



# Town of Franklinton

Board of Commissioners  
Town Hall 101 N. Main St.  
November 15, 2022, 7:00 PM

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## MINUTES

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

Others in Attendance: Public Works Director Brad Kearney, Town Planner Chris George, Chief of Police James Davis, Lieutenant Allen Batchelor, Parks and Recreation Director Shumara Thomas, Carey Johnson with The Franklin Times, and citizens

Mayor Wright called meeting to order at 7:00 PM. Commissioner McArn led the Pledge of Allegiance.

### Approval of Agenda

Commissioner Allers made a motion to approve the agenda with the removal of agenda item #7(b): the Text Amendment to Amend Article 156.4 Table 4.1.7 Principal Use Table to add Minor Woodworking with Woodworking Showrooms as a Special Use in the C-2D Downtown Commercial Zoning District and to Amend Article 156.4 Uses Section 4.3 Use-Specific Standards to add general standards for Minor Woodworking with Woodworking Showrooms. The Planning Board was not able to meet regarding this item and it will need to be postponed until the next Regular Board of Commissioners Meeting. Commissioner McArn seconded the motion. The motion was approved by a vote of 5-0.

### Approval of Minutes

Commissioner Wilder made a motion to approve the following minutes: October 18, 2022 Regular Meeting, October 18, 2022 Board of Adjustment Meeting, and October 18, 2022 Closed Session. Commissioner Holden seconded the motion. The motion was approved by a vote of 5-0.

### Public Comments

Dianne Perry, 103 Kennedy Dr. Franklinton, NC 27525, communicated that she would like to see what could be done for a street sign for Kennedy Dr. and the layout of Kennedy Dr.

Janet Barnette, 2 Ramey Circle Franklinton, NC 27525, was wondering if the Town was or would be considering building apartments in the Town with the growth it has been experiencing. Ms. Barnette mentioned that she has seen an interest for apartments in Town.

Ray Gilliam, 105 Dixon St. Franklinton, NC 27525, had already spoken with Shumara and Brad, and they have answered his question.

### Consent Agenda

- a. Authorization for the Town Manager to accept the dedication of real property for future park projects from the Essex Property Owner/Developer

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

### Agenda Items

- a. Presentation on the status of the Rails to Trails Project and vote to authorize the Town Manager in consultation with the Town Attorney to enter into a funding agreement with Franklin County for the project.

Scott Hammerbacher, Franklin County Planning Director, has been working with the Town for about 3 years to get the Rails to Trails Project started and recently received a LAPP grant to navigate this progress. The trail would run from Novozymes to Franklinton's Downtown. The County Commissioners are considering the approval of the grant for 3 million dollars with a 20% match with this grant, which is roughly \$750,000. This match will be split between the County and the Town of Franklinton 50/50 going forward. Once the funding agreement is completed, the County will be looking to secure the design, securing any necessary permits, looking at street crossings, working with DOT, issuing environmental screenings, and any Federal requirements for this project. It is estimated to take 6-8 months to secure the design and after this point construction would then begin with a goal of completion in 6 months. The County will be working closely with the Town of Franklinton as plans develop and making sure we are being considerate of resident needs. The Trail will be paved and will have shared maintenance between the County and Town. The Rails to Trails Project is found to be a profitable one with a return of \$1.75 for every \$1.00 invested (calculated from a 2018 Trail study).

Mr. Steffey stated that with the shared match with the County, the total amount invested by the Town of Franklinton would come to \$375,000 over 5 years. If development costs are lower than expected, then that final amount would also be lowered. The estimated amount for the Town would come to \$75,000 a year. Any change orders would be worked out between the County and the Town. The Town of Franklinton would maintain the portion of the trail that is in Franklinton while the County would maintain portions within the County outside of Franklinton.

Commissioner McArn made a motion to approve authorizing the Town Manager to consult with the Town Attorney to enter into a funding agreement with Franklin County for the Rails to Trails Project. Commissioner Holden seconded the motion. The motion was approved by a vote of 5-0.

- b. Text Amendment to Amend Article 156.4 Table 4.1.7 Principal Use Table to add Minor Woodworking with Woodworking Showrooms as a Special Use in the C-2D Downtown Commercial Zoning District and to Amend Article 156.4 Uses Section 4.3 Use-Specific Standards to add general standards for Minor Woodworking with Woodworking Showrooms

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|-----------------------------------|------------------------|
| a. Presentation of Text Amendment | Zachary Steffey        |
| b. Vote to Open Public Hearing    | Board of Commissioners |
| c. Vote to Close Public Hearing   | Board of Commissioners |
| d. Vote on Text Amendment         | Board of Commissioners |

This item was removed from the agenda. The Planning Board was not able to meet before the Regular Board of Commissioners meeting to discuss this item, and it was postponed until the next Board of Commissioners Meeting, December 20, 2022

c. Presentation of FY 2020-2021 Audit by Petway Mills, and Pearson, PA.

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|--------------------------------------|------------------------|
| a. Presentation of Audit             | Phyllis Pearson        |
| b. Vote to accept the Audit findings | Board of Commissioners |

The auditor did not show up for the meeting as planned, and there was not a representative to present the FY 2020-2021 audit.

d. Sale of 5 & 7 East Mason Street, Franklinton, NC 27525

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|---|------------------------|
| a. Vote to authorize the Town Manager to proceed with entering into a sales contract and economic development agreement with the winning proposer/bidder. | Board of Commissioners |
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Mr. Steffey stated that the Town has completed the upset bidding process required for the sale of 5 & 7 East Mason Street. The proposal and initial bid, remains the same with Servo Ventures YONC, LLC being the highest bidder at \$75,000.

Commissioner McArn asked about the timeline requirements to build on the property. Mr. Steffey is going to have a follow up conversation with Servo to go over the Economic Development Agreement which will give a better understanding of the timeline of the build.

Commissioner Wilder made a motion to approve the sale of 5 & 7 East Mason and to authorize the Town Manager to proceed with entering into a sales contract and economic development agreement with the winning proposer/bidder. Commissioner McArn seconded the motion. The motion was approved by a vote of 5-0.

e. Reports

- a. Staff Reports (included in packet)


Mr. Steffey updated the Board and citizens with the following reports:

- i. Vino and Vine had their ribbon cutting
- ii. The Town has decorated Downtown for Christmas
- iii. Fall Banners came in to be used next year
- iv. Winter banners are coming
- v. Fridays on Front – we were able to use the Texaco site for Fridays on Front and it went well
- vi. Frankenfest was a huge success. We had a great turn out and ended with a movie sponsored by the After Life. Thanks to Shumara, Public Works and our Police Department for all of the work they put in for this event. Also, we were able to use the Texaco site for the pumpkin pageant.
- vii. Pansies have been planted out front of the Town Hall sign to get ready for the winter season. Thank you, Bernie Meador, for doing a wonderful job with the planters on Main Street.
- viii. The Town displayed green lights on the Town Hall building for Operation Green Light in honor of our Veterans and to raise awareness of Veteran related issues.

- ix. The lights on Town Hall will be shifted over to the trees to light them up with red and green light for the Holiday Season. We hope to utilize these lights for different occasions throughout the year.
  - x. Sunday was the second annual City Lunch Day in recognition of The City Lunch and its contributions to the Town of Franklinton. The Town has also discovered that we have a Dr. Nowell Day on October 11<sup>th</sup>.
  - xi. Christmas House Decorating Contest sign-ups are closing on December 8<sup>th</sup> and judging will be December 10<sup>th</sup>.
- b. Advisory Board Reports (included in packet)
- f. Upcoming Meetings and Events
- a. November 18, 2022 - Fridays on Front - 5:00 PM – 9:00 PM
  - b. November 24, 2022 and November 25, 2022 – Town Hall Closed for Thanksgiving
  - c. November 26, 2022 – Christmas Tree Lighting at Franklinton Middle School at 6:00 PM
  - d. December 1, 2022 – Christmas Parade at 7:00 PM
  - e. December 12, 2022 – Planning Board Meeting 6:00 PM – 7:00 PM
  - f. December 16, 2022 – Fridays on Front 5:00 PM – 9:00 PM
  - g. December 20, 2022 – Board of Commissioners Meeting 7:00 PM
- g. Adjournment

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

**X**   
\_\_\_\_\_  
Art Wright  
Mayor

**X**   
\_\_\_\_\_  
Lauren Chandler  
Town Clerk



# Town of Franklinton

Board of Adjustment  
Town Hall 101 N. Main St.  
November 15, 2022, 7:00 PM

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## MINUTES

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Others in Attendance: Public Works Director Brad Kearney, Town Planner Chris George, Chief of Police James Davis, Lieutenant Allen Batchelor, Parks and Recreation Director Shumara Thomas, Carey Johnson with The Franklin Times, and citizens

Mayor Art Wright called the Board of Adjustment meeting to order.

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

Commissioner Allers made a motion to approve the Board of Adjustment Agenda with the exclusion of Item (d) which was tabled until the next Board of Adjustment meeting. Commissioner McArn seconded the motion. The motion was approved by a vote of 5-0.

### **Agenda Items**

Mr. Pridgen asked the Board of Adjustment if they had any conflicts of interest or prior exposure to evidence outside of the meeting. The Board of Adjustment did not report any conflicts of interest or consultation prior to the Board of Adjustment meeting.

- a. Consideration of a Variance request submitted by Phoebe Fonville for Parcel ID 010203 to allow for a variance from the driveway requirements contained within Section 5.6 Driveways of the Town's UDO.

- i. Update from the applicant

Phoebe Fonville

Mr. Pridgen mentioned that in a previous meeting the applicant and adjacent property owners were looking to reach a resolution. In the event that they did not reach a resolution, the Board of Adjustment would be asked to make a decision on the Variance.

The applicant stated there had been no further communication or resolution between the applicant and adjacent property owners regarding the Variance.

- ii. Vote on Variance Application

Board of Adjustment

Mr. Pridgen spoke to the Board of Adjustment on the ordinance criteria that would need to be considered with this vote:

- That unnecessary hardship would result from the strict application of the ordinance.
- That the hardship is a result from the conditions that are peculiar to the property.
- That the hardship did not result from actions taken by the applicant or property owner.
- That the requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that public safety is secured, and substantial justice is achieved.

Commissioner McArn made a motion to approve the variance request to allow for a variance from the driveway requirements contained within Section 5.6 Driveways of the Town's UDO. Commissioner Allers seconded the motion. The motion was approved by a vote of 5-0.

- b. Consideration of a Special Use Permit submitted by Nasr Saleh for 509 East Green Street, Franklinton, NC 27525 Parcel ID 008069 to allow the use of the site as a convenience store and gas station.

- i. Applicant Response to Proposed Conditions Nasr Saleh

Mrs. Chandler swore in Nasr Saleh and the project Petroleum Salesman representative Mr. John Clark who was assisting Mr. Saleh with the project.

John Clark, speaking on behalf of Mr. Saleh, stated that he has been in consultation with Mr. Saleh about installing an above ground gas tank, gas pumps, new canopy, and making updates to his site. Mr. Saleh has been trying to get the permit for almost 2 years with negotiations between the Town and himself, which included engineered drawings of fencing around the tank, parking, and landscaping. Mr. Saleh wants to know what is needed to move forward with the project. Mr. Pridgen read the conditions from the previous Board meeting to the applicant. These conditions would have to be in place for the operation of the gas station.

- Consider stipulating the hours of operation for this site (suggestion 5:30 AM - 11:30 PM)
- Consider requiring opaque screening around the East, West, and North sides of the property with either vegetation or fencing or a combination of both.
- Consider requiring lighting to decrease in intensity at 11:00 PM and remain dim until 6:00 AM.
- Consider requiring that the applicant must provide, at all times, functional restrooms for customers.
- Consider limiting deliveries of fuel and supplies to only take place during times when the gas station is in operation.
- Consider a requirement to have trash receptacles provided at each pump and emptied daily.

The applicant, Nasr Saleh, indicated that he is in agreement with the conditions set for the purpose of the gas station.

- ii. Vote on Special Use Permit

Board of Adjustment

Commissioner Wilder asked if there was a time frame in which the applicant would have to complete the project. Mr. Steffey answered that the Special Use Permit conditions would have to be met in order for the gas station to operate. Mr.

Pridgen thought that there may be a 1-year time frame to have the gas station meet the conditions for operation. John Clark stated that his company can usually have the job complete in 90 days with considerations of delays in inspections.

Commissioner Allers asked about the state regulations being met, and John Clark answered that his company would comply with state regulations.

Commissioner McArn expressed the immediate need of a restroom facility for the public to use. Mr. Saleh stated that the In and Out already had a working restroom and that customers only had to ask to use it.

Mr. Pridgen spoke to the Board of Adjustment on the ordinance criteria that would need to be considered with this vote in reference to the conditions mentioned, as well as the following items:

- That it would not materially endanger the public's health or safety.
- It does meet all the required conditions and specifications of the UDO.
- It does not substantially injure the value of abutting properties.
- This request would be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.
- This plan would be in general conformity with the Town's adopted policy guidance.
- This request will result in conditions where public facilities and services are adequate to serve the proposed use.

Commissioner Wilder made a motion to approve the Special Use Permit to allow the use of the site as a convenience store and gas station with the stated conditions. Commissioner McArn seconded the motion. The motion was approved by a vote of 5-0.

- c. Consideration of a Special Use Permit submitted by Brittany Greene for 208 Dogwood Lane, Franklinton, NC 27525 Parcel ID 007111 to allow for the operation of a Childcare Center at the subject property.

- i. Staff Presentation of Special Use Permit

Zachary Steffey

Mr. Steffey stated that the property is zoned for RMH and is within our ETJ. Mr. Steffey stated the staff recommended conditions for the operation of the childcare center:

- Consider stipulating the hours of operation for the Childcare Center (suggestion – 7:00 AM – 9:00 PM)
- Consider requiring that all parking must be contained on-site and that no parking shall take place along the street.
- Consider requiring that opaque screening in the form of fencing or vegetative screening be installed along property boundaries to minimize adverse impacts to adjacent properties.
- Consider requiring a letter from the Franklin County Environmental Health Department confirming that the septic system of this facility is sufficiently sized to handle the anticipated capacity of the Childcare Center prior to operations commencing at the Childcare Center.
- Consider requiring that the Childcare Center comply with all requirements set forth by the NCDHHS Division of Childhood Development and Early Education and that failure to maintain a proper license for the facility will result in this Special Use Permit becoming null and void.
- Consider requiring that documentation is provided prior to commencing operation of the Childcare Center confirming that all building, life safety, and fire inspections have been completed at the site.
- Consider requiring a dumpster or sufficiently sized trash receptacles to be located at the site.

Mrs. Chandler swore in Brittany Greene.

Ms. Greene stated she was born and raised in Franklinton and worked and schooled for the purpose of opening a daycare facility. Her Special Use Permit would allow a Childcare facility for ages ranging 6-9 infants to school age with after school care options, providing for their needs and development from the hours of 6:00 AM – 6:00 PM. Meals would be served at the facility and they would also provide transportation from school.

Commissioner McArn asked about how many children would the facility allow. Ms. Greene estimated 20-25 children. Square footage is estimated about 2000 -2500 square feet. Upon approval a consultant would go through the empty home to give more accurate measurements.

Mayor Wright asked about sufficient parking. Ms. Greene responded that the lot next door was vacant and could be used for additional parking.

Commissioner Fuller inquired whether there would be bus transportation. This item is something that Ms. Greene would have to investigate with the school systems as well as how and when bus drop off works within the neighborhood that the Childcare Center is located in.

Commissioner Fuller asked if there was sufficient outdoor space. Ms. Greene stated that there was adequate outdoor space, but a fence and playground are needed. Ms. Greene stated she would like the facility to be up and serving in June 2023. The home and land on which the childcare would be established would meet all State conditions upon the approval of the board.

Commissioner Allers inquired on the conditions on offering meals with requirements for kitchens. Ms. Greene stated that she would be offering meals within the hours of operation with meals being prepared on site. There would be regulations on the kitchen that they would follow.

Ms. Greene further stated that there were currently 2 childcare facilities in Franklinton that are always full with waiting lists, and she feels that she would be meeting a need.

Mr. Steffey asked whether the childcare facility would be open during the weekend or just Monday through Friday. Ms. Greene would like to be operating on the weekend and possibly overnight as nothing around Franklinton offers weekend or overnight services for 2nd and 3rd shift workers at this time. This is something Ms. Greene would like to investigate further with her consultant upon approval.

- iii. Vote to Open Evidentiary Hearing
- iv. Vote to Close Evidentiary Hearing
- v. Vote on Special Use Permit

Board of Adjustment  
Board of Adjustment  
Board of Adjustment

The applicant indicated that she agrees to all the conditions mentioned. The only difference in the conditions would be the hours of operation being changed to 6:00 AM to 6:00 PM.



Commissioner Wilder asked if there could be an extension on the time of operation to 9:00 PM to allow for flexibility to figure out what the business develops into.

The hours of operations would be changed to 6:00 AM – 9:00 PM.

Mr. Pridgen spoke to the Board of Adjustment on the ordinance criteria that would need to be considered with this vote in reference to the conditions mentioned, as well as the following items:

- That it would not materially endanger the public's health or safety.
- It does meet all the required conditions and specifications of the UDO.
- It does not substantially injure the value of abutting properties.
- This request would be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.
- This plan would be in general conformity with the Town's adopted policy guidance.
- This request will result in conditions where public facilities and services are adequate to serve the proposed use.

Commissioner McArn made a motion to approve the Special Use Permit with the stated conditions for the operation of a Childcare Center at 208 Dogwood Lane, Franklinton, NC 27525. Commissioner Wilder seconded the motion. The motion was approved by a vote of 5-0.

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| d. Consideration of a Special Use Permit submitted by Ryan Stabile for 3 South Front Street, Franklinton, NC 27525 Parcel ID 010091 to allow Minor Woodworking with Woodworking Showrooms to operate at the subject property. |                     |
| i. Staff Presentation of Special Use Permit   | Zachary Steffey     |
| ii. Applicant Presentation and Comments   | Ryan Stabile        |
| iii. Vote to Open Evidentiary Hearing   | Board of Adjustment |
| iv. Vote to Close Evidentiary Hearing   | Board of Adjustment |
| v. Vote on Special Use Permit   | Board of Adjustment |

This item was postponed until the next Board of Adjustment meeting. This will allow the Planning Board to meet to review a text amendment pertaining to this item.

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| e. Consideration of a Variance request submitted by Terry Jones for 404 East College Street, Franklinton, NC 27525 Parcel ID 008367 to allow for a variance pursuant to Section 7.4 of the Town's UDO. |                 |
| i. Staff Presentation of Variance  | Zachary Steffey |

Mr. Steffey reported that the request for the variance is consistent with Section 7.4.2 of the UDO which is a variance from the single-family residence requirements for some lots. This section of the ordinance states that in cases where the lot area and lot width of a nonconforming lot of record are less than 75 percent of the minimum specified for the district where the lot is located, the Board of Adjustment may approve a variance allowing the lot to be used as a building site for a single-family residence, provided: Residential uses are permitted in the district where the nonconforming lot is located; the dimensions of the variance conform as closely as possible to the required dimensions of the district; The Franklin County Health Department approves any on-site water or wastewater facilities. If the pre-existing nonconforming lot is not in a district where single-family dwellings or manufactured homes are permitted, the Board of Adjustment may issue a variance to allow a permitted use. The

property is located in the RSM zoning district. The lot size is 5,662 square feet. The minimum lot size requirement of the RSM Zoning District is 10,000 Square Feet. The RSM Zoning District requirement is 80 feet for the width, the subject property is approximately 50 feet wide. Therefore, the subject property does not meet the minimum lot size and lot width requirements of the RSM Zoning District and is subject to Section 7.4.2 of the UDO.

ii. Applicant Presentation and Comments

Terry Jones

Mrs. Chandler swore in Terry Jones.

Mr. Jones stated that he is applying for the variance because his property is not in compliance with the ordinance to build a two-bedroom home on his property. There is a house currently on the property, but it is in disrepair and needs to be torn down.

iii. Vote to Open Evidentiary Hearing

Board of Adjustment

iv. Vote to Close Evidentiary Hearing

Board of Adjustment

v. Vote on Variance Application

Board of Adjustment

Mr. Pridgen stated to the Mayor that a motion to approve is a motion that all the conditions are acceptable.

Commissioner Allers made a motion to approve the Variance request pursuant to Section 7.4 of the Town's UDO. Commissioner McArn seconded the motion. The motion was approved by a vote of 5-0.

2. Adjournment

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

X



Art Wright  
Mayor

X



Lauren Chandler  
Town Clerk