dunston attended a Workforce Development meeting and then expressed his gratitude to Commissioners Gupton and Stone for their service on the Board and to the citizens of Franklin County.

County Clerk Kristen King: Mrs. King updated the Board on several upcoming events of interest.

County Manager Chris Coudriet: Mr. Coudriet briefed the Board on an orientation manual created for the newly elected commissioners. He then gave an update on the Epsom School site asbestos removal. He said site work was completed today and that a full asbestos report should be available on November 30th including a full scope of work. He said a bid was expected in December and an award expected in January, 2007. He then stated that November 15th ended an employee survey process and said an employee satisfaction team is looking for ways to engage staff. A countywide employee survey was also conducted with 90% participation.

Before the close of the meeting, Commissioners Stone and Gupton were thanked for their service and presented with their name plates in appreciation for their service.

Upon motion by Commissioner Swanson to adjourn, seconded by Commissioner Gupton, with all present voting “AYE” duly carried.