

March 15, 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-Young, Vice-Chairman Sidney E. Dunston, Robert L. Swanson, Donald C. Lancaster, E. Shane Mitchell, Harry L. Foy, Jr. and David T. Bunn.

Chair McGhee-Young stated she would like to remove Item 1-D from the consent agenda. She subsequently asked the Board to consider approval of the remainder of the consent agenda.

Commissioner Foy made the 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. March 1, 2010 Minutes
- B. Releases, Adjustments, Refunds, and Tax Collection Report
- C. Budget Ordinance #6 (Pursuant to North Carolina General Statute 159-15, the County Finance Officer is requesting a budget ordinance amendment in the amount of \$338,217 for the fiscal year ending June 30, 2010 to amend the General Fund to reflect additional funds received by the Social Services Department, Aging Department and Health Department and also approve additional funds for the jail and EDC appropriations approved by the Board of Commissioners.)
- ~~D. Franklin County Heritage Book Proclamation~~

Chair McGhee-Young recognized Ms. Annette Goyette to speak regarding the request to approve the Franklin County Heritage Book Proclamation.

Annette Goyette, 9005 NC 39 Highway South, Henderson

- Ms. Goyette lives in the Epsom Community and serves as President of the Franklin County Heritage Society. The group is preparing the second volume of the Franklin County Heritage Book and is seeking approval of a proclamation as they work to gather and utilize historical information pertaining to Franklin County and its citizens. Ms. Goyette provided brochures about the book and encouraged those in attendance to offer articles and photographs for submission in the book.

Commissioner Lancaster made the motion to approve the Franklin County Heritage Book Proclamation, seconded by Commissioner Dunston. The motion duly carried with all present voting "AYE."

<p>PROCLAMATION VOLUME II, FRANKLIN COUNTY, NC HERITAGE BOOK</p> <p>WHEREAS, The Heritage Society of Franklin County, North Carolina is updating the family heritage book Volume I with a Volume II; and</p> <p>WHEREAS, neighboring counties have successfully published such "heritage" books within the past few years. Franklin County successfully published Volume I in 2008; and</p> <p>WHEREAS, Walsworth Publishing Company will invite all current and former residents, Businesses, Clubs and Organizations, County Government, Town Governments, or any person(s) with heritage/history information relevant to Franklin County to participate in the writing and production of the "heritage" book volume II,</p> <p>WE THEREFORE PROCLAIM THAT, Walsworth Publishing Company shall be the official publisher of the new Volume II, Franklin County, NC Heritage Book for delivery 2010-2011.</p>

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. PUBLIC HEARINGS

- A. Text Amendment to the Franklin County Unified Development Ordinance, Chapter Two – Zoning Ordinance, Article 26, Part IV., Section 26-8: Amendments to provide consistency with existing North Carolina Law (N.C.G.S. 153A-343) Method of Procedure

Scott Hammerbacher, Planning & Inspections Director, explained the proposed text amendment which would provide consistency with existing North Carolina Law. The General Assembly recently amended G.S. 153A-343. The law states that the applicant must notify the property owner in third party rezoning cases to the Board of Commissioners. Planning staff felt the proposed amendment was necessary in order to be consistent with current North Carolina Law. The County will still be required to notify all adjoining property owners as well as the property owner. The proposed amendment places the burden on the applicant to notify the owner of the subject parcel of the rezoning petition.

Commissioner Swanson commented he did not agree with the terms of the law.

At 7:13 P.M., Chair McGhee-Young opened and closed the public hearing with no comments offered.

Commissioner Dunston then made the motion to approve the amendment (Text Amendment to the Franklin County Unified Development Ordinance, Chapter Two – Zoning Ordinance, Article 26, Part IV., Section 26-8: Amendments to provide consistency with existing North Carolina Law (N.C.G.S. 153A-343) Method of Procedure). The motion was seconded by Commissioner Foy and duly carried approval with all present voting “AYE.”

- B. Text Amendment to the Franklin County Unified Development Ordinance, Chapter One – General Provisions, Article 2., Section 2-2: Definitions of Basic Terms, and Chapter Three – Subdivision Ordinance, Article 28, Section 28-3: Minor Subdivision Procedure and Section 28-4: Major Subdivision Procedure to incorporate policies outlined within the Franklin County Airport-Triangle North Franklin Small Area Plan.

On February 18, 2008, the Franklin County Board of Commissioners adopted the Franklin County Airport-Triangle North Franklin Small Area Plan. The Planning Board proposed to amend the Unified Development Ordinance to incorporate proposed policies that are outlined within the plan. The intent of the policies was to protect the County’s investment in the Airport, water and sewer infrastructure, economic development, and transportation infrastructure.

At 7:19 P.M., Chair McGhee-Young opened and closed the public hearing with no comments offered.

Commissioner Dunston made the motion to approve the amendment (Text Amendment to the Franklin County Unified Development Ordinance, Chapter

One – General Provisions, Article 2., Section 2-2: Definitions of Basic Terms, and Chapter Three – Subdivision Ordinance, Article 28, Section 28-3: Minor Subdivision Procedure and Section 28-4: Major Subdivision Procedure to incorporate policies outlined within the Franklin County Airport-Triangle North Franklin Small Area Plan). The motion was seconded by Commissioner Mitchell and duly carried approval with all present voting “AYE.”

- C. Text Amendment to the Franklin County Unified Development Ordinance (UDO), Chapter Two – Zoning Ordinance, Article 8: Section 8-1: Notes to Table of Area and Yard Requirements and Article 20: Watershed Protection Overlay Districts, Section 20-5: Establishment of Watershed Areas, Section 20-6: Watershed Areas Described, and Section 20-8: Buffer Required to become fully compliant and to maintain with State Water Supply Watershed Regulations.

The North Carolina Division of Water Quality (DWQ) conducted an audit of Franklin County’s Water supply and watershed protection program on September 15, 2009. The purpose of the audit was to evaluate compliance with North Carolina General Statute 143-214.5 and Rule 15A NCAC 2B.0.104(b) which requires local governments having land jurisdiction within a water supply watershed adopt and implement land use ordinances. The ordinances must meet the minimum requirements of the Environmental Management Commission’s (EMC) rules under 15A NCAC 2B. 0100 and .0200. Failure by a local government to properly administer its ordinance can result in assumption of the local program by the EMC and civil penalties pursuant to NCGS 143-215.6A(e). The Planning Board proposed to amend the aforementioned sections of the Unified Development Ordinance (UDO) in order to become fully compliant with the state water supply watershed requirements. The Planning Board recommended certain UDO amendments in order to maintain with state water supply watershed regulations. These proposed amendments will need to be reviewed and accepted by the North Carolina Division of Water Quality before any changes can be officially made to this Section.

At 7:23 P.M., Chair McGhee-Young opened and closed the public hearing with no comments offered.

Commissioner Lancaster then made the motion to approve the amendment (Text Amendment to the Franklin County Unified Development Ordinance (UDO), Chapter Two – Zoning Ordinance, Article 8: Section 8-1: Notes to Table of Area and Yard Requirements and Article 20: Watershed Protection Overlay Districts, Section 20-5: Establishment of Watershed Areas, Section 20-6: Watershed Areas Described, and Section 20-8: Buffer Required to become fully compliant and to maintain with State Water Supply Watershed Regulations). The motion was seconded by Commissioner Mitchell and duly carried approval with all present voting “AYE.”

- D. Text Amendment to the Franklin County Unified Development Ordinance, Chapter Two – Zoning Ordinance, Article 6. District Regulations, Section 6-1: Table of Permitted Uses to allow Accessory Structure as a permitted use in all zoning districts.

The Planning Board recognized the need to update and make corrections to the Unified Development Ordinance (UDO). Some inconsistency was discovered within Section 6-1: Table of Permitted Uses (Accessory Structures) and Section 6-2: Notes to the Table of Permitted Uses, Note 4. (Accessory Uses, Buildings, and Structures) of the UDO. The Planning Board

found that accessory structures are not currently a permitted use within the R-1, PUD, NB, RB, HB, TND, O/I, CON-D and GB zoning districts while Note 4. states that accessory structures are permitted in any zoning district. The Planning Board by unanimous vote recommended approval of the proposed text amendment at their January 12, 2010 meeting.

At 7:24 P.M., Chair McGhee-Young opened and closed the public hearing with no comments offered.

Commissioner Lancaster made the motion to approve the amendment (Text Amendment to the Franklin County Unified Development Ordinance, Chapter Two – Zoning Ordinance, Article 6. District Regulations, Section 6-1: Table of Permitted Uses to allow Accessory Structure as a permitted use in all zoning districts). The motion was seconded by Commissioner Swanson and duly carried approval with all present voting “AYE.”

4. COOPERATIVE EXTENSION UPDATE

Tyrone Fisher, Interim Cooperative Extension Director, provided an update on the job opening of the County Extension Director position formerly held by Mr. Cedric Jones. Information was also provided on the procedure and policy of filling the position over the next several months.

Mr. Fisher stated the position is currently open and said applications will be accepted until March 18, 2010. Routinely, he said positions are open for 30 days, however due to budgetary reasons, special permission was granted and the position will remain open for 15 days. He said if qualified applicants apply, interviews will follow. A final decision will be brought before the Board of Commissioners for consideration.

County Manager Angela L. Harris thanked Mr. Fisher and complimented him on acting as a “team player” during the interim period. Chair McGhee-Young echoed those comments and said Mr. Fisher’s transition as interim had been seamless.

No action was requested or needed.

5. OTHER BUSINESS

During the March 1, 2010 meeting of the Board of Commissioners, Commissioner Foy asked the Board to consider and approve a Conflict of Interest Policy similar to that which was recently adopted by the Kerr Area Rural Transportation System.

County Manager Angela L. Harris reminded the Board that at the March 1, 2010 meeting she indicated conflicts of interest are presently addressed in the County’s Administrative Manual as well as in existing policy. She then called attention to a handout provided by staff that included a copy of North Carolina General Statute 14-234 regarding conflicts of interest. The packet included a resolution adopting a code of ethics (adopted in 1992 and reaffirmed in 1999); the definition of “immediate family” as defined in the administrative manual; and a copy of the administrative manual that addresses “gifts and favors”. The Board was also provided with sections of the manual that address the expectation of ethical conduct and the limitation of employment of relatives. Lastly, the Board was given a copy of Commissioner Foy’s proposed resolution concerning conflicts of interest.

Chair McGhee-Young stated she would like to delay any action on the matter until after the Board participates in required ethics training following the 2010 election in

November. She stated a model code of ethics is being formulated by the School of Government (SOG), and suggested that all of these topics be considered simultaneously.

Commissioner Lancaster suggested that a work session concerning ethics be held following training and prior to January 1, 2011 when all counties are required to have ethics policies in place.

Commissioner Foy stated his objective in suggesting the resolution was to clearly address nepotism and said he was inspired by the recent action of the Kerr Area Rural Transportation System (KARTS). Commissioner Mitchell pointed out that KARTS is not a fair comparison as it differs in size. He said he too would prefer to receive ethics training before taking action.

Mrs. Harris reminded the Board that nepotism is already addressed in the current code of ethics.

Chair McGhee-Young stated the SOG's goal is to provide a model code of ethics by April, 2010. She suggested the Board go online to get an idea of what the training will consist of as well as the goals of the SOG. She stated a work session was needed after ethics training was final.

Commissioner Swanson then made a motion to delay action and to discuss the Conflict of Interest Policy in a work session concurrent with ethics training. The motion was seconded by Commissioner Mitchell and duly carried with all present voting "AYE."

6. 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: No comments.

Commissioner Foy: Commissioner Foy stated he attended the recent groundbreaking ceremony for the expansion of Highway 401. He stated many were in attendance from Franklin County. It was also noted that a letter had been submitted to the Department of Transportation regarding a request for turn lanes at two Franklin County Convenience sites in Pilot and in Youngsville.

Commissioner Bunn: Commissioner Bunn stated he recently attended the Bunn Fireman's Day Dinner. While there he stated many citizens expressed their desire to open convenience centers six days per week. It was stated that by closing the convenience centers two days per week, a savings of \$136,000 was realized. Commissioner Bunn said they also expressed interest in a substation for the Sheriff's Department in the Bunn area.

Commissioner McGhee-Young: Commissioner McGhee-Young thanked County Manager Angela Harris for providing comments in her absence during the recent groundbreaking ceremony for the expansion of Highway 401. She stated she had a gas leak at her home and said she was unable to attend at the last moment. Commissioner McGhee-Young stated she echoed the concerns about convenience sites mentioned earlier by Commissioner Bunn. She said those discussions need to be had in preparation of the upcoming budget.

Commissioner Lancaster: Commissioner Lancaster stated he attended the recent groundbreaking ceremony for the expansion of Highway 401.

Commissioner Mitchell: Commissioner Mitchell stated he would like to see a work session scheduled with those involved in the Early College High School program. Staff was asked to see if a session on April 5, 2010 was feasible prior to the Board's regular meeting.

Commissioner Dunston: No comments.

Commissioner Swanson: Commissioner Swanson stated he was in agreement with Commissioner Mitchell that a work session was needed to discuss the Early College High School Program.

Chair McGhee-Young recognized Tax Administrator Jimmy Tanner and Scott Casey who works with the revaluation company, Assessment Solutions.

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

- Mrs. Harris commented that part of the Board's Strategic Planning goals included consistent and ongoing collaboration with the County's municipalities and that the Manager met with other town managers and administrators. She stated a kick-off meeting was held earlier in the day at 7:30 A.M. and said topics were identified for discussion especially during the budget period. The group will meet monthly until July, 2010 and quarterly thereafter or more often if needed. She said the group also discussed opportunities to collaborate and spent quite a bit of time talking about infrastructure. She commented that representation from Youngsville was not available, but commented they too will be included.

Commissioner Dunston made the motion to adjourn, seconded by Commissioner Swanson. The motion carried unanimously and the meeting adjourned at 8:03 P.M.

Penny McGhee-Young, Chair

Kristen G. King, Clerk to the Board