

### **October 3, 2016 meeting,**

The Town of Franklin Board of Aldermen held their regularly scheduled meeting on Monday October 3, 2016 at 7 p.m. in the Town Hall Board Room. Mayor Robert S. Scott presided. Vice-Mayor Patti Abel, Aldermen Joe Collins, Adam Kimsey, Brandon McMahan and Barbara McRae were present.

Alderman McRae arrived at 7:12 p.m.

The Pledge of Allegiance was done

**Motion was made by Collins, seconded by McMahan to excuse Alderman Billy Mashburn from the meeting. Motion carried. Vote: 4 to 0.**

### **Adoption of the October 3, 2016 Town Board Agenda**

John Henning Jr. – Town Attorney – Can we add a line item to our legal discussion in order to approve an ordinance for a speed limit on a town street.

**Motion was made by Collins, seconded by Kimsey to add an Ordinance Discussion on a Speed Limit for Town Street to 9. Legal D. and to approve the Agenda as amended. Motion carried. Vote: 4 to 0.**

### **Approval of the September 6 and September 15, 2016 meeting minutes**

**Motion was made by Abel, seconded by McMahan to approve the September 6, 2016 and September 15, 2016 Board Minutes as presented. Motion carried. Vote: 4 to 0. A copy of the minutes are attached.**

### **Public Session**

Sandra Crownover – I think the roundabout where kids can ride their go carts and loud cars at the high school will not be good for the school. That's what I was told. Another thing I have is this. Why can't you clean up this town? I have lived here for over twenty years. All I see are dead limbs and trees all over town, and there is no excuse for that.

Mayor Scott – Can you tell me the location of those downed trees?

Sandra Crownover – Just ride around. Some are close to Hardees. It's a shame. I called the Public Works Director and he never answers. I hate to pay taxes and not get nothing for it. I lost my hubcap here because of all the potholes too.

Mayor Scott – I don't think there is anything set in stone regarding the roundabout. We will be happy to help you with this going forward.

### **Public Hearing: Re-Zoning Petition for 1281 Georgia Road 7:05 p.m.**

Mayor Scott opened the public hearing at 7:06 p.m.

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Justin Setser – Land Use Administrator – They are applying for this rezoning as part of their special use permit application. It's a 13.03 acre parcel at 1281 Georgia Road for Ingles Markets. This will take the property from C-3 Commercial to Planned Commercial Development. The Planning Board in September recommended to approve the rezoning, and you will find their findings of fact. The map shows where the flood plain is at on the property. I've also attached some sheets from our Unified Development Ordinance explaining what Planned Commercial Development does, and they must do this since the building will exceed 30,000 square feet.

Mayor Scott closed the public hearing at 7:10 p.m.

**Public Hearing on Special Use Permit for 1281 Georgia Road 7:10 p.m.**

Mayor Scott opened the hearing at 7:11 p.m.

Mayor Scott – We will have our introductions to the hearing, and I will swear in those who will testify. I have to ask the Board if anyone has a conflict of interest. If so please declare it at this time. We will move on. Does any Board Member have any knowledge or prior information about the evidence that will come out in the hearing? If not we will move on.

Mayor Scott swore in Land Use Administrator Justin Setser, and Ingles Markets Project Manager Preston Kendall and Ingles Markets Engineer John Cox.

Justin Setser – Land Use Administrator – This special use permit application was turned in on July 19, 2016 for the 1281 Georgia Road Property. It's currently zoned C-3 Commercial. They are proposing to build a 72,168 square ft. grocery store with 14,000 square ft. worth of retail shops and 2,000 square ft. gas station on the site. You will see my staff report, which shows we went through the neighborhood compatibility meeting. Letters were mailed to every adjoining property owner and anyone located within four hundred (400) feet of the parcel. We had a large sign placed on the property. That meeting was held on August 16, 2016, and it was then forwarded to the Planning Board. The Planning Board recommended to approve the development, and you will have their findings of fact. You also have aerial maps in your packet. Ingles Markets did ask for a change in the parking requirements, and they did their own traffic study for that. We will discuss that further I'm sure. That's all I have at the time.

Preston Kendall – Ingles Project Manager – We've discussed how large our store will be. You can tell from our site plan what it will look like. We have a parking lot analysis study we will talk about later. But we've been in this town for a long time. We love the town and the town has been good to us. We feel like we need to bring a nicer, bigger store to this town and we've tried for a while. We believe we found the right spot to do it. Our gas station will look like the store as far as the features, and we will share more products with the town. We will have pharmacies, our own restaurant inside the store, and we will have a larger beer and wine section as well. We will also have a larger selection of seafood. We will have a café scene area with plenty of tables that will offer Wi-Fi, which should offer a very pleasing atmosphere. We will also have Starbucks available. So we think this will be a great match for Franklin. In the past I know we talked about what the Department of Transportation will be doing. I don't think their plans are what we wanted them to be, but we are working with them and we won't stop until we get the final yes or no answer.

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John Cox – Engineer – We want you to know why we made the change with the parking, because it's important for us. Of course we want adequate parking as well. We don't want anyone driving through our parking lot and then leaving because there is no space. Again we want you to feel comfortable with our decision. We are generally stepping down the sizes of parking lots, because of the wasted space and the heat effect that it creates. We've followed with that, and it saves money of course. I'm not going to lie. We did about six studies. Four in North Carolina and two in Tennessee. We wanted to know for ourselves. We studied Fletcher, NC, Dallas, NC and Lincolnton, NC; and two in Tennessee. Fletcher was our busiest. We came up with a ratio of about 2.53 per 1,000. That comes out to about four spaces per 1,000 square ft. The required parking for this site in your ordinance would be 448 parking spaces. The plan you see is 341 spaces, which is 170 spaces less. If we applied Fletcher, and one of the top ten stores in our fleet, we would only need 210 spaces. Its 131 spaces less than what we provided here. Based on our knowledge of that store we feel like we will have enough spaces. Their store is about 65,000 square feet. We did study all six stores twice on a Thursday and Saturday, once in the morning and once in the afternoon at the busiest peak hours. We took all of those stores and Fletcher was the worse.

Alderman McRae – Do those centers have the same number of shops and so forth?

John Cox – Project Engineer – They don't but the numbers we calculated are based on the square foot of the gas station, shops and grocery store. So we included all of that.

Alderman Collins – Was the study necessitated to get the site approved?

John Cox – Project Engineer – This is certainly helping us, but two of the studies were for Lenoir City, TN., two for Asheville, and two for Hendersonville. So they had similar ordinances as Franklin. Those stores were the same way. We didn't feel like we needed all of that parking, so we are using that data here. We could have studied stores closer to here, but we didn't feel like that was necessary. Six stores is a lot of data to pull from

Justin Setser – Land Use Administrator – There is a page in your packet and there is a section of our Unified Development Ordinance. It's a statement in our ordinance that allows staff and the Town Board to change certain standards if we deem it to be necessary. So we wouldn't run into too much parking or not enough parking. They also had data to support their requested changes.

Alderman Collins – I'm concerned about the future plans of Ingles. They have four locations and they are anchors. Are we going to open one of these and close one of those, and have voids in those shopping centers? What is the future? Is this market protection? Are you trying to cover up a location from competition?

Preston Kendal – Project Manager for Ingles – We haven't figured out what we want to do in Franklin yet. We knew we wanted a new store here, and we bought two pieces of property here. Our first goal was to get where we are at today to get it going, so we can decide on the future. If we don't pass tonight or if things with Department of Transportation don't work out we will put a store here anyway. So if we put all the thought in what we are going to do if it does happen we might as well wait for it to happen. We don't have any plans besides building the Whistle Stop.

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Alderman Collins – Well that’s understandable at this point in time, but surely you don’t expect to keep four different locations. I mean you look at a town this size and you get past one it’s a stretch. And we love the downtown store too. We love that. It looks to me like that you are trying to keep good ole’ fashion competition out.

Preston Kendall – Project Manager – We know we haven’t been able to offer everything. We don’t have gas here. We offer points, but you have to leave town to use them. We want to be able to offer everything and this property will allow us to do that.

Alderman Collins – For Ingles it may be. Not necessarily for the Town.

Preston Kendall – Project Engineer – As far as the number of people up the road I think it will be good for the Town too.

Mayor Scott – Is there any possibility that you will use pervious material which absorbs water instead of letting it run off?

Preston Kendall – We usually don’t in areas like this. We have used it before. It’s really hard to use the pervious material in sleet and snow. When the water gets inside pervious concrete or asphalt it will not filter all the way through, and it freezes – and it ends up busting.

John Henning Jr. – Town Attorney – We can examine this in the future if you would like. We don’t have much in the way of doing anything right now in terms of our authority.

Mayor Scott – Any further questions from the Board?

Mayor Scott closed the public hearing at 7:31 p.m.

**New Business: Board Action on Re-Zoning Petition for 1281 Georgia Road**

**Motion was made by McRae, seconded by Abel to adopt the findings of fact of the Planning Board and to approve the Rezoning Petition from C-3 Commercial to PCD Planned Commercial development for 1281 Georgia Road. Motion carried. Vote: 5 to 0. A copy of the petition is attached.**

**New Business: Board Action on Special Use Permit Application for 1281 Georgia Road**

**Motion was made by McMahan, seconded by McRae to adopt the Planning Board Recommendations of 152.163A of the Unified Development Ordinance and to grant the special use permit application for 1281 Georgia Road. Motion carried. Vote: 5 to 0. A copy of the Special Use Permit is attached.**

**October 3, 2016 meeting continued,**

**New Business: Abandonment of Street Name Whistle Stop Way**

Justin Setser – Land Use Administrator – You have a memo from myself and Macon County 911 addressing. With this new development at Ingles Markets there is a road that cuts through the parking lot at Whistle Stop Way, which is no longer needed. Macon County 911 wanted that name abandoned. They want to do away with that marked road.

Alderman Collins – We would be doing more than just abandoning the name wouldn't we? Can we just abandon a road like that?

John Henning Jr. – Town Attorney – That's a good question. I thought we were simply doing away with the name. What is the request exactly?

Justin Setser – Land Use Administrator – It's an actual street.

Alderman Collins – Practically speaking it's gone I say. But there has to be some type of formal action.

John Henning Jr. – Town Attorney – I think a dedication can only be opened by action of the Town, and it can only be closed by the action of the Town. But as to what process that would take I don't have that information before me tonight.

Preston Kendall – Project Manager for Ingles Markets – In our survey work there is not an easement through there. It must have been a road that was there.

Justin Setser – Land Use Administrator – It was created for the old RV Park that was there I think. It runs through it.

Mayor Scott – It was a Town road. So we are just actually talking about the name, correct?

Justin Setser – Land Use Administrator – Yes. Macon County 911 can't do away with it unless there is some type of action from the Town.

Mayor Scott – So I will call for a motion to abandon the street name.

**Motion was made by Collins, seconded by McRae to abandon the street name of Whistle Stop Way. Motion carried. Vote: 5 to 0.**

**New Business: Designation of Voting Delegate for 2016 North Carolina League of Municipalities Conference**

**Motion was made by Kimsey, seconded by Abel to designate Alderman Brandon McMahan as the voting delegate for the 2016 North Carolina League of Municipalities Conference. Motion carried. Vote: 5 to 0.**

**October 3, 2016 meeting continued,**

**New Business: Update on Town of Franklin Water Treatment Plant Upgrade**

Summer Woodard – Town Manager – Last week Mr. Jay Gibson and I met with McGill Associates and had a pre-bid conference on September 27, 2016. I have attached a handout for each Board member to view. The bid opening and submittal is due on October 13, 2016 at 2 p.m. at Town Hall. This is just for your information.

**New Business: Tax Releases**

Summer Woodard – Town Manager – All of these releases fell within the \$100 or less. I just need to notify the Board. Three are for AT&T Communications, Duke Net Communications and MCI Metro Access Trans. Service. The total for all three bills was for \$4.76. The second one is for Legacy Fitness. For some reason it was billed twice. So that's just for information.

**New Business: Re-Appointment of Alton Sutton to the Alcohol Beverage Control Board**

**Motion was made by McMahan, seconded by Abel to re-appoint Mr. Alton Sutton for a three year term beginning Oct. 3, 2016 through Oct. 3, 2019. Motion carried. Vote: 5 to 0.**

**Legal: Surplus Property Located at 546 Wilkie Street**

John Henning Jr. – Town Attorney – Board members will recall at the last meeting that you passed a resolution to declare surplus a 1.91 acre portion of Wilkie Street at the top of the hill where our water tank is located. We have pursued that Resolution and we didn't receive any bids. This Resolution will approve and authorize that sale for the sum of \$125,000. Since we don't have a contract it authorizes the Town Manager, Town Clerk and myself to review documents and enter any other terms or conditions that might be necessary to execute all the same for the transfer. This way this will not have to be dragged on into other meetings.

**Motion was made by Collins, seconded by McRae to adopt Resolution as presented. Motion carried. Vote: 5 to 0. A copy of the resolution is attached.**

**Legal: Ordinance Amendment Regrading Appointment of Administrative Offices**

John Henning Jr. – Town Attorney – This is something that should have been done years ago. It will clean up our Code of Ordinances and help us get ready for our online conversion. This will allow the Town Manager to appoint administrative offices, for the remaining ones that haven't been changed.

**Motion was made by McRae, seconded by Kimsey to adopt the Ordinance as presented. Motion carried. Vote: 5 to 0. A copy of the Ordinance is attached.**

**October 3, 2016 meeting continued,**

**Legal: Discussion on Upcoming Ordinance Amendments**

John Henning Jr. – Town Attorney – I’ve handed out a copy of some amendments we are looking at going forward. It’s just informational at this point. We are going to try to step up as quickly as we can to prepare for the conversion. Again it’s not for action tonight. It’s for your review. If you have any questions please let me know.

**Legal: Ordinance to enact 20 mph Speed Limit on Cherry Street and Van Raalte Street**

**Motion was made by Collins, seconded by Abel to adopt Ordinance to enact 20 mph speed limit on Cherry Street and Van Raalte Street. Motion carried. Vote: 5 to 0. A copy of the Ordinance is attached.**

**Announcements**

Mayor Scott – We plan on having retreat for 2017-2018 fiscal year on Monday October 17, 2016 at 5:30 p.m.

Alderman Collins – So when do we need to have ideas presented to you? How long will that last?

Summer Woodard – Town Manager – I would plan on several hours. You can contact me at any time. Anything you want staff to address please let me know so I can place it on the Agenda.

**Motion was made by McRae, seconded by McMahan to set Town Board Planning Retreat for FY 2017-2018 for Monday October 17, 2016 at 5:30 p.m. in the Town Hall Board Room. Motion carried. Vote: 5 to 0.**

20<sup>th</sup> Annual Pumpkinfest is set for Saturday October 22, 2016 from 9 a.m. until 4 p.m.  
NCLM Annual Conference is scheduled October 23 through October 25, 2016 and will be held in Raleigh, N.C.

**Motion was made by Abel, seconded by McMahan to adjourn the meeting at 7:55 p.m. Motion carried. Vote: 5 to 0.**

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Robert S. Scott, Mayor

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Chad B. Simons, Town Clerk

