

July 12, 2010

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: Chair Penny McGhee, Robert L. Swanson, E. Shane Mitchell, Donald C. Lancaster, David T. Bunn and Harry L. Foy, Jr. Vice-Chairman Sidney E. Dunston was absent.

Chair McGhee recognized the Louisburg All Star Team in attendance and announced the group will soon advance to the state finals in Cerra Gordo, North Carolina. The team is undefeated for the season.

Chair McGhee mentioned an item that was originally scheduled to be added to the agenda requesting Board approval of a resolution that would authorize the pursuit of an Industrial Development Fund grant for the Triangle North Franklin Industrial Park project. She stated the item would not be considered at this time.

Chair McGhee asked the Board to consider approval of the consent agenda.

Commissioner Mitchell asked to remove Item-G from the consent agenda for discussion.

Commissioner Lancaster made the motion to approve the remainder of 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. June 17, 2010 Minutes
- B. June 21, 2010 Minutes
- C. Revised contract between Bunn Fire Department & Franklin County
- D. Releases, Adjustments, Refunds, and Tax Collection Report
- E. 2009-2010 Tax Settlement
- F. Project Budget Ordinance for Palziv CDBG Grant in the amount of \$750,000
- ~~G. Project Budget Ordinance for E911 County Communication Project in the amount of \$10,518,525~~

In reference to Item G. (Project Budget Ordinance for E911 County Communication Project in the amount of \$10,518,525) Commissioner Mitchell asked if it was appropriate to increase the amount of the project budget ordinance to reflect additional funds that may be received following ratification of the E911 Bill. The recently approved bill expands the uses of E911 funds. Chuck Murray, Finance Director, responded that a change in the project budget ordinance was not needed. He said approval doesn't commit the County to borrow money; however it does put the project in place and allows funds to be spent on the project.

Commissioner Mitchell then made a motion to approve Item 1-G (Project Budget Ordinance for E911 County Communications Project in the amount of \$10,518,525). The motion was seconded by Commissioner Swanson and duly carried with all present voting "AYE."

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.

3. RECOGNITION OF EMPLOYEE OF THE QUARTER

Kathy Tharrington, Administrative Assistant II, Franklin County Planning & Inspections, was recognized for her selection as the Employee of the Quarter ending June, 2010. Mrs. Tharrington has been employed with the county since December, 1998 and selected for this recognition by a committee of her peers. Mrs. Tharrington received a vacation day and a savings bond.

4. PUBLIC HEARINGS

A. Request for Rezoning – Parrish Realty

The Board was asked to consider adoption of a zoning map amendment to rezone approximately 2.184 acres from Residential 30 (R-30) to Highway Business (HB) off Old US 64 Highway (State Road 1770) in Dunn Township. Following the public hearing, it was recommended the Board of Commissioners utilize the rezoning checklist (provided in the agenda packet) to assist in its decision.

Mr. Hammerbacher stated the Future Land Use plan indicates the property is intended for Low Density Residential. The property is currently surrounded by R-30 Residential zoning. Mr. Hammerbacher said a shop is currently located on the property that has not been permitted by Franklin County Planning and Inspections. The county's Unified Development Ordinance states the purpose of the Highway Business District shall be to provide for an encourage the proper grouping and development of roadside uses which will best accommodate the needs of the motoring public, the reduction of highway congestion and hazard, and the minimization of blight. The Land Use plan states that commercial land uses should be located at intersections of thoroughfares in addition to areas where water and sewer services are available. According to Mr. Hammerbacher, the 2010 average daily traffic count for Old US 64 is approximately 3,600 vehicles per day, with a capacity for 7,700 vehicles per day. There is no public water and sewer available at the site and there are no special environmental restrictions in conjunction with this property.

Mr. Hammerbacher stated the Planning Board unanimously recommended denial of the requested rezoning based upon the following reasons:

- The Comprehensive Land Use Plan has this property designated as Low-Density Residential and does not support this rezoning request.
- The subject property is surrounded by Residential (R-30) zoning.
- This property is not located along a major thoroughfare nor is it located at an intersection.
- There is no water and sewer currently available at this site.

Mr. Hammerbacher commented on his understanding that the land was in the process of foreclosure and said septic permits had been applied for, however the land would not perk.

Chair McGhee opened the public hearing at 7:12 P.M.

David Poole, 205 Stallings Road, Zebulon

- Mr. Poole stated that he and his brother applied for the septic permit and said the building located there was built for storage purposes of farm tractors and trucks. He stated that he and his brother are currently trying

to regain ownership and said the property is not suitable for a business. He commented the entire area is the “lowest spot in Pilot” and that water drains to this particular piece of property. He submitted to the Board a petition signed by residents of the Pilot community who do not wish for the property to be rezoned.

Damien Poole, 187 Stallings Road, Zebulon

- Mr. Poole also stated his opposition to the rezoning request.

Ricky Williams, 187 Stallings Road, Zebulon

- Mr. Williams stated his water and septic lines run through the property being discussed. In the past, he said he intended to build a house there, but it would not perk.

Evelyn Horton, 175 Stallings Road, Zebulon

- Ms. Horton commented the land is not suitable for business and stated she had concerns with traffic.

The hearing was closed at 7:18 P.M.

County Attorney Darnell Batton reminded the Board there are a number of permitted uses within the Highway Business (HB) designation.

The Board reviewed each of the items provided within the rezoning guide/checklist.

Commissioner Foy made a motion to deny the request, seconded by Commissioner Lancaster. The motion duly carried with all present voting “AYE.”

B. Request for Rezoning – E & S Property Management

The Board was asked to consider adoption of a zoning map amendment to rezone approximately 1.33 acres from Special Use Rural Business (SURB) to Agricultural Residential (AR) at 3516 West River Road (State Road 1210) in Franklinton Township. Following the public hearing, it was recommended the Board of Commissioners utilize the attached rezoning checklist to assist in its decision.

Scott Hammerbacher, Planning and Inspections Director, stated the Planning Board unanimously recommended approval of the rezoning request and stated the applicant plans to open a convenient store on the site. Mr. Hammerbacher said if the rezoning request was approved, the applicant must then appear before the Board of Adjustment to request permission for a conditional use for the convenient store.

According to Planning staff, the Future Land Use plan indicates this property is intended for Agricultural Residential zoning. Currently, there is a vacant building located on the property. The County’s Unified Development Ordinance states that purpose of the Agricultural-Residential District is established to promote a compatible mixture of agricultural, forestry, conservations, and very low-density uses where few public services will be available. Protection of the environment, preservation of prime farmland, and continuation of rural lifestyles are goals this district seeks to obtain. This property was rezoned to Special Use Rural Business (SURB) on October 12, 2005 to allow for an arts, crafts and gift store only.

According to Mr. Hammerbacher, the proposed rezoning is in harmony with the surrounding zoning and is in conformance with the Land Use Plan. There is currently no water and sewer available at this site.

Chair McGhee opened the public hearing at 7:31 P.M.

Tim Shearin, 3501 West River Road, Franklinton

- Mr. Shearin said a convenient store was not needed or wanted on the property. He said he would like to see the area to remain residential.

Alicia Shearin, 3501 West River Road, Franklinton

- Mrs. Shearin stated her concerns with the rezoning request were relative to traffic. She said she is not in favor of rezoning.

Jan Strickland, 48 Wild Acres Drive, Franklinton

- Ms. Strickland stated she didn't understand why the applicant desires to rezone the property to Agricultural Residential to then allow for something like a convenient store. She said the area is rural with only a few farms and residences.

Joseph Williams, 3541 West River Road, Franklinton

- Mr. Williams stated he lives directed across from the property in question. He too had concerns with traffic and said a convenient store is not suitable as there is another convenient store located nearby.

Katie Manson, 3541 West River Road, Franklinton

- Mrs. Manson also spoke against the rezoning request and said she has concerns with traffic.

With no further comments, the public hearing closed at 7:39 P.M.

Chair McGhee stated she felt a convenient store should be considered a permitted use as opposed to a conditional use when applied for through the Board of Adjustment. Planning staff will review their currently policy.

Commissioner Foy then made a motion to adopt the zoning map amendment. The motion died for lack of a second and the property remains zoned as Special Use Rural Business.

5. FIVE COUNTY MENTAL HEALTH AUTHORITY UPDATE: WAIVER AND BUDGET BREIFING

Valerie Hennike, Area Director, provided an overview of the Medicaid Waiver Initiative proposed for Local Management Entity and briefly discussed information regarding Five County Mental Health Authority's Budget.

Ms. Hennike's presentation is as follows.



MEDICAID WAIVER BRIEFING

Five County Mental Health Authority



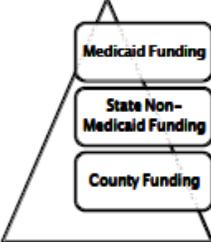
OVERVIEW

- ▶ Background
- ▶ Problem with current process
- ▶ Potential Solution
- ▶ Benefits
- ▶ Challenges

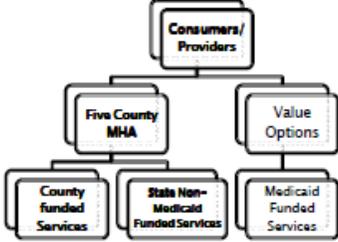


Funding For Services

In our five counties, Public Funding for Mental Health, Developmental Disability and Substance Abuse services has three sources:



Current Authorization Process



Problems with Current Process

- ▶ Ignores local knowledge and input
 - Located in Raleigh, Value Options does not know the specific needs of the community
- ▶ Creates delays in authorizing needed care
 - Process is cumbersome and time consuming
 - Since Value Options authorizes care for the entire state, delays often occur
- ▶ Focuses on profit rather than service quality
 - Value Options is a private for profit managed care company
 - Value Options does not reinvest profit into additional service
 - Quality standards are minimal for providers
 - Allows for any willing and able provider to join network

Potential Solution..... Waiver

The Centers for Medicare and Medicaid Services(CMS) is the federal agency that approves all State waivers.

The Social Security Act authorizes multiple waivers and demonstration authorities to allow states flexibility in operating Medicaid programs...

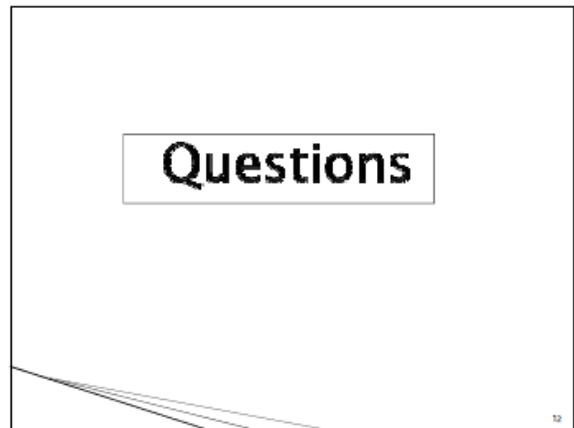
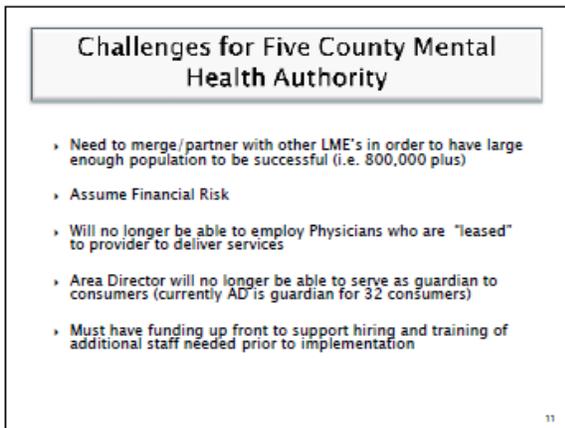
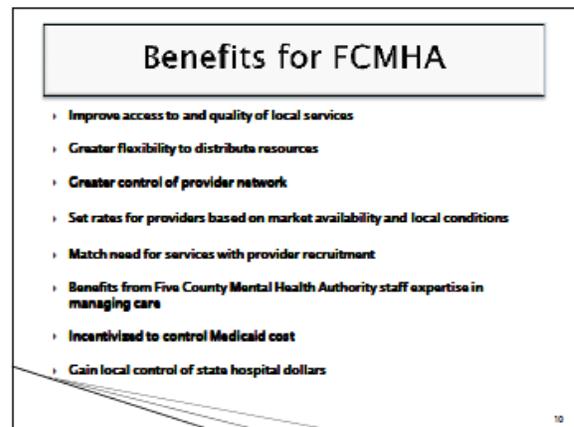
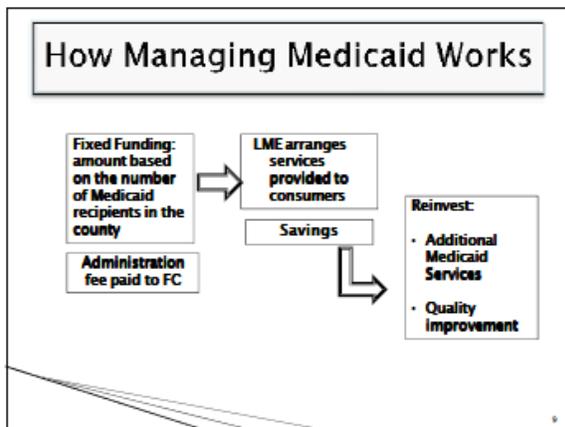
- ▶ **Section 1915 (b) Managed Care/Freedom of Choice Waivers:** This section provides the Secretary authority to grant waivers that allow states to implement managed care delivery systems, or otherwise limit individuals' choice of provider under Medicaid.
- ▶ **1915 (c) Home and Community Based Services Waivers:** Allows Secretary authority to waive Medicaid provisions in order to allow long term care services to be delivered in community settings.

Waiver cont.

- ▶ North Carolina currently operates a 1915 b/c Waiver combination in five counties—Cabarrus, Union, Davidson, Stanley, and Rowan. These five counties make up the Piedmont Behavioral Health (PBH) area.
- ▶ b/c Waivers combines services for all Medicaid funded MH/DD/SA consumers into a single capitated funding model.

Medicaid Waiver Opportunity

- ▶ Integrates Medicaid with State and County services providing more local control of a system of care for consumers and providers
- ▶ Receive a fixed amount of funding to authorize and manage service for Medicaid recipients in the five county area



Ms. Hennike asked the Board to consider advocating for the Medicaid Waiver.

No action was needed or taken.

6. FRANKLIN COUNTY PUBLIC UTILITIES SEPARATE IRRIGATION METER ORDINANCE

According to Bryce Mendenhall, Public Utilities Director, North Carolina General Statute 143-355.4(a) requires local government water systems to require separate meters for new in ground irrigation systems that are connected to the water system. Mr. Mendenhall asked the Board to consider adopting an ordinance that would define the policy for customers and details the expectations and charges associated with the provisions of the General Statute.

Commissioner Lancaster made the motion to approve formal adoption of the 'Separate Irrigation Meter Ordinance' as presented. The motion was seconded by Commissioner Swanson and duly carried with all present voting "AYE."

7. FRANKLIN COUNTY PUBLIC UTILITIES LEAK ADJUSTMENT POLICY

Bryce Mendenhall, Public Utilities Director, asked for adoption of a formal Leak Adjustment Policy to be utilized by Franklin County Public Utilities staff. The policy details criteria to be used in determining the possibility and extent of an account adjustment. It also dictates the frequency of how often a customer can request an adjustment to the account. The policy will set in place a standard of operation from which all accounts are handled in the same manner from each employee.

Commissioner Swanson made the motion to formally adopt a standard Leak Adjustment Policy, seconded by Commissioner Mitchell. The motion duly carried with all present voting "AYE."

8. OTHER BUSINESS

No additional business items were added for discussion.

9. APPOINTMENTS

Juvenile Crime Prevention Council

The Board was asked to consider the appointment of Mattie May to replace Chuck Murray as the "County Manager or designee" representative on the Juvenile Crime Prevention Council.

Commissioner Mitchell made the motion to appoint Mattie May to serve as a representative on the Juvenile Crime Prevention Council, seconded by Commissioner Swanson. 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.

County Clerk Kristen G. King: No comments.

Commissioner Lancaster: Commissioner Lancaster said he attended the first meeting of the Early College Committee. He said a second meeting was planned for July 14, 2010. Commissioner Lancaster serves as the Chair of the committee and said information is expected to be brought forward at the Board's next meeting in August.

Commissioner Mitchell: Commissioner Mitchell said he recently visited the new Child Support Enforcement office on Nash Street in Louisburg. Now that the office has opened, Commissioner Mitchell said he had concerns with parking for staff.

Commissioner Swanson: No comments.

Commissioner McGhee: Commissioner McGhee said she attended a recent Mental Health Board meeting. She asked that Board members mentioned the importance of the waiver program to representatives in the General Assembly. Commissioner McGhee also mentioned she participated in the Alert Community's Independence Day parade. She also stated she attended a briefing with representatives from North Carolina Senator Kay Hagan's office.

Commissioner Dunston: Not present.

Commissioner Foy: Commissioner Foy recently attended a meeting of the 401 Committee. He also mentioned that the 20th annual Senior Citizens Fun Day in the Park will be held on July 20, 2010 at Riverbend Park in downtown Louisburg.

Commissioner Bunn: No comments.

County Manager Angela L. Harris:

- Mrs. Harris distributed a schedule of summer programs provided by Franklin County's Parks & Recreation Department. She commented that over 400 youth and adults are being served.
- Mrs. Harris stated the Tax Administrator will provide a report on the tax collection rate at an upcoming board meeting. She said the fiscal year ending with a better collection rate than anticipated.
- She stated she would provide the State of the County address on July 13, 2010 and invited Board members to attend and/or participate.

- Mrs. Harris stated that she met with Jason Proctor, Franklin Regional Medical Center President, on July 5, 2010.

Commissioner Swanson made a motion to adjourn, seconded by Commissioner Mitchell. The motion duly carried with all present voting "AYE."

Penny McGhee, Chair

Kristen G. King, Clerk to the Board