

FRANKLIN COUNTY BOARD OF COMMISSIONERS  
MINUTES OF A CLOSED SESSION

DATE: August 1, 2011

STATUTORY REFERENCE/PURPOSE: North Carolina General Statute 143-318.11 (a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

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

STAFF PRESENT: County Manager Angela L. Harris, County Clerk Kristen G. King, County Attorney Darnell Batton, Attorney David Guin, County Finance Director Chuck Murray, Planning Director Scott Hammerbacher and Emergency Communications Director Christy Shearin.

SUMMARY: A discussion was held relative to neighbors of the White Level tower site and their opposition to locating the tower next door to their property. Mr. Batton stated there is an easement (owned by Gene Bobbitt) on the land and said one of the guide wires is located on the easement. Landowner Lynn Wester reportedly took the appraiser on the property and signed a document stating there were no issues on the property. Mr. Wester agreed to be responsible if warranty was breached. Mr. Batton stated he believed Mr. Wester forgot about the easement when he bought the land. He stated the surveyor was also responsible for providing the easements but also stated he did not search the title and said he should have. He said there was not a recorded plat of the easement. Moving forward, it was stated the options include moving anchor points closer to the tower and outside of the easement, but doing so would come at an additional cost.

Mrs. Shearin stated it would be difficult to find another option for a tower site in the White Level Community that is viable. She stated microwave studies had already been completed as well as the coverage guarantee. She stated seeking another site would further delay the 911 project.

Mr. Guin stated moving the anchor would not solve the entire problem. He said the cost to move the anchor would be \$40,000. He said the issue with easement is not related to the appeal from the Faulkner/Rowe family that does not wish to "see" the tower on said property.

Mr. Batton recommended moving forward by moving the anchor sites. Staff asked the Board for direction in moving forward with the Planning Board which will require a public hearing to change the Unified Development Ordinance making a tower a permitted use. Consensus of the Board was to move forward, however Commissioner Foy stated he was not in favor.

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Additionally, Mrs. Shearin commented on another issue with the tower located at the Franklin County Sheriff's Office. She said Surapon Sujjavanavich feels the new tower must be 100 feet from the jail facility.

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**CLOSED SESSION MINUTES  
FRANKLIN COUNTY BOARD OF COMMISSIONERS**

MEETING DATE: August 1, 2011 (c)

**PUBLIC INSPECTION STATUS**

A. Must Remain Confidential Permanently:

\_\_\_\_\_  
Authorized By: \_\_\_\_\_ Date \_\_\_\_\_  
Darnell Batton  
Franklin County Attorney

B. Released for Public Inspection:

  
\_\_\_\_\_  
Authorized By: \_\_\_\_\_ Date 5-24-12  
~~Darnell Batton~~ Pete Tomlinson  
Franklin County Attorney

C. Pending Further Review:

  
\_\_\_\_\_  
Authorized By: \_\_\_\_\_ Date 12-30-11  
Darnell Batton  
Franklin County Attorney

The Franklin County Board of Commissioners met for a Closed Session in the Commissioner's Meeting Room of the Franklin County Administration Building, 113 Market Street, Louisburg, NC, on the date indicated above.

The purpose of the meeting was to discuss matters relating to:

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|----|-------------------------|--|
| -- | G.S. 143-318.11 (a) (1) | Not a Public Record                      |
| -- | G.S. 143-318.11 (a) (2) | Scholarship/Academic                     |
| ✓  | G.S. 143-318.11 (a) (3) | Attorney-Client Privileged Communication |
| -- | G.S. 143-318.11 (a) (4) | Industry/Economic Development            |
| -- | G.S. 143-318.11 (a) (5) | Real Property Purchase/Contracts/Leases  |
| -- | G.S. 143-318.11 (a) (6) | Personnel                                |
| -- | G.S. 143-318.11 (a) (7) | Criminal Investigation                   |
| -- | G.S. 143-318.11 (a) (8) | Board of Education Emergency Response    |
| -- | G.S. 143-318.11 (a) (9) | Public Safety (Act of Terrorism)         |