

Town of Franklin Board of Aldermen  
Meeting Agenda  
Monday December 1, 2014 - 7:00 p.m.

1. Call to Order- Mayor Bob Scott
2. Pledge of Allegiance- Vice Mayor Verlin Curtis
3. Adoption of December 1, 2014 Proposed Agenda
4. Approval of the November 3, 2014 Board Minutes
5. Public Session
6. New Business
  - A.) Presentation on Fiscal Year 2013-2014 Audit- Martin Starnes Associate Andrea Bridges
  - B.) Alcohol Beverage Control Re-Appointment- Town Manager Summer Woodard
  - C.) Set Public Hearing for Re-Zoning Petition for Two (2) Parcels on Pannell Lane- Land Use Administrator Justin Setser
  - D.) Budget Amendment for Finance Department- Interim Finance Officer Chad Simons
  - E.) Resolution Creating New Employee Position- Town Manager Summer Woodard
  - F.) Appointment of Connie Grubermann to fill vacancy on Tourism Development Authority Board- Town Manager Summer Woodard
  - G.) Re-Appointment of Matt Bateman to Tourism Development Authority Board- Town Manager Summer Woodard
  - H.) Approval of the 2015 Town Board Regular Meeting Schedule- Town Manager Summer Woodard
  - I.) Approval of the 2015 Town of Franklin Holiday Schedule- Town Manager Summer Woodard
  - J.) Discussion on 2015 Town Board Retreat- Town Manager Summer Woodard
7. Legal
  - A.) Consideration on Business License Ordinance- Town Attorney John Henning Jr
  - B.) Toccoa Natural Gas Easement Request- Town Manager Summer Woodard and Town Attorney John Henning Jr.
8. Announcements
  - A.) The second night of Winter Wonderland will be Saturday December 6, 2014 from 5:00- 8:00 p.m.

B.) Town Employee Luncheon will be December 19, 2014 at 12:00 p.m. at Fat Buddies.

C.) Town Hall Offices will be closed December 24, 25, and 26, 2014 for Christmas.

Adjourn

## **December 1, 2014 meeting,**

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, December 1, 2014 at 7 p.m. in the Town Hall Board Room. Mayor Robert S. Scott presided. Aldermen Patti Abel, Verlin Curtis, Joyce Handley, Farrell Jamison, Billy Mashburn and Barbara McRae were present.

The Pledge of Allegiance was done.

### **Adoption of December 1, 2014 Proposed Agenda**

John Henning Jr. – Town Attorney – I would like to add an agenda item seven (7) C to discuss solicitation on town streets. I have some information to discuss with the board about this.

**Motion was made by Curtis, seconded by Jamison to approve the December 1, 2014 Agenda with added amendment. Motion carried. Vote: 6 to 0.**

### **Approval of the November 3, 2014 Board Minutes**

**Motion was made by Handley, seconded by McRae to approve the November 3, 2014 Board Minutes as presented. Motion carried. Vote: 6 to 0.**

### **Public Session**

No person spoke during public session.

### **New Business: Presentation on Fiscal Year 2013-2014 Audit**

Andrea Bridges – Martin Starnes Associates – Thank you for allowing us to serve as your auditors this year. We do not take this relationship for granted, and we look forward to working with you in the future. We issued an unmodified opinion, which means we found no material misstatements that led us to believe that the financial statements would be misleading to the reader. Otherwise, we gave a clean opinion. Your report has been approved by the Local Government Commission, and you have received a final copy. This is an overview of the General Fund, the town's main operating account. Revenues were down by about one (1) percent from the prior year, while expenditures increased by about two (2) percent due to increases in general government, public safety and transportation. More details will follow later in this presentation.

**Motion was made by Jamison, seconded by Abel to accept the 2013-2014 Fiscal Year Audit as presented. Motion carried. Vote: 6 to 0. The audit presentation is attached.**

**December 1, 2014 meeting continued,**

**New Business: Alcohol Beverage Control Re-Appointment**

Summer Woodard – Town Manager – What you have before you tonight in your agenda packet is a letter from Mr. Todd Mason, the Alcohol Beverage Control Store Manager. Board member Wayne Swank's term is expiring today, December 1. The Alcohol Beverage Control Board has asked the Town Board to reappoint Mr. Wayne Swank to a three year term, which would expire in December of 2017.

**Motion was made by Handley, seconded by Curtis to reappoint Mr. Wayne Swank to the Alcohol Beverage Control Board to a three-year term, which will expire on December 1, 2017. Motion carried. Vote: 6 to 0.**

**New Business: Set Public Hearing for Re-Zoning Petition for Two (2) parcels on Pannell Lane**

Justin Setser – Land-Use Administrator – In your packet you have two petitions from the Planning Board last month. They forwarded the petitions on. You will see a map and staff comments in your packet. Macon County is requesting to have these parcels rezoned from R-1 Residential to I-1 Industrial. The planning board met and they found that they meet all of the requirements for Industrial. The Planning Board voted to send these recommendations on. Tonight, we need to set up a public hearing if you deem it necessary.

**Motion was made by Mashburn, seconded by McRae to set a public hearing for a re-zoning petition for two (2) parcels on Pannell Lane for Monday, January 5, 2015 at 7:05 p.m. in the Town Hall Board Room. Motion carried. Vote: 6 to 0.**

**New Business: Budget Amendment for Finance Department**

Summer Woodard – Town Manager – We are looking to approve \$26,970.00, taking that money from administration salary/wages line-item and transferring that into finance.

**Motion was made by Handley, seconded by Curtis to approve transferring \$26,970.00 from the salaries and wages line-item in Administration and putting it into Finance. Motion carried. Vote: 6 to 0. A copy of the budget amendment is attached.**

**New Business: Resolution creating New Employee Position**

Summer Woodard – Town Manager – What you have in your agenda packet is a resolution creating a new employee position. Article II, Section Six (6) of the Town of Franklin's Personnel Policy states that a new position shall be established upon recommendation by the Town Manager, and approval by the Town Board. I'm asking for the board to consider the position of Accounting Technician, to assist the Town of Franklin with accounts payable and payroll.

**Motion was made by McRae, seconded by Handley to approve the Resolution creating the new position of Accounting Technician for the Town of Franklin. Motion carried. Vote: 6 to 0. The Resolution is attached.**

**December 1, 2014 meeting continued,**

**New Business: Appointment of Connie Grubermann to fill vacancy on Tourism Development Authority Board**

Summer Woodard – Town Manager – You have a Tourism Development Authority Board recommendation to appoint Connie Grubermann to fill the vacancy of Mike Grubermann’s unexpired term. The term will be effective from December 1, 2014 to June 1, 2015.

**Motion was made by Curtis, seconded by Jamison to appoint Connie Grubermann to serve out the term of Tourism Development Authority Board Member Mike Grubermann, with an effective date of December 1, 2014 to June 1, 2015. Motion carried. Vote: 6 to 0.**

**New Business: Re-Appointment of Matt Bateman to Tourism Development Authority Board**

Summer Woodard – Town Manager – The next appointment the Tourism Development Authority recommends is the reappointment of Matt Bateman, which would be effective December 1, 2014 until December 1, 2016.

**Motion was made by Handley, seconded by McRae to reappoint Matt Bateman to the Tourism Development Authority Board for a two (2) year term, effective December 1, 2014 until December 1, 2016. Motion carried. Vote: 6 to 0.**

**New Business: Approval of the 2015 Town Board Regular Meeting Schedule**

Summer Woodard – Town Manager – I am requesting for the acceptance and approval of the 2015 Town of Franklin Board of Aldermen meeting schedule, which will be the first Monday of each month at 7 p.m. in the Town Hall Board Room with the exception of Labor Day. That meeting will be on the following Tuesday at the same time and location.

**Motion was made by Handley, seconded by McRae to approve the 2015 Town Board meeting schedule as presented. Motion carried. Vote: 6 to 0. A copy of the meeting schedule is attached.**

**New Business: Approval of the 2015 Town of Franklin Holiday Schedule**

Summer Woodard – Town Manager – The proposed 2015 Holiday schedule is in your packet, and I am requesting approval tonight from the Board.

**Motion was made by Jamison, seconded by McRae to approve the Town of Franklin 2015 Holiday Schedule as presented. Motion carried. Vote: 6 to 0. A copy of the Holiday Schedule is attached.**

**New Business: Discussion on 2015 Town Board Retreat**

Summer Woodard – Town Manager – I just wanted to get some discussion and thought from the Board about the annual retreat, scheduled for January 2015. Last year it was held on January 18, and that was a Saturday. I’ve looked at Saturday, January 17, 2015 and Saturday, January 24, 2015.

Mayor Scott – Are those two dates okay? If so, choose one of them.

**December 1, 2014 meeting continued,**

Alderman McRae – Let's do it on January 24, 2014.

Summer Woodard – Town Manager – Will 9 a.m. be okay with everyone?

Mayor Scott – I think so. I'm okay with that. Is everyone else?

**Motion was made by McRae, seconded by Curtis to schedule the 2015 Town Board Retreat at 9 a.m. on Saturday, January 24, 2014 at Town Hall Board Room. Motion carried. Vote: 6 to 0.**

**Legal: Consideration on Business License Ordinance**

John Henning Jr. – Town Attorney – This is largely the same form as it has been the past couple of months. The purpose of it again is to make up the loss for the regulatory function that we have with the privilege license. In addition to that, we have not had in place an ordinance to regulate pawn brokers and other second hand dealers that we should have. This will fix that and give us the regulatory control that we need over those businesses. One change and amendment I do want to bring to your attention. On Section 110, 104, Subsection B, I had tax collector. That should have read Town Manager. I had that the manager will be authorized to establish a fee not to exceed \$25.00. This was supposed to cover the expense of a background check for pawn brokers. I have changed that to \$75.00, because the actual cost of running a background check is substantial. That will recoup all of the costs of doing that, but it will not be prohibitive to those businesses. The new Chapter 110 will put this into effect. That's what I'm asking you to consider to adopt. The other regularity functions will go into effect on July 1, 2015 when our privilege license expires. The pawn broker regulations go into effect immediately upon approval. I'll be happy to answer any questions.

**Motion was made by Handley, seconded by Curtis to approve the Business License Ordinance and changing the background check fee from \$25.00 to \$75.00. Motion carried. Vote: 6 to 0. A copy of the ordinance is attached.**

**Legal: Toccoa Natural Gas Easement Request**

Summer Woodard – Town Manager – I was approached several weeks ago by Toccoa Natural Gas, and what they are requesting tonight is for the Board to allow an easement, to tap into the Town's natural gas line. You'll see it on the photos in your packet. They want to tap into the Town's gas tank, and be able to run a natural gas service over to the new restaurant. They will have a separate meter. This will be the cleanest approach for them, because they were worried about some fiber lines running underneath the restaurant.

John Henning Jr. – Town Attorney – The entire space between the buildings will be eligible for this easement. It's a fifteen foot wide easement. The agreement states that they will not damage any sidewalks, and to make improvements if that ever happens. The other thing we will need is the mortgage agreement for this property, so we can ensure this easement does not violate anything.

Alderman Jamison – I don't see any fee in the arrangement.

**December 1, 2014 meeting continued,**

John Henning Jr. – Town Attorney – We didn't ask for any.

Alderman Jamison – I thought you at least had to have a dollar in there to make it legal or something?

John Henning Jr. – Town Attorney – Well we can consider it. But we have enough in there to make it legal.

**Motion was made by McRae, seconded by Handley to approve the easement for Toccoa Natural Gas. Motion carried: Vote: 6 to 0. A copy of the easement request is attached.**

**Legal: Solicitation in Streets Discussion**

John Henning Jr. – Town Attorney – I have put before you a copy of the statute from NCDS 20-175. Alderman Jamison brought this up at the last meeting. There are three (3) basic options. One is that you have the authority to regulate charitable solicitations anywhere in town. We can craft something up to regulate to that authority in the streets, something that will adhere to equal access and First Amendment requirements. The next alternative is in this statute, you can adopt a system of permitting that will require those charities to obtain a permit at least seven days before the solicitations. The permit would have a date, time, and fee. The Town could not charge more than \$25.00 for the fee, and we can require a two million dollar insurance policy. If they cause any delay in the street or other hostile situation, they can be charged with a misdemeanor. The third option is to do nothing. The same statute makes it generally prohibitive to stand in a main travel portion of a state highway and solicit funds. It doesn't carry any criminal penalty that I can find, and I don't think it's a good enforcement mechanism. If they don't go along, there is no penalty unless you adopt this permit method. I think if we are going to do it, I would bring something back at the next meeting. I would like some direction from the board if you would like to put an ordinance into effect like I just described.

Alderman Jamison – I would like to know the feelings of the Police Department about this.

David Adams – Franklin Police Chief – We get complaints every time they show up. My only concern is that there will be other civic groups, and they will have to have a two million dollar insurance policy. If I'm correct, you said only on state maintained roads?

John Henning Jr. – Town Attorney – That's a good question. We might have to look at that, to exercise the other authority to regulate in town.

David Adams – Franklin Police Chief – I think we need to do something, but all we have now is that they impede the flow of traffic. But they are wearing traffic vests.

Alderman Jamison – They do impede somewhat. I have watched them.

David Adams – Franklin Police Chief – I think the people here are generous because they keep coming back every few weeks.

**December 1, 2014 meeting continued,**

Mayor Scott – There is no law saying you have to give anything to anyone standing in the road. This is how Asheville handled the same people. People just stopped giving and they moved on. We need some help from the media on this one too.

Alderman Jamison – Yeah, but sixty percent of the residents that live here are from out of state. How do they know not to give? I'd say ninety-nine percent of people that come through there don't know who they are. It's been in the paper the last several years, and if they were going to do that, they would have done that by now.

Mayor Scott – We just have to get rid of the guilt feeling of not giving.

Alderman Handley – Would it have to apply all groups?

John Henning Jr – Town Attorney – I have found that any organization of any size, such as Rotary, it is easy without any money down to get onto a national policy that would cover this. Any group worth itself can get this.

Alderman Jamison – The five or so organizations that I've talked with all have umbrella policies that cover this. If they are not in an organization of some type, they shouldn't be out there.

David Adams – Franklin Police Chief – Can we limit the intersections. If we take away the big intersections, can we just say two lane roads only?

John Henning Jr. – Town Attorney – The authority is to adopt this for state highways and local streets. They can operate in parking lots and sidewalks. We don't have the authority to stop them from doing that. It would take away intersections. Wouldn't that take away the problem?

David Adams – Franklin Police Chief – That's really the only place they show up.

John Henning Jr. – Town Attorney – I'm sensing that the consensus of the board is to look at an ordinance. I'll draft it and bring it to you.

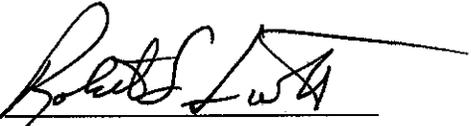
**December 1, 2014 meeting continued,**

**Announcements:**

The second night of Winter Wonderland will be Saturday December 6, 2014 from 5:00 to 8:00 p.m.  
The Town Employee Luncheon will be December 19, 2014 at 12:00 p.m. at Fat Buddies.  
Town Hall Offices will be closed December 24, 25, and 26, 2014 for Christmas.

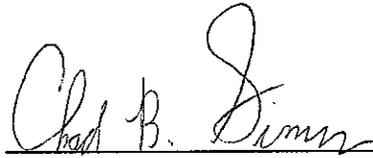
**Adjournment:**

**Motion was made by Jamison, seconded by Abel to adjourn the meeting at 7:35 p.m. Motion carried.  
Vote: 6 to 0.**



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Robert S. Scott, Mayor



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Chad B. Simons, Town Clerk