

Town of Franklin Board of Aldermen

Agenda

May 5, 2014

7:00 p.m.

1. Call to order- Mayor Bob Scott
2. Pledge of Allegiance
3. Adoption of May 5, 2014 Proposed Agenda
4. Approval of April 7 and April 28, 2014 Board Minutes

5. Public Hearing 7:05 p.m. for Rezoning Petition for Six (6) Parcels on East Palmer Street and Porter Street

6. Public Hearing 7:10 p.m. for Application to Amend Text Only of the Unified Development Ordinance for the Outdoor Display of Goods

7. Public Session

8. New Business
 - A.) Board Decision on Rezoning Petition for Six (6) Parcels on East Palmer Street and Porter Street
 - B.) Board Decision on Application to Amend Text Only of the Unified Development Ordinance for the Outdoor Display of Goods
 - C.) Presentation by the Community Care Clinic
 - D.) Proclamation for Law Enforcement Memorial Day- Mayor Bob Scott
 - E.) Special Use Application for Wireless Telecommunications Eligible Facilities Request at 90 Cunningham Road- Land Use Administrator Justin Setser
 - F.) Set Public Hearing for Rezoning Petition for Macon County and the Town of Franklin Properties- Land Use Administrator Justin Setser
 - G.) Set Public Hearing for the Application to Amend Text Only of the Unified Development Ordinance for Microbrewery and Brewpub- Land Use Administrator Justin Setser
 - H.) Streets
 - 1.) Stop Sign and Intersection Change on Pauline Avenue and Ulco Drive
 - 2.) Watauga Street One Way
 - I.) Budget Amendments- Finance Officer Janet Anderson
 - J.) Proposed Fiscal Year 2014-2015 Budget- Interim Town Manager Summer Woodard
 - 1.) Presentation of the Proposed Fiscal Year 2014-2015 Town of Franklin Budget
 - 2.) Set Budget Work Session for Saturday May 17, 2014 at 9:00 a.m.
 - 3.) Set Public Hearing for the Fiscal Year 2014-2015 Budget for Monday June 2, 2014 at 7:05 p.m.

9. Legal
 - A.) Closed session pursuant to N.C.G.S. 143-318.11(a) (3), "to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged", the matter of an inverse condemnation claim, John W. Mitchell Trust v. Town of Franklin, file no. 12-CVS-228 in the files of the Clerk of Superior Court for Macon County.

10. Adjourn

May 1, 2014 meeting,

The Town of Franklin Board of Aldermen had a special called meeting on Thursday, May 1, 2014 at 6:30 P.M. at the Macon County Heritage Center at the historic Cowee School, 51 Cowee School Drive, Franklin, North Carolina. The purpose of the meeting was to have a joint meeting with Macon County and the Town of Highlands.

The following Town of Franklin Board members were present: Mayor Robert S. Scott, Aldermen Patti Abel, Verlin Curtis, Joyce Handley, Farrell Jamison, Billy Mashburn and Barbara McRae.

Staff members present were: Interim Town Manager Summer Woodard and Town Clerk Janet Anderson.

The Board took no action.

Adjournment

The meeting adjourned at approximately 8:30 P.M.

Robert S. Scott, Mayor

Janet A Anderson

Janet A. Anderson, Town Clerk

May 5, 2014

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, May 5, 2014 at 7:00 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.

Pledge of Allegiance

The Pledge of Allegiance was done.

Adoption of May 5, 2014 Proposed Agenda

Motion was made by McRae, seconded by Curtis to add one item to the agenda at the end of New Business: discussion of the basketball court at the Memorial Park for pickle ball. Motion carried. Vote: 6 to 0.

Approval of the Minutes

Motion was made by Curtis, seconded by Jamison to approve the minutes for the April 7, 2014 and April 28, 2014 meetings as presented. Motion carried. Vote: 6 to 0.

Public Hearing – Rezoning Petition for Six Parcels on East Palmer Street and Porter Street

Mayor Scott opened the public hearing at 7:05 P.M. on the rezoning petition for six parcels on East Palmer Street and Porter Street.

Justin Setser – Land Use Administrator – Property owners Karl Gillespie, Town of Franklin and Larry Davis are requesting six parcels located on East Palmer Street and Porter Street be rezoned from Central Commercial (C-1) to Secondary Commercial (C-2). The Planning Board is recommending approval of the rezoning.

Rena Sutton – 124 West Main Street – I own the adjoining property. Is the new business using the existing buildings or new buildings? Will there be a tax increase? Will there be a bad smell? Will it be noisy at night? Will it pollute the air? Will there be excessive drinking with the business?

John Henning, Jr. – Town Attorney – This is a change in zoning, not a particular business. You will be better protected with new buildings. There are better setbacks in C-2. You can ask the assessor office about the taxes.

Mayor Scott closed the public hearing at 7:10 P.M.

May 5, 2014 meeting continued,

Public Hearing – Application to Amend Text Only of the Unified Development Ordinance for the Outdoor Display of Goods

Mayor Scott opened the public hearing at 7:10 P.M. on the application to amend text only of the Unified Development Ordinance for the outdoor display of goods.

John Henning, Jr. – Town Attorney – At this time there is no regulation on the outdoor display of goods. We will be adopting definitions and regulations to our Unified Development Ordinance.

No other persons spoke at the public hearing.

Mayor Scott closed the public hearing at 7:12 P.M.

Public Session

Kim Leister – Forest Avenue – I am complaining about the properties located at the corner of Forest Avenue and Ulco Drive. The junk cars have been removed. Justin Setser has talked to me. There are two different owners of the three pieces. There is a lot of trash. There is water runoff. It is located near the Greenway. We need help.

Summer Woodard – Interim Town Manager – Warren Cabe, Justin Setser and I did a site visit last Thursday. We are trying to find a solution to this problem. There are minimal housing standards. Within a month, we will get back with you about this problem.

New Business – Board Decision on Rezoning Petition for Six Parcels on East Palmer Street and Porter Street

Motion was made by Handley, seconded by Jamison to approve the rezoning petition for six parcels on East Palmer Street and Porter Street from Central Commercial (C-1) to Secondary Commercial (C-2) and to adopt the Zoning Consistency Statement. Motion carried. Vote: 6 to 0. Information copies are attached.

New Business – Board Decision on Application to Amend Text Only of the Unified Development Ordinance for the Outdoor Display of Goods

Motion was made by McRae, seconded by Curtis to approve the application to amend text only of the Unified Development Ordinance for the outdoor display of goods and to adopt the Zoning Consistency Statement. Motion carried. Vote: 6 to 0. Information copies are attached.

May 5, 2014 meeting continued,

New Business – Presentation by the Community Care Clinic

Linda Tyler – Community Care Clinic – This clinic was started in Franklin in 2012. We provide free health care services to adults and children who are uninsured. We are staffed by volunteer doctors, nurses and community residents. We treat chronic diseases. We have served 570 person is 2013. Information copies are attached.

New Business – Proclamation for Law Enforcement Memorial Day

Motion was made by Abel, seconded by Jamison to proclaim May 15, 2014 as Law Enforcement Memorial Day in Franklin. Motion carried. Vote: 6 to 0. A copy of the proclamation is attached.

New Business – Special Use Application for Wireless Telecommunications Eligible Facilities Request at 90 Cunningham Road

Justin Setser – Land Use Administrator – The owner plans to upgrade the existing facility at 90 Cunningham Road. This upgrade is allowed. Information copies are attached.

Motion was made by McRae, seconded by Handley to approve the Special Use Application for wireless telecommunications eligible facilities request at 90 Cunningham Road. Motion carried. Vote: 6 to 0.

New Business – Set Public Hearing for Rezoning Petition for Macon County and the Town of Franklin Properties

Motion was made by Curtis, seconded by Jamison to set the public hearing for a rezoning petition for Macon County and Town of Franklin properties for Monday, June 2, 2014 at 7:10 P.M. Motion carried. Vote: 6 to 0.

New Business – Set Public Hearing for the Application to Amend Text Only of the Unified Development Ordinance for Microbrewery and Brewpub

Motion was made by Handley, seconded by Jamison to set a public hearing for the application to amend text only of the Unified Development Ordinance for microbrewery and Brewpub for Monday, June 2, 2014 at 7:15 P.M. Motion carried. Vote: 6 to 0.

New Business – Stop Sign and Intersection Change on Pauline Avenue and Ulco Drive

Motion was made by Handley, seconded by McRae to do a three way sign at the intersection of Pauline Avenue and Ulco Drive. Motion carried. Vote: 6 to 0.

May 5, 2014 meeting continued,

New Business – Watauga Street – One Way

Motion was made by Jamison, seconded by McRae to table the one way street decision for Watauga Street to the June 2, 2014 meeting so we can get information from the school and the neighbors about their thoughts on a one way street. Motion carried. Vote: 6 to 0.

New Business – Budget Amendments

Motion was made by Jamison, seconded by Mashburn to approve the budget amendments as presented by Finance Officer Janet Anderson. Motion carried. Vote: 6 to 0. Copies of the budget amendments are attached.

New Business – Presentation of the Proposed Fiscal Year 2014-2015 Budget

Motion was made by Abel, seconded by Mashburn to acknowledge receipt of the proposed fiscal year 2014-2015 budget from Interim Town Manager Summer Woodard. Motion carried. Vote: 6 to 0. A copy of the proposed budget is attached.

New Business – Set Budget Work Session

Motion was made by Mashburn, seconded by Curtis to set a budget work session for Saturday, May 17, 2014 at 9:00 A.M. in the Town Hall Board Room. Motion carried. Vote: 6 to 0.

New Business – Set Public Hearing for the Fiscal Year 2014-2015 Budget

Motion was made by Mashburn, seconded by Curtis to set the public hearing for the fiscal year 2014-2015 budget for Monday, June 2, 2014 at 7:05 P.M. Motion carried. Vote: 6 to 0.

New Business – Memorial Park

Summer Woodard – Interim Town Manager – We have received a request to use the basketball court at the Memorial Park for pickle ball games for the Senior Games. It would be used two to three mornings per week throughout the summer.

The Board asked Interim Town Manager Woodard to check into the expense and any insurance needed.

Other Business

Departmental reports are attached.

May 5, 2014 meeting continued,

Legal – Closed Session

At 7:52 P.M., on motion made by Mashburn, seconded by Jamison the Board went into closed session pursuant to N.C.G.S. 143-318.11(a)(3), “to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, with privilege is hereby acknowledged”, the matter of an inverse condemnation claim, John W. Mitchell Trust vs. Town of Franklin, file no. 12-CVS-228 in the files of the Clerk of Superior Clerk for Macon County. Motion carried. Vote: 6 to 0.

The Board came out of closed session at 8:02 P.M., on motion made by Curtis, seconded by Handley. Motion carried. Vote: 6 to 0.

Open Session

Motion made by Handley, seconded by Curtis to adopt a resolution authorizing the settlement in the matter of an inverse condemnation claim with John W. Mitchell Trust in the amount of \$180,300.00 and to be paid out of retained earnings. Motion carried. Vote: 6 to 0.

Adjournment

Motion was made by Handley, seconded by Jamison to adjourn the meeting at 8:07 P.M. Motion carried. Vote: 6 to 0.

Robert S. Scott, Mayor

Janet A. Anderson

Janet A. Anderson, Town Clerk