

May 8, 2006

The Board of Commissioners of Franklin County, North Carolina, met in Regular Session at 7:00 P.M. in the Commissioner's Meeting Room located in the County Administration Building with the following Commissioners present: Chairman Sidney E. Dunston, Vice-Chairman Lynwood D. Buffaloe, Commissioners Harry L. Foy, Jr., Raymond A. Stone, Jimmie R. Gupton, Donald C. Lancaster, and Robert L. Swanson.

Chairman Dunston asked the Board to consider making a change in the scheduled closed session to delete the personnel item and replace it with a closed session to discuss litigation with the estate of Ted Horton. Upon a motion by Commissioner Stone, seconded by Commissioner Buffaloe, with all present voting "AYE", duly carried approval.

1. CONSENT AGENDA

Upon the motion by Commissioner Buffaloe, seconded by Commissioner Gupton, with all present voting "AYE", duly carried approval of the following consent agenda items:

- A. April 17, 2006 minutes.
- B. Resolution calling for an end to the Medicaid burden on the counties of North Carolina.
- C. Resolution calling on the General Assembly to adhere to a non-supplant policy regarding the use of the pending lottery proceeds.
- D. 2006 Clean Water Bond Resolution
- E. Cover the Uninsured Week Proclamation

Chairman Dunston recognized new county employees including I.T. Director Coy Floyd and Existing Industry Coordinator Richie Duncan along with Franklinton's new Town Administrator Sharon Garner.

2. RECOGNITION OF EMPLOYEE OF THE QUARTER

The Board recognized Sherry Perry, Processing Assistant with the Franklin County Health Department, as the Employee of the Quarter ending March 2006. She was awarded with a \$100 savings bond.

3. PUBLIC HEARING

- A. Map Amendment: PCNETTOOLS. Com, LLC (Tim Supernaw), 95.1 Acres, Lake Royale Lot 2972D, Cypress Creek Township, R-1 to R-15.

Planning Director Pat Young stated on September 13, 2005, the Planning Board recommended approval of the map amendments, but the item was tabled by the Board at its October 17, 2005 meeting. Young said multi-family housing appeared to be the intent when the land was originally platted. He said doing so would be consistent with other uses in the area. Young went on to say there would have to be approval by the Public Utilities Commission to adopt a sewer charge before any future development. Young added that since 1987 the county had not approved multi-family use at Lake Royale.

Chairman Dunston declared the public hearing open.

Art Alexander, 1183 Sagamore Drive, Louisburg, NC

- Mr. Alexander is the owner of the property and a real estate agent. When he purchased the land, his intentions were to complete a multi-family housing unit. He now plans to sell the land because he is concerned the land will become land-locked.

Tim Supernaw, 12017 Pawley’s Mill Circle, Raleigh, NC

- Mr. Supernaw is the potential developer of the land. He plans to have 68 units on the property including a proposed three-story structure on Lake Royale.

Clifford Revoir, 327 Sagamore, Louisburg, NC

- Mr. Revoir thanked the Board for incorporating prayer into the meeting and went on to state his concern with costs surrounding the possibility of expanding Lake Royale’s waste water treatment plant. He urged the Board to keep the area zoned R-1 to protect the environment.

Bob Taylor, 1132 Sagamore Drive, Louisburg, NC

- Mr. Taylor expressed his dissatisfaction with the rezoning request.

Paul Wygousky, 1129 Sagamore, Louisburg, NC

- Mr. Wygousky stated many Lake Royale property owners were against the request and submitted a petition to the Board signed by nearly 140 licensed voters with the Lake Royale Property Owner’s Association who are in opposition.

Jan Sikes, 140 Creek Drive, Louisburg, NC

- Ms. Sikes expressed her opposition to the rezoning request stating future stress on roadways, increased crime and septic demands. Sikes said she’s spoken with a number of Lake Royale residents who are also against multi-family use because of a variety of possible uses that are allowed under R-15.

Blake Clift, 1349 Sagamore, Louisburg, NC

- Mr. Clift recently became a property owner at Lake Royale. His family moved from Maryland in search of a rural setting. He fears Lake Royale will become a “city” and that rezoning would aid in destroying what property owners have invested in for their future.

Barry Wilkins, 1337 Sagamore, Louisburg, NC

- Wilkins submitted a letter to the Board and asked it to suspend the request pending environmental studies.

Ashley Windsor, 125 Black Foot Drive, Louisburg, NC

- Mr. Windsor stated he is also against rezoning the area for multi-family use. He pleaded with the Board not to help Mr. Alexander correct his mistake of purchasing the property and allow him to make more money while jeopardizing the future of Lake Royale.

Robert Dillard, 108 Hunting Lodge Road, Clayton, NC

- Mr. Dillard is the owner of a camping parcel at Lake Royale. He feels it’s a matter of time before someone is injured or killed because of increasing congestion on the lake and is against the proposal.

Bob Winters, 195 Black Cloud Drive, Louisburg, NC

- Mr. Winters said the proposal would be a non-conforming use and stated Mr.

Alexander's deed does not relieve the property from the covenants of the Lake Royale Property Owner's Association. He said the type of units that have been proposed on the property can't be built without another conditional use permit and would not be allowed according to the county's Unified Development Ordinance.

Robert VanGraafeiland, 101 Cheyenne Drive, Louisburg, NC

- Mr. VanGraafeiland is the General Manager of the Lake Royale Property Owner's Association. He talked about increasing growth issues at Lake Royale and told the Board he would answer any questions about the area it might pose.

A motion to deny the map amendment was made by Commissioner Swanson and seconded by Commissioner Lancaster. The motion to deny carried approval 6 to 1 with Commissioner Foy voting "NO".

4. COMMENTS FROM THE PUBLIC

Chuck Stires, 151 Rocking Horse Lane, Youngsville, North Carolina

Mr. Stires is a candidate for the North Carolina Senate. He addressed the board concerning ways to fund school construction needs. Stires feels voters were confused in thinking the school bond would solely be paid through a property tax increase. He said alternatives should be examined, the public should be educated on those alternatives and feels raising property taxes would be unfair to those on fixed incomes.

5. FRANKLIN COUNTY ANIMAL CONTROL ORDINANCE AMENDMENTS

Franklin County Manager Chris Coudriet made a PowerPoint presentation highlighting amendments to the Franklin County Animal Control Ordinance.

Basis for Amendments

- Read consistent with organizational (re)-assignment of animal control
- Greater consistency with policy proposals adopted in December 2005

Section 1-2 Basis and Authority of the Animal Control Program

- Establishes animal control supervisor as enforcer of the ordinance
 - repealed health director responsibility
- Defines animal control program as a unit of Franklin County
 - Repealed subordination to the health department

Section 1-3 General Duties of Animal Control Program

- Defines policy makers for the animal control program as the board of commissioners
 - removed role of the health board

Section 1-5 Cruelty to Animals

- Appoints animal control supervisor as animal cruelty investigator
 - Consistent with NCGS 19A-45, 46 & 47

Section 1-7 Animal Creating Nuisance

- Broadens application to read a "prohibited act"
 - language modification

Section 1-9 Confinement and Control of Exotic Animals

- Assigns decisions regarding exotic animal enclosures to the animal control supervisor
 - previous responsibility of the health director

Section 1-10 Confinement and Control of Dangerous Animals and Dangerous Dogs

- Assigns dangerous dog determination authority to the animal control supervisor
 - previous responsibility of the health director

Section 2-2 Inoculation of Dogs, Cats, and Other Pets

- Expands authority for inoculation of “other” pets to include the board of health
 - includes health director, board of commissioners, and the state public health veterinarian

Section 2-4 Evidence of Vaccination of Cats

- Amended language from “inoculation” to “vaccination”
 - common reference

Section 3-4 Destruction or Adoption of Unredeemed Animals Generally

- Broadens application of spayed or neutered to “animals”
 - previous reference to “dogs”
- Establishes language as “spayed or neutered”
 - previous reference as “sterilization”

Section 3-5 Procedure with Respect to Redemption or Adoption of Unvaccinated Animal

- Defined application of section to “animals”
 - Previous reference to “dogs” only

Section 4-3 Appeals of Administrative Decisions

- Appoints a three member panel for appeals of dangerous dog decisions
 - members appointed by the board of commissioners
 - recommend health director, veterinarian, and layperson

Coudriet suggested the Board appoint an appellate body or it could act in that capacity itself. Commissioner Stone stated in the document it reads “it is unlawful to kill any animal” and says the meaning of “animal” is not defined in the document. He says he would like to see the language more sharply defined. County Attorney Darnell Batton said it is likely the ordinance mirrors state law, but the matter can be addressed. Coudriet said staff may come back to the Board with additional amendments.

Commissioner Buffaloe made a motion to approve the amended ordinance. The motion was seconded by Commissioner Lancaster. Commissioner Stone then asked to make an amendment to the motion. Commissioner Stone requested the item be approved with the exception of Section 1-5 to obtain further definition. Upon the motion by Commissioner Stone, seconded by Commissioner Gupton, the motion carried 5 to 2, with Commissioners Buffaloe and Lancaster voting “NO” on the amendment to Section 1-5. Upon the motion by Commissioner Buffaloe to approve the remainder of the amended ordinance, seconded by Commissioner Lancaster, the motion duly carried, with all present voting “AYE”.

6. BOARD, MANAGER AND CLERK’S COMMENTS

Commissioner Foy: None.

Commissioner Stone: Commissioner Stone attended a meeting of the North Carolina Association of County Commissioners that focused on the importance of Medicaid relief. He encouraged the Board to continue talking with state legislators in order for action to be taken.

Commissioner Buffaloe: None.

Commissioner Swanson: None.

Commissioner Gupton: None.

Commissioner Lancaster: Commissioner Lancaster expressed his appreciation of the county's employee picnic held in late April.

Commissioner Dunston: Commissioner Dunston also commented on the picnic and said he attended a dedication ceremony for a new building at Vance Granville Community College in Franklin County. Commissioner Dunston informed the Board of a meeting with Airport staff, the county's Economic Development Director Ronnie Goswick and a prospective new client for the Franklin County area.

County Manager Chris Coudriet: Mr. Coudriet reported on installation of a new roof at the Human Services building. He stated the Sid Mitchell Road water line is now fully charged with water and is in operation. Mr. Coudriet also stated progress is being made on the budget and that staff is nearing a balanced recommendation. He also mentioned plans to hold a retreat with Economic Development staff and the Board on May 31st.

County Clerk Kristen King: Mrs. King reminded the Board about several upcoming events including the retreat, the North Carolina Association of County Commissioners 2006 legislative briefing planned for May 17th and the Kerr-Tar Board meeting scheduled for May 25th to honor retiring Executive Director Neil Mallory.

7. CLOSED SESSION

At approximately 9:20pm, a motion was made by Commissioner Swanson to enter into a closed session, seconded by Commissioner Gupton. The motion carried 6 to 1 with Commissioner Foy voting "NO".

At approximately 10:15pm, Commissioner Lancaster made a motion to enter back into open session, seconded by Commissioner Gupton, the motion duly carried with all present voting "AYE".

The Board announced that no action was taken during closed session in the matter of litigation with the estate of Ted Horton.

Upon motion by Commissioner Lancaster, seconded by Commissioner Gupton, with all present voting "AYE", the meeting was declared adjourned.

Sidney E. Dunston, Chairman

Kristen G. King, Clerk to the Board