

**April 20, 2009**

The Board of Commissioners of Franklin County, North Carolina, met at 5:30 P.M. at the Health and Human Services Building with the following Commissioners present: Chairman Robert L. Swanson, Vice-Chairman Penny McGhee-Young and Commissioner Bob Winters. Commissioners E. Shane Mitchell, Sidney E. Dunston, Donald C. Lancaster and Harry L. Foy, Jr. were absent.

The purpose of the meeting was an annual report/dinner offered by the Department of Social Services.

This was an informal meeting and no action was taken.

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, Donald C. Lancaster, Harry L. Foy, Jr. Commissioner E. Shane Mitchell arrived at 7:47 P.M.

Chairman Swanson called the meeting to order and announced that State Senator Vernon Malone died recently. Funeral services for Senator Malone will be held April 23, 2009 in Raleigh. He also announced the recent death of the county's former Mental Health Director Ruth Murphy.

Commissioner Swanson then asked the Board to consider approval of the consent agenda. Commissioner Winters made the motion to approve the consent agenda, seconded by Commissioner Foy. The motion duly carried with all present voting "AYE." The items approved are as follows:

**1. CONSENT AGENDA**

- A. April 6, 2009 minutes
- B. Releases, Adjustments, Refunds, and Tax Collection Report
- C. 911 Advisory Board By-Law Amendments
- D. Resolution opposing transfer of Secondary Road Program to counties

**ITEM 1-D**

**RESOLUTION OPPOSING TRANSFER OF SECONDARY ROAD PROGRAM TO COUNTIES**

**WHEREAS**, legislation has now been introduced (Senate Bill 758) that would transfer responsibility for and maintenance of secondary roads from the State to Counties beginning in 2011; and

**WHEREAS**, according to statistics compiled by the North Carolina Association of County Commissioners in 2008, there are 654.80 miles of secondary roads in Franklin County; and

**WHEREAS**, without the continuation of existing State revenue streams to pay for road upkeep and construction, Franklin County would be forced to raise the property tax rate by 11.5 cents in order to keep up the current level of funding needed to maintain our existing secondary roads; and

**WHEREAS**, Franklin County does not have the equipment or capital to take on this massive additional responsibility.

**NOW THEREFORE, BE IT RESOLVED** that the Franklin County Board of Commissioners:

- 1. Strongly oppose SB 758, which, if ratified, would transfer responsibility for and maintenance of secondary roads from the State to Counties.

2. Strongly urge all Counties to contact their legislative delegation to solicit their support in defeating this proposed legislation.
3. Direct that a copy of this resolution be transmitted to the members of the N.C. General Assembly representing Franklin County with each Commissioner's heartfelt concern about the transfer of this and future State costs to Counties.
4. Direct that a copy of the resolution be sent to the North Carolina Association of County Commissioners and all other North Carolina Counties.

## 2. COMMENTS FROM THE PUBLIC

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

### **Sheila Hanna, 2905 NC Highway 39 North, Louisburg, NC**

- Mrs. Hanna first asked the Board to conduct a town hall meeting in order to obtain feedback from citizens. She then stated her concern pertaining to a public records request made to the Economic Development Commission (EDC) office. She stated she recently made a request to the office for any and all emails sent to or received by EDC personnel, past or present, from midnight January 1, 2007 until present which in any way related to any County business or proposed business, resident, employee, or representative, past or present as well as any and all attachments regardless of their point of origin and any and all documents which have been converted to electronic format regardless of the method by which they were originally received. Mrs. Hanna said she spoke with Ronnie Goswick, EDC Director, on the day of her request and was asked what specifically she was looking for in the emails. She commented she is protected by General Statutes from answering that question. She said Mr. Goswick stated he routinely discards his emails which she said is in violation of General Statutes. She said she was also told by Mr. Goswick the request would take too much time to complete because confidential information was mixed in with non-confidential information which she said is a violation of General Statute. She said she settled by first asking for a general search of his inbox for emails related to the "Committee of 100" and "incentives." She stated she received two discs from the EDC office on April 17, 2009 and stated a third disc is now available. She stated a majority of emails on the discs were spam and said she didn't get anything that referred to any developments dating back to 2002. During her conversation with Mr. Goswick, she stated the Committee of 100 was discussed briefly. She stated she was asked why she hadn't joined the group. She replied that she was morally opposed to joining an organization whose primary purpose seemed to be buying influence with the EDC and therefore with the Board of Commissioners. She said Mr. Goswick was surprised by her response and asked why she felt that way. She replied that it was her experience that every Planning and Zoning matter brought before the Commissioners, first went to Mr. Goswick whose recommendation carries a great deal of weight with the Board in making their final decision. She said that since Mr. Goswick is a member of the Committee, as well as half of the EDC Board. She said committee members who are not on the EDC Board also frequently attend EDC meetings and voice their opinions on EDC affairs and hold sway over those opinions and recommendations, etc. She said she commented to Mr. Goswick that she believed this influence was akin to buying the ear of the EDC or of the Franklin County Board of Commissioners. She said she didn't feel Mr. Goswick's recommendations to the EDC or to the Planning Board could be unbiased in light of the close interrelated relationship with the Committee of 100, especially since Mr. Goswick is a member of the Committee of 100. She said he didn't disagree with her statement and said he made to attempt to clarify his position. Since that time, she said she has begun to question the appropriateness of the Committee of 100's close ties to the EDC and to Franklin County Government in general. She said she believes that the Committee of 100, by its own description of its operations, predominantly a real estate holding and development company, whose membership dues and corporate profits are used to acquire, purchase, lease, plan and/or construct industrial development projects in Franklin County. As a business entity with a distinct financial interest in developing Franklin County regardless of their tax

status, Mrs. Hanna said the Committee of 100 is a partisan entity with a specific agenda. She said the Committee of 100 receives its mail at the Franklin County EDC office and said its email contacts are the business email addresses of county employees Ronnie Goswick and Lori Duke. She said the registered agent of the Committee of 100 was Donald Mozingo who receives mail for his work in that capacity at the County Administration Building. It is her opinion that the depth of hands-on involvement in complete intermingling within routine EDC and Franklin County Government affairs constitutes a violation of General Statute 153A-99 which exists to ensure that county employees are not subjected to political or partisan coercion while performing their job duties, to ensure that employees are not restricted from political activities while off-duty and to ensure that public funds are not used for political or partisan activities. At this time, Chairman Swanson asked the Board to consider whether or not to extend time for comments by Mrs. Hanna. Commissioner Young made the motion to extend more time in order for Mrs. Hanna to finish her comments, seconded by Commissioner Foy. The motion duly carried with all present voting "AYE." It is Mrs. Hanna's opinion, based on her understanding of the law, that the EDC is a government body, that Mr. Mozingo as the registered agent of the Committee of 100 because he receives his mail at the County Administration Building while acting in whatever capacity his government job entails, Mr. Goswick as the EDC Director and Committee of 100 member for his business in conducting Committee of 100 business at a county funded office while representing Committee of 100 interests to county officials while engaging in his capacity as the EDC Director, Ms. Duke as a county employee in the EDC office for conducting Committee of 100 business through a county funded office; EDC member Mark McArn was on the Planning Board and Committee of 100 for representing Committee of 100 interests while engaged in his capacities as both EDC member and county Planning Board member. EDC members Don Lancaster, Committee of 100 Chair; Shane Mitchell, EDC Chair; both of whom are also Committee of 100 members representing Committee of 100 interests while engaged in their capacity as EDC members and/or County Commissioners. Commissioners Dunston and Young as Committee of 100 members engaging in Committee of 100 business while engaged in their capacity as County Commissioners and County Attorney Darnell Batton while acting in his capacity and being a Committee of 100 member. Mrs. Hanna stated these issues concern her. She then stated that she is not saying the people she named are doing anything wrong, but she said she wanted to point out there is cause for further investigation based on the positions they hold. She submitted that no political lobbying or special interest groups should hold fifty percent of the seats on any county board or commission and that all EDC board members should come to the table with nothing more than the best interest of the county at heart. She said she believes that if anyone should hold more than fifty percent of the EDC board slots it should be "regular" citizens from Franklin County who have no business ownership, real estate beyond their personal home or other potentially self serving interests aside from the fact they are county residents. She believes her concerns merit serious consideration by the board. She also noted that she requested figures for total success rates and/or track record information. She said she was told the information wasn't tracked by the County or EDC office. She said she had no doubt that Mr. Goswick's intentions are good, but she felt the EDC office is run without sufficient oversight by either his board or the people of the county and that his lack of knowledge regarding adherence to basic general statutes constitutes a major liability to county government and the taxpayers. Chairman Swanson said the Board would take her comments into consideration.

**John Poli, 1247 Bethlehem Church Road, Youngsville, NC**

- Mr. Poli appeared before the Board (for a second time) regarding the County's Noise Ordinance and a complaint regarding noise from remote controlled airplanes that are operated near his home. He stated a deputy came out to his house to investigate a noise complaint on April 12, 2009, but said the ordinance couldn't be enforced due to the way the ordinance is written. Mr. Poli submitted to the Clerk, a petition with the names of people who are also concerned about the noise. Mr. Poli said the noise is loud and unbearable and wanted to know how the ordinance could be altered. He said he has already spoken with the owner of the property, but said he didn't expect

any action to be taken. County Attorney Darnell Batton then stated that Mr. Poli may want to seek civil action against the remote controlled airplane club. County Manager Angela Harris stated she will look into the matter further.

### **3. RECOGNITION OF EMPLOYEE OF THE QUARTER**

Scott Hammerbacher, Director, Franklin County Planning and Inspections, was recognized as the Employee of the Quarter ending March, 2009. Mr. Hammerbacher has been employed with the county since May, 2006 and selected for this recognition by a committee of his peers. Mr. Hammerbacher received a vacation day and a savings bond.

### **4. PUBLIC HEARINGS**

#### **A. UDO Text Amendment: Article 8 (Table of Area, Yard and Height Requirements) – Front Yard Setback Requirement for Existing Camper Lots at Lake Royale**

According to Scott Hammerbacher, Planning and Inspections Director, the Board of Adjustment requested that the Planning Board consider amending the Franklin County Unified Development Ordinance (UDO) to reduce the front yard setback requirement for existing camper lots at Lake Royale from 30 feet to 15 feet. Planning staff has reviewed nine separate variance requests over the past four years to allow for front setback reductions for existing camper lots at Lake Royale. The average of these variance requests was 12.22 feet. It is a common practice that if several variance requests are received and subsequently approved that there is a deficiency within the UDO. The Planning Board requested additional information regarding septic tank regulations within Lake Royale, and received information from Environmental Health. Mr. Hammerbacher stated the Planning Board, by unanimous vote, recommended denial of the proposed text amendment at their March 10, 2009 meeting.

The public hearing was opened and closed at 7:37 P.M. with no comments made from the public.

Commissioner Winters made a motion to deny the text amendment request, seconded by Commissioner Swanson. The motion carried with all present voting "AYE."

#### **B. UDO Text Amendment – Article 6, Section 6-1 (Table of Permitted Uses) for the Agricultural Residential District**

According to Scott Hammerbacher, Planning and Inspections Director, the Planning Board received a second request from Ms. Sheila Hanna for a Unified Development Ordinance (UDO) amendment to Section 6-1: Table of Permitted Uses for the Agricultural Residential zoning district. The proposal was previously considered by the Planning Board at their November, 2008 meeting and recommended to the Board of Commissioners for approval. Following a public hearing which occurred on January 5, 2009, the Board of Commissioners unanimously voted for denial of the proposed text amendment. During the public hearing, the County's Economic Development Director expressed various concerns regarding the requested text amendment. Mr. Hammerbacher stated the Planning Board, by majority vote of nine to one, recommended denial of the proposed text amendment at their March 10, 2009 meeting.

At approximately 7:46 P.M., Chairman Swanson opened the public hearing.

At approximately 7:47 P.M., Commissioner Mitchell arrived.

**Sheila Hanna, 2905 NC Highway 39 North, Louisburg, NC**

– Mrs. Hanna provided the following PowerPoint presentation.

**Should Franklin County Allow a Change to the UDO "Table of Permitted Uses"?**

A Factual Analysis

**Development Types Suggested for Removal from A/R zones**

- Bituminous Coal & Lignite Mining
- Crude Petroleum & Natural Gas
- Detention Facilities
- Inert Debris Reclamation
- Mining Industries
- Nonmetallic Minerals, except fuels
- Offices, small / Low-impact
- Paper Products, Sales
- Salvage & Recovery Yards
- Sanitary Landfill

**Basis for Suggested Exclusion**

- Such uses fail to meet the stated objectives of the AR designation which states that such districts are established to:
  - "Promote a compatible mixture of agricultural, forestry, conservation, and very low-density residential uses where few public services will be available"

**The UDO Clearly States that :**

- "Protection of the environment, preservation of prime farm land, and the continuation of rural lifestyles are goals this district seeks to attain."

**Franklin County Facts**

- Franklin County encompasses 495 square miles (314,618 acres) and is 91.3% rural
- 128,412 acres (more than 40%) of the county's land mass is occupied by farms (source: USDA National Agriculture Statistics Service, 2002 Census of Agriculture)
- Franklin County farms had 2007 cash receipts of \$38,920,000 in 2007 not including \$8,789,000 in government payments (source: USDA National Agriculture Statistics Service, 2002 Census of Agriculture)

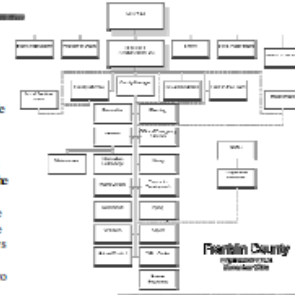
**Franklin County Facts (cont'd)**

- 87.8% of Franklin County residents lived outside the boundaries of incorporated towns in 2002 (source: U.S. Census Bureau "North Carolina Incorporated Place Population Estimates, Sorted within County: April 1, 2000 to July 1, 2002" at [http://www.census.gov/popest/archives/2000/vintage\\_2002/SUB-EST2002-10-37.pdf](http://www.census.gov/popest/archives/2000/vintage_2002/SUB-EST2002-10-37.pdf))
- 1,334 more county residents were living outside of Franklin County's incorporated towns in 2002 than in 2001 representing a 3.1% increase (source: U.S. Census Bureau "North Carolina Incorporated Place Population Estimates and Population Change, Sorted within County: July 1, 2001 to July 1, 2002" at [http://www.census.gov/popest/archives/2000/vintage\\_2002/SUB-EST2002-11-37.pdf](http://www.census.gov/popest/archives/2000/vintage_2002/SUB-EST2002-11-37.pdf))

**Addressing Planning Board Member Concerns**

**POINT**  
A Planning Board member who also serves on the county EDC recently commented, during an EDC meeting, that county residents should not be able to initiate UDO revisions

**COUNTERPOINT**  
According to the County Organization Chart (shown at right), Citizens hold the highest position in Franklin County's governmental structure, above both the BOC and the PB. This implies that we have higher authority to initiate reviews of and/or changes to county policy, procedures, etc. than either of those two Boards



**Addressing Commissioner's Concerns**

**POINT**  
Changing allowable uses is better addressed in review of the Comprehensive Plan

**COUNTERPOINT**  
Specifics of allowed land uses are addressed in the "Table of Permitted Uses" section of Zoning Ordinances to give them the rule of law by clearly establishing which uses shall be permitted in each zoning designation. The Comprehensive Plan is, not surprisingly, designed to be a "comprehensive" or "big picture" view of the directions and goals that the county will be steered towards

### Addressing Commissioner's Concerns

**POINT**

The requested changes to the Table of Permitted Uses will mean that parcels will need to be rezoned as light- or heavy-industrial to allow certain uses in AR districts, thus opening up the parcels to more harmful or disruptive uses in the future

**COUNTERPOINT**

If rezoning of AR sites to Industrial zoning classifications would be inappropriate, the answer should be to deny the rezoning request.

### Addressing Commissioner's Concerns

**POINT**

The uses under discussion are inappropriate for other residential zoning districts because they would be too disruptive to greater numbers of County residents

**COUNTERPOINT**

The number of residences being impacted is not relevant to the question of whether or not the subject uses are appropriate for residential areas. The issue should be "will it be disruptive or harmful" rather than "will enough residents be impacted for it to matter to the County Commissioners". Furthermore, it has been established that more than 44,000 people (over 90% of the county's population lives outside of any city limits, thus establishing which demographic will be impacted more.

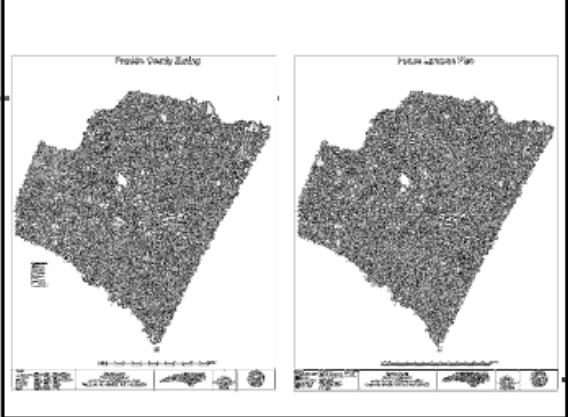
### Addressing Commissioner's Concerns

**POINT**

Franklin County doesn't have enough land area designated for commercial/industrial uses which hinders her ability to improve her economic development

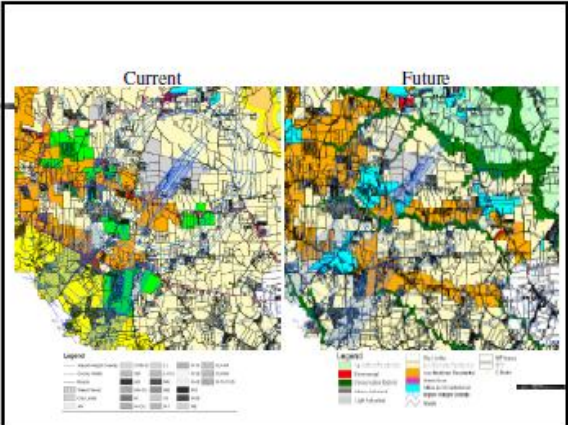
**COUNTERPOINT**

The failure to adequately plan for growth it is not the fault of county residents. The county EDC website tells us that "The noise, confusion, and congestion of larger cities are lacking in Franklin County; but the services, opportunities, and quality of life you desire are not." and "Franklin County is the ideal location for those seeking a quiet, rural atmosphere within easy access of big-city amenities." The EDC website also shows pride in our "friendly small towns and plenty of available land ..." If we allow industrial uses in AR-zoned areas, we will be giving up the very characteristics that we tout as benefits of living here.



### Other Considerations

- Good planning practices include proactive planning rather than reactive and require compartmentalization of harmful & objectionable development rather than random and jurisdiction-wide placement of such projects. We have areas which are already designated for commercial & industrial growth and should be using those areas for such development.



### Other Considerations

If the northern section of Franklin County is so lacking in areas zoned for industrial-type development, why doesn't the Future Land Use map show more changes to address this need?



### Other Considerations

- By Franklin County's own definitions, industrial uses are not appropriate for AR districts:
  - LI Light Industrial District**  
The purpose of this district is to establish and protect industrial areas for the use of light manufacturing operations and for the distribution of products at wholesale. The following standards are established for this district and designed to promote sound permanent light industrial development, and to protect nearby areas from undesirable aspects of industrial development.
  - HI Heavy Industrial District**  
The purpose of this district is to establish and preserve areas for heavy industrial and related uses and is designed to accommodate all but the most objectionable industries; however, industries permitted by right are required to minimize their emission of smoke, dust, fumes, glare, noise, and vibrations. The following standards are established for this district and designed to promote sound permanent heavy industrial development, and to protect nearby areas from undesirable aspects of industrial development.

Source: FCZ000, Chapter 166, Section 4-2, Page 16-16

### Legal Considerations

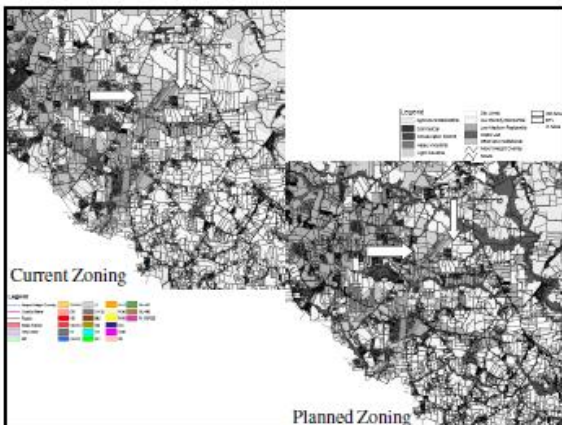
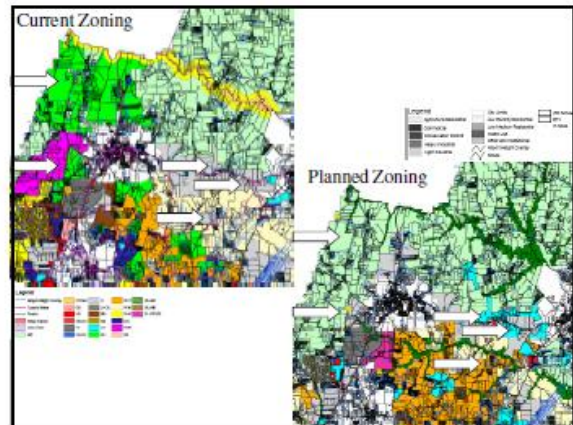
- "inclusion of the particular use in the ordinance as one which is permitted under certain conditions, is equivalent to a legislative finding that the prescribed use is one which is in harmony with the other uses permitted in the district." *Woodhouse v. Board of Commissioners* 299 N.C. 211, 216, 261 S.E.2d 882, 886 (1980)
- "the court held that it was improper to deny a special use permit for an adult bookstore on the grounds that it would be incompatible with surrounding buildings since its inclusion as a special use by the ordinance is conclusive on the policy question of use compatibility" *Harris Book Stores v. City of Raleigh* 53 N.C. App. 753, 281 S.E.2d 761 (1981)

### Legal Considerations

- "In *Vulcan Material Co. v. Guilford County Board of Commissioners*, the board of county commissioners denied a special use permit for a proposed rock quarry on the grounds that there was insufficient credible evidence to find that the use would be compatible with the surrounding land uses. The court held that it was sufficient that the record showed all uses within two miles of the quarry to be residential." 115 N.C. App. 319, 444 S.E.2d 639, review denied, 337 N.C. 807, 449 S.E.2d 758 (1994) as discussed in "Special Use Permits in North Carolina Zoning" by David W. Owens, April 2007, published by UNC School of Government
- "In *Humane Society of Moore County Inc. v. Town of Southern Pines*, the court overturned the denial of a special use permit for an animal shelter. Noting that inclusion of the use as a possible conditional use in the district creates a prima facie finding of compatibility" 161 N.C. App. 625, 589 S.E.2d 162 (2003) as discussed in "Special Use Permits in North Carolina Zoning" by David W. Owens, April 2007, published by UNC School of Government

### Conclusions

- Arguments regarding insufficient areas in the county which are zoned for industrial uses are unsubstantiated given the 2,026.88 acres of vacant business sites in Franklin County, of which 1,450+ acres are zoned heavy- and/or light-industrial, 108+ acres are zoned HB, 115+ acres are zoned Commercial, 185+ acres are zoned for warehouses/distribution centers, and 145+ acres are zoned for mixed-use
- Arguments regarding insufficient areas for economic growth in the county are not borne out by the county's own Future Land Use map. This map indicates that little, if anything, is currently planned to increase the number of commercial/industrial zoning areas in the County. In addition, the predominantly AR zoned areas north of the Tar River are, with very few exceptions, shown to be retaining the AR zoning designation, despite Commissioner comments that the northern part of the county allows no opportunities for economic growth. Finally, the map shows that some areas near the County Airport which are currently zoned for industrial uses are planned to be re-zoned to residential designations which contradicts comments that LI & HI districts are in short supply



### Conclusions

- Arguments implying that any part of the UDO can be "massaged" solely by incorporating changes in the Comprehensive Plan are erroneous. The UDO constitutes the "law of the land" regarding development, while the Comprehensive Plan is strictly a policy document offering long-term guidance of a much broader nature. The UDO always takes legal precedence over the Comprehensive Plan, and the Comprehensive Plan can never "trump" the UDO as the citation below (from UDO Section 1.8) clearly shows (italics added for emphasis):  
*"It is the intention of the Board of Commissioners that this Ordinance implement the planning policies adopted by the Board for the county, as reflected in the Franklin County Comprehensive Land Use Plan and other planning documents. While the Board of Commissioners reaffirms its commitment that this Ordinance and any amendment to it be in conformity with adopted planning policies, the Board of Commissioners hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document."*

### Conclusion

- Multiple North Carolina legal precedents show that failure to adopt changes will have four obvious & significant adverse impacts by virtue of:
  - Opening county to lawsuits from developers claiming that inclusion as a special or conditional use in the Unified Development Ordinance "Table of Permitted Uses" provides prima facie evidence of compatibility with surrounding uses, thus contradicting B.O.C. findings of incompatibility and constituting arbitrary decision-making
  - Opening county to lawsuits from developers claiming that one industrial use allowed within a non-industrial zoning district opens the said non-industrial district to additional industrial uses based on precedent alone
  - Opening county to lawsuits from residents claiming that the B.O.C. violates its own Zoning Ordinances and Comprehensive Plan
  - Reducing Franklin County's attraction to potential residents seeking a rural lifestyle because the laws allow for easy manipulation of zoning to suit the wishes of developers without regard for impact on pre-existing development

### Final Thoughts

- The evidence provided here clearly supports the recommended ToPU revision
- Current County Planning Maps, when compared to the County's own Future Land Use Map and current land & property availability data, contradicts arguments by Commissioners and the EDC Director indicating that land for commercial and light- / heavy-industrial development is in short supply and needs to be increased. In fact, we have far more supply than demand.
- Failure to revise the UDO's ToPU in the face of the evidence provided would likely be viewed by a court of law as arbitrary and capricious decisionmaking.
- Continuing to rule on development applications without correcting the ToPU places taxpayers in jeopardy of having to pay, either financially or in quality of life, for the county's failure to properly plan and govern or, alternatively, having to sue the county for relief

Thank you for your time & attention.

Richie Duncan, Existing Industry Coordinator, reiterated what was decided in the February, 2009 meeting of the EDC (Economic Development Commission). She stated the EDC had multiple concerns and said there is a limited amount of space that is zoned HI or LI and stated if the proposed text amendment was adopted, it would limit opportunities for economic development. She said the EDC office is opposed to any action that would restrict economic development and said EDC does not endorse the adoption of the text amendment.

At 8:04 P.M., Chairman Swanson closed the public hearing.

Commissioner Dunston then made the motion to deny the text amendment request, seconded by Commissioner Foy. The motion carried 6 to 1, with Commissioner Young voting against the motion.

**C. Refunding of Remaining 1998 General Obligation Bonds, 1996 Installment Financing, and 1999 Certificates of Participation Issuance**

At the Board's April 6, 2009 meeting it called for a public hearing regarding the refunding/refinancing of bonds that the County has already issued in previous years.

According to County Finance Director Chuck Murray, due the drop in interest rates and the change in the bank qualified limit from \$10,000,000 to \$30,000,000, the market is favorable to refinance previous debt issued in the amount of \$19.1 million. It is estimated the County will save \$1,021,000 in interest payments over the next 15 years.

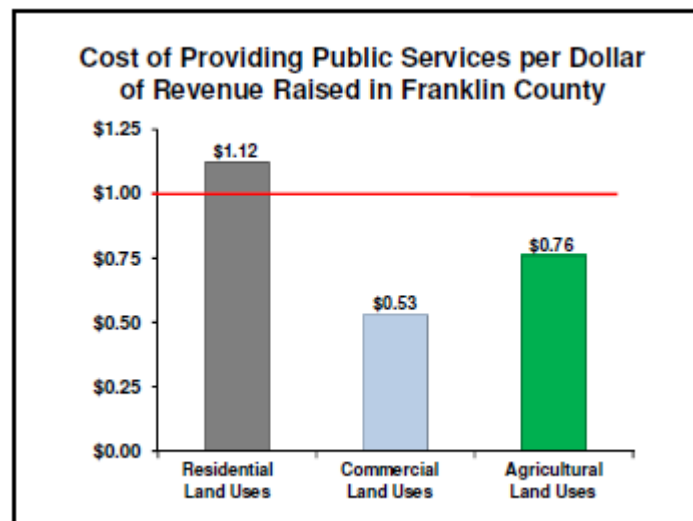
At approximately 8:07 P.M., Chairman Swanson opened and closed the public hearing, with no comments made from the public.

Commissioner Young made the motion to approve the resolution asking permission of the Local Government Commission to refinance the above mentioned debt. The motion was seconded by Commissioner Foy and duly carried with all present voting "AYE."

Commissioner Winters then asked if the term of the debt would be extended. Mr. Murray stated it would not be extended.

**5. COST OF COMMUNITY SERVICES STUDY**

As part of the development of the County's Comprehensive Development Plan a Cost of Community Services was initiated by planning staff in order to determine the level of service required for various land uses. The study was completed at a cost of \$370 to the County and took approximately three months for Dr. Renkow to prepare. Dr. Renkow's PowerPoint presentation is referenced below. A copy of the study is on file in the office of the Franklin County Clerk to the Board.



No action was needed on this matter.



## **6. ENHANCED 9-1-1 PHONE EQUIPMENT REQUEST FOR PROPOSALS**

Franklin County solicited bids for Enhanced 9-1-1 phone equipment to implement a Voice over IP platform in preparation for Next Generation 9-1-1 technologies. Christy Shearin, Emergency Communications Director was present and made the recommendation consider rejecting all proposals received and approval of upgrading telephone workstations only at this time. She also stated that grant funds are being pursued.

Commissioner Mitchell made the motion to reject all proposals received and approve upgrading telephone workstations. The motion was seconded by Commissioner Dunston and duly carried with all present voting "AYE."

Chairman Swanson called for a brief recess. The meeting was brought back to order at 8:33 P.M.

## **7. UPDATE ON THE BOYS & GIRLS CLUBS FRANKLIN UNIT**

Rosemary Champion, Boys & Girls Clubs North Central North Carolina, Franklin Unit President, provided an update on kids served at the Franklin Unit. She also invited the Board and the public to a fundraiser on May 4, 2009 from 5:00-7:00 P.M. at Johnny's BBQ in Louisburg. Mrs. Champion also introduced Camilla Henry, Youth of the Year, to the board who talked about what the club has meant to her.

## **8. DISCUSSION: 2008 SCHOOL BOND PROJECTS**

The Board was asked to provide the Board of Education direction regarding 2008 bond projects.

Commissioner Foy asked where the County stands in regards to receiving ADM and lottery monies. County Manager Angela Harris stated she couldn't answer the question at this time. She said the funds were restored in the Governor's budget, taken out by the Senate and currently being discussed by the House of Representatives. In light of the economy, Commissioner Foy said he was concerned with how much of a tax increase would be needed to complete the school bond projects including Franklinton High School.

Commissioner Lancaster then suggested the Board allow the project to be bid out in hopes that a clearer financial picture would exist by the time the bids come in. Commissioner Foy said he had no problem with that. Commissioner Lancaster stated \$41 million was needed for Franklinton High School, but said some projects are coming in at 10 to 20 percent less.

Paige Sayles, School Board Chair, stated the bids would be good for 60 days after they are opened on May 28, 2009. She said she hopes the School Board would have more information and a better understanding of the State budget at that time.

Commissioner Winters asked Ms. Sayles about student attendance and whether or not figures are decreasing. Ms. Sayles stated students are not leaving the County and said attendance continues to increase. She stated there was a slight decrease in April, 2009, but stated that decrease was no different compared to any other year. Dr. Bert L'Homme, Franklin County Schools Superintendant, stated the population continues to grow at Franklinton High School. He also said the schools have not experienced the increase that was expected, but he said the numbers haven't decreased.

Commissioner Lancaster asked Ms. Sayles to state the School Board's priority project. Ms. Sayles stated all school bond projects are top priority, but she said the first item on the completion list was Franklinton High School.

Commissioner Young inquired about the cost of bidding out these projects and said she was concerned about the estimated costs for contractors. Jon Long, Architect, MBAJ Architecture, stated he could only speculate, but suggested the Board not move forward with the bidding process if there is no chance of the projects moving forward at this time.

Mrs. Harris then asked Mr. Long how soon the Board of Education would need direction on other projects in order to stay on schedule with the newly revised schedule. Mr. Long replied direction would be needed by late summer.

Commissioner Lancaster made the motion to proceed with the bidding process for Franklinton High School, seconded by Commissioner Mitchell. The motion duly carried with all present voting "AYE,"

## 9. APPOINTMENTS

### A. Juvenile Crime Prevention Council

The Board was asked to appoint/reappoint 15 members to the Juvenile Crime Prevention Council.

- Vacant (person under 18 years of age)
- Vacant (public representative)
- Vacant (faith community)
- Vacant (person under 18 years of age)
- Elliott Pinnell (Local Sheriff Representative)
- Penny Young (County Commissioner)
- Nancy Hall (Public Representative)
- Marla Peoples (Local School Superintendent)
- John Davis (Chief District Court Judge)
- John Bradshaw (Business Community)
- Jeannette Richardson (Director of Social Services)
- Charles (Chuck) Murray (County Manager)
- Cedric Jones (United Way or Non-profit Org.)
- Becky Leonard (Health Director)
- Alice Faye Hunter (Public Representative)

The Board was also asked to consider the appointment of Reverend Gary Williams as well as Henrietta Green-Pitre. The Board had questions regarding the appointments and opted to delay its decision.

Commissioner Lancaster then made the motion to approve the remainder of reappointments (listed above), seconded by Commissioner Young. The motion duly carried with all present voting "AYE."

### B. Adult Care Home Community Advisory Committee

The Board was asked to consider reappointing Thomas Wade, Jr. and Mary Murphy to the Adult Care Home Community Advisory Committee by recommendation of Kim Hawkins, Regional Ombudsman.

Commissioner Lancaster made the motion to reappointment Thomas Wade, Jr. and Mary Murphy to the Adult Care Home Community Advisory Committee, seconded by Commissioner Dunston. The motion duly carried with all present voting "AYE."

### C. Home Care Community Block Grant Advisory Committee

The Board is asked to consider the appointments/reappointments of the following peopled to the Home Care Community Block Grant Advisory Committee.

- Walter McDonald (reappointment)
- Thomas Wade (reappointment)
- Diane Cox (appointment)
- Roxanne Bragg-Cash (reappointment)
- Robert Perry (reappointment)
- Patrick Woods (reappointment)
- Nicki Griffin (reappointment)
- Mattie Woodard (reappointment)
- Larry Tetterton (reappointment)
- Janice Kelly (reappointment)
- Chuck Murray (reappointment)

Commissioner Young made the motion to approve the appointments and reappointments (listed above), seconded by Commissioner Mitchell. The motion duly carried with all present voting “AYE.”

### 10. 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.

**Commissioner Foy:** No report.

**Commissioner Winters:** Commissioner Winters reminded those in attendance of the High Flight Community Day event scheduled for May 9-10, 2009.

**Commissioner Young:** No report.

**Commissioner Swanson:** Commissioner Swanson stated the Mayor of Louisburg (Karl Pernel) wanted to know if the Board is willing to build a county complex in downtown Louisburg. The Board gave consensus of the idea only if and when economic times change and if funds are available. Commissioner Foy stated he would not commit to locating a complex in Louisburg.

**Commissioner Lancaster:** Commissioner Lancaster reminded the Board about a visit by Congressman Bob Etheridge tomorrow (April 21, 2009) at Triangle North Executive Airport.

**Commissioner Mitchell:** Commissioner Mitchell stated that on March 16, 2009 he made a motion and the Board approved rebidding the 911 project to include upgrades and towers and for the 911 Advisory Committee to proceed with what was most economical. For clarification, Commissioner Mitchell made another motion to allow the Communications Director to evaluate mechanisms for getting the system enhanced and towers built that is most economically feasible and that guarantees 95/95 coverage and report back to the Board what are the best means of proceeding. The motion was seconded by Commissioner Dunston and duly carried approval with all present voting “AYE.”

**Commissioner Dunston:** Commissioner Dunston thanked everyone for their concern regarding his recent skydiving accident.

**County Manager Angela L. Harris:** Mrs. Harris gave an update regarding the following topics:

- The County is currently leasing a mobile home unit for \$750 per month. After a recent rate increase to \$900 per month, Mrs. Harris said other options are being explored. One option is to collocate with the Bunn Fire Department. She recommended the contract be renegotiated to include a 30 or 60-day out to look for a more permanent site.
- Mrs. Harris mentioned the Sheriff has applied for federal stimulus funding.
- It was motioned that workshops for citizens will soon be provided by the Tax Department regarding and encouraging payment plans.
- Mrs. Harris stated the importance of providing funding for necessary travel and asked the Board to continue to support travel. She strongly supports travel for staff in order to retain skills and certifications needed to perform job functions.

**County Clerk Kristen King:** No report.

At 9:33 P.M., Commissioner Young made the motion to adjourn, seconded by Commissioner Swanson. The motion duly carried with all present voting “AYE.”

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Robert L. Swanson, Chairman

Kristen G. King, Clerk to the Board