

April 2, 2012

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

Chairman Mitchell called the meeting to order and asked the Board to consider an addendum to the agenda to include consideration of appointment and subsequent swearing in of a new Board member to fill the vacant District 2 County Commissioner seat formerly held by Penny McGhee. Chairman Mitchell read a letter of recommendation for Mr. Cedric K. Jones from the Democratic Party.

1. BOARD APPOINTMENT

Commissioner Swanson made a motion appoint Mr. Jones to fill the vacant District 2 County Commissioner seat until December, 2012, seconded by Commissioner Dunston. The motion duly carried with all present voting “AYE.”

The Honorable John W. Davis, District Court Judge, administered the Oath of Office to Mr. Jones.

Oath for County Commissioners

I, Cedric K. Jones, do solemnly swear (or affirm) that I will support the Constitution of the United States; so help me, God.

I, Cedric K. Jones, do further solemnly and sincerely swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Cedric K. Jones, do further swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner according to the best of my skill and ability, according to law; so help me, God.

Cedric K. Jones
Cedric K. Jones, County Commissioner

Subscribed and sworn to before me this 2nd

day of April, 2012

John W. Davis [SEAL]
The Honorable John W. Davis, District Court Judge



2012 APR -3 PM 2:05
FRANKLIN COUNTY, N.C.

FILED

Chairman Mitchell then asked the Board to consider approval of the consent agenda.

Commissioner Foy asked to remove Item 2-D (Resolution to transfer operations of Animal Control Services under the purview of the Sheriff until further action by Commissioners) from the consent agenda for further discussion.

Chairman Mitchell asked the Board to consider approval of the consent agenda, with the exception of Item 2-D.

Commissioner Swanson made the motion to approve the remainder of the consent agenda, seconded by Commissioner Foy. The motion duly carried with all present voting "AYE."

The items approved are as follows.

2. CONSENT AGENDA

- A. March 19, 2012 Minutes
- B. Spring Litter Sweep 2012 Proclamation
- C. County Government Month 2012 Proclamation
- ~~D. Resolution to transfer operations of Animal Control Services under the purview of the Sheriff until further action by Commissioners~~
- E. Request for addition of Larkspur Court, Plantation Drive, Nettletree Creek Court, Listeria Crest Drive, Scarlet Bell Drive (Winston Ridge Subdivision) to the State Maintained Secondary Road System
- F. Request for addition of Craftsman Drive, Cypress Drive and Craftsman Court (Allen Commercial Park) to the State Maintained Secondary Road System
- G. Resolution requesting the North Carolina Department of Transportation to process all petitions for additions to the State Maintained Secondary Road System within Franklin County
- H. Amendment to AT&T Tower Lease

Item 2-B

SPRING LITTER SWEEP 2012

A PROCLAMATION

WHEREAS, the North Carolina Department of Transportation organizes an annual Spring statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the Spring 2012 "**LITTER SWEEP**" roadside cleanup will take place April 14-28, 2012, in Franklin County to encourage local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during "**LITTER SWEEP**" and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our State and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the 2012 Spring cleanup celebrates the 24th anniversary of the North Carolina Adopt-A-Highway program and its 5760 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

WHEREAS, the "**LITTER SWEEP**" cleanup will be a part of educating the children of this Great State regarding the importance of a clean environment to the quality of life in North Carolina;

NOW, THEREFORE, the Franklin County Board of Commissioners, does hereby proclaim April 14-28, 2012, as "**SPRING LITTER SWEEP**" time in Franklin County, and encourages all citizens to take an active role in making their communities cleaner.

Item 2-C

PROCLAMATION

**National County Government Month - April 2012
"Healthy Counties, Healthy Families"**

WHEREAS, the nation's 3,068 counties provide a variety of essential public services to communities serving more than 300 million Americans; and

WHEREAS, Franklin County and all counties take seriously their responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and

WHEREAS, county governments are essential to America's healthcare system and are unique in their responsibility to both finance and deliver health services through public hospitals and clinics, local health departments, long-term care facilities, mental health services and substance abuse treatment, and coverage programs for the uninsured; and

WHEREAS, National Association of Counties President Lenny Eliason is encouraging counties to promote healthy living and lifestyle choices in communities across the country through his 2011-12 "Healthy Counties" presidential initiative; and

WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to actively promote their own programs and services to the public they serve;

NOW, THEREFORE, BE IT RESOLVED THAT, the Franklin County Board of Commissioners, does hereby proclaim April 2012 as National County Government Month and encourage all County officials, employees, schools and residents to participate in county government celebration activities.

Item 2-G

**RESOLUTION REQUESTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO
PROCESS ALL PETITIONS FOR ADDITIONS TO THE STATE MAINTAINED SECONDARY ROAD
SYSTEM WITHIN FRANKLIN COUNTY**

WHEREAS, N.C.G.S. 136-44.10 requires the Board of Transportation to adopt uniform statewide or regional standards and criteria for the Department of Transportation to follow for additions to the secondary road system; and

WHEREAS, petitions for additions to the State Maintained Secondary Road System within Franklin County are being filed with the Franklin County Board of Commissioners for its approval before forwarding to the Department of Transportation; and

WHEREAS, it is the legal responsibility of the North Carolina Department of Transportation to process all petitions for additions to the State Maintained Secondary Road System in accordance with statewide or regional standards and criteria for roads located within Franklin County and that there are no requirements or specifications for the county review; **THEREFORE** there is no need to submit the petitions for additions to the State Road System to the Franklin County Board of Commissioners prior to submission to the Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Commissioners hereby requests that the North Carolina Department of Transportation process all petitions for additions to the State Maintained Secondary Road System for roads located within Franklin County consistent with statewide or regional standards and criteria adopted by the Board of Transportation as provided by law without further approval by Franklin County.

With regard to the resolution to transfer operations of Animal Control Services under the purview of the Sheriff until further action by Commissioners, Commissioner Foy asked if any additional staff would be hired. County Manager Angela L. Harris stated no additional staff would be hired at this time.

Commissioner Foy made the motion to approve the resolution to transfer operations of Animal Control Services under the purview of the Sheriff until further action by Commissioners. The motion was seconded by Commissioner Bunn with all present voting "AYE."

Item 2-D

**RESOLUTION CONSOLIDATING THE DEPARTMENT OF ANIMAL CONTROL UNDER
THE SHERIFF'S DEPARTMENT**

WHEREAS, the Director of the Department of Animal Control submitted his resignation effective March 31, 2012 thereby leaving the leadership of said department open; and

WHEREAS, it is necessary for said department to have continued effective leadership immediately upon his departure; and

WHEREAS, many of the duties of Animal Control involve coordination with the Sheriff's staff; and

WHEREAS, consolidating Animal Control under the Sheriff's office will be more efficient and economical; and

WHEREAS, the Sheriff has staff members available for immediate assignment to Animal Control which will afford both departments a coordinated working relationship; and

NOW, THEREFORE, BE IT RESOLVED, that the operational control and supervision of the Department of Animal Control is hereby transferred to the Sheriff of Franklin County and shall be a separate division within the Sheriff's Office.

3. 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.

Bruce Allen, 992 Mays Crossroads Road, Franklinton, NC

- Mr. Allen spoke regarding a proposed text amendment to the Unified Development Ordinance regarding solar farms. He stated he was not opposed to solar farms, but stated he had concerns with the text amendment. He said the ordinance should clearly define a solar farm and commented there are many components of solar farms such as panels, converters and transformers. Mr. Allen stated citizens should understand what will be used. He also commented on concerns with the setback outlined in the amendment. He also mentioned concerns with the height of the panels, generator noise and stray voltage. He asked for the Board to conduct additional investigation before proceeding. He stated the County should more narrowly define where solar farms should be located and stated because solar farms are new technology he felt there should be a special use condition so that people can ask questions and carefully consider each request. Mr. Allen stated solar farms should only be allowed in zoning areas AR to R-30.

Chris Killenberg, 1825 South Lake Shore Drive, Chapel Hill

- Mr. Killenberg is a representative of Community Energy, a company evaluating the possibility of a solar farm in Franklin. He stated what he is seeking most is a process. He stated it is difficult to anticipate all of the variations the solar farms will take and stated the Unified Development Ordinance, as amended, reflects what he has seen in other jurisdictions.

Jeremy Neal, 2859 White Level Road, Castalia

- As Chairman of the Franklin County Republican Party, Mr. Neal stated his party was not held to the same standard as the Franklin County Democratic Party. He stated he was not opposed to Cedric Jones, but stated in January, 2010 the Board asked for a background check of David Bunn who was later appointed to fill the unexpired term of former Commissioner Bob Winters. He stated a similar background check was not conducted for Mr. Jones and said the action showed bias and explains why people distrust government.

4. PUBLIC HEARING

Incentive Request - Custom Dynamics

Custom Dynamics is considering a relocation of their business in Wake Forest to a new location in Franklin County. They are considering the purchase of four acres of land off of Bert Winston Road in Youngsville to build a 15,000 square foot building. The relocation would bring 15 full time jobs to Franklin with the possible addition of two to three new jobs per year for the next four years. The total investment that would be made by Custom Dynamics is estimated to be \$1,039,800. The tax valuation of the new investment would be \$970,000. The four-year tax yield on the new investment would be \$7,275 per year for four year for a total of \$29,100. Following the County's Incentive Policy guidelines and for competitive reasons, the Economic Development Commission is asking the Board to consider a three-percent incentive for the new investment at a total value of \$29,100. Funds will come from the County's General Fund's fund balance through the 2012-2013 budgetary process.

Ronnie Goswick, Economic Development Director, stated a revised incentive policy will be brought before the Board of Commissioners within 30 days for consideration. He stated the current policy does not reflect that incentives are tied to jobs. Mr. Goswick stated he would like to present the policy revisions to the Economic Development Commission before it is presented to Commissioners.

Commissioner Foy asked if Custom Dynamics would be hiring new personnel or bringing to Youngsville its current staff from Wake Forest. Custom Dynamics owner David Prubila and Megan Barrett, Business Manager, were in attendance. Mr. Prubila stated out of 16 employees three were Franklin County citizens and said others may relocate as well.

At 7:34 P.M., Chairman Mitchell opened the public hearing.

Roger Lytle, 571 Williams White Road, Zebulon

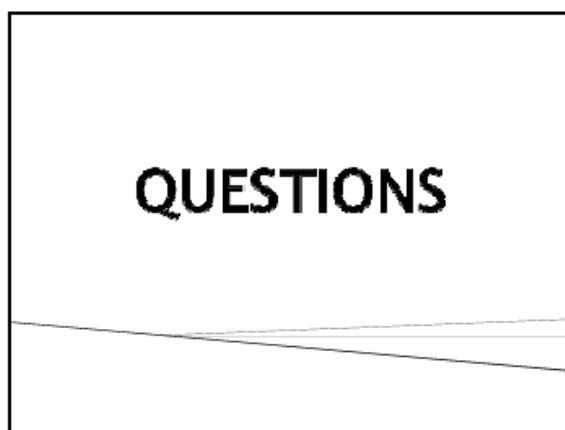
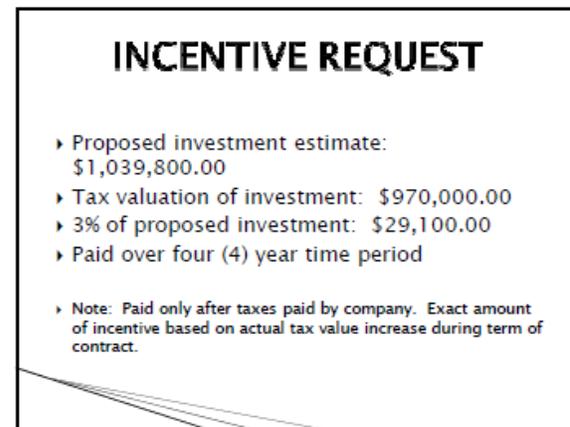
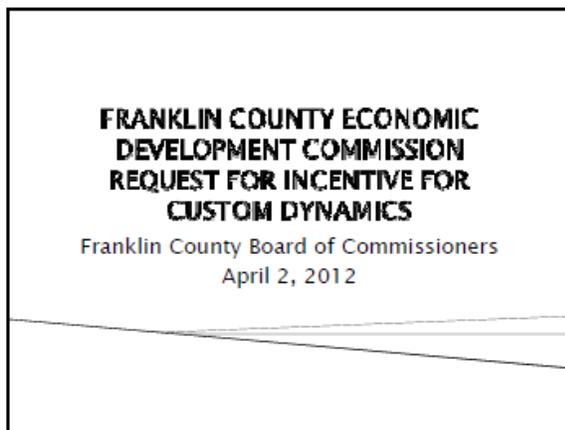
- Mr. Lytle stated the current incentive policy listed online is being deviated from and stated the County does not seem to follow a consistent process. He asked why a contract was not already available for inspection.

With no further public comment, the hearing closed at 7:36 P.M.

Commissioner Lancaster stated in 30 days he wanted more definition in the policy with regard to job creation.

Commissioner Dunston made motion to approve an Economic Development Incentive for Custom Dynamics, seconded by Commissioner Swanson. The motion duly carried approval with all present voting "AYE."

Mr. Goswick's presentation follows.



5. UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS

- A. Section 2-2 (Definition of Basic Terms), Section 6-1 (Table of Permitted Uses) to provide consistency with NC State Law regarding Bona Fide Farms.

On March 19, 2012 a public hearing was conducted followed by Board action to table this item.

A unanimous recommendation was made by the Planning Board.

Commissioner Bunn made a motion to approve the UDO Text Amendment, seconded by Commissioner Foy. The motion duly carried approval with all present voting "AYE."

Mr. Hammerbacher's presentation follows at the conclusion of Item 5-B.

- B. Section 2-2 (Definition of Basic Terms) Section 6-1 (Table of Permitted Uses), Section 6-2 (Notes to the Table of Permitted Uses), and Section 7-3 (Table of regulations for Conditional Uses to allow for solar energy farms).

On March 19, 2012 a public hearing was conducted followed by Board action to table this item.

Scott Hammerbacher, Planning and Inspections Director, addressed concerns mentioned during a previous Board meeting with regard to solar farms. He stated each application/situation would be different and that creating an ordinance that addressed all concerns would be difficult. Mr. Hammerbacher shared photographs of a solar farm in Person County and one located in Maiden, North Carolina at the Apple Data Center to give the Board and those in attendance an idea of the appearance of solar farms. He commented that a solar farm in Halifax County is similar to those envisioned for Franklin. With regard to concerns about the height of the solar panels, Mr. Hammerbacher commented he had seen no instances where panels were elevated greatly. He said doing so would not likely make an effect on the performance of the panel.

Commissioner Dunston asked Mr. Chris Killenberg, a representative of Community Energy, if there is any noise associated with his proposal to create a solar farm in Franklin. Mr. Killenberg said there are no moving parts and no noise.

Commissioner Foy stated he would like to see solar farms regulated as a Special Use rather than Conditional Use so that requests for solar farms are considered by the Board of Commissioners.

Commissioner Foy then made a motion to table the item to the Board's April 16, 2012 meeting, seconded by Commissioner Lancaster. The motion duly carried approval with all present voting "AYE."

**Franklin County
Board of
Commissioners**



(April 2, 2012)

Bona-Fide Farms, 11-UDO-05

- Section 2-1: Word Interpretation
- (43) Bona Fide Farm. ~~Any tract of land larger than ten (10) acres and otherwise eligible for tax deferral as authorized in NCGS 106-277.2 through 7. Shall be considered a bona fide farm. Any tract of land on which agricultural activities are clearly of an incidental nature may also be considered as a bona fide farm upon determination by the Administrator upon consideration of agricultural productivity and income aspects, and any other necessary or available information. Bona fide farms do not include intensive livestock operations.~~
- (43) Bona Fide Farm. ~~The use of land meeting the criteria for "Farm" as defined by the State of North Carolina in the General Statute 153A-340.~~
- ~~(166) Intensive Livestock Operations. Any enclosure, pen, feedlot, building, or group of buildings intended to be used or actually used to feed, confine, maintain, or stable cattle, horses, sheep, goats, turkeys, chickens, swine, or any combination thereof, with at any time a total of one hundred (100) animal units present, where their dietary needs are met primarily by means other than grazing.~~
- ~~(363) Swine Farm. Any tract or contiguous tracts of land which is devoted to raising animals of the porcine species and which is served by and animal waste management system having a design capacity of 600,000 pounds steady state live weight (SSLW) or greater, regardless of the actual number of swine on the farm.~~

- SECTION 1. G.S. 153A-340(b)(2) reads as rewritten:
- "(b) (2) Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products agriculture as defined in G.S. 106-581.1 having a domestic or foreign market. G.S. 106-581.1. For purposes of this subdivision, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a 'Goodness Grows in North Carolina' product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:
 - a. A farm sales tax exemption certificate issued by the Department of Revenue.
 - b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
 - c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
 - d. A forest management plan.
 - e. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency."

Solar Farms, 11-UDO-06



Davidson County



Apple Data Center, Maiden NC



Halifax, NC

Use-Solar Energy Farms
 Conditional use Permit: AR, R-1, R-8, R-15, R-30, R-40, and R-80
Requirements
 -Minimum lot area. Minimum lot area shall be the same as required by the underlying zoning district.
 -Structures shall not exceed twenty-five (25) feet in height, as measured from the finished grade at the base of the structure to its highest point.
 -Solar farm facilities and structures shall conform to the principal building setbacks of the underlying zoning district which they are located.
 -Solar farm facilities shall be enclosed by a six (6) foot high fence.
 -Solar farm facilities shall not create a visual safety hazard for passing motorists.
 -Parking. There must be an area designated outside of DOT right-of-way to accommodate a minimum of three maintenance vehicles.
 -Solar farm facilities shall be removed, at the owner's expense within one hundred eight (180) days of determination by the Administrator that the facility is no longer being maintained in an operable state of good repair. The Board of Adjustment may require the applicant to provide a financial assurance for the removal of solar facilities.
 -Lighting. Lighting shall be such that it shall not spill onto any adjacent properties or right-of-ways.
 -Screening. Shall conform to Article 14. Landscape Requirements.

6. OTHER BUSINESS

Commissioner Foy asked the Board to consider a resolution similar to one recently adopted by the Perquimans County Board of Commissioners in opposition to tolling Interstate 95 in North Carolina.

Commissioner Foy made a motion to examine the resolution, seconded by Commissioner Lancaster. Commissioner Foy withdrew his motion and asked the Board to consider action on the item at its meeting on April 16, 2012.

7. 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 report was offered.

Commissioner Lancaster: No report was offered.

Commissioner Dunston: No report was offered.

Commissioner Foy: No report was offered.

Commissioner Bunn: No report was offered.

Commissioner Mitchell: Commissioner Mitchell recognized North Carolina House Representative Angela Bryant (District 7) who was attendance.

Commissioner Swanson: No report was offered.

County Manager Angela L. Harris:

- Mrs. Harris stated the time is near to update the Comprehensive Economic Development strategy. She stated the document is updated annually in part with a complete rewrite conducted every five years. She said the document is an important tool that is used as a blueprint for future growth and change. It is also used to help secure grant funding. The plan is expected to be completed by September 1, 2012 for review.
- Mrs. Harris commented on changes with regard to a regional partnership established in the late 1990's (VWGF Regional Criminal Justice Partnership). The program will no longer exist as of July 1, 2012. Under the Justice Reinvestment Act of 2011, services will be competitively bid with a focus on substance abuse and Cognitive Behavioral Intervention services. An update will be given at the time a vendor is selected for the target population.
- Mrs. Harris stated she and County Attorney Pete Tomlinson would meet April 4, 2012 with Valerie Hennike, Five County Mental Health Area Director, to talk about the restructuring of mental health. Ms. Hennike is expected to make a presentation to the Board of Commissioners on April 16, 2012 and to ask for its consideration regarding a joint resolution for governance of Five County Mental Health.
- Mrs. Harris commented on district meetings offered by the North Carolina Association of County Commissioners. She stated Commissioner Lancaster is registered to attend the district meeting in Person County and encouraged other Commissioners to participate. There is no cost associated.
- Mrs. Harris noted County Assembly Day is scheduled for May 30, 2012 along with a Legislative Reception.
- Mrs. Harris informed the Board it is invited to attend a reception in honor of Dr. Stelfanie Williams on April 16, 2012 from 4:00-6:00 P.M. at the Vance Granville Community College Civic Center in Henderson. She said additional details would be forthcoming.
- Mrs. Harris said the Franklin County United Way held a celebration breakfast on March 29, 2012. County employees were recognized for their participation in the campaign.
- Mrs. Harris stated she attended a "meet and greet" function held recently at the home of Louisburg College President Dr. Mark La Branche.
- Mrs. Harris shared photographs from several events including Envirathon, Progressive Agriculture Day and an event held at Charlotte Motor Speedway honoring veterans.
- Mrs. Harris noted a cultural fair to celebrate diversity is scheduled for April 4, 2012 from 9:00 – 1:00 P.M. at the Vance Granville Community College Civic Center in Henderson.

At approximately 8:21 P.M., Commissioner Swanson made a motion to adjourn, seconded by Commissioner Bunn. The motion duly carried with all present voting "AYE."

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