

## **October 1, 2007**

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, October 1, 2007 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Jerry Evans, Billy Mashburn, Carolyn Pattillo, Charles Roper and Bob Scott were present.

### **Approval of the minutes**

**Motion was made by Scott, seconded by Curtis to approve the minutes for the September 4, 2007, September 10, 2007 and September 24, 2007 meetings as presented. Motion carried.**

**Vote: 6 to 0.**

### **Presentation and public hearing on the proposed Unified Development Ordinance (UDO) and new zoning map**

Mayor Collins opened the public hearing on the proposed Unified Development Ordinance at 7:02 P.M. Mike Decker gave a brief power point on the development of the proposed UDO. A copy is attached.

The following persons spoke at the hearing:

Bud Siler – The zoning ordinance needed to be redone and made clearer. One lot of my property on Sunset Drive is in a different zone. The Board agreed to make this lot Neighborhood Mixed Use.

Gary Murphy – I own G & V Development with my family. Kerr is open now and Sonic is coming soon. We are happy for the change. We are in favor of the new ordinance.

Joe Culpepper – My wife Christy and I are in favor of the new ordinance. We own a lot at 984 Roller Mill Road. We want this lot to be zoned Neighborhood Mixed Use. The Board agreed to change this lot.

David Stiles – I have property with frontage on Siler Road. The county is taxing this property as commercial. You have it zoned Residential. Mayor Collins said you can ask for it to be changed at a later time by going through the rezoning procedure.

Mayor Collins closed the public hearing at 7:30 P.M.

### **Discussion and consideration of adoption of the UDO and zoning map**

Alderman Pattillo said we have needed this for a long time. She said we have gone over it and we need to pass it. Alderman Scott said I agree. Alderman Curtis said I was appointed to serve on the committee two years ago and have gone through the entire process. He said this is the smartest growth possible and is a good starting point.

**October 1, 2007 meeting continued,**

**Motion was made by Pattillo, seconded by Scott to adopt the Unified Development Ordinance and the zoning map with the changes to the map as requested by Bud Siler (Sunset Drive) and Joe Culpepper (Roller Mill Road). Motion carried. Vote: 6 to 0. Copies are attached.**

### **Recess**

Mayor Collins recessed the meeting at 7:35 P.M.

Mayor Collins reconvened the meeting at 7:40 P.M.

### **Discussion and consideration of approval of new fee schedule for zoning and sign permits**

**After some discussion, motion was made by Mashburn, seconded by Evans to approve the recommended fee schedule by resolution. Motion carried. Vote: 6 to 0. A copy of the fee schedule is attached.**

### **Persons to be heard**

June Hernandez said I am speaking for the merchants on Main Street. She said we put out the fall decorations. She said we take pride in our work. She said the hay was thrown all over and the pumpkins were smashed. Mrs. Hernandez said we are asking the Town to allow the police to be on duty at night. Alderman Pattillo said we worked all day on Wednesday with Wayne Tallent putting out the decorations. She said he replaced the smashed pumpkins for free. She said something has got to be done. Alderman Scott said June is right. Alderman Mashburn said the police needs to increase their patrols. **Motion was made by Scott, seconded by Pattillo to put up a \$500.00 reward for information that leads to the arrest of the vandals. Motion carried. Vote: 6 to 0.**

### **Departmental Reports**

Fire Chief Pete Haithcock gave the fire department report. A copy of the report is attached. He said the contractor had completed the drainage for the building extension. He said October 4, 2007 is Macon County Firemen's Appreciation Day. Chief Haithcock said several firemen will be attending the arson school in October. He said we have received four applications for the new fireman position.

## **October 1, 2007 meeting continued,**

Public Works Director Jay Gibson said there is vandalism on the picnic tables at the town park. Alderman Evans said we need to put a camera down there. Alderman Scott said the tape has to be changed everyday or the tape gets too grainy. Alderman Curtis said there is a unit that uses a hard drive. Mayor Collins said we need to consider a camera. Mr. Gibson said the sewer line on Iotla Street had to be rerouted. He said Gary Scott can start on the project. He said the cost of the project will be from \$50,000.00 to \$60,000.00. The Board decided to use town funds instead of using loan funds. Mr. Gibson said the pumps should be delivered in the middle of November for the Raw Water Intake project. He said the Ulco Street sewer line is being sent out for bid. He said the new employee that I requested was cut from the budget. He said I have a person in mind that would be a real asset to the Town and can run the equipment. He said Curly Rowland will be retiring in the next two to three years. He said I need somebody in place. Alderman Pattillo said I have no problem with the position or person. She said we do not need to hire somebody if it is not in the budget unless it is an emergency. Alderman Evans said I need to abstain from voting since this person works for me. Alderman Curtis said you cannot abstain unless you have a direct financial interest. Alderman Scott said after this position we need to advertise these positions. Mayor Collins said I agree with Alderman Pattillo in principle.

**Motion was made by Mashburn, seconded by Curtis to hire Eddie Sheffield as a backhoe operator at \$13.00 per hour. Motion carried. Vote: 5 to 1. Voting no: Pattillo.**

Main Street Coordinator Linda Schlott said we have been busy in September. She said the dance was very successful. She said in October we will have the Monster Mash. Mrs. Schlott said the decorations have been done. She said we had a lot of volunteers with no stake in downtown. She said we have twenty-five vendors for Pumpkin Fest. She said the staging for the Christmas parade will be on the Highlands Road. She said Donnie Clay will be unable to do the sound system for Pumpkin Fest. Mayor Collins said the Town's equipment and Donnie's equipment are mixed together. Alderman Pattillo said Tony Angel will be the MC. She said he can use the equipment. Alderman Mashburn said we need to find a solution about the equipment at a later time.

Alderman Bob Scott said Police Chief Terry Bradley cannot attend the meeting. He said the police department report has been given to you. A copy of the report is attached.

### **Update on soil erosion and sedimentation control enforcement – Matt Mason/Macon County**

Matt Mason said there have been twenty-five major projects in the last year requiring an erosion plan. He said there have been eighteen minor projects. He said there have been no major enforcement problems inside Town in the last year. Alderman Scott said have there been fines levied on the Crawford Branch project and Vanderwoude's project? Mr. Mason said no. He said the ordinance is being changed on how appeals are handled. He said one assistant has been hired.

**October 1, 2007 meeting continued,**

**Consideration of subdivisions**

**Paul Thomas Potts – Green Street and West Boulevard**

Mike Decker said Mr. Potts wants to subdivide his property into four lots. He said Mr. Potts is meeting all of our requirements. A copy of the recommendation is attached. **Motion was made by Evans, seconded by Curtis to approve the Paul Thomas Potts subdivision. Motion carried. Vote: 6 to 0.**

**J. C. Crowder – Sloan Street**

Mike Decker said J. C. Crowder wants to subdivide his property into eight lots. He said Mr. Crowder is meeting all of our requirements. A copy of the recommendation is attached. **Motion was made by Curtis, seconded by Evans to approve the J. C. Crowder subdivision. Motion carried. Vote: 6 to 0.**

**Petition for rezoning – Michael Vale Trust**

Mike Decker said Brenda Vale is requesting that the Michael Vale Trust property located at the corner of Depot and Wayah Street be rezoned from Residential 2 to Commercial 2. Information copies are attached. **Motion was made by Scott, seconded by Evans to pass on this rezoning request to the Planning Board for a recommendation. Motion carried. Vote: 6 to 0.**

**Presentation of draft water shortage response plan**

Mike Decker said Michael Grubermann has drafted a proposed water shortage response plan for your consideration. He said there are three stages to the plan. A copy is attached. Alderman Evans said I do not like the penalty side of the plan. Mayor Collins said we will take the proposed plan under advisement until the next meeting.

**Request for additional services on Ulco Drive sewer improvements – McGill Associates**

Mike Decker said McGill Associates is requesting additional fees for the Ulco Drive sewer improvements due to having to redraw the plans. He said they are asking that their fees increase from \$30,100.00 to \$34,600.00 or an increase of \$4,500.00. A copy of the letter is attached. **Motion was made by Evans, seconded by Curtis to increase the fees in the amount of \$4,500.00. Motion carried. Vote: 6 to 0.**

**October 1, 2007 meeting continued,**

**Workshop on “The Leader’s Role in Creating Vigilant, Prepared and Resilient Communities” – Alderman Scott**

Alderman Scott said I would like as many of the town employees who can to attend the workshops being held on October 29 -31, 2007 at the Macon Bank Corporate Headquarters on “Creating Vigilant, Prepared and Resilient Communities”. Information copy is attached.

**Selection of authorized voting delegate for NCLM 2007 Annual Business Meeting**

**Motion was made by Pattillo, seconded by Evans to select Alderman Bob Scott as the voting delegate and Mike Decker as the alternate voting delegate for the NCLM 2007 Annual Business Meeting. Motion carried. Vote: 6 to 0.**

**Discussion regarding street sweeper/NCDOT**

Mike Decker said we received a letter from the North Carolina Department of Transportation concerning the purchase of a street sweeper. He said Mr. Setzer indicates that they cannot help purchase a street sweeper. He said Mr. Setzer indicates that they would be willing to pay for a portion of the work the Town performs on state roads. Mr. Decker said another suggestion is that the state transfer maintenance responsibilities to the Town on some of the state roads. A copy of the letter is attached. After some discussion, the Board agreed to try to get more information on the state paying for a portion of the work.

**Election information**

Mike Decker said since Macon County is having voting on various bond issues the town voters will have to go to their normal voting locations instead of the Burrell Building.

**Additional committee and departmental reports**

Alderman Evans said Sam Greenwood is okay with cutting down the trees on the square as long as we replace the trees. The Board agreed to let Alderman Evans work with Jay Gibson on removing these trees.

Alderman Curtis said I have concerns about the SBI investigation on the estimated theft of over \$25,000.00 on the Whitmire property. He said it has been eighteen months and nothing has been done. Alderman Scott said I agree that this situation needs to be resolved. **Motion was made by Curtis, seconded by Scott to draft a letter for Mayor Collins signature to the district attorney for a prompt decision on this matter. Motion carried. Vote: 6 to 0.**

## **October 1, 2007 meeting continued,**

Alderman Pattillo said Linda Schlott needs a place for her supplies. Mayor Collins said she is an independent contractor. Janet Anderson said at the recent League meetings this has been a hot topic on how you treat a contractor versus an employee. She said there is a possibility of fines if the IRS determines that they are not being taxed properly. John Henning, Jr. said I need to read up on this and will advise you later. Alderman Mashburn said we cannot decide tonight.

Mike Decker said there will be a public meeting on the proposed flood plain maps tomorrow at the Macon County Community Building. He said there is ninety days for appeal.

Mike Decker said I will be attending a meeting on October 10, 2007 in Asheville. He said by attending this meeting we can receive points when we apply for Rural Center grants.

Mike Decker said we received three notices of violations in July for our sewer spills at the Greenway.

Mike Decker said I have received petitions from the employees protesting the bi-weekly payroll change and direct deposit. He said I am not sure what to do with these petitions since we do not have a union and North Carolina does not allow collective bargaining. Alderman Evans said the employees approached me to do the petitions. Alderman Scott said this is an administrative decision. Alderman Evans said changing the payroll will put some of the employees in a bind. Mayor Collins said we can do a one time advance of up to \$150.00 with it being paid back in the next payroll. Alderman Mashburn said I do not have a big problem with bi-weekly payroll. He said I feel like we should have had some discussion on changing the payroll. Janet Anderson said that is my fault. She said I did not see changing payroll as a Board decision. No Board action was taken.

### **Water adjustments, tax discoveries and releases and payment of bills**

**Motion was made by Mashburn, seconded by Evans to approve the water adjustments for September, the tax discoveries and releases and to approve payment of the bills. Motion carried. Vote: 6 to 0. Copies are attached.**

### **Closed session – personnel**

**The Board went into closed session at 9:05 P.M., on motion made by Evans, seconded by Pattillo to discuss personnel. Motion carried. Vote: 6 to 0.**

**The Board came out of closed session at 9:22 P.M., on motion made by Evans, seconded by Curtis. Motion carried. Vote: 6 to 0.**

The Board did not take any action.

**October 1, 2007 meeting continued,**

**Adjournment**

Mayor Collins adjourned the meeting at 9:23 P.M.

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Joe Collins, Mayor

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Janet A. Anderson, Town Clerk