

**JULY 2, 1990**

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 George T. Wynne, Vice Chairman Ronald W. Goswick, Commissioner James B. Alford, Commissioner John O. Sledge, III and Commissioner Robert L. Swanson.

Upon motion by Commissioner Sledge, seconded by Commissioner Swanson with all present voting "AYE" duly carried the minutes of meetings held on June 4, 11, 18, 19, 21 and 26, 1990 approved.

Proper notice having been given this is the time and place set for a public hearing to receive public comments on proposed amendments to the Franklin County Zoning Ordinance.

Chairman Wynne declared public hearing open at 7:35 P. M. and recognized County Planner Richard Reid who made comments on the following proposed amendments:

1) Request by S. F. Holden Heirs (Claude & Mary Wrenn, . Petitioners) to rezone a 35 acre tract on N. C. 96 in Youngsville Township from Light Industrial (LI) to Agricultural Residential (AR)

Chairman Wynne called for public comments and the following person spoke:

Claude Wrenn, Route 2, Franklinton, NC  
requested approval of petition

2) Amendment to add a paragraph to Article II, Section 11-1, 11-6, 11-7, 11-8, and 11-9 to clarify that special uses are handled by the Board of County Commissioners

Chairman Wynne called for public comments and no one spoke.

3) Amendment to add a statement to Article II, Section 11-1, 11-2, 11-3, 11-4, 11-5, 11-6, 11-7, 11-8, 11-9, 11-10, and Article IX, Section IX-3 to specify that conditional use permits and variances granted by the Franklin County Board of Adjustment shall expire if the applicant does not obtain a building permit or certificate of occupancy for such use within six (6)

Chairman Wynne called for public comments and no one spoke.

4) Amendment to Article II, Section 11-4, 11-5, 11-6 and 11-7 to include day nurseries and kindergartens as a conditional use

Chairman Wynne called for public comments and no one spoke.

5) Amendment to Article 11, Section 11-1, 11-8, and 11-9 to include conference center/retreat as a conditional use

Chairman Wynne called for public comments and no one spoke.

6) Amendment to Article II, Section 11-1, 11-6, and 11-7 to include demolition landfills as a special use

Chairman Wynne called for public comments and the following person spoke:

Mary Jane Jennings, Route 6, Box 581, Louisburg, NC

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

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Minutes of the meeting of July 2, 1990 --- Continued

Upon motion by Commissioner Swanson, seconded by Commissioner Sledge with all present voting "AYE" duly carried the following ordinance amending the Franklin County Zoning Ordinance adopted:

**AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (MAP) TO REZONE  
APPROXIMATELY 35 ACRES OF LAND LOCATED ON THE SOUTH SIDE OF N. C. 96 IN  
YOUNGSVILLE  
TOWNSHIP, NORTH OF YOUNGSVILLE, AND EAST OF U.S. 1 FROM  
LIGHT INDUSTRIAL (LI) TO AGRICULTURAL RESIDENTIAL (AR)**

WHEREAS, the Franklin County Planning Board has reviewed said petition and favorably recommends amendment per the requirements of the Franklin County Zoning Ordinance; and,

WHEREAS, a public hearing of the Board of County Commissioners has been scheduled, duly advertised per the requirements of G.S. 153A, and conducted on July 2, 1990 at 7:30 P. M.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners has acted favorably on the petition and provides for the following ordinance:

SECTION I That the approximate 35 acre tract of land located on the south side of N. C. 96 in Youngsville Township be rezoned from Light Industrial (LI) to Agricultural Residential (AR) and more particularly described as follows: Beginning at a point at the utility easement, then approximately 525 feet 5400 50' E, then 1,572 feet N360 15'E, then 406.5 feet N60 20'W, then 367 feet N430 O'W, then approximately 360 feet N460 20'W to the power line easement, then along said easement NE to the point of beginning, containing approximately 35 acres.

SECTION II That this ordinance shall become effective upon its adoption.  
ADOPTED this the 2nd day of July, 1990.

Up motion by Commissioner Sledge, seconded by Commissioner Goswick with all present voting "AYE" duly carried the following ordinances amending the Franklin County Zoning Ordinance adopted:

**AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (TEXT) IN  
REFERENCE TO THE ADDITION OF A STATEMENT CONCERNING SPECIAL USES IN THE AR, LI,  
HI, R-40 AND R-80 DISTRICT**

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

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 July 2, 1990; 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 the text of the Franklin County Zoning Ordinance be amended to include a paragraph as follows:

Article II, Section II-1 Agricultural Residential District D. Special Uses.

The following uses may be permitted upon the approval of the County Board of Commissioners in accordance with Article I, Section 1-14 Conditional Uses.

Article II, Section 11-6 Light Industrial District, D. Special Uses

The following uses may be permitted upon the approval of the County Board of Commissioners in accordance with Article I, Section 1-14 Conditional Uses.

Article II, Section 11-7 Heavy Industrial, D. Special Uses.

The following uses may be permitted upon the approval of the County Board of Commissioners in accordance with Article I, Section 1-14 Conditional Uses.

Article II, Section 11-8 Water Supply Watershed District I R-40 D. Special Uses.

The following uses may be permitted upon the approval of the County Board of Commissioners in accordance with Article I, Section 1-14 Conditional Uses.

Article II, Section 11-9 Water Supply Watershed District II-(R-80) D. Special Uses.

The following uses may be permitted upon the approval of the County Board of Commissioners in accordance with Article 1, Section 1-14 Conditional Uses.

SECTION 11 That this ordinance shall become effective upon its adoption.

ADOPTED this the 2nd day of July, 1990.

**AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (TEXT) IN REFERENCE TO EXPIRATION OF CONDITIONAL USE PERMITS AND VARIANCES GRANTED BY THE BOARD OF ADJUSTMENT**

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 July 2, 1990; 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 the text of the Franklin County Zoning Ordinance be amended to include the following new paragraph in Article II, Section 11-1, 11-2, 11-3, 11-4, 11-5, 11-6, 11-7, 11-8, and 11-9, C.

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Conditional Uses:

Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a building permit or certificate of occupancy for such use within six (6) months from the date of the decision.

SECTION II That the text of the Franklin County Zoning Ordinance be amended to include the following two new -paragraphs in Article II, Section II-10, B. Conditional Uses:

The following uses may be permitted upon the approval of the Franklin County Board of Adjustment in accordance with Article VIII.

Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a building permit or certificate of occupancy for such use within six (6) months from the date of the decision.

SECTION III That the text of the Franklin County Zoning Ordinance be amended to include a new last paragraph to Article IX Board of Adjustment, Section IX-3 Powers and Duties of the Board of Adjustment, B. Variances:

Unless otherwise specified, any variance granted the Board of Adjustment shall expire if the applicant does not obtain a building permit or certificate of occupancy for such use within six (6) months from the date of the decision.

SECTION IV That the text of the Franklin County Zoning Ordinance be amended to include a new last paragraph to Article IX Board of Adjustment, Section IX-3 Powers and Duties of the Board of Adjustment, C. Conditional Uses:

### 3. Expiration of Conditional Use

Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a building permit or certificate of occupancy for such use within six (6) months from the date of the decision.

SECTION V That this ordinance shall become effective upon its adoption.  
ADOPTED -this the 2nd day of July, 1990.

## **AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (TEXT) IN REFERENCE TO ADDING DAY NURSERIES & KINDERGARTENS TO THE CONDITIONAL USES OF THE BUSINESS AND INDUSTRIAL DISTRICTS**

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 July 2, 1990; 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 the text of the Franklin County Zoning Ordinance be amended to include in Article II, Section II-4, 11-5, 11-6, and 11-7 the following as a conditional use:

Day nurseries and kindergartens - provided that they meet all applicable state and county regulations and that the water supply and sewerage system is approved by the Franklin County Health Department.

SECTION II That Article II, Section 11-7 Heavy Industrial, C. Dimensional Requirements be relettered to B. Dimensional Requirements.

SECTION III That Article III Off-Street Parking and Loading Requirements be amended to include the following:

Day care centers, kindergartens, & nurseries:

One (1) space for each employee plus one (1) parking space per four (4) children

Elementary, Middle and Junior High Schools:

Three (3) spaces for each classroom plus off-street passenger loading arrangements.

SECTION IVU That Article VII Interpretation of Terms and Definitions, Section VII-2 Definitions be amended to include the following:

Nursery school, (See Day Care)

Amend definition P. to read:

P. Day care center/day nursery/nursery school/kindergarten, means a facility for the care and/or education of pre-school age children and licensed by the North Carolina Department of Human Resources.

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

ADOPTED this the 2nd day of July, 1990.

**AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (TEXT) IN REFERENCE TO ADDING CONFERENCE CENTER/RETREAT AS A CONDITIONAL USE IN THE AR, R-40, AND R-80 DISTRICTS**

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 July 2, 1990; 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:

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SECTION I That the text of the Franklin County Zoning Ordinance be amended to include in Article II, Section II-1 II-8, and 11-9 the following as a conditional use:

Conference Center/Retreat for a corporation, business, religious or non-profit group, which meet the following:

- a. minimum lot size = 5 acres
- b. parking shall be provided in accordance with Article III Off-Street Parking and Loading Requirements
- c. compatible with the neighborhood
- d. screening will be provided in accordance with Article I-II, Buffer Strips,
- e. all structures used for meeting rooms and classrooms shall conform to all applicable local and state health and building code requirements
- f. no environmentally damaging or hazardous materials allowed

SECTION II That Article VII, Interpretation of Terms and definitions, Section VII-2 Definitions be amended to include the following:

Conference Center/Retreat, means a structure or group of structures used for meetings and classes by a corporation business, religious, or non-profit group.

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

ADOPTED this the 2nd day of July, 1990

**AN ORDINANCE AMENDING THE FRANKLIN COUNTY ZONING ORDINANCE (TEXT) IN REFERENCE TO ADDING DEMOLITION LANDFILL AS A SPECIAL USE IN THE AR, LI and HI DISTRICTS**

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 July 2, 1990; 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 the text of the Franklin County Zoning Ordinance be amended to include in Article II, Section II-1 11-6, and 11-7 the following as a Special Use:

Demolition Landfill - Publicly or privately operated, provided:

- a. that all buildings, structures, tanks, and pits be set back at least one hundred (100) feet from all exterior property lines,
- b. that a natural landscaped buffer at least fifty (50) feet in width separate all such uses from all exterior property lines,
- c. that a non-climbable fence, at least six (6) feet in height, completely enclose such uses,
- d. that the landfill be restricted to items allowed by the State of North Carolina in a demolition landfill, specifically to exclude sanitary landfill uses, chemical/toxic waste, and nuclear waste products,
- e. that prior to issuance of a zoning permit and/or building permit, the site must be approved by the North Carolina Department of Environmental Management for such a use, and meet all the state requirements for such a use.

SECTION II That Article VII, Interpretation of Terms and Definitions, Section VII-2 Definitions be amended to include the following:

Demolition Landfill means a sanitary landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes as approved by the North Carolina Department of Environmental Management and permitted by that agency.

Sanitary Landfill means a facility for disposal of solid waste on land in a sanitary manner in accordance with Article 9 of Chapter 130A and as amended. (G. S. 130A-294, as amended).

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

ADOPTED this the 2nd day of July, 1990.

Mr. J. Thomas McBride, Director of Area Mental Health, presented the semi-annual report of the Area Mental Health Program.

Upon motion by Commissioner Sledge, seconded by Commissioner Goswick with all present voting "AYE" duly carried upon a request from the Franklin County Board of Education approve the use of \$865,000 in Public School Capital Funds and \$2,000,000 Critical Needs Funds for the construction of the new middle school.

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

BUDGET AMENDMENT NO. 18 FY 1989-1990

10-506-0590 \$ 2,250)

10-530-0910 \$ 2,250

Fifty Percent (50%) of Total Cost of Breathing Air Compressor System  
Franklin County Firemen's Association

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Minutes of the meeting of July 2, 1990 --- Continued

Upon motion by Commissioner Alford, seconded by Commissioner Swanson with all present voting "AYE" duly carried approve and authorize chairman to sign amendment to lease between W. C. Joyner and wife Shirley S. Joyner and Franklin County for office space located at 107 South Main Street, Louisburg, NC whereby the monthly rental will increase by \$150.00 with total amount of rent to be \$350.00 per month.

Upon motion by Commissioner Sledge, seconded by Commissioner Swanson with all present voting "AYE" duly carried the following amendment to the Community Development Block Grant - Horseshoe Community Improvement Area Project Ordinance approved:

**FRANKLIN COUNTY  
COMMUNITY DEVELOPMENT PROGRAM  
HORSESHOE COMMUNITY IMPROVEMENT AREA PROJECT GRANT PROJECT ORDINANCE  
AMENDMENT NO. 2**

Be it ordained by the Board of Commissioners of Franklin County that pursuant to Section 13.2 of Chapter

159 of the General Statutes of North Carolina, the following Grant Project Ordinance is hereby adopted: Section 1. The project authorized is the community revitalization project described by application dated May 20, 1988 and approved by the North Carolina Department of Natural Resources and Community Development

(NRCD) for inclusion in the Grant Agreement No. 88-C-7713 between NRCD and Franklin County. This project

is more familiarly known as the "Horseshoe Community Improvement Area" project and is referred to as project number C-1.

Section 2. The officers of the County of Franklin are hereby directed to proceed with the grant project within the terms of the grant documents, the rules, and regulations of NRCD and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

1988 Small Cities Grant \$ 600,000.00

Franklin County 156,965.00

Total \$ 756,965.00

Section 4. The following accounts are appropriated for the project:

Acquisition \$ 12,000.00

Sewer Improvements 271,965.00

Water Improvements 85,000.00

Clearance Activities 12,500.00

Relocation Assistance 60,750.00

Housing Rehabilitation 214,750.00

Administration 100,000.00

Section 5. The County Manager is hereby directed to maintain within the Grant Project Funds sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement and federal and state regulations.

Section 6. Funds may be transferred from the General Funds for the purpose of making payments as due. Requisitions for grant funds should be made to the grantor agency in an orderly and timely manner.

Section 7. The County Manager is directed to report monthly on the financial status of each project element in Section 4, and on the total grant revenues received-or claimed.

Section 8. The County Manager is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to the Board of Commissioners

9. Copies of this grant project ordinance shall be made available to the County Manager for direction in carrying out this project.

ADOPTED this 2nd day of July, 1990

Upon motion by Commissioner Goswick, seconded by Commissioner Sledge with all present voting "AYE" duly carried the following appointments made to the Franklin County Board of Adjustment:

Michael Goswick Ebbie Jones Pearce Herbert Leonard

Route 1, Box 155 P. O. Box 368 Route 6

Kittrell, NC 27544 Youngsville, NC 27596 Louisburg, NC 27549

Reappointed to three-year term Reappointed as regular member to Reappointed to three-year term expiring June 30, 1993 three-year term as an alternate

as regular member expiring June 30, 1993 expiring June 30, 1993

Upon motion by Commissioner Sledge, seconded by Commissioner Goswick with all present voting "AYE" duly carried approve lease between the Town of Franklinton and Franklin County for the Senior Citizens Center building located at 602 East Mason Street, Franklinton, NC 27525.



Upon motion by Commissioner Alford seconded by Commissioner Swanson with all present voting "AYE" duly carried approve road petition for SR1236 and forward to the North Carolina Department of Transportation for evaluation and review.

Upon motion by Commissioner Alford, seconded by Commissioner Sledge with all present voting "AYE" duly carried approve road petition for Riverbend Circle and forward to the North Carolina Department of

Transportation for evaluation and review.

Upon motion by Commissioner Alford, seconded by Commissioner Sledge with all present voting "AYE" duly

carried the following appointment made to the Kerr-Tar Private Industry Council:

Joanne Steiner, P. O. Box 576, Franklinton, NC

Representing private industry - reappointed to two-year term, July 1, 1990-June 30, 1992

Carl W. Harris, 630 South Garnett Street, Henderson, NC

Representing Vocational Rehabilitation - reappointed to two-year term, July 1, 1990, June 30, 1992

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Upon motion by Commissioner Goswick, seconded by Commissioner Alford with all present voting "AYE" duly carried authorize chairman to sign contract with Design Partnership, 3700 Computer Drive, Raleigh, NC, as architectural consultants for the renovation of the human resources building and the county manager and the management team to consult with firm to put together cost figures.

Tax Collector Donnie Rudd appeared before the Board concerning the tax settlement for 1989.

Upon motion by Commissioner Swanson, seconded by Commissioner Sledge with all present voting "AYE" duly carried accept tax settlement report for fiscal year 1989 and list of insolvent taxes be charged back to the tax collector for collection; this Franklin County Uncollected Taxes Register is on file in the office of the clerk to the board; Tax Collector Donnie Rudd charged with the collection of the 1990 taxes.

Upon motion by Commissioner Goswick, seconded by Commissioner Alford with all present voting "AYE" duly carried Samuel Solomon, Route 4, Box 121, Louisburg, NC, reappointed to serve a three-term, July 1, 1990 to June 30, 1993, on the Franklin County Social Services Board.

Upon motion by Commissioner Goswick, seconded by Commissioner Swanson with all present voting "AYE" duly carried that the Commissioners' meeting scheduled for Monday, July 16, 1990 be cancelled.

Upon motion by Commissioner Sledge, seconded by Commissioner Swanson with all present voting "AYE" duly carried upon written request from the Department of Human Resources approve contract between Cost Constainment and Franklin County for issuance of food stamps at a cost of \$.419 per mail issuance.

Upon motion by Commissioner Sledge, seconded by Commissioner Goswick with all present voting "AYE" duly carried table making appointment to the Franklin Water & Sewer Authority Board until the first meeting in August.

Upon motion by Commissioner Goswick, seconded by Commissioner Sledge with all present voting "AYE" duly carried that county attorney authorized to notify the United State Justice Department, Civil Rights Division, that Franklin County accepts ruling, will not seek a declaratory judgement from the United States District Court for the District of Columbia and will abide by the 1931 Private Act, Plurality-Win System for the Franklin County Commission.

Upon motion by Commissioner Sledge, seconded by Commissioner Alford with all present voting "AYE" duly carried authorize county attorney to request the United States Justice Department to preclear Franklin County to join the majority of other counties in North Carolina under the 40% rule.

There being no further business to come before the Board, adjournment recorded at 9:45 P. M.