

April 5, 2021

Due to the COVID-19 virus pandemic, the Board of Commissioners of Franklin County, North Carolina, met for their Regular Meeting at 7:00 P.M. via an electronic meeting (Zoom) with the following Commissioners present: Chairman Michael Schriver, Vice-Chairman David Bunn, Harry L. Foy, Jr., Mark Speed, Kelli London and Danny Pearce. Commissioner Cedric K. Jones, Sr. was absent.

The public was not allowed to physically attend this meeting; however, the meeting was livestreamed on YouTube at <http://franklincounty.today>. Citizens were also able to view or listen to the meeting via Zoom.

Chairman Schriver called the meeting to order and called for a brief recess in order to convene the Board of Equalization and Review.

Commissioner Bunn made a motion to convene the 2021 Board of Equalization and Review, seconded by Commissioner Speed. The motion duly carried approval with all present voting "AYE."

Tax Administrator Dan Williams stated the Tax Office is processing 26 value appeals on real property in the county at this time. Appeals will continue to be accepted until adjournment on May 3, 2021. Mr. Williams expects there will be few meetings that will be brief in duration. All Board of Equalization and Review meetings are open to the public and will be published on the county website.

Commissioner Foy made a motion to recess the Board of Equalization and Review, seconded by Commissioner Speed. The motion duly carried approval with all present voting "AYE."

Commissioner Foy then made a motion to reconvene the Board's regular meeting, seconded by Commissioner Speed. The motion duly carried approval with all present voting "AYE."

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

Commissioner Foy made a motion to remove Item 1-B (T-Hangar Lease Agreement with Kevin Willis, T-Hangar #13), seconded by Commissioner Bunn. The motion duly carried with all present voting "AYE."

Commissioner Foy inquired about the dimensions of the t-hangar and stated his opinion the rental fees are low for dry storage. County Manager Kim Denton stated staff would examine rates to make certain they are in alignment with market rates.

Commissioner Bunn then made a motion to approve Item 1-B (T-Hangar Lease Agreement with Kevin Willis, T-Hangar #13), seconded by Commissioner Speed. The motion duly carried with all present voting "AYE."

Commissioner Bunn made a motion to approve the remainder of the consent agenda. The motion was seconded by Commissioner Speed. The motion duly carried approval with all present voting "AYE." The items approved are as follows:

I. CONSENT AGENDA

- A. March 15, 2021 Minutes
- ~~B. T-Hangar Lease Agreement with Kevin Willis (T-Hangar #13)~~
- C. National Public Safety Telecommunicator's Week Proclamation

## Item 1-C

**PROCLAMATION**  
**“National Public Safety Telecommunicator’s Week”**  
**April 11<sup>th</sup> – 17<sup>th</sup>, 2021**

WHEREAS, emergencies can occur at any time that require police, fire or emergency medical services; and,

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

WHEREAS, the safety of our police officers, firefighters and emergency response personnel is dependent upon the quality and accuracy of information obtained from citizens who telephone the Franklin County Emergency Communications Center; and,

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

WHEREAS, Public Safety Telecommunicators are the single vital link for our police officers, firefighters and emergency services personnel by monitoring their activities by radio, providing them information and insuring their safety; and,

WHEREAS, Public Safety Telecommunicators of Franklin County have contributed substantially to the apprehension of criminals, suppression of fires, pre-delivery of medical direction and treatment of patients; and,

WHEREAS, each Telecommunicator has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

NOW, THEREFORE, BE IT RESOLVED, that the County of Franklin declares the week of April 11 through April 17, 2021 to be National Public Safety Telecommunicators Week, in honor of the men and women whose diligence and professionalism keep our county residents safe.

BE IT FURTHER RESOLVED, that the original of this proclamation be presented to the Franklin County Emergency Communications Center and orders that a copy of this proclamation be spread upon the minutes of the Franklin County Board of Commissioners this 5<sup>th</sup> day of April 2021.

## 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.

Members of the public who would like to make public comments MUST register by emailing [publiccomments@franklincountync.us](mailto:publiccomments@franklincountync.us) before 12:00 pm (noon) on Monday, April 5, 2021. You must include your name, address, comment topic, phone number you will be calling from and email address. You will be recognized (by video or phone call using the instructions listed at the beginning of this agenda) for comments in the order that you registered. The time limit for each speaker shall be five minutes with a total time limit set aside for informal public comments totaling 30 minutes. Vulgarity and abusive comments will not be tolerated.

### Jeremy Neal, 2859 White Level Road, Castalia NC

- convenience center/solid waste
- Commissioner Foy made a motion to extend Mr. Neal’s time for comments. The motion was seconded by Commissioner Bunn and duly carried approval with all present voting “AYE.”

### Jean Debnam, 1926 Cedar Creek Rd, Youngsville, NC

- Seeking Speed Limit Reduction and Safety Measures for a Dangerous Curve on Cedar Creek Road.

### Scott Strickland, 40 Sheila’s Ln., Louisburg, NC

- Solid waste concerns

Frank Winstead, 145 Victoria Ct., Youngsville, NC

- Tax Liens

Lindsey Hesch, 210 Choctaw Dr, Louisburg NC

- Animal Advisory Board /Proposed Ordinance Revisions
- Commissioner Foy made a motion to extend Ms. Hesch's time for comments. The motion was seconded by Commissioner Bunn and duly carried approval with all present voting "AYE."

Carla Roshitsh, 7621 Kensington Manor Lane, Wake Forest, NC

- Animal Advisory Board and questions/concerns regarding the Animal Shelter presentation given at the last meeting

### 3. UPDATE: COVID-19

Health Director Scott LaVigne provided an update on the pandemic. He stated Franklin County has experienced 6,070 lab confirmed cases of COVID-19 and 47 deaths in Franklin County since the beginning of the pandemic. Franklin currently has an 8.6% positivity rate. As of today, he said the State of North Carolina shows Franklin has delivered 24,867 doses of vaccine. The county is currently allocated 1,170 doses per week from the state. Vaccinations are now available to anyone over age 16.

No action was requested or taken.

### 4. ANIMAL CONTROL ORDINANCE REVISIONS

On March 15, 2021, the Board received an update on activities in the Animal Control Department as well as proposed revisions to the Animal Control Ordinance, (Chapter 6). Lynn Bowling, Animal Control Director and Sheriff Kent Winstead were available as the Board considered next steps.

Commissioner Pearce stated he was in favor of the ordinance proposal with the exception of two areas. He asked for further study of the spay/neuter section of the ordinance. He also stated he would like to remove the section regarding appointment of the Animal Services Director. He reminded the Board of his previous requests to reestablish an Animal Advisory Board and felt such a Board should be reviewing the proposed ordinance and making recommendations to the Board of Commissioners.

Commissioner Foy stated he was in favor of making a motion to approve the ordinance contingent upon Commissioner Pearce's suggestions. He later withdrew his motion.

Commissioner Bunn made a motion to table a vote on the ordinance revisions for further review until April 19, 2021. The motion was seconded by Commissioner Foy and duly carried approval with all present voting "AYE."

### 5. UNIFIED DEVELOPMENT ORDINANCE (UDO) UPDATE

Scott Hammerbacher, Planning & Inspections Director, provided an update regarding progress made to revisions of the UDO. The re-write was necessitated due to changes in North Carolina General Statutes associated with Section 160D, implementation of the Comprehensive Development Plan along with the need to update the document which was last adopted in October, 2001. The draft UDO will be reviewed by the Planning Board on April 13, 2021. A public hearing is set for May 3, 2021 before the Board of Commissioners. It is anticipated the Board may consider adoption at its May 17, 2021 meeting in advance of the July 1, 2021 requirement for compliance with NCGS 160D.

Mr. Hammerbacher's presentation follows.

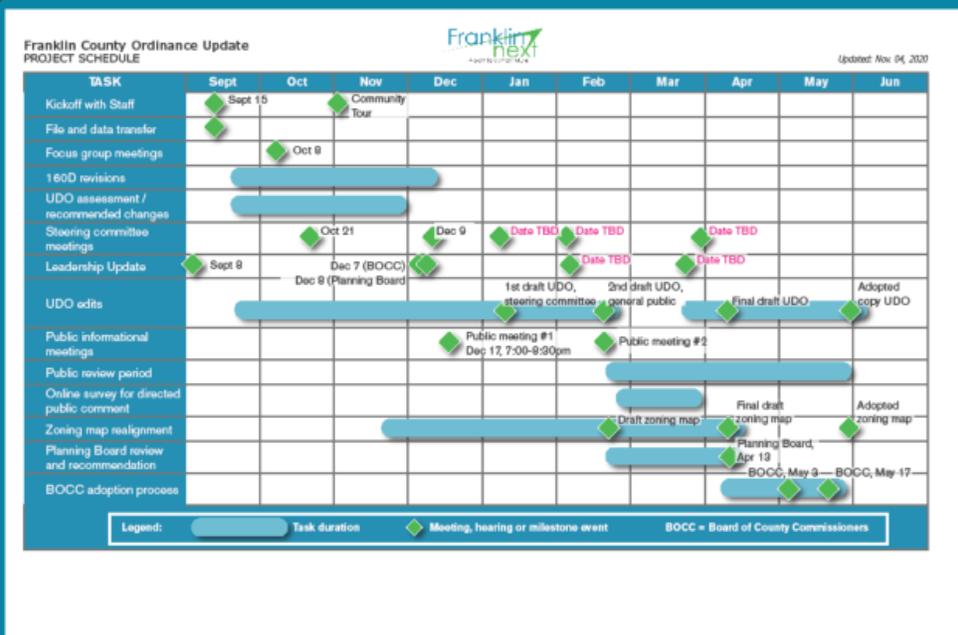


# Unified Development Ordinance Update

4/5/2021

## Introduction

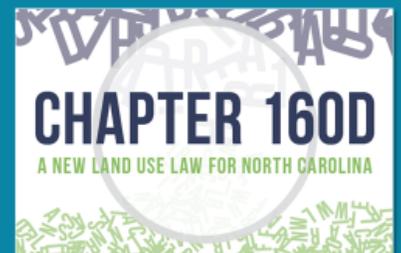
- The County is updating its land use and development regulations (aka "Ordinances" or "Unified Development Ordinance (UDO)")
- These regulations are the minimum standards for how land can be used or developed in the unincorporated County.
- The purpose of this update is:
  - Compliance with state statutes (Chapter 160D) which require adoption by July 1, 2021.
  - Start implementing the recommendations in the County's adopted Comprehensive Plan ("FranklinNext") to achieve the vision and goals of the plan.



# Chapter 160D: The “New” State Zoning- enabling Legislation

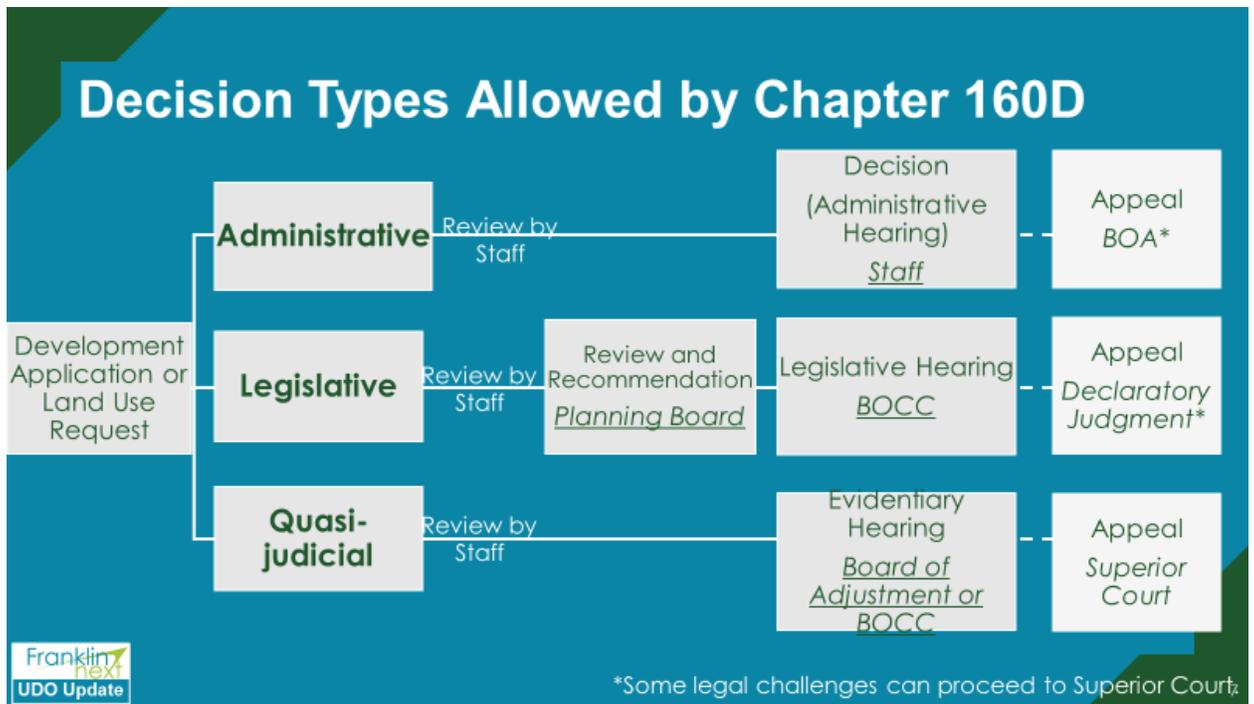
## The Chapter 160D Update to the UDC

- The state legislature has updated the statewide zoning-enabling legislation
- Chapter 160D consolidates and clarifies local land use regulation
- This is a mandatory update for all counties, towns, and cities.
- Currently effective, but deadline for compliance is 07/01/2021



## Decision Types for Development Review

- **Administrative** – An objective decision in the regulation or enforcement of development regulations. *Includes most permits and administrative decisions.*
- **Legislative** – A general policy decision to adopt, amend, or repeal a law or ordinance. *Includes rezonings and ordinance amendments.*
- **Quasi-judicial** – A subjective, discretionary decision based on evidence presented regarding a specific application of a development regulation. *Includes legal-style hearings where decisions are based on expert testimony.*



## Article 4

Administrative	Board of Adjustment	Planning Board	BOCC
Zoning Permits	Variance	Rezoning - review (conventional and conditional)	Rezoning - decision (conventional and conditional)
Subdivisions and Plats	Administrative Appeal	Ordinance Amendment - review	Ordinance Amendment - decision
Admin. Amendment and Traffic Analysis	Conditional Use Permit	Site Plans	Special Use Permit
Site Plans			

# Comprehensive Plan Guidance

## FranklinNext Comprehensive Plan Recommendations

- Amend UDO so that it is more user-friendly and graphic intensive
- Update zoning districts to implement plan recommendations
  - Simplify and consolidate zoning districts (15 to 8)
  - Overlay districts for Lake Royale and non-residential structures along major thoroughfares.



## FranklinNext Comprehensive Plan Recommendations

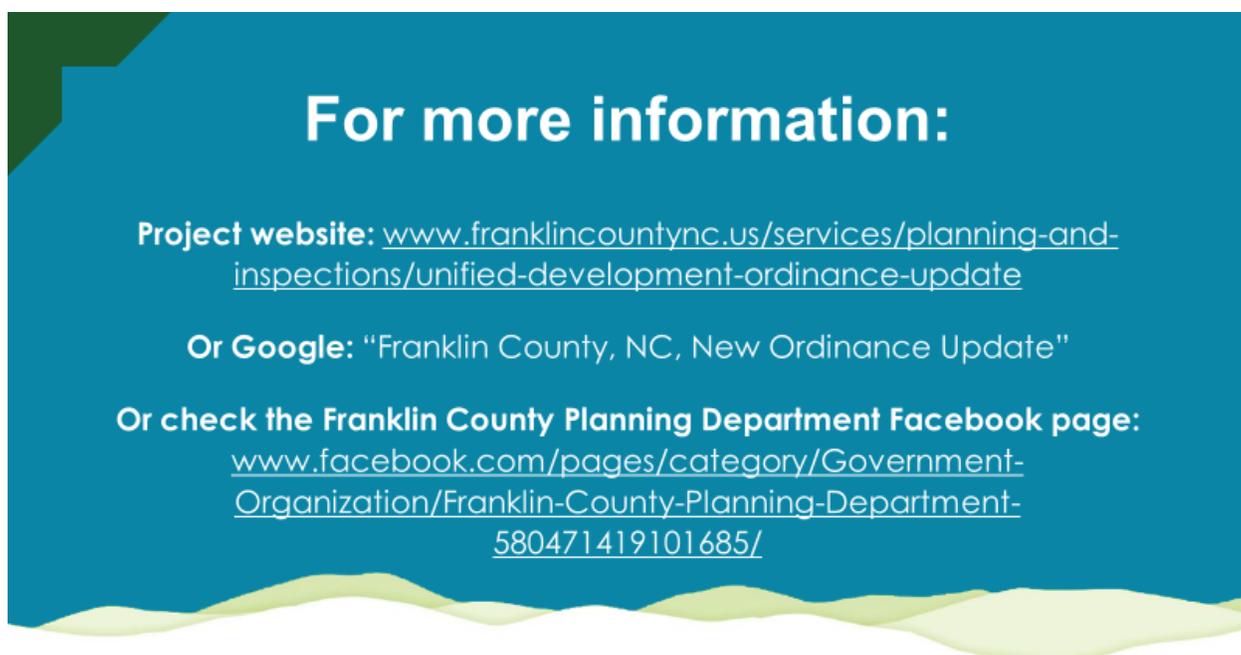
- Generalized table of permitted uses to allow greater flexibility
- Enhanced open space standards for conservation subdivisions.



OLD DISTRICTS

NEW DISTRICTS





No action was requested or taken.

#### 6. INTERIM WATER SUPPLY AGREEMENT WITH CITY OF RALEIGH

Kim Denton, County Manager and Chris Doherty, Public Utilities Director presented information on the recommended Interim Water Supply Agreement with the City of Raleigh. Staff, legal and consultants (the Water Team) have reached agreement with the City of Raleigh on a short-term Water Supply Agreement. The agreement allows the county to purchase up to 400,000 GPD from the City of Raleigh. The County will construct a metered interconnection in order to facilitate the transfer of water. The Water Team's recommended the Board approve the Interim Water Supply Agreement with the City of Raleigh and authorize the County Manager to finalize and sign the Agreement.

Commissioner Bunn made a motion to approve the agreement and allow the County Manager to finalize and sign the Agreement. The motion was seconded by Commissioner Speed and duly carried approval with all present voting "AYE."

#### 7. TASK ORDER 3 REQUEST

Kim Denton, County Manager and Chris Doherty, Public Utilities Director presented information on Task Order 3 related to the EJCDC Professional Services Agreement that was executed with MBD Consulting Engineers on December 11, 2019 and included Task Order 1 for the Water Supply project and Task Order 2 to pursue the six alternatives. The Interim Water Supply Agreement with the City of Raleigh includes a provision for the County to construct a metered interconnection in order to facilitate the transfer of water to the County. County and City have agreed on a site to install interconnection, water quality equipment, disinfection and pump. Task Order 3 provides the funds for MBD Consulting Engineers to conduct the Design, Permitting and Bidding of the Interconnection and then conduct the Construction Administration when a successful bidder is selected. The total amount for Task Order 3 is \$26,040 and if approved, will be appropriated from the Public Utilities Enterprise Fund. The Board was asked to approve Task Order 3 so that the Interim Water Supply Agreement with the City of Raleigh can be implemented.

Commissioner Bunn made a motion to approve Task Order 3, seconded by Commissioner London. The motion duly carried approval with all present voting "AYE."

#### 8. BROADBAND UPDATE ON ACTIVITY AND SECTORS

County Manager Kim Denton introduced Alan Helias, Open Broadband's Area Manager for North-Central North Carolina. Mr. Helias and Alan Fitzpatrick from Open Broadband provided an update on Open Broadband's activities in the county. In addition, Open

Broadband presented the recommended next Sectors for expansion of Open Broadband's service in Franklin County.

It was noted the three towers planned on White Level Road, WYFL and Cone Drive are all functional and subscribers continue to be added. LTE service is now in place and testing has begun. A substantial increase is expected now that LTE is available.

Overall, 39 residential customers and three business customers have signed on with Open Broadband.

Next service sectors include Bunn, Castalia and the 911 tower in Louisburg. The 911 center will also provide service to three county operations including the water treatment plant, wastewater treatment plant and landfill. Some area schools will also receive service via a relay from the 911 tower.

Additionally it was noted Owens Park at Bull Creek has had service available for several months serving both park staff and patrons.

Commissioner Speed inquired when service would be available to the Wood and Epsom communities. Mr. Helias stated Wood is considered part of the Castalia service area. The Epsom area is not yet scheduled for service.

At the suggestion of Chairman Schriver, Open Broadband will consider an interactive map for it's website in order for potential new customers to see where service is available.

No action was requested or taken.

## 9. OTHER BUSINESS

No additional business was discussed.

## 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.

**Clerk to the Board Kristen G. King:** No comments were offered.

**County Manager Kim Denton:** Mrs. Denton commented on the following:

- Mrs. Denton provided an update on solid waste after receiving a number of complaints regarding the number of bags of trash that will be accepted at the county's 12 convenient sites. She stated the Solid Waste Director is making adjustments and will continue to monitor the situation. She reminded the Board that Franklin County does not have a landfill but rather a transfer station where trash from all 12 sites is received and then transferred away.
- Mrs. Denton stated Trey Evans would fill the role of Fire Marshal on April 19, 2021.

**Commissioner Jones:** Commissioner Jones was absent.

**Commissioner Foy:** Commissioner Foy read aloud a letter he provided to the U.S. Army Corps of Engineers as it gathers public input regarding the Tar Pamlico River Basin feasibility study. Commissioner Foy also inquired when the Board would return to in person meetings versus electronic. Chairman Schriver stated he would continue to monitor the pandemic and expects to return to meeting as early as May or as late as June 2021 as logistics are being examined.

**Commissioner London:** Commissioner London thanked the Board for its support regarding the recent passing of her mother.

**Commissioner Schriver:** Commissioner Schriver also commented on solid waste concerns. Commissioner Schriver stated he would begin looking into a return to in person sessions possibly to be held in the Hobgood Courthouse Annex.

**Commissioner Bunn:** Commissioner Bunn commented on the concerns raised regarding solid waste. He said he is aware staff is already working to remedy the situation.

**Commissioner Speed:** Commissioner Speed also addressed solid waste concerns and stated a remedy is needed.

**Commissioner Pearce:** Commissioner Pearce stated he would like to see the Animal Advisory Board reestablished as soon as possible.

II. CLOSED SESSION

The Board was asked to conduct a closed session pursuant to North Carolina General Statute 143-318.11 (a)(3) Attorney-Client Privileged Communication.

Commissioner Bunn made a motion to conduct a closed session pursuant to North Carolina General Statute 143-318.11 (a)(3) Attorney-Client Privileged Communication. The motion was seconded by Commissioner Pearce and was approved 5 to 1, with Commissioner Foy voting in opposition.

The Board entered into closed session at 9:22pm.

At 10:27pm, Commissioner Bunn made a motion to enter back into open session. The motion was seconded by Commissioner Speed and duly carried approval with all present voting "AYE."

No action was taken.

At 10:27pm, Commissioner Bunn made a motion to adjourn, seconded by Commissioner Speed. The motion duly carried approval with all present voting "AYE."

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Michael S. Schriver, Chairman

Kristen G. King, Clerk to the Board