

January 22, 2008

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 Robert L. Swanson, Vice-Chairman Penny McGhee-Young, Commissioners Lynwood D. Buffaloe, Sidney E. Dunston, Harry L. Foy, Jr., Bob Winters and Donald C. Lancaster.

Chairman called the meeting to order.

Commissioner Foy asked to pull **Item 1-E** (Consider authorization of negotiations and contract award – Comprehensive Development Plan (CDP) facilitation services).

Commissioner Dunston made a motion to approve the remainder of the consent agenda, seconded by Commissioner Buffaloe. The motion duly carried with all present voting "AYE." The items approved are as follows:

1. CONSENT AGENDA

- A. January 7, 2008 minutes
- B. Releases, Refunds and Tax Collection Report
- C. Consider approval of a Resolution requesting that the General Assembly continue JCPC funding in a recurring funding method versus a non-recurring method
- D. Consider approval of a Proclamation designating February 1-29, 2008 as Career and Technical Education Month in Franklin County
- ~~E. Consider authorization of negotiations and contract award – Comprehensive Development Plan (CDP) facilitation services~~
- F. Consider authorization to obligate – Clean Water Management Trust Fund (CWMTF) Grant / Cypress Creek Watershed Plan Grant
- G. Consider authorization of negotiations and contract award – Cypress Creek Watershed Plan – Planning, Engineering and Meeting Facilitation Services

In reference to **Item 1-E**, (Consider authorization of negotiations and contract award – Comprehensive Development Plan (CDP) facilitation services) Commissioner Foy asked for the purpose of hiring an outside firm for facilitation services. Pat Young, Planning Director, stated a third party was desired because of the complexity of the issues and to make sure the best input was obtained. He said he preferred that county staff focus on providing data and analysis.

Commissioner Foy also asked if the same service could be done for free by the Kerr Tar Regional Council of Governments (COG). Mr. Young stated the COG could provide the service for a nominal fee. However, when he approached the COG he was informed it currently did not have the resources to commit to the project.

Commissioner Dunston made a motion to approve **Item 1-E**, seconded by Commissioner Young, the motion carried 6 to 1, with Commissioner Foy casting the dissenting vote.

2. COMMENTS FROM THE PUBLIC

No one made comments during this time set aside by the Board of Commissioners to allow individuals five minutes to address the Board on issues concerning the county.

3. RECOGNITION OF EMPLOYEE OF THE QUARTER

Lori Duke, Administrative Support Specialist, Franklin County Economic Development, was recognized for her selection as the Employee of the Quarter ending December, 2007. Ms. Duke has been employed with the county since July, 1995 and selected for this recognition by a committee of her peers. Ms. Duke received a vacation day and a savings bond.

4. RECOGNITION OF EMPLOYEE OF THE YEAR

William C. Benton, Scale Operator, Franklin County Solid Waste, was recognized for his selection as the Employee of the Year ending December, 2007. Mr. Benton has been employed with the county since July, 1996 and selected for this recognition by a committee of his peers. Mr. Benton was also recognized as Employee of the Quarter ending September, 2007. He received a plaque and a cash award.

5. PRESENTATION OF RESOLUTION SUPPORTING AN APPLICATION FOR THE NATIONAL REGISTER OF HISTORIC PLACES FOR THE RIVERSIDE PORCH BUILDING

On behalf of the Porch Building Restoration Committee, Bernard Hall presented work to-date on the restoration project and asked the Board to support the project. The request and resolution did not seek any financial or other resource expenditure.

Commissioner Dunston made a motion to approve the resolution, seconded by Commissioner Winters. The motion duly carried with all present voting "AYE."

6. PUBLIC HEARINGS

A. Incentive Request for Southeastern Emergency Equipment

Southeastern Emergency Equipment is considering expanding their business beside their current location on NC 96 in Youngsville, increasing their workforce by an additional 6-10 people.

Ronnie Goswick, Economic Development Director and Richie Duncan, Existing Industry Coordinator briefed the Board and requested its consideration of a 3% incentive totaling \$20,305. The team also recognized Southeastern Emergency Equipment management in attendance and expressed the county's appreciation for considering the expansion. Representatives from Southeastern stated another operation in West Jefferson may come to Franklin in the future. It was also stated the company will soon create a training facility on site to assist health care providers with continuing education all the while alleviating the difficulty of travelling to receive the needed training.

At approximately 7:23 P.M., Chairman Swanson opened the public hearing.

Tony Efird, Louisburg

- Mr. Efird asked the Board/staff to explain what happens when a company receives incentives from the county and then decides to move their operation out of the county, such as Flextronics. In response, Mr. Goswick stated that when Flextronics first came to Franklin, that approximately \$600,000 to \$700,000 of the \$1.9 million in incentive funds were used for training workers. He stated that most incentives offered are performance based. Therefore, he said, the company must perform to receive the incentive.

At approximately 7:25 P.M., Chairman Swanson closed the public hearing.

Commissioner Young then made a motion to approve the incentive for Southeastern Emergency Equipment. The motion was seconded by Commissioner Buffaloe and duly carried with all present voting "AYE."

B. Incentive Request for Novozymes North America, Inc.

Novozymes North America, Inc. is proposing an expansion to both their business operations and their production capacity at their current location at 77 Perry Chapel Church Road in Franklinton. The proposed expansion will include office space and laboratory space as well as additional machinery to increase

production capacity. With the expansion, Novozymes plans to add 30 employees in 2008 along with an additional 15-20 employees over the next 2-3 years.

The Economic Development Team briefed the Board and requested its consideration of a 3% incentive totaling \$638,548. Mr. Goswick stated the water line will be dedicated to Novozymes and said the intent of the incentive is to keep Novozymes in Franklin County and have them expand locally. He also stated that Novozymes had decided to contribute \$500,000 of the incentive back to the county for this project.

Mrs. Duncan recognized Novozymes management who stated the last few years of business have been “phenomenal.” Jack Blackmer stated that it is an exciting time for Novo as the company is on the forefront of leading the effort to develop an enzyme that will free up the sugar in cellulose that makes ethanol. He offered that the expansion project would bring additional revenue for the county and also stated the sewer line will bring revenue as well.

Bryce Mendenhall, Public Utilities Director, added that the force main that comes from Novo is currently dedicated. However, with Novo’s expansion, that capacity will be taken from the Franklinton collection system allowing more room for growth.

At approximately 7:43 P.M., the public hearing was opened and closed with no public comment.

Commissioner Buffaloe made the motion to approve the incentive for Novozymes North America, Inc. The motion was seconded by Commissioner Winters and duly carried with all present voting “AYE.”

C. Request for Rezoning – Bobbie E. Wrenn

The Board was asked to consider adoption of a zoning map amendment to rezone approximately 1.06 acres of land located on Wrenn Way which is off of NC Highway 39 in Harris Township from Residential R-30 to Special Use-Rural Business (SU-RB). The Board was asked to utilize a rezoning checklist following the public hearing to assist with its decision.

County Attorney Darnell Batton swore in Planning Director Pat Young and the petitioner, Bobbie E. Wrenn.

According to Mr. Young, the future Land Use Plan has the property in question designated as low density residential. According to the Comprehensive Land Use Plan, commercial activities should be located along identified commercial nodes at the intersection of established corridors and buffered from residential uses. Mr. Young said the petition was tabled by the Planning Board in October, 2007 due to numerous staff concerns in addition to adjoining property owners and said the applicant wishes to use an existing building as an antique and frame shop and occasional auctions. Based upon criteria established for commercial activities, he said the Planning Board did not feel the proposed uses would be compatible with established development patterns nor desired future land uses due to the intensity of the proposed use. Mr. Young said with a 9-2 vote, the Planning Board recommended denial of the rezoning request.

At approximately 8:02 P.M., Chairman Swanson opened the public hearing.

Bobbie E. Wrenn, 46 Wrenn Way, Louisburg

- Mrs. Wrenn read a letter she wrote to the Board asking for support of her request. She explained her intentions for the property and addressed available solutions to safety and parking concerns. She stated a nearby vacant lot could be used if additional parking was necessary. She also said there is an established driveway to the auction house and stated that

Wrenn Way would be protected. Mrs. Wrenn stated she planned no more than three auctions per month.

The Board discussed concerns pertaining to traffic and parking, safety, noise and late hours of operation.

At approximately 8:23 P.M., Chairman Swanson closed the public hearing.

Commissioner Foy then made the motion to approve the rezoning request, seconded by Commissioner Winters. The motion duly carried with all present voting "AYE."

D. Request for Special Use Permit – Bobbie E. Wrenn

The Board was asked to consider approval of a special use permit requested by Mrs. Bobbie E. Wrenn approximately 1.06 acres of land located at 7 Wrenn Way to allow for an Auction House, Arts and Crafts, antique sales, and frame shop. The Board was asked to utilize the special use permit checklist to assist with its decision following the public hearing.

At approximately 8:34 p.m., Chairman Swanson opened the public hearing.

Tony Efird, Louisburg

- Mr. Efird encouraged the Board to approve the request in light of the amount of money that is given to large companies.

At approximately 8:35 P.M., the public hearing was closed.

Commissioner Winters made the motion to accept the conditional use permit with the following conditions:

- There will be no more than three events per month.
- The extra vacant acre will be made available for overflow parking
- Calling hours will be no later than 9:30 P.M.

Upon Commissioner Winters' motion, seconded by Commissioner Dunston, with all present voting "AYE," the motion duly carried.

At 8:37 P.M., the Board took a break and returned at 8:49 P.M.

E. Request for Rezoning – Joseph E. Wright

The Board was asked to consider adoption of a zoning map amendment to rezone approximately 1.0 acre of land located off Green Hill Road (State Road 1203) in Franklinton Township from Residential R-1 to Agricultural-Residential (AR). The Board was asked to utilize the rezoning checklist to assist in their decision following the public hearing.

Mr. Young stated the Planning Board by a majority vote recommended approval of the rezoning request and said the intention of the request is to allow a mobile home on the property.

At approximately 8:52 P.M., the public hearing was opened and closed with no comments.

Commissioner Young then made a motion to approve the rezoning request, seconded by Commissioner Foy. The motion duly carried with all present voting "AYE."

7. FRANKLIN COUNTY FISCAL YEAR 2006-2007 FINANCIAL AUDIT REPORT

Chuck Murray, Finance Officer, presented the county's 2006-2007 Financial Audit Report with a PowerPoint presentation.

(See Attachment A – 012208)

Mr. Thomas Parker, (Holden, Moss, Knott, Clark, Copley & Hoyle, P.A.) gave the firm's unqualified opinion and stated that fund balance dropped \$300,000 over the year. He also gave advice on how to prepare for the next year's audit report and stated his company is discontinuing its governmental auditing service. He warned the Board there may be a significant increase in fees charged as a reflection of new auditing standards. He stated his firm has worked with the county since 1992.

Commissioner Buffaloe made a motion to accept the auditor's report, seconded by Commissioner Winters, and with all present voting "AYE," the motion duly carried.

8. PARTF GRANT FUNDING REQUEST

Bob Yeatman, Parks and Recreation Director, presented cost estimates from Site Solutions, a Charlotte based consulting firm, for development of park sites in Epsom and Pilot. He said approval must be received before the Parks and Recreation Trust Fund (PARTF) grant application could be submitted.

The total cost for both projects (Epsom and Pilot) is \$4,216,318. Mr. Yeatman recommended breaking both projects into two phases which would allow the county to receive approximately fifty percent matching funds from PARTF grants for each project, dependent on grant approval.

The Board briefly mentioned a recent request by area recreation leagues to eliminate gym fees. Some say the fees bring hardship for program participants. The Board is expected to discuss this request at a later date.

Commissioner Lancaster asked that the PARTF grant funding request be discussed further when the Board has additional information to consider. Commissioner Lancaster also stated he would prefer funding the projects in three phases as opposed to two. He recommended the Board recess the meeting for further discussion on this topic.

Mr. Yeatman stated the grant application is due before January 31, 2008 and said after that deadline, another cycle of funding would not be available until January, 2009. He stated work for these parks was not included in the Parks and Recreation budget in any way.

Commissioner Lancaster made a motion to table the item, seconded by Commissioner Buffaloe, and suggested the meeting be recessed to a determined date for further discussion and consideration. The motion duly carried with all present voting "AYE."

The Board tentatively scheduled a meeting for January 29, 2008 at 7:00 P.M.

9. ENHANCED FIRE RESCUE PAGING SYSTEM PROPOSAL UPDATE

Christy Shearin, Communications Director, presented an update and gave cost estimates regarding the upgrade of the existing radio system. She advised that in January, 2006, L. Robert Kimball & Associates submitted an assessment of the current radio system and found serious design flaws following the 2003 system upgrade. In February, 2006, Kimball was hired to assist with design, procurement and implementation of an enhanced Fire and Rescue Paging System and to conduct a structural analysis of the tower located beside the Sheriff's Office.

In June, 2006, Kimball presented 4 options to the Communications Committee. The option preferred is a six site system with towers located in areas of the county that would best cover the entire county. Since that time, several potential sites have been

explored and Kimball has prepared a Request for Proposals to be sent out to potential vendors.

Mrs. Shearin stated coverage requirements include 95% County-wide service paging coverage in 8dB buildings. She recommended sites at 911, WCMC, Epsom, Margaret, Pilot and White Level Fire Department. Cost estimates for this option total \$3,458,400. A second option would eliminate the tower at White Level Fire Department and add a tower at Thomas Jones Road. The cost of this option is \$3,248,400. Shearin said the second option would not allow for desired coverage.

Commissioner Swanson stated the county was promised 95% coverage when the project was originally completed. He expressed his disappointment in that the county never received the coverage it was promised and that those services were fully paid for.

Chris Kelly, a representative from Kimball, was present and stated at coverage testing, there were a few vague areas where 95% was met but he said certain areas of the county failed. He said Kimball will be looking for strict coverage testing based on national standards of radio systems. According to language in the RFP, he said the vendor will come in with a final design and submit their final coverage percentage. He said original testing on the current system was based on an interpretation of proper coverage. Now, he said coverage will be based and tested on a baseline standard. Mr. Kelly said the major goal of the new system is to meet all of the user requirements and said if any one grid in the county fails, the test fails which should guarantee coverage in all areas of the county.

Mrs. Shearin stated the consultant was budgeted for, but stated the project was not budgeted for and asked the Board to discuss possible funding options prior to the release of the RFP to vendors.

Chuck Murray, Finance Officer, stated the money for this project would have to be borrowed.

Commissioner Buffaloe made the motion to move forward with the RFP. The motion was seconded by Commissioner Dunston and duly carried with all present voting "AYE."

Commissioner Lancaster then stated more discussion was needed on this topic.

10. ECONOMIC DEVELOPMENT COMMISSION UPDATE

The Economic Development Team provided an update on the activities of the Economic Development Commission. The presentation focused on the goals and objectives that were defined for the EDC with the Board of Commissioners in prior planning sessions.

The PowerPoint presentation is attached.

(See Attachment B – 012208)

No action was needed.

11. DISCUSSION: OPTIONS FOR SELECTING LEGAL SERVICES

In reference to NCGS 153A-40(b), the Board was expected to discuss the resignation of the County Attorney and options available to the County in securing legal services.

In the essence of time and due to the amount of material remaining on the agenda for discussion, Commissioner Lancaster made a motion to table the discussion to the recessed meeting, tentatively scheduled for January 29, 2008. Commissioner Buffaloe seconded the motion, which duly carried with all present voting "AYE."

12. APPOINTMENTS

A. Airport Commission

One appointment was needed to the Airport Commission. (Commissioner Foy) However, no appointment was made.

B. Department of Aging Advisory Board

One appointment was needed to the Department of Aging Advisory Board. (Commissioner Winters) No appointment was made.

C. Upper Neuse River Basin Association

One appointment was needed to the Upper Neuse River Basin Association. No appointment was made.

D. Industrial Facilities Pollution Control Financing Authority

One appointment was needed to the Industrial Facilities Pollution Control Financing Authority. No appointment was made.

E. Animal Advisory Board

Four appointments were needed to the Animal Advisory Board. (Commissioners Swanson, Foy, Dunston and Winters)

Commissioner Swanson nominated **Chip Broughton**. The nomination received unanimous approval.

Commissioner Dunston nominated **Bess Nicholson**. The nomination received unanimous approval.

Commissioners Foy and Winters stated they would make an appointment at a later date.

F. Board of Health

Four appointments/reappointments were needed to the Board of Health.

- Dr. Emmett Ackerman, Jr., DDS (licensed dental representative) - **REAPPOINTMENT**
- Ms. Cynthia R. Anderson (Member-at-large) - **REAPPOINTMENT**
- Terry Hayes, RPh (licensed pharmacist representative) - **APPOINTMENT**
- Eddie V. White, CP (Member-at-large representative) - **APPOINTMENT**

Commissioner Lancaster made a motion to approve the reappointment of **Dr. Ackerman** and **Ms. Anderson** and the appointment of **Ms. Hayes** and **Mr. White**. The motion was seconded by Commissioner Dunston and duly carried with all present voting "AYE."

13. BOARD, MANAGER AND CLERK'S COMMENTS

This was 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.

County Clerk Kristen King: Mrs. King stated she would attend Clerk's School January 23-25, 2008.

Commissioner Dunston: Commissioner Dunston stated he attended the recent public hearing for the Franklin Regional Medical Center CON (Certificate of Need) recently and a forum held earlier in the day sponsored by local state legislators.

Commissioner Young: Commissioner Young asked the Board to consider writing a letter to the Department of Transportation in support of erecting a traffic signal at the intersection of Highway 96 and Pocomoke Road. She said several tragic accidents have occurred at this intersection.

Upon motion by Commissioner Lancaster to send a letter to the Department of Transportation, seconded by Commissioner Dunston, with all present voting "AYE," duly carried approval.

Commissioner Winters: Commissioner Winters stated he attended a recent *State of the Triangle Conference* held in Raleigh. He stated the economic outlook is more positive than what is generally reported via the media.

Commissioner Buffaloe: No report.

Commissioner Lancaster: No report.

Commissioner Foy: No report.

Commissioner Swanson: No report.

Interim County Manager Angela Harris: Mrs. Harris asked for direction regarding the upcoming budget and as to whether or not the Board desired to hold a retreat. She then suggested the Board schedule a work session to discuss the jail study. She said the work session is needed to provide the Board with the same level of detail she has received in order for it to make a decision. She also mentioned the upcoming NACo Legislative Conference and asked if the Board would like for her to attend. The Board advised her to attend.

14. CLOSED SESSION

- A. The Board will consider going into Closed Session pursuant to NCGS 143-318.11 (a)(5) to establish or instruct the staff of the County concerning the position to be taken on behalf of the County in negotiating the price or other material terms of the acquisition of real property for a sewer easement from Raleigh Alexander Cleghorn and Elizabeth Joyce Cleghorn to serve the new elementary school.
- ~~B. The Board will consider going into Closed Session pursuant to NCGS 143-318.11(a)(4) to discuss matters relating to the location and/or expansion of industries or other businesses in the area served by the County, including agreements on a tentative lists of economic development incentives that may be offered by the public body in negotiations.~~
- C. The Board will consider entering into a closed session pursuant to General Statute 143-318.11 (a) (6), in order for the board to discuss a personnel matter.
- D. The Board will consider going into Closed Session pursuant to NCGS 143-318.11 (a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. The matter of discussion will be the estate of Ted Horton vs. Franklin County and others.

County Attorney Darnell Batton stated that Item 14-B was no longer needed for discussion in the closed session.

Commissioner Buffaloe then made a motion to go into closed session, seconded by Commissioner Dunston. The motion carried 6 to 1, with Commissioner Foy casting the dissenting vote.

Following the closed session Commissioner Buffaloe made a motion to enter back into open session, seconded by Commissioner Dunston. The motion duly carried with all present voting "AYE."

The Board announced that no action was taken.

The Board then set their next meeting for January 29, 2008 at 7:00 P.M. for the purpose of continuing the evening's discussion.

Commissioner Winters made a motion to recess the meeting to discuss the PARTF grant funding request, the enhanced fire rescue paging system proposal, legal services and a possible closed session to continue discussions relative to Item 14-A (The Board will consider going into Closed Session pursuant to NCGS 143-318.11 (a)(5) to establish or instruct the staff of the County concerning the position to be taken on behalf of the County in negotiating the price or other material terms of the acquisition of real property for a sewer easement from Raleigh Alexander Cleghorn and Elizabeth Joyce Cleghorn to serve the new elementary school.) The motion to recess was seconded by Commissioner Dunston and duly carried with all present voting "AYE."

Robert L. Swanson, Chairman

Kristen G. King, Clerk to the Board

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