

May 15, 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.

1. CONSENT AGENDA

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

- A. "Finistar" Resolution – This resolution, as approved by the Local Government Commission, will allow Franklin County the ability to access another avenue to invest funds for the highest possible yield on its investments.
- B. Tax collector's report
- C. Five County Mental Health Authority Annual Report 2004-2005
- D. Resolution declaring the result of the bond referendum held in the County of Franklin, North Carolina on May 2, 2006, upon the question of approving \$45,000,000 school bonds
- E. Resolution directing the Finance Officer to declare official intent on behalf of the County of Franklin, North Carolina to reimburse expenditures under United States Department of Treasury regulations

2. PUBLIC HEARINGS

- A. Zoning Map Amendment: Grey Oaks LLC, 23.60 Acres, Youngsville Township, State Road 1133 (Bert Winston Road), Light Industrial (LI) to Mixed Use (MU)

Planning Director Pat Young stated "mixed use" allows for commercial, retail and residential uses and was intended to provide a central location for services in a neighborhood setting. He stated the Planning Board unanimously recommended approval of the amendment. The public hearing was opened and closed with no comments made. Upon a motion for approval by Commissioner Foy, seconded by Stone, with all present voting "AYE", duly carried approval.

- B. Zoning Map Amendment: Ahmad Al-Omari dba Royal Mini Mart, 2.01 Acres, Harris Township, US Hwy 401 & Clifton Pond Road, R-30 & Neighborhood Business (NB) to Highway Business (HB)

Young stated the Planning Board unanimously approved the amendment. The public hearing was opened and closed with no comments made. Upon a motion for approval by Commissioner Foy, seconded by Commissioner Stone, with all present voting "AYE", duly carried approval.

- C. Zoning Map Amendment: North State Investment Group, 1.25 Acres, Dunn Township, NC Hwy 39 S, R-30 to Rural Business (RB)

Young said the request to rezone was done so to operate an Emergency Medical Services station where emergency vehicles could come in and out of. He stated the location is near a

fairly major intersection and said the amendment was unanimously recommended for approval by the Planning Board. The public hearing was opened and closed with no comments from the public. Upon a motion for approval by Commissioner Lancaster, seconded by Commissioner Foy, with all present voting "AYE", duly carried approval.

- D. Zoning Map Amendment: Oliver Newell Jr., 6 Acres, Louisburg Township, Country Club Drive (Off East River Road-State Road 1600), Agricultural-Residential (AR) to Highway Business (HB)

Young commented "highway business" is one of the most intensive uses in Franklin County's zoning code with nearly 300 uses. He said the area in question is substantially rural with residential lots with no water or sewer infrastructure available. He stated the Planning Board unanimously recommended denial of the amendment. The public hearing was opened with several citizens speaking in opposition.

James T. Anderson, 1305 East River Road, Louisburg, NC

- Anderson lives near the property in question and said there has previously been problems with murders, loud noises, etc. Anderson said he is not anti-business, but doesn't feel the location is appropriate to operate a sports bar, which is the type of business he understands would be in operation if the amendment is approved.

Arthur Johnson, 1251 East River Road, Louisburg, NC

- Johnson is a former Sheriff in Franklin County. He investigated two homicides in that area and said now that the neighborhood has been cleaned up, he doesn't want to see more problems for its citizens. He is against the rezoning.

Nino Akridge, 1855 East River Road, Louisburg, NC

- Akridge grew up in the area and says rezoning will not be helpful for youth or elderly in the area. He feels rezoning to "highway business" would create problems and would not be a good idea for the people living on East River Road.

Essay Manning, 1398 East River Road, Louisburg, NC

- Manning is a 40-year resident of the East River Road area. He feels the habitat is unsafe already, plagued with heavy traffic from cars and all terrain vehicles and a daily litter problem. He feels there is no need for a sports bar or any business that will offer alcoholic beverages or promote the use of drugs.

The public hearing was closed. Upon a motion to deny the request by Commissioner Swanson, seconded by Commissioner Stone, with all present voting "AYE", duly carried approval.

- E. Special Use Permit: Dennis Kidd, 3.5 Acres, Louisburg Township, State Road 1237 (Beasley Road), AR District, Inert Debris Reclamation

Young stated the area in question does include some residential use, but is primarily agricultural. He said part of this property would be Mr. Kidd's personal property. Mr. Kidd took the liberty to obtain a signed petition from area citizens stating their approval. Young said limitations have already been ordered regulating aesthetics, hours of operation, lighting and sales operations. He said the Planning Board must approve a final sight plan before the

operation can begin and stated the Planning Board unanimously approved the special use permit. The public hearing was opened.

Pete Tomlinson, 1363 NC Highway 39 South, Louisburg, NC

- Tomlinson is the lawyer representing Mr. Kidd. He stated that the sole purpose of this special use permit is to recycle and dispose of debris.

The public hearing was closed with no further comments from the public. Upon a motion by Commissioner Foy, seconded by Commissioner Lancaster, with all present voting “AYE”, duly carried approval.

3. COMMENTS FROM THE PUBLIC

Bruce Youngbar, 655 Collins Mill Road, Louisburg, NC

- Youngbar expressed his concerns about response time and the need for adequate training for local police and fire departments. Youngbar recently lost his home due to a fire and feels his home could have been saved if volunteers were properly trained.

Bob Winters, 195 Black Cloud Drive, Louisburg, NC

- Winters made reference to Item 5 on the agenda. He feels the residents of this subdivision shouldn't have a choice in whether or not they live in Wake or Franklin County.

4. PROGRAMMING AND DESIGNS OF ANIMAL CONTROL FACILITY – ARCHITECTURAL REVIEW

Franklin County Humane Society President Ida Estep commented that Walter Vick of The LSV Partnership Architects/Planners is currently building facilities in Cumberland and Warren counties similar to the one Franklin County plans to build. When the Board asked about future fundraising efforts to help pay for a new animal control facility, Estep said the Humane Society will continue their fundraising efforts, but said people who donate must be informed of progress and the actions being taken so supporters know how and where their donations are being spent. When the Board asked Walter Vick about a schematic design and rendering, Vick stated both would be provided. Vick said the purpose of phase 1 of the agreement is to establish an amount of money that is fair to perform research on costs associated with building the facility in Franklin County.

Upon a motion by Commissioner Buffaloe, seconded by Commissioner Swanson, with all present voting “AYE”, duly carried approval.

5. SURVEY AND MAP FRANKLIN/WAKE COUNTY BOUNDARY

In reference to a previous discussion at the Board's February 7, 2005 meeting, County Manager Chris Coudriet stated four lots of the Richland Hills subdivision were sold to homeowners under false pretenses using an inaccurate boundary line unbeknown to the developer. Coudriet said the boundary line used by the developer indicated the four lots were located in Wake County when in fact they are actually in Franklin County. Coudriet asked the board to request the North Carolina Geodetic Survey to survey monument and map the Franklin and Wake boundary according to the 1992 GIS agreement. Commissioner Lancaster asked if Franklin County will be able to continue selling water to these lots. Coudriet stated that would continue, however, the City of Wake Forest would also continue to provide sewer. County Attorney Darnell Batton stated the boundary line is ambiguous with four different

rendition based on four different departments of government and four different lines. Batton's legal opinion is that Franklin County will avoid a lawsuit by approving this request. Batton stated he didn't feel the county was at fault in any way, but he feels approval would bring closure to what could have otherwise been a litigious matter. He stated the survey would eventually come before the North Carolina General Assembly for approval. Coudriet confirmed operational procedures have been established to prevent similar action in the future.

Upon a motion by Commissioner Stone, seconded by Commissioner Gupton, the motion carried 6-1, with Commissioner Foy voting "NO".

6. WATER IMPROVEMENTS PROJECT ORDINANCE

Upon a motion by Commissioner Buffaloe, seconded by Commissioner Gupton, with all present voting "AYE", duly carried approval for water and sewer improvements and expansions for Sid Mitchell Road and Tarboro Road in the amount of \$1,877,759.

7. BUDGET ORDINANCE AMENDMENT #8

Upon a motion by Commissioner Swanson, seconded by Commissioner Buffaloe, with all present voting "AYE", duly carried approval.

8. BOARD, MANAGER AND CLERK'S COMMENTS

Commissioner Foy: None.

Commissioner Stone: Commissioner Stone pointed out the Five County Mental Health Authority annual report that was approved earlier in the evening. Commissioner Stone serves on that board and commented the State has assigned new duties to the regional area and encouraged the Board to read the document that was approved.

Commissioner Buffaloe: None.

Commissioner Swanson: None.

Commissioner Gupton: None.

Commissioner Lancaster: None.

Commissioner Dunston: Commissioner Dunston advised the Board that a town hall meeting called for by North Carolina Senator Doug Berger and originally scheduled for May 16, 2006 had been cancelled due to a death in Berger's family.

County Manager Chris Coudriet: Mr. Coudriet pointed out several upcoming meetings including a retreat planned with the Board and economic development staff on May 31, 2006. He also mentioned the May 22, 2006 meeting of the Board of Equalization and Review and suggested a joint session with the Franklin County Board of Education for May 23, 2006 to discuss school facility needs and to formally present the 2007 budget recommendation, with a public hearing on the budget proposed for June 5, 2006. Coudriet reminded the Board of County Assembly Day May 17, 2006 and gave an update on communication with the Environmental Management Commission. Staff will work to put together potential uses for water at the Neuse River intake and will bring that information before the Board for

endorsement.

County Clerk Kristen King: Mrs. King distributed a list of upcoming meetings pertaining to the interest of the Board. Each of those meetings were mentioned in the County Manager's Report.

9. CLOSED SESSION

At approximately 8:28pm, a motion was made by Commissioner Buffaloe to enter into a closed session, seconded by Commissioner Gupton. The motion carried 6 to 1 with Commissioner Foy voting "NO".

At approximately 9:07pm, Commissioner Swanson made a motion to enter back into open session, seconded by Commissioner Buffaloe, the motion duly carried with all present voting "AYE".

The Board announced that no action was taken during closed session pertaining to the personnel issue.

Upon a motion by Commissioner Gupton, seconded by Commissioner Lancaster, with all present voting "AYE", the meeting was recessed until May 23rd at 6:00pm.

Sidney E. Dunston, Chairman

Kristen G. King, Clerk to the Board