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JANUARY 16, 1989

The Board of Commissioners of Franklin County, North Carolina met in regular session at 7:30 P. M. in the Superior Courtroom of the Franklin County Courthouse with the following Commissioners present: Chairman James B. Alford; Vice Chairman Tommy Wynne, Commissioner Ronald W. Goswick, Commissioner John O. Sledge, III and Commissioner Robert L. Swanson.

County Manager Boutwell introduced to the Board of Commissioners Mr. Glenn Osborne who will begin his duties as the director of the Franklin County Department of Social Services on February 1, 1989.

Proper notice having been given, this is the time and place set for a public hearing to receive public comment on amendment to the Franklin County Zoning Ordinance (text).

Chairman Alford declared public hearing open at 7:35 P. M.- and recognized Mr. Bob Heuts, Planning Director/Zoning Administrator.

Chairman Alford then called for public comments and no one spoke.

Chairman Alford declared public hearing closed at 7:45 P. M.

Upon motion by Commissioner Swanson, seconded by Commissioner Sledge with all present voting "AYE" duly carried that upon the recommendation of the Franklin County Planning Board the following ordinance amending the Franklin County Zoning Ordinance approved:

**AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (TEXT)  
IN REFERENCE TO THE RIVISION OF ARTICLE VIII ENFORCEMENT**

WHEREAS, the Franklin County Board of Commissioners duly adopted the Franklin County Zoning Ordinance on January 5, 1987; and,

WHEREAS, the Franklin County Planning Board has provided a recommendation per the requirements of the Franklin County Zoning Ordinance; and,

WHEREAS, a public hearing of the Board of Commissioners has been scheduled, duly advertised, per the requirements of G. S. 153A, and conducted on January 16, 1989; and,

NOW, THEREFORE, BE IT ORDAINED that the Board of Commissioners has acted favorably on the Planning Board recommendation and provides the following amending ordinance.

SECTION I That Article VIII Enforcement, Section VIII-1 be amended to read as follows:  
Section VIII-1 Enforcement

A. Policy on initiating the most appropriate actions. It is the policy of the Franklin County Board of Commissioners that the purposes and intent of this ordinance will normally be served best if the Zoning Administrator, or his designee, first seeks to have a violation brought into compliance by voluntary co-operation.

B. Zoning Administrator to be notified of violations. Whenever a violation of this ordinance is known or suspected to exist or expected to be committed, any person may so notify the Zoning Administrator, or his designee.

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C. Zoning Administrator to investigate violations. Upon receiving any information which suggests a violation of this ordinance, the Zoning Administrator, or his designee, shall conduct or cause to be conducted an investigation to determine whether a violation exists or is reasonably expected to be committed.

D. Notice of Violation. The Zoning Administrator, or his designee, if he determines a violation exists or is reasonably expected to be committed, shall promptly give notice by certified or registered mail, return receipt requested, or by personal service to the owner or owners of record for tax purposes of the property involved. The notice shall indicate the location and the nature of the violation or expected violation; the provision or provisions of this ordinance which allegedly have been or are expected to be violated; the nature of the criminal and civil actions which may be brought; and whether immediate enforcement will be sought or thirty (30) days allowed to correct or remove the violation. However, a defect in the giving of the notice of violation or in the contents of the notice of violations shall not prevent the enforcement of this ordinance. Moreover, enforcement may be initiated prior to the giving of notice, if the Zoning Administrator, or his designee, deems such action necessary.

E. Enforcement after thirty (30) days. When the notice of violation referred to in (D) above was one which advised that thirty (30) days would be allowed to correct or remove the violation, as soon as thirty (30) days have expired from the date on which the notice of violation was mailed or served, the Zoning Administrator, or his designee, shall initiate or cause to be initiated any legal or equitable action which he deems appropriate unless: (1) it has been demonstrated to the Zoning Administrator, or his designee, that the violation has been corrected or removed or will not be committed, or (2) an appeal of the action of the Zoning Administrator, or his designee, has been filed with the Board of Adjustment in which case the appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In that case, proceedings may not be stayed except by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.

F. In cases of urgency where time is of the essence, the Zoning Administrator may proceed directly with appropriate legal action if he deems it necessary.

SECTION II That Section VIII-4 Penalties for Violation be amended to read as follows:

Section VIII-4 Penalties for Violations Criminal and civil provisions for enforcement.

A. Violation of this ordinance shall be a misdemeanor as provided by N. C. G. S. 153A-123(B) and N. C. G. S. 14-4.

B. This ordinance may be enforced by injunction and order of abatement, and all other appropriate equitable remedies to insure compliance with this ordinance as provided in N.

C. G. S. 153A-123. C. Each day's continuing violation of this ordinance is a separate and distinct offense as provided in N. C. G. S. 153A-123(g)

D. The Zoning Administrator shall act as complaining witness when necessary to initiate a criminal action against a violator or violators. Further, the Zoning Administrator is hereby authorized by the Franklin County Board of Commissioners to sign and execute all necessary legal documents if a civil action by the County of Franklin is required in order to enforce this ordinance.

SECTION III That this ordinance shall become effective upon its adoption.

Adopted this the 16th day of January, 1989.

Proper notice having been given, this is the time and place set for a public hearing to receive public comments on amendment to the Franklin County Mobile Home Park Ordinance (text).

Chairman Alford declared public hearing open at 7:46 P. M. and recognized Mr. Bob Heuts, Planning Director/Zoning Administrator.

Chairman Alford called for public comments and no one spoke.

Chairman Alford declared public hearing closed at 7:50 P. M.

Upon motion by Commissioner Wynne, seconded by Commissioner Sledge with all present voting "AYE" duly carried that upon the recommendation of the Franklin County Planning Board, the following ordinance amending the Franklin County Mobile Home Park Ordinance (text) approved:

**AN ORDINANCE AMENDING THE FRANKLIN COUNTY MOBILE HOME PARK ORDINANCE REGARDING THE TRANSFER OF TITLE OF A MOBILE HOME SPACE OR SPACES**

WHEREAS, the Franklin County Planning Board has provided a recommendation per the requirements of the Franklin County Mobile Home Park Ordinance; and,  
WHEREAS, a public hearing of the Board of Commissioners has been scheduled, duly advertised, per the requirements of G. S. 153A, and conducted on January 16, 1989; and,  
NOW, THEREFORE, BE IT ORDAINED that the Board of Commissioners has acted favorably on the Planning Board recommendation and provides the following amending ordinance.

SECTION 1 That Article VII Design Standards, Section A. General Requirements, (2) be amended to read as follows:

(2) The transfer of title of a mobile home space or spaces either by sale or by any other manner shall be prohibited within a mobile home park as long as the mobile home park is in operation, unless the proposed tract for transfer meets the minimum requirements of the Franklin County Zoning Ordinance and Frankklin County Subdivision Regulations.

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SECTION II That this ordinance shall become effective upon its adoption.  
Adopted this the 16th day of Janaury, 1989.

Upon motion by Commissioner Goswick, seconded by Commissioner Sledge with all present voting "AYE" duly carried upon the recommendation of Tax Collector Donnie Rudd confirm sale of Lot 2, Block F of Washington Estates, Franklinton, NC, to Earlean Bumpers who was high bidder at public auction held on January 11, 1989, with a bid of \$700.00

Upon motion by Commissioner Sledge, seconded by Commissioner Goswick with all present voting "AYE" duly carried the following ordinance regulating turkey shoots approved:

**ORDINANCE FOR FRANKLIN COUNTY REGULATING TURKEY SHOOTS**

WHEREAS, there have been request in Franklin County for permits to have turkey shoots, and whereas North Carolina General Statute 153A-129 authorizes the county to enact an ordinance to regulate the discharge of firearms at any time or place, except when used to take birds or animals, when used in

defense of person or property, or when used pursuant to lawful directions of law enforcement officers; and,

WHEREAS, the Franklin County Planning Board and the Franklin County Sheriff's Department recommends that the Franklin County Board of Commissioners adopt an ordinance regulating the operation of "turkey shoots" in Franklin County; and,

WHEREAS, the Franklin County Board of Commissioners decree that it is in the best interest of the citizens of Franklin County to enact an ordinance regulating turkey shoots.

NOW, THEREFORE, BE IT ORDAINED, that the following ordinance be adopted.

#### ARTICLE I PURPOSE

An ordinance to regulate and promote the safe discharge of firearms at "turkey shoots".

#### ARTICLE II AUTHORITY

This ordinance is hereby adopted under the authority and provisions of the North Carolina General Statute 153A-129 Firearms.

#### ARTICLE III DEFINITION

Turkey shoot - a shooting gallery to test individual marksmanship, the best marksman wins a prize, usually a turkey, hence the tuckey shoot.

Line of fire - an imaginary field from the firing line to the maximum distance the projectile may travel within a thirty degree (300) angle from the firing line.

Approved backstop - a screen to safely stop all projectile shot from the firing line to the target and extending at least 36" around the outside of the target.

#### ARTICLE IV RULES OF OPERATION: ALL "TURKEY SHOOT" MUST COMPLY WITH THE FOLLOWING:

- 1) No occupied house, building in use, or roadway behind target, in the line of fire, within a distance of 300 yards from the target.
- 2) No less than 500 feet to nearest dwelling in any direction.
- 3) Only shotguns may be used (#8 shot or smaller).
- 4) No alcoholic beverages or illegal drugs on premises.
- 5) No persons having the odor of alcohol may participate in the "turkey shoot".
- 6) No turkey shoot may operate later than 11:00 P. M.

#### ARTICLE V ENFORCEMENT

Violation of this ordinance is a misdemeanor punishable as forth in North Carolina General Statute 14-4; any interested party or the county may enforce this ordinance in the general courts of justice by taking out a warrant or by requesting an injunction or restraining order as provided in North Carolina General Statute 153A-23. Each day of operation in violation hereof shall constitute a separate offense.

#### ARTICLE VI SEPARABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

#### ARTICLE VII EFFECTIVE DATE

This ordinance shall take effect upon passage.

This the 16th day of January, 1989.

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The following bids received for one (1) landfill compactor:

E. F. Craven Rexworks 3-45 \$ 155,293  
Gregory Poole Caterpillar 816B 137,655

The request for bids asked for a total cost bid with quotes as follow:

COMPANY PRICE + MAX. 5-YR. REPAID - 5-YR. REPURCHASE TOTAL COST

E. F. Craven \$ 155,293 37,500 30,000 162,793  
Gregory Poole 137,655 29,822 45,000 122,477

Upon motion by Commissioner Sledge, seconded by Commissioner Wynne with all present voting "AYE" duly carried accept low bid received from Gregory Poole for one (1) Caterpillar 816B Landfill Compactor at an initial cost of \$137,655, with total cost bid of \$122,477.

Mr. Scott Mouw, Solid Waste Manager, appeared before the Board to discuss tire disposal at the Franklin County Landfill. After a discussion, upon motion by Commissioner Goswick, seconded by Commissioner Sledge with all present voting "AYE" duly carried that effective March 1, 1989, a tipping fee of \$1.00 for car tires and \$2.00 for truck tires will be charged at the Franklin County Landfill.

Upon motion by Commissioner Wynne, seconded by Commissioner Swanson, with all present voting "AYE" duly carried accept Mr. John Rock's offer of \$6,000 for a 1/10 acre of land located at the intersection of Bickett Blvd. & Highway 56 East generally described as that parcel of land lying and being in the Town of Louisburg, Louisburg Township, Franklin County, and lying to the east of U. S. Highway 401 and N. C. Highway 39 at its insection with N. C. Highway 56.

Pursuant to and in accordance with General Statute 143-318.11 and upon motion by Commissioner Goswick, seconded by Commissioner Wynne with all present voting "AYE" duly carried the Board went into executive session to consult with county attorney.

The Board reconvened into regular session and Chairman Alford stated no action taken in executive session.

County Attorney Tomlinson advised that law suit pending against Franklin County Sheriff's Department had been settled favorably to the Sheriff's Department.

Upon motion by Commissioner Goswick, seconded by Commissioner Swanson with all present voting "AYE" duly carried that Chairman Alford appoint two commissioners to work with County Manager Boutwell and County Attorney Tomlinson in interviewing the following surveyors in consideration of award of surveying contract for airport project: Billy Dement; Billy Lumpkin; Robert Williams and Williams & Pearce. Chairman Alford then appointed Commissioners Swanson and Wynne to work with county manager and county attorney.

Upon motion by Commissioner Swanson, seconded by Commissioner Wynne with all present voting "AYE" duly carried the following amendment to contract with Waste Industries approved:

NORTH CAROLINA  
FRANKLIN COUNTY

THIS AGREEMENT, made and entered into this the 16th day of January, 1989, by and between the County of Franklin, A NORTH CAROLINA POLITICAL, hereinafter referred to as "COUNTY", and WASTE INDUSTRIES, INC., a North Carolina Corporation with its principal office in Wake County, North Carolina, hereinafter called "COMPANY";

WITNESSETH:

THAT WHEREAS, the county and the company have a contract to provide for solid waste collection services which was executed the 1st day of December, 1988; and

WHEREAS, the county has determined it necessary to provide collection services at certain Franklin County schools;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the contract between the county and the company is amended as follows:

1. That the company shall provide 8-cubic yard, front-loading solid waste collection containers to be located at the following county schools; Epsom Elementary School; Gold Sand Middle School; Gold Sand Elementary School; Edward Best School, and Bunn Elementary School.

2. That the company agrees to provide pick up of the containers at the schools following a schedule approved by the county manager.

3. That the company will comply with all terms of the original contract for the school sites.

4. That as compensation for the additional work, as described in this amendment, county will pay to the company the sum of EIGHT HUNDRED FORTY-EIGHT AND NO/100 (\$848.00) per month.

5. This agreement shall be binding on the county and the company upon the execution of this document.

IN TESTIMONY WHEREOF, said parties have hereunto set their hands and seals, the day and the year first above written.

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Upon motion by Commissioner Swanson, seconded by Commissioner Sledge with all present voting "AYE" duly carried approve road petition for addition to state system of Riverbend Drive.

Upon motion by Commissioner Wynne, seconded by Commissioner Sledge with all present voting "AYE" duly carried the following budget amendment approved:

### ACCOUNT NUMBER DESCRIPTION AMOUNT

10-465-0320 Supplies \$ 2,300

10-506-0590 Contingency (2,300)

Upon motion by Commissioner Goswick, seconded by Commissioner Sledge with all present voting "AYE" duly carried the following budget amendment approved:

### ACCOUNT NUMBER DESCRIPTION AMOUNT

10-506-0640 Regional Council of Governments \$ 5,000

10-506-0590 Contingency (5,000)

Upon motion by Commissioner Wynne, seconded by Commissioner Sledge with all present voting "AYE" duly carried the following people appointed to serve a one-year term, January 1, 1989 - December 31, 1989, on the Region K Emergency Medical Services Advisory Council:

Paid Provider L. S. Ward, Jr.  
Volunteer Provider Robert M. White  
Hospital Helen Gilliam  
Medical Terry Thomas  
Consumer Willie F. Bartholomew

Upon motion by Commissioner Wynne, seconded by Commissioner Sledge with all present voting "AYE" duly carried Mrs. Velma Foster reappointed to serve a three-year term, January 1, 1989 - December 31, 1991, on the Franklin County Board of Health.

Upon motion by Commissioner Sledge, seconded by Commissioner Wynne with all present voting "AYE" duly carried Mr. Louis A. Wheless, Jr. appointed to serve on the Franklin County Historic Properties Commission.

There being no further business to come before the Board, adjournment recorded at 9:30 P. M.