

December 2, 2004 meeting,

The Town of Franklin Board of Aldermen had a special meeting on Thursday, December 2, 2004 at 5:30 P.M. at the Town Hall Board Room. The purpose of the meeting was to discuss Duke Power's application for a new Federal Energy Regulatory Commission (FERC) operating license for the Franklin Hydroelectric Project and consideration of whether the Town should intervene in this process. Mayor Joe Collins presided. Aldermen Verlin Curtis, Edwin Hall, Charles Roper, Bob Scott and Jim Williamson were present. Alderman Billy Mashburn was absent.

Discussion of Duke Power's application for a new Federal Energy Regulatory Commission operating license

Mayor Collins said it is my understanding there is no plan at this time for keeping the sedimentation out of Lake Emory in Duke's application to FERC. Fred Alexander with Duke Power gave a power point presentation about Duke Power relicensing process. A copy is attached. Mayor Collins said what commitment is there on the part of Duke Power of removing sedimentation from Lake Emory? Mr. Alexander said a study will be conducted and limited removal will be done at the intake area only. Alderman Curtis said I read that Duke has a plan for removal of silt to be put on one half acre near the dam. Alderman Scott said I am still upset about Duke selling the Needmore property for nineteen million dollars net profit. He said the silt problem will continue until there is strict enforcement of the Sedimentation Ordinance. He said we need to stop the sedimentation from going into the river from the cabbage fields in Georgia. Alderman Curtis said I think we need to do late intervention for the interests of the citizens of the Town of Franklin. He said we need a second chance. He said Jackson County did a late intervention. He said there may need to be some additional consideration for each additional year in the licensing period. Mr. Alexander said we are trying to determine the environmental and other needs for the various areas. He said we are planning to do what is required to protect the environment. He said the Town of Dillsboro's needs were met by removing the dam and powerhouse. Mr. Alexander said this will give them ten additional miles of stream to be used for recreation. He said we go by the laws and rules of today. He said removing the silt from Lake Emory may be cost restrictive. Alderman Williamson said I would like us to sit down and talk about it. He said more can be accomplished when it comes to the table. Mr. Alexander said it has been an open process. He said Duke has been working on the sedimentation problem. Mayor Collins said if we try to intervene it could give us a bargaining position with Duke Power. He said what does the Board think? Alderman Hall said I don't know. Alderman Roper said the county, town and Duke need to work together. Alderman Scott said we can't blame anybody but ourselves since it has been advertised. He said stronger rules and regulations on sedimentation needs to be passed and enforced. Alderman Williamson said I would like to proceed with it. Alderman Curtis said you know where I stand on the issue. Alderman Scott said what will be the cost of intervention? He said who do we hire? Alderman Curtis said the cost of a consultant would be \$2,000.00 or less to file the documents with FERC. **Motion was made by Curtis, seconded by Williamson for the Town of Franklin to file as a later intervener between FERC and Duke Power and for the Town's attorney to gather the information. Motion carried. Vote: 5 to 0.**

December 2, 2004 meeting continued,

Adjournment

Mayor Collins adjourned the meeting at 6:50 P.M.

Joe Collins, Mayor

Janet A. Anderson, Town Clerk