

October 4, 2004 meeting,

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, October 4, 2004 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Edwin Hall, Billy Mashburn, Charles Roper, Bob Scott and Jim Williamson were present.

Approval of the minutes

Motion was made by Williamson, seconded by Roper to approve the minutes for the September 7, 2004 and September 27, 2004 meetings as presented. Motion carried. Vote: 6 to 0.

Public hearing on the Parker/Tiffney petition for rezoning

Mayor Collins opened the public hearing at 7:04 P. M. Mike Decker said the property is located on the Highlands Road in the ETJ. He said the property is already partially zoned business and the owners are requesting the remaining portion be rezoned to business. He said the Planning Board's recommendation is to rezone to property to business. Mr. Decker said public notice has been given. He said I received one phone call from a lady with concerns that her property would be rezoned. He said the property has been sold to Derrick Wong. Bobby Key said we have to have a petition from Mr. Wong since he is the new owner. The public hearing closed at 7:07 P.M.

Consideration of rezoning petition

No action was taken by the Board since the petition was not proper.

Persons to be heard

Bob Apsey said the Highlands Road merchants are planning to run a shuttle bus during Pumpkin Fest. He said we plan to hire a professional service. Bobby Key said there needs to be a contract stating the company has their own insurance. **Motion was made by Curtis, seconded by Scott to allow the shuttle service providing the Town is not liable. Motion carried. Vote: 6 to 0.**

Hal Chapman said I have the following requests for Pumpkin Fest: (1) close Iotla Street in front of the gazebo from Main Street to just north of First Citizen's Bank, Phillips Street from Main Street south to Palmer Street and Stewart Street from 6:30 A.M. – 4:30 P.M. on October 23, 2004; (2) place cones on Main Street in front of the Clock Tower, Rankin Square, along the side of the gazebo and the brick area by the courthouse and in front of the Burrell Building; (3) close Phillips Street to traffic from Palmer Street south to Hayes Circle and Carolina Mountain Drive during the pumpkin roll; (4) stop traffic for the parade from the Burrell Building to the gazebo; (5) clean up the pumpkins if possible on Saturday and (6) have one public works employee available to assist with the event. An informational copy is attached.

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Departmental reports

Fire Chief Pete Haithcock gave the fire department report. A copy is attached. He said during Hurricane Ivan the fire department assisted Cullasaja and Clarks Chapel fire departments. He said we helped move the animals from the fairgrounds.

Public Works Director Jay Gibson reported the following: (1) the Macon Middle School water line has been completed and a walk through has been done, (2) Town Mountain sewer line is one half completed and (3) the Baird Cove sewer line is over fifty percent completed. Mr. Gibson said I have talked to Ken Nash about putting radio control devices on the pump stations and tanks. He said it would cost about \$6,000.00.

Police Chief Terry Bradley gave the police department report. A copy is attached. He said we worked over 149 hours of overtime during Hurricane Ivan and worked over 148 hours of mutual aid for the sheriff's department at Peeks Creek. Mayor Collins said we need to look about purchasing a four-wheel drive Polaris Ranger. Chief Bradley said it would have been invaluable at Peeks Creek.

Update on water request for Gibson Cove Estates – Billy Vanhook

Billy Vanhook said engineering plans for Gibson Cove Estates are ready to be sent to the state. He said we are asking for an allocation for Phase I at this time of 6,400 gallons per day. He said there would be sixteen homes at 400 gallons per day per home. Informational copies are attached. **Motion was made by Curtis, seconded by Hall to give the water allocation to Gibson Cove Estates of 6,400 gallons per day. Motion carried. Vote: 6 to 0.**

Request concerning water tap fee/availability fee – Sue Waldroop

Sue Waldroop and June Cassada asked the Board to forgive the availability fees on their water line. Mrs. Waldroop said a gentleman wants to tap on to the water line. She said the Town would get the tap fee and the monthly revenue. She said we have already paid for the cost of installing the water line. Mayor Collins said the water line was put in for your benefit. Alderman Scott said if we forgive the fee would this be a precedent? Alderman Mashburn said yes. Alderman Mashburn said we have had several discussions about waiving availability fees and we try not to do that. Mayor Collins said I do not see any justification to waiving this fee. The consensus of the Board was not to forgive the fee.

Conflict of interest statement for Rural Center grant

Motion was made by Williamson, seconded by Curtis to adopt a conflict of interest statement. Motion carried. Vote: 6 to 0. A copy of the statement is attached.

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Interlocal agreement with Macon County concerning the collection of taxes for the Franklin Fire District

Mike Decker said the interlocal agreement with Macon County has expired and Macon County has forwarded a new agreement for your consideration and approval. Copies are attached. Bobby Key said the agreement does not expire until written notice is given. After some discussion, the Board asked Bobby Key to modify the agreement. **Motion was made by Mashburn, seconded by Curtis to approve the agreement subject to Bobby Key modifying the agreement. Motion carried. Vote: 6 to 0.**

Presentation on regulating sexually oriented businesses – Bobby Key

Bobby Key said you can limit sexually oriented businesses. He said I have different ordinances from several cities for you to use to create an ordinance for Franklin. He said there are two methods of enforcing the ordinance. Mr. Key said one method is to go with zoning and the other method is to use police power. Alderman Scott said we are creating a problem where none exists. He said this is a first amendment question. He said there will be questions on what is allowed. He said there is no increase in crime due to sexually oriented businesses. Alderman Hall said I think we need to be ready for it. Alderman Curtis said we need to discourage it or it may become a problem. Alderman Williamson said we need to be prepared. Alderman Mashburn said there is no reason not to look at it. Mr. Key said you can put a moratorium on sexually oriented businesses for six months. He said the Town of Duck has a moratorium we can use to create our moratorium. **Motion was made by Williamson, seconded by Curtis to do a moratorium on sexually oriented businesses for six months based on the Town of Duck moratorium. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Hall, Mashburn, Roper and Williamson. Voting no: Scott.** Alderman Scott said the reason I voted no on this moratorium is because there has been no public input on this matter. Mr. Key said we need a committee to look at doing an ordinance. Mayor Collins, Alderman Curtis, Alderman Scott, Mike Decker and Bobby Key agreed to serve on the committee.

Recess

Mayor Collins recessed the meeting at 8:10 P.M.

Mayor Collins called the meeting back to order at 8:20 P.M.

DOT Municipal Ordinance regarding speed limit on Depot Street Extension

Motion was made by Scott, seconded by Curtis to adopt the ordinance increasing the speed limit on Depot Street Extension to 45 miles per hour. Motion carried. Vote: 6 to 0. A copy of the ordinance is attached.

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Designation of Alderman Scott as the voting delegate for the 2004 NCLM annual business meeting

Motion was made by Mashburn, seconded by Curtis to designate Alderman Scott as the Town's voting delegate for the 2004 North Carolina League of Municipalities annual business meeting. Motion carried. Vote: 6 to 0.

Planning Board recommendation

Mike Decker said the Planning Board met on September 27, 2004 and their recommendation is to rezone the Michael Vale property from residential to business. Mayor Collins said can we wait to make a decision? Bobby Key said you can (1) send it back to the Planning Board, (2) table it or (3) set the public hearing. Mayor Collins said I want us to look at this property along with the proposed neighborhood mixed use ordinance. **Motion was made by Mashburn, seconded by Curtis to send the rezoning request back to the Planning Board and to ask them to look at this request along with the proposed neighborhood mixed use district. Motion carried. Vote: 6 to 0.**

Consideration of called meeting on Monday, October 18, 2004 for presentation on National Flood Insurance Program

The Board agreed to have a called meeting on Monday, October 18, 2004 at 7:00 P.M.

Additional departmental and committee reports

Mike Decker said the kick off meeting with FEMA representatives will be on Tuesday, October 5, 2004 at 10:00 A.M. **Motion was made by Curtis, seconded by Scott to give Mayor Collins the authority to sign any documents necessary to start the reimbursement process with FEMA. Motion carried. Vote: 6 to 0.**

Mike Decker said the Friends of the Scottish Tartans Museum will be using the Burrell Building on Saturday, October 9, 2004.

Mike Decker said there will be a change order on the Baird Cove sewer line improvements so that Louise Darnell's property can be served.

Mike Decker said the Town has received encroachment agreements from the North Carolina Department of Transportation for the Macon Middle School sewer line. He said the bid opening for this project will be on Thursday, October 14, 2004.

Mike Decker said Janet Anderson and I will be attending the North Carolina League of Municipalities workshop in Asheville on Wednesday, October 6, 2004.

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Mike Decker said I am working on getting the Town's updated web site on line by early November.

Mike Decker said the letter from Ray McCall was given to you for information. A copy of the letter is attached. He said the Addington Bridge water tank has been taken out of service due to being unable to maintain adequate chlorine residual. Jay Gibson said there is only a draw/fill line and the chlorine can not be turn over constantly.

Motion was made by Williamson, seconded by Hall to accept the dedication of the 30-foot wide road right of way designated as Panorama Drive on the Plat of Conley Crest Subdivision as recorded in the Office of Register of Deeds for Macon County, North Carolina in Plat Cabinet 1, at Page 205 as a part of the Town's road system. Motion carried. Vote: 6 to 0. Copies attached are: (1) Motion to Accept the Dedication of Panorama Drive, (2) plat of Conley Crest Subdivision – Section 1 and (3) signed request from the residents that Panorama Drive be accepted by the Town of Franklin under the Powell Bill.

Alderman Williamson said I have looked at the sidewalk on Bidwell Street. He said it needs to be replaced from the old Potts funeral home down to Main Street. He said the roots of maple trees are pushing up the sidewalk on Harrison Avenue. He said when Gyora Novak was developing his property on Harrison Avenue he damaged a section of the sidewalk. Alderman Williamson said I think he should pay for fixing this damage. He said we have already voted on doing a section of sidewalk on Depot Street about two years ago in front of C. J. Ramey's property. **Motion was made by Williamson, seconded by Hall to accept the bids from Tim Bates to do the sidewalk on Bidwell Street for \$4,460.00 and to do the sidewalk on Harrison Avenue for \$1,300.00 with Gyora Novak be billed for the \$1,300.00. Motion carried. Vote: 6 to 0.**

Alderman Williamson said we appointed a committee consisting of Mayor Collins, Alderman Curtis and Alderman Mashburn to guide the rest of the Board through the decision of whether we should purchase the Whitmire property. He said the entire committee needs to be involved in this process. Mayor Collins said I have asked McGill Associates to do a rendering.

Alderman Scott said we need a policy about when the Town donates money to a business. Alderman Williamson said I think it should be done on a case by case basis. He said policies are good but it could tie your hands. Bobby Key said there are state statutes that donations have to be tied to tax increases, additional employment, etc.

Water adjustments - tax discoveries - payment of the bills

Water adjustments for September, tax discoveries and payment of the bills were approved on motion made by Scott, seconded by Curtis. Motion carried. Vote: 6 to 0. Copies are attached.

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Closed session - personnel

The Board went into closed session at 9:00 P.M., on motion made by Williamson, seconded by Mashburn to discuss personnel. Motion carried. Vote: 6 to 0.

The Board came out of closed session at 9:15 P.M. and voted to seal the closed session minutes, on motion made by Mashburn, seconded by Williamson. Motion carried. Vote: 6 to 0.

No action was taken.

Adjournment

Mayor Collins adjourned the meeting at 9:16 P.M.

Joe Collins, Mayor

Janet A. Anderson, Town Clerk