

August 21, 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.

Chairman Dunston asked the Board to consider adding an item to the consent agenda pertaining to a contract with the LPA Group for the Franklin County Regional Airport T-Hangar construction project.

Upon motion by Commissioner Buffaloe to include the item in the consent agenda, seconded by Commissioner Gupton, with all present voting "AYE", the motion duly carried.

1. CONSENT AGENDA

Commissioner Foy inquired about the differences in the new lien subordination policy. Franklin County Planning Director Pat Young stated the only difference is the policy formalizes the county's long-standing informal policy. Young explained that when the county does rehabilitation work on a CDBG (Community Development Block Grant) house, this policy would allow the county to retain the primary lien position so as not to jeopardize county tax payer dollars.

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

- A. January 17, 2006 minutes
- B. July 17, 2006 minutes
- C. Tax collection report
- D. Lien Subordination Policy for Community Development Projects
- E. Ordinance and by-laws establishing the E-911 advisory board
- F. Employee of the Quarter benefit changes
- G. Contract with LPA Group for the Franklin County Regional Airport T-Hangar construction project.

2. RECOGNITION OF EMPLOYEE OF THE QUARTER

Ms. Ann Stone, Income Maintenance Technician, Franklin County Department of Social Services, was recognized by the Board on her selection as the Employee of the Quarter ending June, 2006. Ms. Stone has been employed with the county since August 2001 and selected for this recognition by a committee of her peers. She was awarded a certificate and a savings bond for her service.

3. PUBLIC HEARINGS - U.D.O. TEXT AMENDMENTS

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- A. Setback requirements for corner-side lots with road frontage on two or more roadways.

Planning Director Pat Young stated when a lot fronts on two roadways the person developing the

property is required to meet front setback requirements for primary roadways as well as the same set of regulations for side streets. This situation has led to numerous variance requests, as property owners have had insufficient land to meet large setback requirements on both the "primary" front yards (i.e.: those in front of the house) and "secondary" front yards (i.e.: those on the side of the house, but facing a second roadway). At the request of the Board of Adjustment, the proposed amendment would allow for a reduction for the secondary front setback for corner lots be reduced by one-third (1/3) of the required front setback. Mr. Young stated planning staff agreed this change would not cause a reduction in aesthetics, public safety or health and welfare. He said the amendment has been unanimously recommended for approval by the Board of Adjustment and by the Planning Board.

At approximately 7:10 P.M., Chairman Dunston declared the public hearing open.

Bob Winters, 195 Black Cloud Drive, Louisburg, NC

- Mr. Winters questioned whether the amendment would apply to all districts, specifically neighborhood business which he said currently has a setback of 45 feet on each lot. He asked if that would be reduced to 30 feet. Mr. Winters also asked how the differences would be determined between front and side streets.

Mr. Young stated this amendment would apply to residential lots and would not apply to industrial and commercial lots. He commented that most petitions that have come before the Board of Adjustment have been from residential property owners and stated when modifications are made in reference to industrial and commercial property, more complex issues would have to be addressed. In response to Mr. Winters' second question, Mr. Young stated the front of the house is usually based on the front elevation and how the addressing is done, but said there is some flexibility based on the property owners desires.

Scott Lerew, 1384 Sims Bridge Road, Kittrell, NC

- Mr. Lerew is Chairman of the Board of Adjustment. He stated this issue had come before the Board several times this year. He said allowing property owners an extra one-third would keep them from having to go through a lot of unnecessary setbacks, making the process more reasonable for both the property owners and the Board of Adjustment. Mr. Lerew also asked the planning director to explain what would happen in the event the house is kiddy cornered. Mr. Young replied the house would then be measured from the front corner of the house.

With no further comment, Chairman Dunston closed the public hearing at approximately 7:14 P.M.

Upon motion by Commissioner Foy to accept the recommendation of the planning board and adopt the UDO text amendment, seconded by Commissioner Stone, with all present voting "AYE", duly carried.

B. Modifications to requirements regarding off-premise directional advertising signs.

In December, 2003, the Franklin County Board of Commissioners approved Article 17-5(F) allowing off-premise directional advertising signs as a conditional use (see attached). In December, 2005, the Board of Adjustment expressed a concern to Planning Department staff that current standards for off-premise directional signs were insufficient as a basis for evaluating a conditional use permit. In other words, insufficient conditions exist to adequately evaluate the

appropriateness of any given off-premise directional advertising sign in the opinion of the Board of Adjustment.

At the January 23, 2006, Board of Adjustment meeting, staff prepared a presentation on current issues related to off-premise directional signs. Based upon feedback received from that meeting and other Board of Adjustment input, staff incorporated a number of proposed requirements for off-premise directional advertising signs and is recommending that that such signs are approved administratively, "by-right" through staff rather than through a Conditional Use Permit granted by the Board of Adjustment. Should an application not be able to meet the adopted requirements, a variance would be required from the Board of Adjustment.

Although not required by the UDO, Planning staff sought Board of Adjustment review (in addition to the required Planning Board review) of this item since this amendment request was generated by their concerns over the UDO provision in question.

The recommended amendment to the UDO was reviewed by the Board of Adjustment on July 24, 2006 and the Planning Board on August 8, 2006 and was unanimously recommended for approval by the Board of Commissioners by both bodies. The proposed amendments are as follows:

(F) Off-Premise Directional Advertisement Signs

1. Shall only be permitted for businesses. (A business for the purposes of this provision of the ordinance shall be defined as the following: Any use or activity that functions as a business or commercial use, whether or not such use or activity is performed for profit or financial gain.)
2. Maximum size shall be 32-square feet and no more than six (6) feet in height
3. A maximum of six (6) signs per business.
4. The business shall have a minimum of ten (10) on-site improved parking spaces.
5. Signs must be located within a ten-mile radius of the business.
6. Signs advertising the same business shall be spaced no closer than one mile together and no more than two signs shall be permitted on the same road.
7. The sign shall not be illuminated.
8. The business shall not be located adjacent to an existing or proposed thoroughfare (major & minor) as identified on the Franklin County Thoroughfare Plan.
9. Only the name, type and or logo of the business and associated directional information shall be permitted as copy on the sign.

At approximately 7:38 P.M., Chairman Dunston declared the public hearing open.

Scott Lerew, 1384 Sims Bridge Road, Kittrell, NC

- As Chairman of the Board of Adjustment, Mr. Lerew asked commissioners to look at this request as a positive measure for Franklin County citizens. He stated that by approving the amendment, citizens would no longer be required to appear before the Board of Adjustment, eliminating a hassle for those who want the sign.

At approximately 7:41P.M., Chairman Dunston closed the public hearing with no further comments.

Upon a motion by Commissioner Swanson to table the request, seconded by Commissioner Foy, with all present voting "AYE", the motion duly carried.

4. COMMENTS FROM THE PUBLIC

Bruce Lee Youngbar, 655 Collins Mill Road, Centerville, NC

- Mr. Youngbar stated his concerns with the animal control policy. He said all animals should have an opportunity to be adopted and not immediately euthanized. He also commented on concerns pertaining to policy within the Franklin County Sheriff's Office as it pertains to the seizure and return of stolen property.

Bob Winters, 195 Black Cloud Drive, Louisburg, NC

- Mr. Winters asked the Board to consider the amount of time it takes to acquire a perk test. As a realtor, Winters said some major deals fall through because of the length of time it takes to complete the test. Mr. Winters said the last one he requested took six weeks to be completed and finds that to be an extreme period of time. He said it should take approximately 2-3 weeks maximum for the test.

Eric Morgan, 101 Beechwood, Louisburg, NC

- Mr. Morgan is a resident of the town of Louisburg. He said it is unfair for town residents who already pay for trash collection to be required to pay an additional \$45 for the county's solid waste availability fee. Mr. Morgan stated he had no problem paying the fee as it applied to his rental properties in the county, but stated he objects to paying for a service he does not use and said he will never use especially when he's already paying for the service through the town. Mr. Morgan stated he knew of one other entity that handled the fee differently, allowing citizens to produce a document from the contractor that collects their trash. That document exempts them from the fee.

Commissioner Swanson stated several citizens had personally contacted him to complain about instances where the fee had been wrongly assessed by the tax office. Mr. Coudriet stated in order for the fee to be imposed, the home or business must be habitable and have a valid 911 address. He stated there is an appeal process for citizens who have a fee that was wrongly assessed.

Commissioner Lancaster inquired about the criteria for an elderly person to be exempt from the fee. In response, Franklin County Tax Administrator Jim Wrenn stated they would have to qualify for the elderly and disabled exclusion. He said they would have to be 65 years of age or older with an annual income that did not exceed \$19,500. He stated the application must be completed by June 1st each year.

Commissioners Stone and Swanson agreed Mr. Morgan's idea was worth looking into.

5. WORK FIRST PROGRAM

Franklin County has been a standard county for operation and administration of the Work First Program since the inception of welfare reform. Social Services Director Nicki Griffin asked the Board to designate Franklin County as a standard county for operation and administration of the Work First Program for the 2007-2009 biennium and to appoint the Work First planning committee

consisting of the following members:

- Shana Filter, Executive Director of the Franklin County Chamber of Commerce
- Bobbie Jo May, Coordinator of the Franklin County Campus of Vance Granville Community College
- Laureen Jones, Tech Prep Coordinator for Franklin County Schools
- Dana Holliman, Child Support Supervisor, Child Support in Franklin County is state operated
- Richie Duncan, Representative of Franklin County Economic Development
- Mike Brown, Representative of the local Employment Security Commission
- Reggie Faulkner, Representative of the Franklin County Board of Health
- Gordon Agingo, Representative of local Vocational Rehabilitation Services
- Rev. Bill Wallace, Member of the Franklin County Board of Social Services and member of the Faith Community
- Kimberly Brannon, Recipient of Services
- Heather Wrenn, Representative of Franklin County Cooperative Extension
- Robert Lee Swanson, Franklin County Commissioner
- T. Allen Gardner, Jr., Member of the Area Mental Health Board and a local attorney.

Upon a motion by Commissioner Swanson to designate Franklin County as a standard county for operation and administration of the Work First Program for the 2007-2009 biennium and to appoint committee members, seconded by Commissioner Gupton, with all present voting "AYE", duly carried.

6. WATER/SEWER EXTENSION FOR MAJESTIC MARBLE

Envision, a division of Majestic Marble & Glass, is constructing a 35,000 square foot building on Northbrook Drive in Youngsville and is asking for an extension of water and sewer lines for this project.

Upon a motion to extend water and sewer to Majestic Marble at a cost of \$79,982.50 by Commissioner Lancaster, seconded by Commissioner Buffaloe, with all present voting "AYE", duly carried.

7. INCENTIVE POLICY CHANGE

After a comprehensive review of Franklin County's incentive policy, the Economic Development Commission requested a change in policy to increase the county's competitive position as well as simplify the policy and increase the flexibility of the policy. Economic Development Director Ronnie Goswick presented changes to the policy reflected in a resolution.

The new policy will no longer have a stated minimum as an investment requirement to broadening

the appeal for small businesses as well as large businesses. While there will be no stated length for the grant term, the company will have a requirement to complete their initial investment within eighteen months. If the investment is not completed within the said time period, there will be a contract that provides for payments back to the County.

To further simplify the policy, Economic Development staff recommended removing the job and wage rate requirements. The actual incentive will be from 1% - 3% of the taxable value of the company as it appears on the tax record.

The incentive payment would be made after the purchase of land and construction of building has begun or purchase of equipment if the incentive is tied to capital investment for expansion.

All businesses would be reviewed by the Franklin County Economic Development Director and then recommended to the County Commissioners for review. The final decision regarding both the grant and the amount would be made by the County Commissioners.

Upon a motion to approve revisions to Franklin County's current incentive policy by Commissioner Buffaloe, seconded by Commissioner Stone, with all present voting "AYE" duly carried.

8. BUDGET ORDINANCE AMENDMENT #1

Pursuant to North Carolina General Statute 159-15, the County Finance Officer requested a budget ordinance amendment in the amount of \$35,318 for the fiscal year ending June 30, 2007 to amend the General Fund to reflect the purchase of the old Epsom School Property.

Commissioner Swanson made a motion to approve the budget ordinance amendment which was seconded by Commissioner Gupton.

Commissioner Stone then made a substitute motion that the Franklin County Board of Commissioners ratify the negotiated purchase price of the old Epsom School site and agree to purchase the property in the amount of \$35,318 and further approve the budget amendment #1 to fund that purchase. The substitute motion was seconded by Commissioner Gupton.

Commissioner Foy stated he disagrees with buying the Epsom school site property and said it sets a bad precedence. He also stated his concerns with future costs required to clean up the property.

Commissioner Swanson stated citizens in the Epsom area pay taxes just like in every other area in the county and said they need relief from this property which has become an eye sore and a public health concern.

Commissioner Gupton stated the money used to buy and clean the site is paid by the taxpayers, but also stated the project helps the taxpayer. He said the graffiti on the property signals possible gang activity and called the site a health hazard.

Commissioner Lancaster stated the Board should never have sold the property and cautioned fellow and future Board members to be careful when making a decision to sell public property to private individuals.

Commissioner Buffaloe commented the eyesore is not a direct reflection of the property owner, but

a reflection of the county itself and stated the right thing to do is to buy back the property.

Commissioner Stone then stated for the record he is concerned with the property, not just because it is located in the Epsom area, but because it is a health and safety issue he would be concerned with no matter its location. He stated the purchase was a tremendous asset and stated he did not want to see the same thing happen to Franklinton High School that happened to Epsom School.

Upon motion by Commissioner Stone to purchase the property in the amount of \$35,318, seconded by Commissioner Gupton, the motion carried 6 to 1, with Commissioner Foy casting the dissenting vote.

9. NCACC VOTING DELEGATE

Each year at the NCACC (North Carolina Association of County Commissioners) Annual Conference, counties select the association's officers and vote on policy issues. According to NCACC by-laws, each county is entitled to one vote. Each county is required to select a voting delegate to represent the county in the business session, which will take place Saturday, September 9, 2006 from 2-4:30pm.

Upon motion by Commissioner Stone to nominate Chairman Dunston as the voting delegate to represent Franklin County at the NCACC Annual Conference in Forsythe County, seconded by Commissioner Gupton, with all present voting "AYE", duly carried.

10. BOARD APPOINTMENTS

A. Nursing Home Community Advisory Committee

Ms. Kimberly Hawkins, Regional Ombudsman, Kerr-Tar Regional Council of Governments, has requested the Board reappoint Mr. Clarence Williams to the Nursing Home Community Advisory Committee for a three-year term, retroactive July, 2006 through July, 2009.

Upon a motion to reappoint Mr. Williams to the Nursing Home Community Advisory Committee for a three-year term by Commissioner Gupton, seconded by Commissioner Buffaloe, with all present voting "AYE", duly carried.

B. Juvenile Crime Prevention Council

There were several vacancies on the Juvenile Crime Prevention Council. The Board was asked to consider appointing Chief Deputy Jack Joyner (local sheriff representative), Anita Mason (director or mental health or designee) and Dawn Stallings (member of the public) for two-year terms expiring August, 2008 and member Jim Harris to be designated as a member of the public to free the substance abuse professional representative position.

Upon motion by Commissioner Gupton to appoint Mr. Joyner, Ms. Mason and Ms. Stallings to the Juvenile Crime Prevention Council for a two-year term expiring August, 2008 and to designate Mr. Harris to serve as a member of the public, seconded by Commissioner Buffaloe, with all present voting "AYE", duly carried.

C. Solid Waste Education Task Force

There are two vacancies on the Solid Waste Education Task Force. The Franklin County Solid

Waste Director recommended Randy Green, an employee of Novozymes who regularly attends the meetings and has previously served on the Board. There were no recommendations for the remaining vacancy.

Upon motion by Commissioner Stone to appoint Mr. Green to the Solid Waste Education Task Force for a two-year term, seconded by Commissioner Swanson, with all present voting "AYE", duly carried.

D. Franklin County Volunteer Ag Advisory Committee

The Franklin County Volunteer Ag Advisory Committee requested the Board reappoint Ingrid Volk, John Ray and Terri Pace for a three-year term retroactive July, 2006 through June, 2009. The Board was also asked to consider appointing Mark Speed to the Committee for a three-year term retroactive July, 2006 through June, 2009. Mark Speed would fill the position previously held by the late James Speed.

Upon motion by Commissioner Swanson to reappoint Ingrid Volk, John Ray and Terri Pace to the Franklin County Volunteer Ag Advisory Committee for a three-year term retroactive July, 2006 through June, 2009 and to appoint Mark Speed for a three-year term retroactive July, 2006 through June, 2009, seconded by Commissioner Stone, with all present voting "AYE", duly carried.

11. BOARD, MANAGER AND CLERK'S COMMENTS

Commissioner Foy – Commissioner Foy commented on a recent health board meeting and General Statute from the state concerning well testing. He said board members are waiting for more direction from the state before any changes are made in Franklin County. Commissioner Foy also commented he would like to have Board of Commissioners' agenda packet made available for the media and the public as soon as possible before each meeting.

Commissioner Stone – Commissioner Stone commented on the attendance at the NACo (National Association of Counties) meeting in Chicago and detailed the workshops he attended.

Commissioner Buffaloe – Commissioner Buffaloe also commented on the NACo conference highlighting workshops he participated in. He also highlighted an article in the Triangle Business Journal featuring the expansion of Southern Lithoplate in Franklin County.

Commissioner Swanson – Commissioner Swanson was unable to attend the NACo conference this year but said it is vital the Board stay involved in the National Convention because it is informative and helpful to the decision making process.

Commissioner Gupton – Commissioner Gupton also thanked fellow commissioners for attending the conference, echoing its importance to county government.

Commissioner Lancaster – Commissioner Lancaster thanked everyone for their thoughts and prayers during the loss of his mother. He also reminded the Board that appointments need to be

made to the expanded EMS Advisory Board. Each commissioner can appoint a citizen at large to that Board. Commissioner Lancaster also commented the HUB project is still in negotiations.

Commissioner Dunston – Commissioner Dunston commented on the NACo conference as well highlighting some new ideas that may be possible for implementation in Franklin County.

County Manager Chris Coudriet – Mr. Coudriet commented on the quarterly performance evaluation that has been designed and implemented. He also commented on a follow-up with the Environmental Management Commission regarding the Burlington Mills water intake. Mr. Coudriet also mentioned the proposed organizational realignment of creating an office of Emergency Management Department. He said it's important to ensure flexibility of overall operations, planning and response in the county. He stated the office would also allow for better coordination of a host of Homeland Security grants that are available. Mr. Coudriet then briefed the Board on the initial water and sewer infrastructure analysis that is forthcoming. He also stated the human services roof replacement is underway.

County Clerk Kristen King – Mrs. King reminded the Board of upcoming events including a joint meeting with the Economic Development Commission, a grand opening in Louisburg and a trip to Washington, D.C. sponsored by the Franklin County Chamber of Commerce.

12. CLOSED SESSION

At approximately 8:56P.M., upon motion by Commissioner Buffaloe to enter into a closed session pursuant to NCGS 143-3-18.11 (b) (3) to discuss litigation and give the attorney instruction in the matters of Teresa Medlin et al vs. Jerry Jones and Franklin County and Estate of Ted Horton vs. Franklin County and others, seconded by Commissioner Gupton, carried with a 6 to 1 vote, with Commissioner Foy voting "NO".

At approximately 9:38P.M., upon motion by Commissioner Swanson to enter back into open session, seconded by Commissioner Gupton, with all present voting "AYE", duly carried.

Chairman Dunston announced no action was taken.

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

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Sidney E. Dunston, Chairman

Kristen G. King, Clerk to the Board

