

April 4, 2005 meeting,

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, April 4, 2005 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 Scott, seconded by Curtis to approve the minutes for the March 7, 2005 meeting with the following correction: Alderman Scott said we need an ordinance allowing the police to ban certain persons from the Greenway and the March 21, 2005 meeting with the following correction: Motion was made by Scott, seconded by Curtis to give \$20,000.00 for the project contingent on Macon County agreeing to match this amount and contingent on the project not being scaled down and to use Powell Bill funds for the sidewalk outside the square as is allowed and the use of the Town's public works equipment as needed. Motion carried. Vote: 6 to 0.

Public hearing on the proposed Sexually Oriented Business Ordinance

Mayor Collins opened the public hearing at 7:02 P.M. on the proposed Sexually Oriented Business Ordinance. Mike Decker explained the ordinance briefly. Copies are attached. No persons were present to speak at the public hearing. Mayor Collins closed the public hearing at 7:06 P.M.

Consideration of Sexually Oriented Business Ordinance

After some discussion, motion was made by Curtis, seconded by Williamson to adopt the Sexually Oriented Business Ordinance. Motion carried. Vote: 6 to 0. A copy of the ordinance is attached.

Proclamation – Macon Program for Progress Week – Dorothy Crawford and Jane Moyer

Motion was made by Williamson, seconded by Mashburn to proclaim the week of May 30th, 2005 as *Macon Program for Progress Week*. Motion carried. Vote: 6 to 0. A copy of the proclamation is attached.

Persons to be heard

Bob Apsey said I am representing the Highlands Road merchants. He said we are planning a few events and we are requesting \$10,000.00 from the Town. Mayor Collins said please get a written proposal to Mike Decker and we will consider this request in the upcoming budget.

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Barbara Setser said there are several persons against the clock tower project. She said Merle Dryman is just sick about this project. She said they are planning to do artificial grass. She said children cannot play there. Ms. Setser said there are playgrounds at the Wesley Park. She said do not go with only one contractor. Gail Chapman said the planned garden is inappropriate. She said the current fenced-in formal garden goes with the historical area of Main Street. She said before you spend \$76,500.00 you need more than one bid. Hal Chapman said I spoke at the county meeting against the clock tower project. He said the editorial in the newspaper mentions open space. He said it is not appropriate for the children to play in the downtown area. Mayor Collins said the Board was brought in by the Franklin Garden Club. He said we have had years of interaction with the club. He said we agreed to do a modest contribution to the total project. Mayor Collins said it was our understanding the project needed to be done by Memorial Day weekend. He said I regret that Macon County has already started removing the old shrubbery. Alderman Scott said some of the letters in the newspaper are wrong about the amount of money we agreed to give toward the project. He said we agreed to give \$20,000.00 contingent on Macon County matching this amount. Barbara Boyle said the benches are not under the clock tower. She said we asked for other plans but nobody would do the plans without a down payment. Mayor Collins said we do not want a scaled down version of the project. Barbara Boyle said we do not have the entire budget. Alderman Scott said we cannot solve this matter tonight until we talk to the county. He said I e-mailed all the merchants on Main Street and I received only one negative response. He said there is general support for the project from the Main Street merchants. Larry Dryman said I am speaking for my mother Merle Dryman. He said she has spent thousands of hours working in the clock tower area. He said she is very upset about this proposed project. He said all of the older members have resigned from the Franklin Garden Club. Mayor Collins said I have reservations about the funding. He said the garden club members need to come up with some resources. He said we agreed to contribute to the project. Alderman Scott said an idea has come up to extend the project twelve more feet into Stewart Street. He said we would lose two parking spaces. He said this would be an enhancement to the project. Bobby Key said this is not a board proposal at this time. Richard Clark said this project is not a bid situation. He said I am doing this project at cost. He said we only have a conceptual plan. Mayor Collins said the garden club members need to come up with additional funding for this project and let us know about this funding in about two weeks.

Departmental reports

Fire Chief Pete Haithcock gave the fire department report. A copy of the report is attached. He said nine firemen attended the McDowell Fire School. He said I have gotten bids on the new vehicle for the fire department. **Motion was made by Scott, seconded by Mashburn to allow Chief Haithcock to purchase the vehicle. Motion carried. Vote: 6 to 0.** He said the day care on Riverview Street is scheduled for a live burn. He said I have looked at the mobile homes off Mimosa Drive. He said we need to consider how the fire trucks can get to the site.

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Public Works Director Jay Gibson said I have been getting prices for a new bucket truck. He said we have started mowing. He said the smoke tests have been completed on our sewer lines. He said I am planning to take some vacation the first of May.

Police Chief Terry Bradley gave the police department report. A copy is attached.

Town Planner Rebecca Crawford gave her report. She reported on the following items: (1) day to day activity, (2) attendance at various meetings, (3) sign enforcement issues, (4) zoning enforcement, (5) neighborhood mixed use zoning and (6) subdivision regulation. A copy is attached. Mrs. Crawford reported to the Board about the downtown parking situation. A copy of the report is attached. Mayor Collins asked the Street Committee to talk further with Mrs. Crawford about the parking situation and bring a recommendation back to the Board.

Recommendation on award for West Main Street water line replacement project – McGill Associates

Jeff Bishop with McGill Associates said we opened the bids on the West Main Street water line replacement on March 10, 2005. He said Carolina Specialties Construction, Inc. had the lowest bid at \$288,265.00. Information copies are attached. **Motion was made by Curtis, seconded by Hall to tentatively award the contract to Carolina Specialties Construction, Inc. in the amount of \$288,165.00 based upon approval of Carolina's Disadvantaged Business Enterprise documentation by the North Carolina Department of Environment and Natural Resources. Motion carried. Vote: 6 to 0.**

Consideration of proposed subdivision – Vic Sanders

Vic Sanders said I have preliminary plans for my subdivision. He said I am planning to develop a street to meet the regulations. Rebecca Crawford said at this point the Board needs to review the information and be prepared to make a decision at a later meeting. Information copies are attached. Alderman Scott said you have had soil erosion violations in the past. Dan Williams said I object to this subdivision based on the following reasons: (1) the street cannot handle the traffic, (2) there are no living plants left, (3) he would be putting in trailers, (4) it would kill the value of my house and (5) it would kill the value of the neighborhood. The Board will study the plans and make a decision on the proposed subdivision at a later meeting.

Consideration of contract with Hal Chapman for special events coordination

Mike Decker said Hal Chapman has been working in good faith without a contract. Mayor Collins said we may want to go with somebody full time in next year's budget. **Motion was made by Scott, seconded by Curtis to give a contract to Hal Chapman for \$12,000.00 based on the conditions and terms of his past contract. Motion carried. Vote: 6 to 0.**

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Proposed multi-family development – Larry Turlington

Larry Turlington said I have plans for a multi-family development on the Georgia Road. He said I am planning to have twelve units. He said it will be a gated community for retirees. The Board postponed a decision on the plans until the May meeting.

Consideration of renewal of lease of Phillips Street parking lot to D & L Body Shop

Motion was made by Curtis, seconded by Williamson to offer D & L Body Shop a month to month lease for \$250.00 per month (the same amount as last year's lease.) Motion carried. Vote: 6 to 0.

Petitions for rezoning – Pamela S. Mills and Earnest T. and Nellie Cowart

Mike Decker said we have received several rezoning requests. **Motion was made by Mashburn, seconded by Curtis to refer these rezoning requests to the Planning Board for a recommendation. Motion carried. Vote: 6 to 0.**

Consideration of Neighborhood Mixed Use zoning district

After some discussion, the Board decided to start the zoning district on the east side of Porter Street beginning with the McCollum property and continuing on as proposed, then on the other side of Porter Street, beginning with the first residential property after the bank and continuing on as planned. The Board passed these changes to the zoning district to the Planning Board for a recommendation.

Update on legislative matters

Mike Decker said there are several proposed items of legislation that if passed would adversely affect the Town. He said there are several anti-annexation bills that are not favorable for the Town. Also, Mr. Decker said there is a proposed bill that would require the Board to set aside the first thirty minutes of each regular meeting as a period for public comment. Information copies are attached. The Board asked Mr. Decker to write letters opposing these bills.

Reminder of NCLM Regional Meeting on April 19 in Sylva

Mike Decker said the North Carolina League of Municipalities regional meeting in Sylva will be on Thursday, April 19, 2005 starting at 10:00 a.m.

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Water adjustments and payment of the bills

Water adjustments for March, tax releases and payment of the bills were approved on motion made by Williamson, seconded by Mashburn. Motion carried. Vote: 6 to 0. Copies are attached.

Continuation

At 8:50 P.M., on motion made by Scott, seconded by Williamson the meeting was continued until April 18, 2005 at 7:00 P.M. Motion carried. Vote: 6 to 0.

Continuation of April 4, 2005 meeting

The April 4, 2005 Town of Franklin Board meeting was continued until April 18, 2005 at 7:00 P.M. Mayor Joe Collins presided. Alderman Verlin Curtis, Edwin Hall, Billy Mashburn, Bob Scott and Jim Williamson were present.

Upgrade of electrical service near town square – Fred Alexander, Duke Power

Fred Alexander with Duke Power said we did a safety review. He said during this review it was noted that the decorative street light poles had one outlet at the top and two outlets at the bottom that are hot and easily accessible. He said during the Pickin' on the Square events there are too many vendors and are causing the fuses to blow. He said we need to work with somebody with the Town about these matters. Mayor Collins said you can talk to Public Works Director Jay Gibson about these problems.

Consideration of financial consultant for new municipal complex project

Mayor Collins said Alderman Williamson, Mike Decker and I met with Joel Storrow and Dennie Martin about their firm doing a financial study for the Town concerning the new municipal complex. He said this seems to be the normal way to proceed. He said we got nine offers from architects and the committee will do a short list. Mayor Collins said Dennie Martin indicated that the study would tell us how much money we are going to spend and can give us a picture of our financial numbers. He said it would show the needs and ramifications of the project in the future. He said none of us has been involved before in this type of project. He said the cost would be around \$6,000.00. Alderman Williamson said it seems like the Board needs to do some brainstorming on what we want and our direction before doing this study. He said after that point we can talk to Dennie Martin. Mayor Collins said I personally would like to know if our budget is \$4 million or \$5 million. Alderman Scott said I agree with Alderman Williamson. He said when Macon County built the jail we were told that we could spend x number of dollars. He said I think we need to develop a concept first. Mayor Collins asked Jeff Bishop with McGill Associates what is your opinion? Mr. Bishop said we are associated with several of the architects giving you offers. He said the first task is the interview everybody involved and get a

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conceptual plan about how many square feet are needed and how many buildings. Alderman Curtis said the Board has never discussed this property. He said we need to have a workshop to talk about the property and get some ideas. Mayor Collins said we need a money man and an architect to help us. Alderman Mashburn said we need to talk among ourselves first before talking to the architect. Alderman Williamson said I agree. Alderman Scott said we need to have a meeting to hear from the public. Alderman Williamson said we need to wait until we are further along before hearing from the public. Mayor Collins said we will first do a short list of the architects, then have a meeting for ideas and then interview the short list of architects.

Update on Wilkie Street water tank site

Mayor Collins said we have an offer on the Susie Prince property from Bud Siler. A copy of the letter is attached. Mayor Collins said the terms are as follows: (1) for the Town to pay \$25,000.00 for the surveyed 105 feet by 105 feet piece of property, (2) for the Town to relocate the water line on the Prince property, (3) for the Town not to dump any dirt from the construction on the Prince property and (4) for the Town to pay Mrs. Prince's attorney fees. **Motion was made by Curtis, seconded by Roper to purchase the Susie Prince property with the following terms: (1) to pay \$25,000.00 for the property that extends southeasterly from the border of the Town property one hundred and five feet to a point on the West side of a ditch or mine hole, then one hundred and five feet in a northeasterly direction, thence northwesterly one hundred eighty five feet to the Prince property West boundary line, (2) the Town to relocate the water line on the Prince property, (3) for the Town not to dump any dirt from the construction on the Prince property and (4) to pay Mrs. Prince's attorney fees up to \$1,000.00. Motion carried. Vote: 6 to 0.**

Update on proposed Dowdle Mountain Road water and sewer project

Mike Decker said we are trying to get a portion of the engineering costs from Advantage West for this project. He said we are applying for \$12,000.00 toward the \$25,000.00 engineering costs. Alderman Curtis said I have been clear up front with the involved property owners that the Town will not commit Town funds and that there will be no free availability fees or tap fees. He said we will continue to work on getting the funding for this project.

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Consideration of change order on Macon Middle School sewer project

Mike Decker said we have a change order on the Macon Middle School sewer line project in the amount of \$5,912.83. He said the change order is a result of changing the power service to the pump station from a single-phase to a three-phase power and lowering two sections of the sewer line from the pump station to allow a future sewer line to be installed under the Cullasaja River to serve the businesses along Well Grove Road. Also, Mr. Decker said there is a request of nine additional days from 120 days to 129 days to finish the project. **Motion was made by Curtis, seconded by Mashburn to approve the change order in the amount of \$5,912.83 and to add nine additional days to the length of the Macon Middle School sewer project. Motion carried. Vote: 6 to 0. A copy of the change order is attached.**

Consideration of change of classification – Gurney Chiropractic Center

Rebecca Crawford said Gurney Chiropractic Center has requested a change in use classification on the Shook's property located at 156 White Oak Street. She said they want to change the classification from single family dwelling use to medical office use. Copies are attached. She said they will need to move a metal car port and a shed to meet the required setback. **Motion was made by Williamson, seconded by Mashburn to change the use classification on the Shook's property located at 156 White Oak Street from single family dwelling use to medical office use contingent on the Gurneys moving the metal car port and a shed. Motion carried. Vote: 6 to 0.**

Update on zoning issues regarding Sunset Drive residence

Rebecca Crawford explained the timeline on the zoning complaints from Janet Watson about the Bateman property located on Sunset Drive. Copies are attached. She said at this point Ms. Bateman is out of compliance because of the porches on the mobile home. Ms. Crawford said I will notify Ms. Bateman of the situation.

Discussion regarding preliminary FY 2005-06 budget items

Mike Decker said I have done a budget schedule. A copy of the schedule is attached. Mayor Collins said I had the land next to the hospital appraised. He said if we sell this property we can use the money for the donation to the library.

Committee and departmental reports

Mike Decker said a settlement has been reached in the Holland Group's lawsuit against the Town in the amount of \$5,000.00. He said the Town's cost was the \$500.00 insurance deductible.

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Mike Decker said Eric Rio hand delivered a letter to the town office concerning the clock tower square project. A copy of the letter is attached.

Mike Decker said Heather Stewart's vehicle was hit by a rock that was thrown from a weed eater being used by a town employee. He said Mrs. Stewart got estimates for \$451.75 and for \$445.55 for the damages. He said since both estimates are less than the Town's \$500.00 deductible, I would recommend the Town paying the \$445.55 amount. **Motion was made by Scott, seconded by Curtis to pay the \$445.55 amount to Heather Stewart for the damages to her vehicle. Motion carried. Vote: 6 to 0.**

Mike Decker said we are trying to get a matching ARC grant for the sewer lines along Siler Road. He said this would help get sewer to the new Macon County Public Library and to the new Southwestern Community College campus. He said the Town would put in \$18,310.00 in matching funds, Macon County would put in \$18,310.00 matching funds and Vanderwoude would put in \$50,000.00 of matching funds. **Motion was made by Curtis, seconded by Mashburn to approve the \$18,310.00 of matching funds for the Siler Road sewer project. Motion carried. Vote: 6 to 0. A copy of the letter is attached.**

Mike Decker said Rebecca Crawford, June Hernandez, Stephanie Andrews and I met with Ron Huelster in Waynesville about their Main Street Program. He said Waynesville has been in the program for twenty years. He said they have a municipal district for the additional tax needed for the program. Mr. Decker said the Streets of Franklin is still considering whether to reapply for admission to the program.

Alderman Mashburn said we need to notify the nonprofits about their requests for the upcoming budget.

Alderman Williamson said Jay Gibson had been asked to haul several loads of gravel for the Clock Tower Project today. Alderman Curtis said I talked to Sam Greenwood and we talked about the county and town crews working together to do this project. Mayor Collins said I think we need to go with the project as planned. Alderman Curtis said we gave the \$20,000.00 for the project contingent on Macon County matching the money. Alderman Curtis said Mr. Greenwood thinks that the Franklin Garden Club can't get it together. Mayor Collins said Richard Clark says he can do the project. **Motion was made by Scott, seconded by Mashburn to haul the gravel for the project. Motion carried. Vote: 6 to 0. Motion was made by Scott, seconded by Curtis to take off the contingency clause of the \$20,000.00 for the project. Motion carried. Vote: 6 to 0.**

Alderman Williamson said if we do Tennessee View Street we need to be sure we follow the procedure laid out in state law for annexation.

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Alderman Scott said I have talked to Sam Greenwood about moving the Clock Tower Project eight more feet into Stewart Street so that it would square up with the Confederate Square. He said we would lose two parking spaces and would need to make Stewart Street one way. He said Stewart Street would remain twenty feet wide. He said I have talked to the merchants and they are in favor of this idea. Alderman Scott said we would be gaining parking spaces out of the loading zone by the old furniture mart. Alderman Williamson said the plans for the square may need to be redone. Alderman Scott said Richard Clark said no. Alderman Mashburn said there may be legal questions on who owns the property. **Motion was made by Scott, seconded by Curtis to extend the Clock Tower Project eight feet into Stewart Street contingent on Macon County having the legal right. Motion carried. Vote: 4 to 2. Voting yes: Curtis, Hall, Roper and Scott. Voting no: Mashburn and Williamson.**

Adjournment

Mayor Collins adjourned the meeting at 8:40 P.M.

Joe Collins, Mayor

Janet A. Anderson, Town Clerk