

September 21, 2009

The Board of Commissioners of Franklin County, North Carolina, met for its Regular Meeting at 7:00 P.M. in the Commissioner's Conference Room located in the County Administration Building with the following Commissioners present: Chairman Robert L. Swanson, Vice-Chairman Penny McGhee-Young, Donald C. Lancaster, Bob Winters, Sidney E. Dunston, E. Shane Mitchell and Harry L. Foy, Jr.

Commissioner Swanson called the meeting to order and asked the Board to consider approval of the consent agenda.

Commissioner Mitchell made a motion to remove Item 1-B from the consent agenda for further discussion. The motion was seconded by Commissioner Dunston and duly carried with all present voting "AYE."

Chairman Swanson asked the Board to consider approval of the remainder of the consent agenda.

Commissioner Mitchell made the motion to approve the remainder of the consent agenda, seconded by Commissioner Dunston. The motion duly carried with all present voting "AYE." The items approved are as follows:

1. CONSENT AGENDA

- A. September 8, 2009 Minutes
- ~~B. Increased fees for Environmental Health~~
- C. Releases, Adjustments, Refunds and Tax Collection Report

Regarding Item 1-B (Increased fees for Environmental Health) the Board had questions regarding when the proposed increased fees would take effect. In a memo to the Board from Health Director Dr. Chris Szwagiel, it was stated the fees were effective August 15, 2009. Board members wanted to clarify the increase was not retroactive to August 15, 2009. The Board also asked for more detail on both proposed fee changes. Representatives from the Health Department were not present for questions.

Commissioner Winters then made a motion to defer action on Item 1-B (Increased fees for Environmental Health). The motion was seconded by Commissioner Lancaster and duly carried with all present voting "AYE."

2. COMMENTS FROM THE PUBLIC

This was the time set aside by the Board of Commissioners to allow individuals five minutes to address the Board on issues concerning the county.

Sheila Hanna, 2905 NC Highway 39 North, Louisburg, NC

- Mrs. Hanna stated she was frustrated. In April, 2009 she stated she came before the Board concerned that the Economic Development Commission was violating state statutes regarding public records laws. She said the same evening she was assured by the Chairman that her concerns would be addressed. She said she has never received a response. She said she has also asked numerous times for "town hall meetings" and said she had been ignored. Mrs. Hanna also stated she did not receive timely responses from the County Manager.

Commissioner Foy then made a motion to extend the time frame in which Mrs. Hanna could offer further comments. The motion was seconded by Commissioner Winters and duly carried with all present voting "AYE."

- Mrs. Hanna then stated that Commissioner Young had advised her she needed to be nicer to people in order to “get things done.” She stated that even if the Board did not care for her, she held the concerns of a taxpayer and said the way she presents her concerns should not be relevant. She also stated her frustration with the Economic Development Commission, stating they did not deliver a record request that they are “required by law to hand me right then and there, no waiting, no anything and I’m told no.”

County Manager Angela Harris stated her recommendation that the entire Board of Commissioners receive a copy of any complaints on the Manager’s Office. She commented on one request that Mrs. Hanna made and stated it required some research because the record did not exist. She said other requests were quickly provided. Mrs. Harris stated the Manager’s office is already understaffed as are other county departments. She said she wished she had the time to read and follow-up on every email she received and to provide status reports, but she did not. However, she stated, “If I tell you I’m going to do something, I do that.”

Commissioner Foy then stated he had asked County Attorney Darnell Batton in April, 2009 if he was going to respond and report on any of Mrs. Hanna’s concerns. Mr. Batton stated he did not recall Commissioner Foy tasking him to do any investigation on Mrs. Hanna’s concerns. He stated he would prefer not provide answers to Mrs. Hanna’s remarks in an open session, but would rather advise the Board in closed session on any legal issues regarding the County.

Chairman Swanson recognized Ronnie Goswick, Economic Development Director, to responds to Mrs. Hanna’s claims. Mr. Goswick stated that when Mrs. Hanna came to his office and demanded information regarding the Committee of 100, he was in the process of getting a proposal out to a business that was interested in locating to Franklin County. He said his office was operating on a deadline and could not address Mrs. Hanna at that time. However, Mrs. Hanna was provided the requested information once the proposal was completed and provided to the client.

Commissioner Young then stated the County could not currently afford a Public Relations department. She also commented on the demands of the County’s Information Technology department and stated patience and courteousness on Mrs. Hanna’s part would be appreciated.

Mrs. Hanna then commented that according to statute, the information she requested from the Economic Development Office must be produced immediately. Commissioner Winters stated he was unaware of the statute she referenced and said he would like to see a copy.

Mrs. Harris then stated the importance of the public comment portion of each meeting’s agenda and said the public’s feedback is valued. However, she said whether the Board chooses to host a town hall meeting is up to the action of the Board.

Chairman Swanson said a vote will be taken at the next meeting (October 5, 2009) to determine the Board’s interest in holding a town hall meeting.

3. PUBLIC HEARINGS

A. Franklin County Scattered Site Housing Amendment (08-C-1820)

The Franklin County Scattered Site Housing Program requires an amendment to address changing the budget and activities for the project. The same number of houses (6) will still be treated as originally scheduled. Don Harvey with The Wooten Company provided a summary of the changes. No funds were requested. Depending on the budget, Mr. Harvey stated a seventh unit may be rehabilitated.

At 7:40 P.M., Chairman Swanson opened and closed the public hearing with no comments offered from the public.

Commissioner Foy then made a motion to approve the budget and program amendment (08-C-1820), seconded by Commissioner Winters. The motion duly carried with all present voting "AYE."

B. Request for Special Use Permit – Norris Creek Outdoor Entertainment Complex

The Board was asked to consider approval of a special use permit request by Norris Creek Outdoor Entertainment Complex on approximately 37 acres of land located off Old Halifax Road (State Road 1720) in Harris Township to allow for outdoor events. Within the application, the applicant listed car and tractor shows, music festivals, and rodeos as activities they wish to hold on this site. Following the public hearing, the Board of Commissioners was asked to utilize an attached special use permit checklist to assist in its decision.

Scott Hammerbacher, Planning Director, stated the area is currently zoned R-30. He said the future Land Use Plan designates the area as lower density residential. He commented that the Planning Board unanimously recommended approval of the special use permit request with the following conditions:

- Must provide planning staff with an approved North Carolina Department of Transportation driveway permit prior to the issuance of building permits and occurrence of any public events.
- Provide trash receptacles and dumpsters in compliance with state and local regulations.
- All concession stands and vendors shall be approved by the Environmental Health and Building Inspections departments.
- Must comply with the Franklin County noise ordinance.
- Provide the Franklin County Emergency Services Department with a Fire Apparatus Access Road and an alternate access road in compliance with the Fire Code section 503.1.1 be installed to the stage area; also any events will require a written public safety plan in compliance with fire code section 403.2 be submitted to and approved by the Franklin County Emergency Services Department.
- Lighting shall not spill over onto adjacent properties.
- Compliance with all other state and local regulations.
- Temporary structures shall be adequately secured or stored within 72 hours of the completion of an event.

- The Special Use Permit shall be limited to the following uses: rodeos, car and tractor shows, and music events.
- Music/noise must end no later than 11:00 P.M. and all events must end by midnight.

Commissioner Dunston inquired about other uses of the complex not listed in the site plan. Mr. Hammerbacher stated that any further changes outside of their original site plan would require pre-approval.

Chairman Swanson opened the public hearing at 7:41 P.M.

David Bunn, 40 Bunn Farm Road, Zebulon, NC

- Mr. Bunn was sworn in by County Attorney Darnell Batton. Mr. Bunn is the petitioner. He stated his objective was to have an avenue in Franklin County that would help in promoting tourism. He also said he wanted the complex to be something the county could be proud of.

Nelson Ross, 552 Mitchell Store Road, Youngsville, NC

- Mr. Ross was sworn in by County Attorney Darnell Batton. Mr. Ross stated the complex would be nicely fixed and something the community would be proud of and could enjoy. He said there is currently no entertainment offered in the area of the county where the complex is proposed.

Commissioner Foy made the motion to approve the special use permit for Norris Creek Outdoor Entertainment Complex, seconded by Commissioner Mitchell. The motion was duly approved with all present voting “AYE.”

The Board was then asked to consider the findings checklist.

Commissioner Mitchell then made the motion to approve the findings checklist, seconded by Commissioner Winters. The motion duly carried with all present voting “AYE.”

4. BOARD, MANAGER AND CLERK’S COMMENTS

This was the time set aside for the Board of County Commissioners, the County Manager, and the Clerk to the Board to report on various activities. The Board may also discuss other items of interest.

County Clerk Kristen King: Mrs. King distributed an invitation to the board regarding the Firefighter’s Association Banquet. The event will be held October 6, 2009 at the Louisburg Moose Lodge.

Commissioner Foy: No report.

Commissioner Winters: No report.

Commissioner Young: No report.

Commissioner Lancaster: No report.

Commissioner Mitchell: No report.

Commissioner Dunston: No report.

Commissioner Swanson: Commissioner Swanson complimented the 401 Committee on its work in applying for a grant to four-lane U.S. Highway 401. He said the application has been sent to Washington, D.C. and is being considered. Commissioner Swanson also commented that he attended Animal Ag Day at Riverbend Park in Louisburg. He said over 300 children attended. He also attended the annual meeting of the Committee of 100.

County Manager Angela Harris: Mrs. Harris reported on the following:

- Mrs. Harris stated the Town of Louisburg has asked for a letter of support regarding its application for a grant to complete the baseball field at Joyner Park. No county funding is required. Commissioner Lancaster made the motion to offer a letter of support for the Town of Louisburg, seconded by Commissioner Winters. The motion duly carried with all present voting "AYE."
- She stated Dr. Randy Parker, Vance Granville Community College (VGCC) President, had informed her that the Small Business Center at VGCC may relocate to the former BB&T Bank location in Henderson. She said Vance County's Economic Development Commission office may relocate there as well. Mrs. Harris stated she informed Dr. Parker that she saw no issue with the relocation as long as the level of service continues to meet Franklin County's needs.

Chairman Swanson then asked for a motion to enter into closed session pursuant to NCGS 143-318.11 (a) (4) to discuss the location of an industry in an area served by the public body. Commissioner Dunston made the motion to enter into closed session, seconded by Commissioner Mitchell. The motion carried with a 6 to 1 vote, with Commissioner Foy casting the dissenting vote.

Following the closed session, Commissioner Dunston made the motion to enter back into open session, seconded by Commissioner Young. The motion duly carried with all present voting "AYE."

It was announced that no action was taken.

Chairman Swanson adjourned the meeting.