

Franklinton Board of Commissioners
Regular Meeting
April 20, 2010

The regular monthly meeting of the Franklinton Board of Commissioners was called to order by Mayor Elic Senter at 7:00 p.m. Commissioner Joseph Cutchins, Jr. gave the invocation and Miss Taylor Williams, from Long Mill Elementary School led the Pledge of Allegiance.

Those present were: Mayor Elic A. Senter, Commissioners John Allers, Al Barbour, Joseph Cutchins, Jr., Anita Fuller, Art Wright, Town Manager Larry Carver, Town Attorney Mitch Styers, and Assistant Town Clerk Wendy Gilliam. Other staff members present were Public Works Director Raymond Bragg, Water Plant Superintendent Frank Efirid, Police Chief John Green, Code Enforcement Officer Henry Gupton, and Planning and Zoning Administrator Tammy Ray.

MOMENT OF SILENCE

Mayor Senter asked that everyone observe a moment of silence honoring former Mayor Henry Holmes, who passed away earlier this month.

CONSIDERATION OF MINUTES

Commissioner Allers made a motion to accept the minutes of the March 16, 2010 regular meeting and the February 17-18, 2010 Planning Retreat as presented. Commissioner Cutchins seconded the motion which passed unanimously.

CITIZENS CONCERNS

Mr. Harry Strother, 10 N. Chavis Street, asked the Board if he had a previous contract for maintaining the cemetery. He stated he had asked this question at a previous meeting and had taken Mayor Senter's head nodding to mean yes, however he had received a letter from Town Attorney Styers stating that he did not have a contract with the Town and he would like an answer to this question. Mayor Senter told Mr. Strother that due to the rules of the meeting the Board was not able to provide him with an answer at that time. Mr. Strother then commented on recent complaints regarding the maintenance of Fairview Cemetery. Mr. Strother, who provided this maintenance for 19 years prior to it being contracted to Simple Cuts beginning in July 2009, stated that he believed there was some kind of cover up regarding this whole situation. Mr. Strother took offense to statements made by Town Manager Carver to the Franklin Times stating that no contract had ever contained stipulations that the cemetery must be maintained for holidays. He stated that for three years he had provide Public Works Director Raymond Bragg with a schedule of dates on which maintenance would occur which paid special attention to holidays. Mr. Strother stated that in his opinion the cemetery was being poorly maintained and that he had warned officials that this would be the case when the job was awarded to the current contractors.

PRESENTATIONS

Teachers of the Year Recognition

Mayor Senter asked this year's award recipients or their representatives to come up to be recognized. Mayor Senter stated that each of the resolutions essentially said the same thing, however he felt that education was important and he wanted to read the resolution publicly. Mayor Senter read the resolution recognizing Mr. Bruce Sinclair, the Franklinton Elementary Teacher of the Year; he presented Mr. Sinclair a copy of his resolution and gave him a copy of Finding Mrs. Warnecke the Difference Teachers Make written by Cindi Rigsbee, a former State Teacher of the Year Recipient and runner-up for the National Teacher of the Year Award. Mayor Senter recognized Mrs. Jaime Adams the Cedar Creek Middle School Teacher of the year presenting her with a copy of her resolution and a copy of the aforementioned book. Mayor Senter then recognized Mrs. LuAnn Corsale and Mr. Randy Lent, the Teachers of the Year for Franklinton High School and Long Mill Middle School respectively, neither of whom were able to attend. Mr. David Averette, Assistant Principal at Franklinton High School accepted the resolution on behalf of Mrs. LuAnn Corsale thanking Mayor Senter for this recognition and for being a good education Mayor through his recognition and support of our school system.

30 Year Service Award – Raymond Bragg

Mayor Senter recognized Mr. Raymond Bragg for his thirty years of loyal service to the Town as the Public Works Director, presenting him with a certificate and 30-year pin. Mayor Senter praised Mr. Bragg's dedication to the Town and its citizens and animals. Mr. Bragg thanked the Board and said it had been his honor and privilege to serve the Town and he plans to for many more years.

PUBLIC HEARINGS

Self Special Use Permit Request

A motion to recess the regular meeting and open the public hearing was made by Commissioner Fuller and seconded by Commissioner Allers. The motion passed unanimously.

Mrs. Ray informed the Board that the Planning Board had reviewed Mr. Terry Self's application to permit a woodworking shop to locate at 7 S. Front Street for the past two months. She that based on their findings of fact, the Planning Board has recommended this permit for approval.

Commissioner Cutchins asked if the by-product created by his process was reusable. Mr. Self stated that the scrap wood pieces were used as kindling and the sawdust was used in compost.

Commissioner Fuller asked if he built cabinets and such. Mr. Self stated that he did. He also shared his portfolio with the Board to give them an idea of the type of work he does.

Mr. Carved asked Mr. Self to share what he had been doing to the actual building. Mr. Self commented that the previous owners had been using the building as a garage and for storage. He stated that approximately half the floor was cement and the other half was dirt and that his plans were to eventually tear up the floors and pour a concrete slab floor. He also told the Board he had to replace approximately one quarter of the roof framing.

Commissioner Barbour asked if he would be hiring any employees. Mr. Self stated that initially there would only be him, however, eventually he would like to hire an assistant.

A motion to close the public hearing was made by Commissioner Cutchins and seconded by Commissioner Fuller. The motion passed unanimously.

Dement Special Use Permit Request

A motion to open the public hearing was made by Commissioner Allers and seconded by Commissioner Wright. The motion passed unanimously.

Mrs. Ray explained that Mr. Toby Dement was requesting a major subdivision of his property located at 453 N. Main Street, which is currently being utilized as a mobile home park, into nine individual lots.

There was a brief discussion regarding access to the back lots on the survey map. Mr. Dement explained that there was access through an easement agreement as well as access beside the Town's pump station.

Commission Wright asked if this subdivision was being created to offer the current tenants the option to buy their lots. Mr. Dement stated that he was doing this in order to get his estate in order and so that he could address the issue of offering the tenants the option to purchase their lots in his will as he felt was the fair thing to do.

A motion to close the public hearing was made by Commissioner Cutchins and seconded by Commissioner Barbour. The motion passed unanimously.

Mayner Special Use Permit Request

A motion to open the public hearing was made by Commissioner Allers and seconded by Commissioner Barbour. The motion passed unanimously.

Mrs. Ray told the Board that this request had been reviewed by the Planning Board for the past two months. She stated that the Planning Board had recommended denial of this permit based on their findings of fact that this type of establishment would have a negative impact on its neighbors.

Mrs. Dorothy Mayner addressed the Board asking for their consideration of her request to operate a sweepstakes internet café at 3384 US 1 Highway. She stated that her business in

Youngsville had recently received some negative press containing complete falsehoods the establishment. She presented the Board a copy of a letter from Sheriff Pat Green, a copy of which will be included as a part of these minutes, which stated that the Sheriff's Department had never had a problem with Mrs. Mayner's sweepstakes café in Youngsville. Mrs. Mayner stated that in her opinion this type of business was just as legitimate as an ABC store.

At the Board's request Mrs. Mayner define an internet café. Mrs. Mayner stated that it was an establishment where individuals could come and purchase internet time in order to play games, listen to music, visit various websites or conduct research. She also informed the Board that her business would also include copying, faxing and Notary services by appointment.

Commissioner Cutchins asked if there was an existing ordinance that would address this type of business. Mrs. Ray stated that there was currently no ordinance on the books to cover internet or sweepstakes cafés. Mr. Carver reiterated that there was no ordinance covering this type of business and that this is why at last month's meeting the Board had voted to place a moratorium on sweepstakes business so the Board could further study this issue and develop one. He also stated that the North Carolina General Assembly would be taking the issue of whether to regulate or outlaw sweepstakes businesses.

Mayor Senter asked Mrs. Ray if the only negative finding the Planning Board had was they felt it would adversely affect neighboring business. Mrs. Ray stated that was correct.

Chief Green told the Board that he had spoken to police chiefs in several towns where this type of business was located and that none of them had reported any problems attributed to the businesses.

Mrs. Mayner stated that in her application that she had included a 2:00 a.m. closing time just to have the option to stay open later if they had customers, however she felt like most nights the shop would close around midnight.

Commissioner Wright reconfirmed that this request had been initiated before the moratorium had been enacted.

Mr. Caver stated that this was a special use application and that the Board could address hours of operation as a condition.

Chief Green stated that Barnett Properties would need to be contacted to leave the lights on to accommodate the later hours. Mrs. Mayner stated that she had already discussed this with them.

Mrs. Rhona Murray, 312 W. Mason Street, asked if this internet café wouldn't bring in revenue for the Town. She stated that there was no place to go to eat in town after certain hours.

Mayor Senter stated that Mrs. Murray had a valid point but thought she was misunderstanding what an internet café was.

Commissioner Cutchins asked if they would be an individual utility customer. It was indicated that all tenants at Franklinton Square are individual utility customers.

Mrs. Mayner stated that she would also be hiring three to four people, hopefully from the area, to work at the business.

The Board requested that the Mayners define exactly what an internet café is. Mr. Tony Mayner stated that it was a shop with between 20 – 25 computer terminals in which customers could purchase internet time for \$0.25 per point to use as they choose, whether it be to do research on the internet, check emails, or play games. Mr. Carver asked how much time a dollar would purchase. Mr. Mayner stated that a dollar would buy approximately four minutes of time or it could be broken down to \$0.25 per try at the games.

Commissioner Cutchins asked if there was an age limit on who could come to their shop. Mrs. Mayner stated that there was an age limit, which was 18 and customers must present a valid identification before they are allowed to utilize their business. She went on to explain that all of their customers must register and that they monitored the business 24/7 with video cameras. Mrs. Mayner also pointed out that the software they use does not allow customers to visit pornographic websites.

Mr. Carver asked as a part of the sweepstakes what could the patrons win. Mr. Mayner stated that they win points which could be cashed in for money or converted into more internet time. He also informed the Board that there was a \$500.00 limit per customer on winnings in one day.

Commissioner Cutchins stated that points were similar to a poker chip.

Mr. Carver asked if this software was available for home use. Mrs. Mayner replied that similar sites were available for home use; however the software they used was not available for home use.

Commissioner Allers asked if these games were addictive. Mr. Mayner stated that someone would have to be addicted to the internet and he had never seen that.

Mr. Charles Johnson, 343 Happy Valley Trail, asked what was to prevent the Mayner's from switching software vendors to the one that attracts an undesirable clientele. Mrs. Ray asked if they had a contract binding them to the software company. Mrs. Mayner stated that they did have such a contract.

Mr. Carver stated that if the Board was concerned about the addictiveness of the games the Town could possibly set a limit on the amount that could be spent. Mayor Senter stated he did not think the Town could place a limit on how an individual spends their money. He did state that the Town could possibly require this type of business to display gambling addiction hotline numbers in an obvious manner; similar to the requirements for the N.C. Education Lottery.

There being no further discussion Commissioner Fuller made a motion to close the public hearing. Commissioner Wright seconded the motion, which passed unanimously.

COMMITTEE/COMMISSION REPORTS

Tree Committee – Shelia Allers, Chairwoman

Mrs. Allers reported that the 25th Annual Arbor Day Celebration was held on March 27, 2010 and thanked all of those that attended the festivities. She told the Board that two Trident Maples were planted on Vine Street as a part of the celebration. She told the Board that these trees would mature to 35 – 40 foot tall.

URC – Pier Williamson

Mr. Williamson reported that the movie schedule for Movies on Main has been set and that the first would be shown on May 22nd. He also reported that the Communitywide Yard Sale was a big success and that he would like to thank Mrs. Kate Pattridge for coordinating this event.

Senior Center – Patrick Woods, Director

Ms. Tammy Ray stated that Mr. Woods had asked here to relay his report to the Board as he could not be in attendance. Ms. Ray reported that the Senior Center was holding a fundraising raffle offering a 5 X 10 utility trailer donated by Mr. Harry Foy, and that tickets were available at the Senior Center.

She also reported that Ms. Sheila Brown, of the Kerr-tar COG, would be holding a Medicare fraud seminar held on April 28th at noon.

Ms. Ray also called on citizens to volunteer to deliver meals through the Meals on Wheels program at the Senior Center.

EDC – Dr. Stephanie Brown, Chairperson

Mayor Senter reported that no EDC meeting was held this month.

Franklinton Township Chamber of Commerce – Tanisha Holmes, President

Mayor Senter reported that the Chamber was working on getting a carnival vendor for Fun in the Sun, but that it may not be possible to have one at this year's event.

Arts Alive Committee – Commissioner Anita Fuller

Commissioner Fuller reported that the Arts Alive committee would be supporting the Fun in the Sun festival as well as Stars on Main, which runs in conjunction with the Movies on Main series.

Commissioner Fuller also asked anyone who had a garden spot to grow pumpkins for this year's pumpkin carving contest at Halloween.

Fire Department – Mr. R.L. Denson, President of the Board

No report was given.

External Board/ Committee Updates

Kerr-Tar COG- Mayor Elic A. Senter

Mayor Senter announced that there were over 100 new companies in the Kerr-Tar region.

Franklin County EDC- Mayor Elic A. Senter

Mayor Senter stated that he was unable to attend the meeting this month.

CAMPO- Mayor Elic A. Senter

Mayor Senter stated that he was unable to attend the meeting this month.

Franklin County Chamber of Commerce- Commissioner Joseph Cutchins, Jr.

Commissioner Cutchins reported that County Economic Development Director Ronnie Goswick stated that there are several companies interested in located in Franklin County. He also reported that the Chamber was conducting a membership drive.

Commissioner Cutchins announced that the Chamber was sponsoring two golf tournaments on April 27th and September 11th.

Mayor Senter announced that NCS Math and Technical----- had awarded the Business and Industry Education Partnership award to NOVOZYMES and that he had the pleasure of presenting this award to Mr. Adam Monroe their President. He also announced that the Board would hold a meeting and greet from Mr. Monroe from 6:00 p.m. – 7:00 p.m. just prior to the Board of Commissioners meeting on May 18th.

MANAGER'S REPORT

Public Works – Mr. Raymond Bragg, Public Works Director

Mr. Bragg reported that approximately 1200 meters had been read this month, 108 meters were cut off for non-payment, 41 final bill work orders, 13 water line repairs, 13 sewer clean out work order were completed this month. Mr. Bragg also reported that one backup pump had been repaired at a lift station and that one more was in need of repair.

Mr. Bragg stated that the Public Works department would begin smoking sewer lines and continue on with this into the summer. Mr. Carver stated that he had been working with Envirolink, which currently provides the Town's ORC services, to negotiate an increased level of service at no additional cost to the Town. He stated that this service would include smoking and jetting and cleaning sewer lines.

Police Department- Mr. John Green, Chief of Police

Chief Green stated that a copy of his report was on file.

Chief Green informed the Board that a patrol vehicle had been damaged while trying to stop a DWI suspect and that the suspect's insurance company was covering the damage to the cars.

Chief Green introduced Officer Samuel Zuniga our newest officer to be sworn in.

Water Plant – Mr. Frank Efird, Superintendent

Mr. Efird stated that a copy of his report was on file and that there was nothing unusual to report.

Planning and Zoning – Ms. Tammy Ray, Planning and Zoning Administrator

Ms. Ray stated that there was a copy of her report on file. She also reported that one new business had located in town this month.

She also reported that twenty letters had been sent out regarding code violations and that many recipients had already complied. She also reported that one citation had been issued and that the recipient had complied and was now working on paying the fines.

OLD BUSINESS

Action Item Updates

Ordinance Update

Mayor Senter announced the following ordinance workshops:

May 20th at 7:00 p.m.

June 8th at 7:00 p.m.

June 30th at 7:00 p.m.

Ms. Ray reported that the Water and Sewer sections have been completed.

ETJ Expansion

No report was given.

Hardees Sewer Project

Mr. Carver stated that the Bodde Noel contribution had arrived in his office. He also stated that the bids for this project had come in well below budget which was causing the lending agencies wanting to cut back on their funding.

Water Filtration Up-fit

Mr. Carver reported that this project was scheduled to begin on May 3, 2010.

NEW BUSINESS

Tour de Grace Special Event Permit Request

A motion to grant the Tour de Grace Special Events permit to allow a bicycle race thoroughfare on April 24, 2010 was made by Commissioner Fuller and seconded by Commissioner Wright. The motion passed unanimously.

Self Special Use Permit Request

A motion to accept the Planning Board's finding of facts and to approve the Self Special Use Permit request was made by Commissioner Wright and seconded by Commissioner Fuller. The motion passed unanimously.

Dement Special Use Permit Request

A motion to accept the Planning Board's finding of facts and to approve the Dement Special Use Permit request was made by Commissioner Wright and seconded by Commissioner Allers. The motion passed unanimously.

Mayner Special Use Permit Request

A motion to table this matter until the May 18th Board of Commissioners meeting in order to conduct further research for an independent finding of facts was made by Commissioner Fuller and seconded by Commissioner Barbour. The motion passed unanimously.

Evergreen Cemetery Resolution

Mayor Senter stated that he had been working with the Evergreen Cemetery Board of Trustees for about a year in order to get to this point and that it was his great honor to be a part of the Board that would be considering this resolution. Mayor Senter asked the Evergreen Board of Trustees to stand as he read the resolution by which the Town would assume certain maintenance responsibilities of Evergreen Cemetery, a historically Afro-American cemetery, continuing through December 31, 2010 at which time provided certain conditions were met the Board of

Commissioners would consider accepting ownership and assuming all responsibility for this cemetery.

A motion to pass the Evergreen Cemetery Resolution was made by Commissioner Cutchins and seconded by Commissioner Fuller. The motion passed unanimously.

Evergreen Cemetery Maintenance Contract

Commissioner Wright made a motion to enter into the contract for maintenance of the Evergreen Cemetery. The motion was seconded by Commissioner Cutchins and passed unanimously.

Mr. Carver stated that now all that needed to be done was to get the appropriate signatures. The Evergreen Cemetery Board of Trustees and the Board of Commissioner executed the agreement at this time.

Mr. Robert Egerton, a trustee, thanked the Mayor and Board of Commissioners that this action was greatly appreciated.

Mr. Charles Johnson, a trustee, stated that this was a very moving day for him and one that he had been looking forward to for many years. He stated that many of the people that were instrumental in organizing the Board of Trustees and maintenance efforts were no longer with us but he wanted to recognize their contributions to this cemetery. He recognized the efforts of Mr. Robert Johnson, Mrs. Emma Tabron and Mrs. Clara Wilder. In closing, Mr. Johnson commended the Board on this monumental accomplishment and gave his thanks.

Commissioner Joseph Cutchins, speaking as a citizen, stated that he and his family had been closely associated with the Evergreen Cemetery for many years and that he was delighted to be serving on the Board that passed this resolution.

Mr. Carver stated that he was not as emotionally attached to this project as many in attendance but that he was honored to be a part of this historical event.

MAYOR'S ANNOUNCEMENTS

Mayor Senter announced that a number of public hearings will be held by the N.C.D.O.T regarding the high speed rail project beginning in July. The Board urged all citizens to attend these meetings because this project could negatively affect our town.

OTHER BUSINESS

Commissioner Fuller thanked everyone for their expression of sympathy and condolences on the recent passing of her father.

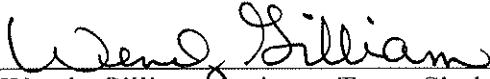
ADJOURNMENT

There being no other business to discuss Commissioner Cutchins made a motion to adjourn. The motion was seconded by Commissioner Allers and passed unanimously.

Respectfully submitted,



Elic A. Senter, Mayor



Wendy Gilliam, Assistant Town Clerk