

October 19, 2009

The Board of Commissioners of Franklin County, North Carolina, met for its Regular Meeting at 7:00 P.M. in the Commissioner's Conference 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, E. Shane Mitchell and Harry L. Foy, Jr. Donald C. Lancaster was absent.

Chairman Swanson called the meeting to order and asked the Board to consider approval of the consent agenda.

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

1. CONSENT AGENDA

- A. Releases, Adjustments, Refunds, and Tax Collection Report
- B. Extension of Memorandum of Understanding Amendment II, River Place IV and County

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. No comments were made.

Chairman Swanson then stated Item 3 and Item 4 would be removed from the agenda. He stated Bobby McCray had other obligations and was not able to attend the meeting and stated Item 4 would be postponed until the November 2, 2009 meeting.

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

~~Bobby McCray, Assistant Supervisor-Loader Operator, Franklin County Solid Waste, will be in attendance in order that the Board may recognize and congratulate him on his selection as the Employee of the Quarter ending September, 2009. Mr. McCray has been employed with the county since June, 1989 and selected for this recognition by a committee of his peers. Mr. McCray will receive a vacation day and a savings bond.~~

~~**4. RECOGNITION: CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING**~~

~~The Board will recognize the Franklin County Finance Department for attaining the Certificate of Achievement for Excellence in Financial Reporting for the tenth consecutive year. This award signifies that the financial records of the County meet national standards for accuracy.~~

5. PUBLIC HEARINGS

A. Request for Rezoning – Jerry Jr. and Cheryl Frazier

The Board was asked to consider adoption of a zoning map amendment to rezone approximately 10.73 acres located at 1133 Pocomoke Road (State Road 1127) in Franklinton Township from R-1 (Residential) to R-40 (Residential). Following the public hearing, it was recommended that the Board of Commissioners utilize the attached rezoning checklist to assist in its decision.

Scott Hammerbacher, Planning & Inspections Director, gave a summary of the rezoning request.

Chairman Swanson opened the public hearing at 7:11 P.M.

Cheryl Frazier, 1133 Pocomoke Road, Franklinton, NC

- Mrs. Frazier is the petitioner and owner of PDQ Farms that has been operating on the property since 2005. She stated she did not realize the business was not correctly zoned. She went onto explain what her business offers to the Franklin County community.

Sandy Black, 248 North Raleigh Farms Road, Youngsville, NC

- Ms. Black spoke in favor of the rezoning request and stated the operation was a benefit to the county.

Steven Wolford, 501 Brumber Circle, Wake Forest, NC

- Mr. Wolford spoke in favor of the rezoning request and the facility. He spoke about the minimal impact of the facility on the surrounding community. He stated the area is ideally suited and recommended approval of the request.

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

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

B. Franklin County Scattered Site Housing Amendment (08-C-1820)

The Franklin County Scattered Site Housing Program requires an amendment to address changing the budget and activities for the project. The same number of houses will still be treated as originally scheduled. There are no differences from the public hearing held at the September 21, 2009 meeting. The public hearing is being held again because the newspaper failed to run the required advertisement for the last public hearing.

Scott Hammerbacher, Planning & Inspections Director, gave a summary of the amendment request and explained that it had come to his attention that the public hearing was not properly advertised within the Franklin Times when the hearing was first held on September 21, 2009.

At 7:22 P.M., Chairman Swanson opened the public hearing but no comments were made and the public hearing was closed.

Commissioner Winters made the motion to approve the budget/program amendment, seconded by Commissioner Young. The motion duly carried with all present voting “AYE.”

FRANKLIN COUNTY FY 08 COMMUNITY DEVELOPMENT PROGRAM

AMENDMENT RESOLUTION

This Resolution authorizes an amendment to the Franklin County FY 08 Community Development Program.

Be It Resolved by the Board of Commissioners of Franklin County, North Carolina, That

WHEREAS, the County is participating in the Community Development Block Grant Program under the Housing and Community Development Act of 1974, as amended, administered by the North Carolina Department of Commerce; and

WHEREAS, the County desires to amend the approved project activities and budgets and certifies that a public hearing, in accordance with the North Carolina CDBG Program Regulations, was conducted on Monday, October 19, 2009, at 7:00 PM to discuss the proposed amendment; and

WHEREAS, the County certifies that regulations relating to environmental review conditions have been followed; Environmental Review Documents have been reviewed to determine any changes to the original finding of no significant impact on the environment and no adverse impacts were discovered and the original FONSI is still valid; and

THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Franklin County, North Carolina, hereby authorizes an amendment to the FY 08 Community Development Program; the Chairman is directed to act on behalf of the County in executing amendment documentation as the Chief Elected Official under the provisions of the North Carolina Community Development Block Grant Program Regulations (4 NCAC 19L).

6. SCHOOL CONSTRUCTION CONTRACTS

The Board was asked to consider school construction contracts with C.T. Wilson Construction Company, Inc. in the amount of \$5,884,949 for 2008 Bond projects (Bid Package 1) including Louisburg High School addition and renovations, Bunn High School addition and renovations and Edward Best Elementary School addition and renovations.

County Attorney Darnell Batton explained the lowest bidders, H.G. Reynolds and Hy-Tech Construction, Inc., were not recommended based upon mistakes made by the companies in the bid process. He stated the lowest bidder, H.G. Reynolds, did not include estimates for "Alternate 5." He stated the second lowest bidder, Hy-Tech Construction, Inc., also had mistakes within their bid. Mr. Batton stated he and School Board Attorney Boyd Sturges vetted the bids and recommended award to the third lowest bidder (C.T. Wilson) who met all legal prerequisites. He said he felt the decision could be upheld legally if challenged. Mr. Sturges was in attendance and stated he was in agreement.

A bid tabulation sheet was not included in the agenda packet, therefore the Board opted to delay a decision until the end of the meeting when copies of the document could be made and distributed.

7. FRANKLIN/WAKE BOUNDARY LINE

The Board was asked to consider adopting a Resolution of the Franklin and Wake County Boundary Line.

Franklin and Wake Counties have been working collaboratively with the North Carolina Geodetic Survey office to locate the county boundary line between the two counties. In doing so, staff from both counties have agreed that there is a need to resolve a variety of issues related to how properties are listed and assessed along the line. Some parcels straddle the line, and other parcels are physically located in one county, but assessed in the other. Resolving the issues would reduce confusion and delays in providing county services to these parcels. Therefore, to ensure correct county jurisdiction, parcels will

be recorded and assessed according to the boundary line surveyed by the North Carolina Geodetic Survey and agreed upon by Franklin and Wake County, and in accordance with North Carolina General Statutes.

North Carolina General Statutes 105-296 and 105-301, stipulate that: 1) each county assessor shall have the general charge to list, appraise, and assess all property in the county in accordance with the provisions of the law; and 2) all taxable real property shall be listed in the county in which it is situated. Based on this, all properties that straddle the Franklin and Wake County boundary line will be split assessed, meaning the portion in Franklin County assessed in Franklin, and the portion in Wake County assessed in Wake. Currently there are 150 parcels that straddle the boundary line that will require split assessment. There are 11 parcels that are already split assessed.

Another issue discovered during the process was that 15 parcels were found to be physically located in one county, yet assessed in the other County. Therefore, the listing for these parcels would need to be corrected and the parcels assessed in the appropriate county.

Franklin and Wake County have issued letters to those property owners who are affected by these proposed changes. Letters described each affected property owner's specific change to their assessment and also included a map of their property. In preparing the information to affected property owners, staff reviewed how property taxes and other various county services for the affected property owners would be addressed. These services include deed recordation, zoning, public safety, voting, and school assignment. Staff prepared a set of frequently asked questions (FAQ's) addressing each issue. The FAQ's were included in letters to affected property owners.

On October 6, 2009, Franklin and Wake County staff hosted an information session for affected property owners. Staff was able to answer specific questions for those owners who attended the session. Five affected property owners attended the information session.

Mr. Batton followed up by stating Franklin County school children would not be affected.

The Wake County Board of Commissioners considered the same action items this afternoon and unanimously approved the same resolution being considered by Franklin County. Once both the Franklin and Wake County Boards of Commissioners approve these items, changes to the affected properties would become effective on January 1, 2010.

Mr. Batton suggested that those present have an opportunity for public comment regarding the matter in order that Mr. Batton may report those comments to the Justice Department as part of the preclearance process. An opportunity was offered for public comment on the item. No comments were offered by those in attendance.

Commissioner Young made the motion to adopt the resolution reestablishing the location of the boundary line between Franklin and Wake County in accordance with the plat prepared by the North Carolina Geodetic Survey. The motion was seconded by Commissioner Winters and duly carried approval with all present voting "AYE."

Commissioner Young then made a motion to direct the Franklin County Tax Administrator to assess parcels that have previously been assessed in Wake County, but will now be situated in Franklin County, as a result of this action, in accordance with the newly located line mutually agreed to by this Board and the Wake County Board of

Commissioners. The motion was seconded by Commissioner Winters and duly carried with all present voting "AYE."

**RESOLUTION OF RATIFICATION OF THE SURVEY LOCATING THE BOUNDARY
BETWEEN WAKE COUNTY AND FRANKLIN COUNTY**

WHEREAS, North Carolina General Statutes §153A-18 provides that if two or more counties are uncertain as to the exact location of the boundary between them, they may cause the boundary to be surveyed, marked, and mapped; and

WHEREAS, Wake County and Franklin County were uncertain as to the exact location of the boundary between them due to the nature of the boundary description contained in the last survey of the county line conducted, recorded on November 24, 1915; and

WHEREAS, Wake County and Franklin County have caused the boundary to be surveyed, marked and mapped, with the assistance of the office of the North Carolina Geodetic Survey; and a plat is attached hereto by reference; and

WHEREAS, Wake County and Franklin County have, through cooperative efforts, agreed to the location of the common boundary of the two respective counties, as shown on the above referenced plat to include a general reference to the centerline of Moccasin Creek.

NOW, THEREFORE, be it resolved by the Franklin County Board of Commissioners that the boundary between Wake County and Franklin County as shown by the plat attached hereto is hereby ratified and shall become effective on the 1st day of January, 2010.

Commissioner Penny Young made a motion that the above resolution be adopted. Commissioner Bob Winters seconded the motion and upon vote the motion carried by a vote of 7, this the 19th day of October, 2009.

8. APPOINTMENTS

- A. Randy Likens, Emergency Services Director, asked that the Board consider appointments to the respective individual Local Firemen's Relief Fund Board of Trustees to include the following:

Bunn Fire District
Robert Moore (2 year term)

Centerville Fire District
Herbert G. Leonard, Jr. (2 year term)

Epsom Fire District
Calvin Ayscue (2 year term)

Franklinton (Northwest Franklin Fire District)
Michael Devall (2 year term)

Gold Sand Fire District
Ann Smith (2 year term)

Justice Fire District
Donnie Aycock (2 year term)
Greg Lloyd (1 year term)

Mitchiners Crossroads Fire District
Richard Hoyle (2 year term)

Pilot Fire District
Jordan Dunn (2 year term)

White Level Fire District
Delton Nelms (2 year term)

Youngsville (Western Franklin Fire District)
Fred Wheeler, Jr. (2 year term)

Commissioner Dunston made the motion to accept the appointments to the Local Firemen's Relief Fund Board of Trustees, seconded by Commissioner Mitchell. The motion duly carried with all present voting "AYE."

B. Industrial Facilities and Pollution Control Financing Authority

The Board was asked to consider the reappointment of Ray Hodges, Jimmy Cottrell and J.W. Weathers, Jr. to the Industrial Facilities and Pollution Control Authority. The term length is six years.

Commissioner Dunston made the motion to approve the reappointments to the Industrial Facilities and Pollution Control Financing Authority, seconded by Commissioner Young. The motion duly carried with all present voting "AYE."

C. Kerr-Tar Workforce Development Board

Upon recommendation by Vincent Gilreath, Kerr-Tar Workforce Development Director, the Board was asked to reappoint Ronnie Goswick for a one-year term, Rob Brink for a two-year term and Dexter Williams for a three-year term.

Commissioner Dunston made the motion to approve the reappointments to the Kerr-Tar Workforce Development Board, seconded by Commissioner Swanson. The motion duly carried with all present voting "AYE."

9. 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 mentioned that the codification process is nearing completion. The document is scheduled to be printed by the end of the week. The code book will be available on the county website as well. She also the CenturyLink Reception will be held on October 28, 2009. The Board is invited to attend.

Commissioner Foy: No report.

Commissioner Winters: Commissioner Winters thanked the County Manager and her staff for the way the public records requests have been managed recently. He feels the requests have been fulfilled in a timely manner.

Commissioner Young: No report.

Commissioner Lancaster: Absent.

Commissioner Mitchell: Commissioner Mitchell attended the Franklin County Firemen's Banquet. He said the speaker for the evening was A.C. Daniels who works with the State Fire Marshall's Office. He said Mr. Daniels commented that fire departments in Franklin County have good inspection rates.

Commissioner Dunston: Commissioner Dunston welcomed Dr. Ed Ingram, the new Superintendent for Franklin County Schools. Dr. Ingram was in attendance.

Commissioner Swanson: No report.

County Manager Angela Harris: Mrs. Harris reported on the following:

- Mrs. Harris stated grant opportunities are being explored in terms of recycling oil and Franklin County convenience sites. She said it will likely be the first of 2010 before grants are available.
- She also stated the Early College High School Program has been approved and a principal has been selected.
- Mrs. Harris stated H.S. Annis Architects is expected to soon produce schematic drawings of the space that will be utilized by the Board of Elections at the Health and Human Services Building. She stated the Department of Social Services has requested that the Board consider the possibility of utilizing some of the space to house Child Support which could affect the Employee Wellness Center currently housed at the Health and Human Services Building. She stated there are several entities interested in utilizing the space currently used by the Board of Elections office.

Following Mrs. Harris' report, the Board had more discussions regarding SCHOOL CONSTRUCTION CONTRACTS. The Board received copies of the bid tabulation sheets.

Commissioner Mitchell then made the motion to approve school construction contracts with C.T. Wilson Construction Company, Inc. in the amount of \$5,884,949. The motion was seconded by Commissioner Young and duly carried approval with all present voting "AYE."

The meeting was adjourned at 8:08 P.M.

Robert L. Swanson, Chairman

Kristen G. King, Clerk to the Board

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