



# Town of Franklinton

Board of Commissioners  
Town Hall 101 N. Main St.  
January 17, 2023, 7:00 PM

---

## MINUTES

Those who attended: Mayor Art Wright, Commissioners John Allers, Alvin Holden, Judy McArn, Latasha Wilder, and Anita Fuller, Town Manager Zach Steffey, Town Attorney Brian Pridgen, and Town Clerk Lauren Chandler

Others that attended: Director of Public Works Brad Kearney, Town Planner Chris George, Director of Parks and Recreation Shumara Thomas, Lieutenant Batchelor, and citizens

Mayor Wright called the Board of Commissioners meeting to order at 7:01 PM. Commissioner Allers led the Pledge of Allegiance.

### Approval of Agenda

Commissioner Allers made a motion to approve the agenda and to include the added consent agenda. Commissioner McArn seconded the motion. The motion was approved by a vote of 5-0.

### Approval of Minutes

Commissioner Holden made a motion to approve the following minutes: December 20, 2022 Regular Meeting and the December 20, 2022 Adjustment Meeting. Commissioner Wilder seconded the motion. The motion was approved by a vote of 5-0.

### Public Comments

Susan Dobie, 201 Winston St., spoke on her concerns for the two ordinance amendments on the agenda. Mrs. Dobie requested to make her comments after the presentation of the Ordinance Amendments. There is no requirement for a public hearing for the Ordinance Amendments, therefore, Mrs. Dobie continued to speak of her concerns. For the Ordinance Amendment for Commercial Trucks in the City Limits, she hoped to see the replacement of a "No Trucks" sign on Winston St. She hoped the Ordinance would address the large trucks using residential roads as a cut through and causing damage to the roads and creating deep divots on the shoulders. In regard to the Dwelling in Vehicles in City Limits Ordinance, Mrs. Dobie asked that there would be clear definitions of the words dwelling, vehicle, city limits, vagrant, and identifying the time line for what is constituted as a dwelling. Mrs. Dobie was also concerned that this ordinance would effect not just public or Town property but also private property. Would this ordinance apply to drivers of 18-wheelers or RVs who need to park in the Food Lion parking lot to get sleep? Mrs. Dobie recognized that it is up to the discretion of the business owners/property owners in allowing this action. Mrs. Dobie used the example of using an RV to temporarily live in while doing renovations on their home. She also mentioned the lifestyle system of temporarily living in RVs on other private property in exchange that RVs could also use your private property as a stop site when traveling. Mrs. Dobie expressed that if the need arose, she should be allowed to stay in her camper on her private property until her home was livable. She felt that the Town should not be allowed to dictate this action and not act as an HOA. She would like to use her camper as she pleases for guests or herself and feels that it is not the Town's business of what she

does with it. Mrs. Dobie also spoke on homelessness. She asked if the Town was going to build a shelter. She asked if the people involved in violating this ordinance would be criminalized for being homeless and questioned how this process would be managed. Mrs. Dobie finished by restating that she would like to allow friends, family, and strangers to park on her property temporarily.

Mr. Robert Dobie and Ms. Victoria Perry gave Mrs. Dobie their 3-minute public comment times.

### **Consent agenda**

Commissioner Allers made a motion to approve the consent agenda. Commissioner McArn seconded the motion. The motion was approved by a vote of 5-0.

### **Agenda Items**

- a. Rezoning from RSL Residential Single-Family Low to CRI Civic, Recreational, and Institutional for 200 Korea Street Parcel ID 008751.

- i. Presentation of Rezoning

Zachary Steffey

This is rezoning 200 Korea St from Residential Single-Family Low (RSL) to the newly created Civic, Recreational, and Institutional (CRI) Zoning District. The parcel is bordered by Planned Development Zoning District to the East and by the Residential Single-Family Medium (RSM) Zoning District to the West and North. The property is approximately 14.62 acres according to the Franklin County GIS records. The Planning Board met at 6:00 PM on Tuesday, January 10, 2023 to consider the proposed rezoning and found, by a vote of 4-0, that the rezoning was consistent with the established Comprehensive Land Use Plan of the Town. The Planning board voted a favorable recommendation for the rezoning to the Board of Commissioners. The rezoning is consistent with the policy, provision, spirit, and intent of the Town of Franklinton. The Board of Commissioners are asked to approve the proposed rezoning of 200 Korea Street from RSL to CRI.

- ii. Vote to Open Public Hearing

Board of Commissioners

Commissioner Holden made a motion to open the Public Hearing. Commissioner Allers seconded the motion. The motion was approved by a vote of 5-0.

Phyllis Taylor, 14 Korea Street, asked if the business was going to bring more traffic down Korea Street. She was concerned due to the current road conditions. Ms. Taylor asked if any improvements would be made to the road. Mr. Steffey answered that the road is not maintained by the Town of Franklinton but is a private road and is privately maintained. He also mentioned that to properly repair the road it would mean cutting into the properties on Korea Street to meet the minimum required road standards. Mr. Steffey stated that he believed the business would bring more vehicles and invited Mr. Randle to provide comments on the issue. Mr. Randle, property owner of 200 Korea Street, spoke in response to Ms. Taylor's concerns as well. He commented that he would be working with the neighborhood in regard to the traffic on Korea Street to come up with some good solutions. He mentioned that they would be utilizing Whitaker Street as another way to enter their property and for parking.

- iii. Vote to Close Public Hearing Board

Board of Commissioners

Commissioner Allers made a motion to close the Public Hearing. Commissioner Holden seconded the motion. The motion was approved by a vote of 5-0.

- iv. Vote on Rezoning

Board of Commissioners

Commissioner Allers made a motion to approve the rezoning from RSL Residential Single-Family Low to CRI Civic, Recreational, and Institutional for 200 Korea Street Parcel ID 008751 and to approve the statement of reasonableness for the rezoning. Commissioner Wilder seconded the motion. The motion was approved by a vote of 5-0.

- b. Ordinance Amendment for Commercial Trucks in the City Limits to the Code of Ordinances.

- i. Presentation of Ordinance Amendment

Zachary Steffey

Be it ordained by the Board of Commissioners of the Town of Franklinton that the Code of Ordinances of the Town of Franklinton (The Code) Chapter 71 is hereby amended as follows: This is an existing ordinance, and the amended parts are what are highlighted in the Text Amendment. This includes adding under § 71.09: (A) to include “other materials”, (B) to include after trailer “or a dump truck hauling material”, and adding (D) “A violation of the provisions of this ordinance shall subject the offender to the penalty(s) described in § 70.99 PENALTY”. The idea behind this amendment is to address the through traffic of commercial trucks that are going through residential neighborhoods. This has been an ongoing issue that seems to be getting worse the past couple of years. Mayor Wright asked if signage would be put up. Mr. Steffey replied that there would be signs at entry ways in Town and mentioned that residential area are also welcome to put in signage. There will also be investigation into the statute requirements on signage.

ii. Vote on Ordinance Amendment

Board of Commissioners

Commissioner Allers made a motion to approve the Ordinance Amendment for Commercial Trucks in the City Limits to the Code of Ordinances. Commissioner McArn seconded the motion. The motion was approved by a vote of 5-0.

c. Ordinance Amendment for Dwelling in Vehicles in the City Limits to the Code of Ordinances.

i. Presentation of Ordinance Amendment

Zachary Steffey

Mr. Steffey read the Ordinance Amendment as follows:

§130.14 DWELLING IN VEHICLES PROHIBITED

It shall be unlawful for any person to utilize a vehicle within the corporate limits of the Town of Franklinton as a dwelling or living area, whether on public or private property. This section shall apply to all motorized and non-motorized vehicles whether operable or inoperable. A violation of this section shall subject the offender to the penalty(s) set forth in §10.99 Penalty.

Mr. Steffey commented that he had spoken with Mr. Pridgen of possibly addressing some of the language in this part of the ordinance to address some of the public comments that were made. It was put before the Board of Commissioners if they would like to include some kind of provision in the ordinance.

One suggestion to the Board was to give the Town staff discretion to issue permits to individuals under certain circumstances (i.e. acts of God or house fire) that would temporarily cause them to live outside their permitted homestead in an RV or possibly other structures. The concern would be that sometimes there could be a situation where an individual could reside longer in an RV or other structure and not have adequate facilities or septic on site. The Board should look for a good balance.

Mr. Pridgen mentioned that this could cause issues with minimum housing in some, but not all, cases. He stated that the Board could give staff authority to conduct the administrative part of this ordinance, where the case(s) would not have to be brought before the board and the staff could set a time period that they felt was appropriate depending on the circumstances.

Commissioner Fuller shared her experience of having to live in a vehicle for a temporary time when the purchase of a home fell through. She encouraged the Board to address these situations in the most humane way possible. Mr. Pridgen further discussed that the ordinance as a tool to use and have in place so that areas can be addressed where necessary.

Commissioner Wilder mentioned that the time frame gap was large from 1 week to a few months to consider what actually constitutes a dwelling. Commissioner Wilder expressed the need to clear up the gray areas of a good time frame. Mr. Pridgen did say this was where having a time frame set in place was tricky because people

will vary in their idea of what is a reasonable amount of time for someone to stay in one place without it being labeled as a dwelling. Mr. Steffey asked if there was a consensus on what time period would be a sufficient amount of time. The Board of Commissioner discussed and concluded about 90 days would be sufficient.

Mrs. Dobie mentioned that there was no mention of residents staying in their temporary dwellings (like her RV) while renovations were taking place. She mentioned that with renovations all sorts of delays can occur with orders and construction. Commissioner McArn stated to clarify that staff investigation would be on a case by case basis for these kinds of circumstances, they could permit the stay in a temporary dwelling for renovation purposes. This is something that the Town Staff would monitor.

Mr. Steffey mentioned that the purpose behind the Ordinance Amendment was to address some ongoing circumstances that the Town has dealt with very leniently in the past. It would be the goal to continue to review each circumstance and have a good balance of what is reasonable and fair while also resolving any issues. Where the Town is trying to be as lenient as possible (including identifying available resources), it is important to set guidelines so that some circumstances can be managed appropriately. That is the spirit and intent behind this Ordinance Amendment; to have a guideline to fall back on in managing circumstances of this nature. The other part to this ordinance is that if someone is renovating their house and using an RV or other temporary dwelling to stay in, then that temporary housing could become the principal structure during the time of renovations. Then as the renovations are completed and a CO is issued, the residents can move back into that house as their principal structure. This process would avoid having two principal structures on one property site which would violate the conditions of the zoning district.

Commissioner Allers stated that the ordinance could be left as written and used as a tool for the staff to use to help work with residents and manage those cases that come into Town. Commissioner McArn agreed to this statement.

Commissioner Wilder asked if this would mean that there would be no time stipulations on this ordinance. She wanted to clarify if staff would be able to give a time frame.

Mr. Steffey commented that this process could be handled in the same way as the the permitting process. A permit is applied for and approved and it is good for about 6 months or 1 year and then can be extended if needed for construction needs. This would give the Town a paper file of the time frame to manage this kind of case.

Commissioner Fuller mentioned that there needs to be a clear definition of temporary use and a permanent use; where the permanent use is of someone using the space at all times.

Commissioner Wilder stated that if the ordinance is left as written, that the staff would need something to go by where extensions are clearly set to communicate; some type of parameters.

Mr. Steffey stated that at the next meeting the Town could present a text amendment to the UDO to address some of the concerns since they line up more with zoning issues. This text amendment to the UDO could set those parameters.

Mrs. Dobie asked how much permits cost. Mr. George replied that renovation permits were \$100.

#### §130.15 CAMPING AND OTHER ACTIVITY PROHIBITED ON PUBLIC PROPERTY.

(a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Camp or camping* means the use of town property for living accommodation purposes such as sleeping, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or placing any tents or a temporary shelter on town property for living accommodation purposes.

*Temporary Shelter* means tents, tarps, or any type of structure or cover that provides partial shelter from the elements.

(b) It shall be unlawful for anyone to camp on any public property owned by the town including public right of ways and sidewalks.

(c) Camping as defined in this section is deemed a public nuisance and the town may summarily remove a temporary shelter, bedding or personal belongings.

(d) It shall be unlawful to light or use a campfire or bonfire on public property except as may be specifically authorized by a permit.

(e) This article shall not apply to temporary, recreational camping within areas that have been approved by the Town for such recreational camping activities.

(f) A violation of this section shall subject the offender to the penalty(s) set forth in §10.99 Penalty.

Mr. Steffey pointed out that this applies to public property. There are a couple of current situations where this part of the ordinance amendment would help resolve some issues.

#### ii. Vote on Ordinance Amendment

Board of Commissioners

Commissioner Allers made a motion to approve the Ordinance Amendment for Dwelling in Vehicles in the City Limits to the Code of Ordinances. Commissioner McArn seconded the motion. The motion was approved by a vote of 5-0.

#### d. Hawkins Street in-road signage Discussion

Mr. Steffey stated that this was a continuation of the previous conversation from last month's meeting about the in-road signage on Hawkins Street. Commissioner McArn asked if it was possible to have speed limit signs on both sides of road and to take out the sign from the middle of the road. Mr. Steffey stated that this was something that could be looked into; making sure it is possible with driveways.

Commissioner McArn made a motion to approve moving the in-road signage and installing speed limit signs on both sides of Hawkins Street. Commissioner Allers seconded the motion. The motion was approved by a vote of 5-0.

Commissioner Allers made a motion to recess the Regular meeting. Commissioner McArn seconded the motion. The motion was approved by a vote of 5-0.

Commissioner Allers made a motion to re-open the Regular meeting. Commissioner Wilder seconded the motion. The motion was approved by a vote of 5-0.

## Reports

### a. Staff Reports (included in packet)

Mr. Steffey gave the following reports:

- Thank you to Shumara Thomas and Lieutenant Batchelor for their hard work in putting the Gospel Explosion together. It was a big success, and the Town is looking forward to making the event an annual tradition and seeing it grow each year. And a thank you to Mr. Randle (Q) for handling the sound for the event and Porte Noire for their sponsorship.
  - Winter sports have started and are running well.
  - The new and returning members of the Planning Board were sworn in.
  - The Town is doing a Christmas tree recycling program where the trees are delivered to a local farm to supplement the farm animals' food. Public Works can still pick up your Christmas tree curbside. We ask that all ornaments and lights be removed.
  - Downtown winter banners are up, and the Town is still working on getting business banners ordered so that we can put them up. This delay is something that is on the manufacturers end. We are hoping to get Spring banners ordered and up with the change of seasons.
  - The Main Street sidewalk project is coming along, and we would like to thank our public works team. Thank you to Brad Kearney for putting in the extra effort. Commissioner Allers asked if the Public Works crew was learning a lot on this project? Brad said that they were, and this experience will help in future Town projects.
  - The MLK walk is January 21<sup>st</sup> and will start at 11:00 AM at MLK Blvd.
  - Rail Crossing replacement project starts Feb 13<sup>th</sup>. There could be a good amount of time that crossing points will be closed. They will be breaking down and replacing wooden ties and asphalt at those crossing points. They will start on the North side of Town and work South. HWY 56 will remain open, and the Town will be working to stage emergency vehicles on both sides of the tracks.
- b. Advisory Board Reports (included in packet)

### Upcoming Meetings and Events

- January 16, 2023 – Martin Luther King, Jr. Day (Town Hall closed in observance)
- January 21, 2023 – Franklinton MLK Day March 11:00 AM at MLK Blvd.
- February 13, 2023 – Planning Board Meeting 6:00 PM – 7:00 PM at Town Hall
- February 21, 2023 – Board of Commissioners Meeting

### Adjournment

Commissioner Holden made a motion to adjourn the Board of Commissioners Meeting. Commissioner Allers seconded the motion. The motion was approved by a vote of 5-0.

X 

Arthur Wright  
Mayor

X 

Lauren Chandler  
Town Clerk



# Town of Franklinton

Board of Adjustment  
Town Hall 101 N. Main St.  
January 17, 2023, 7:00 PM

---

## MINUTES

Those who attended: Mayor Art Wright, Commissioners John Allers, Alvin Holden, Judy McArn, Latasha Wilder, and Anita Fuller, Town Manager Zach Steffey, Town Attorney Brian Pridgen, and Town Clerk Lauren Chandler

Others that attended: Director of Public Works Brad Kearney, Town Planner Chris George, Director of Parks and Recreation Shumara Thomas, Lieutenant Batchelor, and citizens

Commissioner Holden made a motion to open the Board of Adjustment meeting. Commissioner Fuller seconded the motion. Motion was approved by a vote of 5-0.

### **Approval of the Board of Adjustment Agenda**

Commissioner Allers made a motion to approve the Board of Adjustment Agenda. Commissioner Holden seconded the motion. The motion was approved by a vote of 5-0.

Mr. Pridgen reminded the Board and the public that the Board of Adjustment meeting is a quasi-judicial hearing. He asked the Board of Adjustment if there were any financial conflicts of interest, fixed opinions, or exposure to evidence before the hearing. The Board of Adjustment responded that there were not any conflicts of interest, fixed opinions, or exposure to evidence.

Mrs. Chandler swore in Mr. Randle.

### **Agenda Items**

- a. Special Use Permit for Porte Noire Gardens at 200 Korea Street Parcel ID 008751 which will be a business that includes the various uses and activities that are described in the newly created CRI Zoning District.

- i. Staff Presentation of Special Use Permit

Zachary Steffey

Mr. Steffey presented the Special Use Permit application for 200 Korea Street, Parcel 008751. Currently this property is an Air B&B, natural outdoor space. The proposed special use is for a recreational wellness, cultural activity center. The property to the East is zoned Planned Development, RSL to the North, and to the West it is RSM residential. The suggested conditions are:

- Consider stipulating the hours of operation for the site
  - Suggestion – 7:00 AM to 11:00 PM for outdoor noise generating activities that are detectable off-site
- Consider requiring compliance with all provisions of Article 156.4 Section 4.2.9 and that these provisions be incorporated as conditions of the Special Use Permit.

- Consider requiring that the applicant must obtain dumpster(s) to be serviced at the cost of the applicant for large-scale special events (greater than 200 attendees)
- Consider requiring the applicant to provide adequate restroom facilities either through temporary portable toilets or through restroom facilities constructed at the site
- Consider requiring the applicant to preserve and maintain an opaque vegetative buffer around the perimeter of the property that is at least 20 feet in width

The Owners would also have to meet the review standards of the Special Use Permit set forth in the UDO.

Mr. Pridgen requested that the staff report and Special Use Permit application be entered into evidence.

ii. Applicant Presentation and Comments

Mr. Randle

Mr. Randle shared that their desire was to use their 15-acre wellness retreat to bring the community together and add to the Town by having this attraction for the Town. Commissioner McArn asked if the suggested hours of operation should be the same as the noise ordinance for the Town, which is 10:00 PM, to be consistent with Downtown. The suggested time of operation will be changed to 10:00 PM to match the current noise ordinance, Commissioner Fuller asked if the Air B&B would continue to be utilized. Mr. Randle replied that it would be still utilized as an Air B&B.

iii. Vote to Open Evidentiary Hearing

Board of Adjustment

Commissioner Allers made a motion to open the Evidentiary Hearing. Commissioner McArn seconded the motion. The motion was approved by a vote of 5-0.

iv. Vote to Close Evidentiary Hearing

Board of Adjustment

Commissioner Wilder made a motion to close the Evidentiary Hearing. Commissioner Holden seconded the motion. The motion was approved by a vote of 5-0.

v. Vote on Special Use Permit

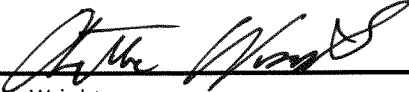
Board of Adjustment

Mr. Pridgen stated that the vote would include that the application does meet all the requirements set forth in the UDO of the Town and would include the suggested conditions.

Commissioner McArn made a motion to approve Special Use Permit for Porte Noire Gardens at 200 Korea Street Parcel ID 008751 which will be a business that includes the various uses and activities that are described in the newly created CRI Zoning District. Commissioner Holden seconded the motion. The motion was approved by a vote of 5-0.

2. Adjournment

Commissioner Allers made a motion to adjourn the Board of Adjustment meeting. Commissioner McArn seconded the motion. The motion was approved by a vote of 5-0.

X   
 Arthur Wright  
 Mayor

X   
 Lauren Chandler  
 Town Clerk