

## June 16, 2008

The Board of Commissioners of Franklin County, North Carolina, met for its Regular Meeting 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, Bob Winters, Sidney E. Dunston, Harry L. Foy, Jr., Donald C. Lancaster and Lynwood D. Buffaloe.

Chairman Swanson called the meeting to order and asked the board to remove Item 1-D from the consent agenda. County Attorney Darnell Batton stated the resolution would be altered to offer more specific language as to when closed session minutes would become public. He stated the resolution would be brought back before the board at its July 21, 2008 meeting.

Commissioner Dunston made the motion to remove Item 1-D from the consent agenda. The motion was seconded by Commissioner Buffaloe and duly carried with all present voting "AYE."

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

### 1. CONSENT AGENDA

- A. Right of Entry and Access Agreement – The Pantry Inc.
- B. Secondary Road Program Resolution
- C. Tax Releases, Refunds and Tax Collection Report
- ~~D. Closed Session Policy~~
- E. Budget Amendment #8 (Year end budget amendment)
- F. By-law revision for Animal Advisory Board and amendment to Animal Control Ordinance

### 2. 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.

#### **Sharon Belrose, 113 Kent Street, Youngsville, NC**

- Ms. Belrose stated she has lived in Franklin County for six years after living in various areas of North Carolina. She complimented the board by saying Franklin County does a good job taking care of its citizens. Ms. Belrose was in attendance to ask the board to look into a leash law due to an experience in her subdivision where pit bulls are being raised. She said she is in fear for the safety of children in the area and stated that she had spoken with the owner of the dogs, but to no avail. She stated that she had also sought assistance from Franklin County Animal Control.

#### **Chuck Stires, 151 Rockinghorse Lane, Youngsville, NC**

- Mr. Stires made reference to a resolution (**RESOLUTION ON FELONY EXPUNGEMENT**) that the board will consider later in the evening. He stated his hope that the board would approve the resolution and said there is legislation in the General Assembly that essentially rewards criminals for their behavior. He stated that our representatives have introduced broad, "sweeping" bills that hide serious felonies. By electing not to adopt the resolution, he said the board sends a message that it's acceptable to hide criminal information and said it puts communities at risk.

**Debra & Mike Crank, 3145 Suncrest Village Lane, Raleigh, NC**

- The couple gave a testimony about an incident that involved their son and stated he was charged with breaking and entering at age 16. Since that time, they stated he was unable to attend school and get a good job because of the one-time offense. Mr. Crank stated his concern that if teens are not given a second chance, they will resort back to crime as a way of life because of a lack of available opportunities. The couple stated the legislation in question pertained only to minors who were tried as adults between the ages of 16 and 18 years of age and asked the board to give serious thought before taking a stance.

**Steve Trubilla, 1707 Sid Mitchell Road, Youngsville, NC**

- Mr. Trubilla stated the County should move forward on the proposed jail expansion and continue working with U.S. Marshals to bring in revenue through housing federal inmates. He stated by not creating more beds at the jail, the county will lose millions of dollars. He commented that more beds will soon be needed for Franklin County inmates and feels that if the county does not act now, its opportunity to benefit will disappear and that other counties will benefit financially.

**3. PUBLIC HEARING**

**A. Second Public Hearing – 2008 Community Development Block Grant Program (CDBG) – Scattered Site Housing Program (SSH)**

On May 19, 2008 the first required public hearing was held by the Board of Commissioners and a broad, general overview of the CDBG-SSH program was provided. At that time an opportunity was given to receive input from the public on overall community development needs. The second public hearing is intended to provide more detailed, specific information regarding the County's proposed CDBG application. Patt Crissman of the County's administrative services firm, The Wooten Company, presented an overview of the project. She stated that \$400,000 in federal and state funds are available to assist with housing repairs and rehabilitation for families who meet project guidelines. She stated that no local grant funds are required and that over 90 applications had been received. She anticipates that six to eight homes will be selected.

At approximately 7:29 P.M., Chairman Swanson opened and closed the public hearing with no comments from the public.

Commissioner Dunston made the motion to authorize submission of the CDBG-SSH program application, seconded by Commissioner Buffaloe. The motion duly carried with all present voting "AYE."

**B. 2008-2009 Proposed Budget**

This was the time scheduled to hear public comments on the proposed 2008-2009 budget.

At approximately 7:30 P.M., Chairman Swanson opened and closed the public hearing with no comments from the public.

Commissioner Foy stated his hope that the board could adopt a budget with no tax increase. He stated that the rising cost of fuel, steel, food and other commodities had already caused hardship for many citizens. He stated that no year was a good year to raise taxes, but said this year was especially difficult.

Commissioner Buffaloe said given what the board has tried to accomplish within the last three years in the county (school bonds and economic development projects) raising taxes is the responsible thing to do to fund items that have been approved by the citizens of the county. He said raising taxes is never good, but said sometimes it's the responsible action.

Commissioner Swanson suggested the board schedule a third work session on the budget considering department head appeals and various requests. He reminded the board that a budget must be adopted by July 1, 2008 or the county would be forced to operate on an interim budget.

Commissioner Dunston then made the motion to hold a third budget work session, seconded by Commissioner Winters. The motion duly carried with all present voting "AYE."

The board decided to begin the session at 7:00 A.M. on Thursday, June 19, 2008 prior to a public utilities work session already scheduled at 9:00 A.M. on the same date.

Commissioner Winters added that board members should come to the work session with an idea about where they want to make cuts. He said more cuts would be needed if the board wants to avoid a tax increase.

#### **4. FORCE MAIN IMPROVEMENTS TO SERVE NOVOZYMES**

On June 3, 2008, Franklin County Public Utilities received and opened 14 sealed bids for the construction of force main improvements to serve Novozymes. Seaside Constructors of Raleigh was the apparent low bidder with a submitted amount of \$319,792. The bids ranged from \$319,792 to \$525,900.

Bryce Mendenhall, Public Utilities Director, detailed the project and stated that Seaside Constructors had not previously worked for the county, but said the company was highly recommended and stated the project came in under budget which was originally estimated at \$364,000. Chuck Murray, Finance Director, stated this project is funded in the proposed budget.

Commissioner Buffaloe made the motion to approve the formal award of the bid to Seaside Constructors at the low bid price of \$319,792 based on Hobbs, Upchurch, & Associates recommendation and certification of the bid tabs. Commissioner Dunston seconded the motion that duly carried with all present voting "AYE."

#### **5. LANDSCAPING BID AWARD**

On June 2, 2008, Franklin County Maintenance received and opened three sealed bids for landscaping at various county facilities. AOK Landscaping of Louisburg was the low bidder with a submitted amount of \$36,500 per year. Bids ranged from \$36,500 to \$119,400.

Glen Liles, Maintenance Director, confirmed the bids and stated services would go into effect July 1, 2008 if approved. He said \$40,000 was allocated in the proposed budget for landscaping services.

Commissioner Dunston made the motion to approve the formal award of a landscaping contract to the lowest bidder, AOK Landscaping, in the amount of \$36,500 per year. Commissioner Young seconded that motion duly carried with all present voting AYE."

## **6. YOUNGSVILLE LAND DONATION**

The county has been offered property in the Youngsville area that was developed into man-made wetlands as part of wetland mitigation for wetlands lost in the construction of Triangle Towne Center. Bob Yeatman, Parks and Recreation Director, along with the Parks and Recreation Advisory Board has recommended the property not be accepted for use as a county park site due to liabilities, limited uses and access concerns. Kevin Martin (Soil and Environmental Consultants, PA) and Mr. Yeatman made a presentation.

Mr. Yeatman said the 42.16 acre tract was attractive, but stated it did not suit parks and recreation use. He offered the property could be used for hiking, bird and wildlife viewing and mentioned its close proximity to Youngsville as advantages of owning the property. However, Mr. Yeatman stated the disadvantages included limited dry space and liability issues. He also stated that because of the location of power lines, the county would be unable to obtain grant funding to develop the site. He also stated the acreage was landlocked.

Mr. Martin stated that when he learned his client wanted to donate the property, he wanted Franklin County to have the first opportunity to have the land. As a Franklin County resident himself, Mr. Martin stated the land offered an opportunity for educational purposes. He stated the area was never to use the area for high intensive use. He stated there is some high ground on the property that is not tied up in the litigation area and stated there are no deadlines associated with the offer.

Commissioner Young stated she didn't want the county to overlook an opportunity it might regret in the future.

From a liability standpoint, Darnell Batton, County Attorney, stated he'd rather the county not own the land.

Commissioner Dunston made a motion, seconded by Commissioner Young, asking staff to conduct further research and to bring back a comprehensive report. The motion duly carried with all present voting "AYE."

Following the discussion, Chairman Swanson recognized Mr. Yeatman and stated that today is his last day of employment with Franklin County. He thanked him for his service and stated Mr. Yeatman had accepted an opportunity in Idaho. It was then announced that Oliver Green would serve as Interim Parks and Recreation Director.

## **7. RESOLUTION ON FELONY EXPUNGEMENT**

The board was asked to consider a resolution against pending legislation before the North Carolina General Assembly which would allow the felony records of criminals to be expunged and removed from review.

In light of comments/concerns expressed earlier in the evening, Commissioner Dunston made a motion to postpone consideration of the resolution until its July 21, 2008 meeting until more investigation can be done. The motion was seconded by Commissioner Buffaloe and carried with a 6 to 1 vote, with Commissioner Winters casting the dissenting vote.

## 8. APPOINTMENT

### A. Department of Social Services Board

The board was asked to consider the reappointment of Ms. Joyce Hartsfield to the Department of Social Services Board. Her current term will expire June 30, 2008.

Commissioner Swanson made the motion to reappointment Ms. Hartsfield, seconded by Commissioner Young. The motion duly carried with all present voting "AYE."

### B. Animal Advisory Board

At the board's June 2, 2008 meeting, it added a veterinarian (ex-officio member) to the Animal Advisory Board. The board was asked to fill the position.

Commissioner Dunston nominated Dr. Elyse Goldman, seconded by Commissioner Foy.

Commissioner Winters then nominated Dr. Kimberly Barth and stated she was nominated by consensus of the Animal Control Advisory Board.

The nomination of Dr. Goldman failed with Commissioners Lancaster, Buffaloe, Swanson and Winters voting "NO" and Commissioners Dunston, Young and Foy voting "YES."

The nomination of Dr. Barth carried with Commissioners Lancaster, Buffaloe, Swanson and Winters voting "YES" and Commissioners Dunston, Young and Foy voting "NO."

Dr. Kimberly Barth will now serve as an ex-officio member on the Animal Advisory Board.

Commissioner Foy then nominated Dr. Elyse Goldman to serve as his representative on the Animal Advisory Board and stated that Sandra Wood had tendered her resignation to serve on the board. The nomination carried 6 to 1, with Commissioner Buffaloe voting "NO."

### C. Agriculture Board

The board was asked to consider the reappointment of Ed Wheeler, Billy Faulkner and Brent Strickland to the Agriculture Board for a three-year term ending June 30, 2011.

Commissioner Lancaster made the motion to reappoint Ed Wheeler, Billy Faulkner and Brent Strickland to the Agriculture Board for a three-year term, seconded by Commissioner Young. The motion duly carried with all present voting "AYE."

## 9. 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.

**County Clerk Kristen King:** Ms. King reminded the board that only one regular meeting was scheduled for the month of July. (July 21, 2008)

**Commissioner Foy:** No comment.

**Commissioner Winters:** No comment.

**Commissioner Young:** Commissioner Young made the motion that at its July 21, 2008 meeting, the board be presented with the *Rolling Thunder POW/MIA* flag. The non-profit organization is an advocated for troops, veterans, and POW/MIA's. She stated she would like for the flag to be on display in the board room. The motion was seconded by Commissioner Winters and duly carried with all present voting "AYE." She also mentioned an open house scheduled for Tuesday, June 17, 2008 marking the opening of Franklin Community Health Services in Franklinton.

**Commissioner Dunston:** Commissioner Dunston asked that the board revisit its vehicle maintenance contract (awarded to Pete Smith's Garage on May 19, 2008) at its July 21, 2008 meeting.

**Commissioner Buffaloe:** No comment.

**Commissioner Lancaster:** No comment.

**Commissioner Swanson:** No comment.

**Interim Manager Angela Harris:** Mrs. Harris stated the following:

- Mrs. Harris stated she approved a salary increase for an employee at the Planning Department for retention purposes. The five percent increase brought the salary to \$37,844.
- Mrs. Harris mentioned the grand opening of the county's new Animal Control facility which is scheduled from 10:00 A.M. until 4:00 P.M. on Aug 16, 2008. She stated the construction of the facility is on schedule and said costs are at or below budget. Grant funds have also been received to offset costs associated with the installation of gutters.
- Mrs. Harris mentioned an article written by Franklin County Cooperative Extension Agent Will Strader.
- Mrs. Harris also mentioned a budget work session the board scheduled for June 19, 2008.

## **10. CLOSED SESSION**

Commissioner made the motion to enter into a closed session pursuant to General Statute 143-318.11 (a) (6), in order for the board to discuss a personnel matter. The motion was seconded by Commissioner Swanson and carried 6 to 1, with Commissioner Foy casting the dissenting vote.

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

It was then announced that no action was taken.

Commissioner Dunston made the motion to recess until Thursday, June 19, 2008 at 7:00 A.M., seconded by Commissioner Winters. The motion duly carried with all present voting "AYE."

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Robert L. Swanson, Chairman

Kristen G. King, Clerk to the Board

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