

Town of Franklin Board of Aldermen
Meeting Agenda
Monday October 6, 2014 - 7:00 p.m.

1. Call to order - Mayor Bob Scott
2. Pledge of Allegiance
3. Adoption of October 6, 2014 proposed agenda.
4. Approval of September 2 and 15, 2014 Board Minutes.
5. Public hearing 7:05 p.m. for rezoning petition for one (1) parcel on Highlands Road.
6. Public hearing 7:10 p.m. for rezoning petition for three (3) Parcels on Traces PL.

7. Public Session

8. New Business

Board Action on rezoning petition for one (1) parcel on Highlands RD.

Board Action on rezoning petition for three (3) parcels on Traces PL.

Proclamation for World Habitat Day - Mayor Bob Scott

Proclamation for National Disability Employment Awareness Month - Mayor Bob Scott

Letter of Support for Appalachian Trail Conservancy Grant Application - Bill VanHorn

Permission to Advertise one (1) Vacancy and one (1) Alternate Vacancy on the Town Planning Board - Land Use Administrator Justin Setser

Recommendation to Macon County Board of Commissioners to Re-Appoint Janet Greene to the Town of Franklin Planning Board as an ETJ Representative - Land Use Administrator Justin Setser

Update on Forest Ave Properties - Land Use Administrator Justin Setser

Amendment to the Non-Profit Funding Pool Fiscal Year 2014-2015 - Town Manager Summer Woodard

Presentation by J.M. Teague Traffic Engineering for Franklin Parking Analysis - Mark Teague

Discussion on Re-Stripping Main Street Parking - Town Manager Summer Woodard

Designation of Voting Delegate for 2014 North Carolina League of Municipalities Conference

Tax Releases - Town Manager Summer Woodard

9. Legal

Discussion on Business License Ordinance - Town Attorney John Henning Jr

10. Announcements

Pumpkin Fest will be Saturday October 25, 2014 from 9:00 a.m. until 4:00 p.m.

11. Adjourn

October 6, 2014 meeting,

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, October 6, 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 the October 6, 2014 Proposed Agenda

Summer Woodard – Town Manager – Mr. Mayor and the Town Board of Aldermen, I would like to request that we add an addition to the agenda tonight. That would be the discussion of ownership and maintenance of Nikwasi Mound.

Motion was made by McRae, seconded by Curtis to add discussion of ownership and maintenance of Nikwasi Mound to the October 6, 2014 Proposed Agenda. Motion carried. Vote: 6 to 0.

Approval of the Minutes

Motion was made by Handley, seconded by Curtis to approve the September 2 and 15, 2014 Board minutes as presented. Motion carried. Vote: 6 to 0.

Public Hearing 7:05 P.M. for rezoning petition for one (1) parcel on Highlands Road

Justin Setser – Land-Use Administrator – You have a rezoning petition to rezone one parcel (1) on the Highlands Road from R-1 Residential to C-3 Commercial. This parcel is a property that joins where the Bi-Lo shopping center is located. The parcel is 3.2 acres and the request is sufficient because it is abutting with C-3 Commercial. You will also see in your packets the planning board recommendation. The planning board did recommend approval. The property is fairly steep, but even with the setback it would still meet the setback requirements.

Gary Vanhook – 242 Fox Ridge Circle – Thank you for giving us a chance to speak on this. I'm located on the south side of the corner of that property. One of the reasons we bought there was because of the natural surrounding terrain with the trees. I understand the reason for rezoning from a financial standpoint. What we are asking for is for them to consider the possibility of a protective setback barrier of 80 to 100 feet. This would allow us to have a buffer zone and a visual on down the road. That is one of the reasons why we bought the property. We are asking for this consideration to protect us from commercialization, traffic and sound in the future. That's what we are asking for, to protect our value and the solitude of our community.

John Chandler – 162 Fox Ridge Circle – I do appreciate the opportunity to speak with you. One reason we bought that lot is because of the background setting of the trees. It provides a beautiful background. And we don't have to look at a shopping center. Also, there is no zoning in this town so if that's turned into commercial property they could probably put any business on that property that they want. We would like to request a barrier, at least 80 to 100 feet setback so we can retain some of our trees. The trees also provide a sound buffer. Thank you very much.

October 6, 2014 meeting continued,

Public Hearing 7:10 p.m. for rezoning petition for three (3) parcels on Traces Place

Justin Setser – Land-Use Administrator – The three (3) parcels on traces place total 1.14 acres. Traces Place is off of Clyde Street which is off of Watauga Street. They are requesting to go from R-2 Residential to C-2 Commercial. Originally when this was brought to the planning board they recommended a denial. Their main concern was the access point into the property. It is predominately residential. On the survey you can see the 10 foot access road into the property. If you notice on the survey, the owners plan on widening the road to 30 feet all the way into the parcels. They will widen it to at least 16 feet and there is a 30 ft. right-of-way through there. That would alleviate the concerns the planning board had. It's a one lane gravel road through there now.

Mayor Scott – That was the planning board's main concern?

Justin Setser – Yes. That was their main concern.

Trish Woodward – 412 Thunder Creek – We have lived in Franklin for over thirty (30) years. I think we all know a great need in this community is affordable housing. I appreciate what Mr. Gillespie has extended to these families. There are six modular homes in this community. The families own their modular but not the property. And they have worked hard on home improvements, and my concern is that if it's changed from residential to commercial we are losing a very affordable ownership that these families have. I recommend that the parcels stay R-2 Residential. If it does go to C-2 Commercial, I would want Mr. Gillespie to honor the verbal commitments that he has given to these families. It is not being rezoned with the intent to have these families, who have worked so hard to own these homes, to leave. I would like to encourage in the future when there is rezoning that rather than a sign being stuck in the homes of people whose first language isn't English, that some translation is provided to them so they are very clear about what the sign is for. I think that needs to be re-evaluated so the voice of everyone can be heard.

Miguel Santos – 100 Traces Place – My name is Miguel Santos and I am 15 years-old. I'm here representing my family. We have lived in the neighborhood for over nine (9) years. We have lived in a very affordable and peaceful place. My main concern is that if it does go commercial that it may change. Some of the improvements we made to our home will start to fade. I would appreciate it staying residential for the peace of our home and neighborhood.

Karl Gillespie – Owner of parcels up for rezoning on Traces Place – I would like to thank the people that spoke tonight. My wife and I have owned part of those parcels for many years. We have acquired other parcels since then. Part of those parcels are already zoned commercial. It seemed logical for all of them to be uniform. We have no plans whatsoever to do anything differently to any of the properties there. We feel like we have a great group of people with the families there. We don't have any issues. We want to continue to use that property as is. In respect to the Town Planning Board, I don't think they were aware of the substantial right-of-way that goes into that property. And the road there is narrow at best, and we are prepared to make improvements to bring that up to a two-lane road. I think that would satisfy that requirement. Thanks for considering this.

October 6, 2014 meeting continued,

John Henning Jr. – Town Attorney – I want to remind board members that you are not to consider any evidence made by the petitioner about what their intended use is. You have to consider every use that might result from the rezoning.

Donald Holland – Owner of parcels up for rezoning in Traces Place – Good evening. I'm Donald Holland and thank you for letting us speak. I own a property up for rezoning in Traces Place. I've owned it for about five (5) years. We don't have any residential on that property. For people that have approached me to rent, all I've had luck with is a garage door company and a plumbing company. Under the current zoning it is illegal for both of those uses. It is strictly residential. The way I look at this property is that it is completely encircled on the map by commercial properties except for some apartment buildings. And in a round-about way that could be considered commercial. As Karl mentioned, we are in the process of working on the road. I would sure appreciate your help. Maybe I can clean it up a little bit.

Bruce Holland – I own the adjoining piece of land just below the properties up for rezoning. I've had it for 10 (ten) to fifteen (15) years. I have no objection to it being rezoned. That's all I have to say. Thank you.

Public Session

Kim Leister – 341 Forest Avenue – Good evening. I come to thank you for what you did on Forest Avenue. We really appreciate it. Thank you Justin. It looks great. There is still more that could be done, and we hope they will continue to address these situations. But we really appreciate what you've done.

New Business – Board Action on rezoning petition for one (1) parcel on Highlands Road

Alderman Mashburn – Can we get Mr. Setser to define Commercial C-3.

Justin Setser – Land-Use Administrator – Commercial C-3 is everything that's not industrial. The only thing that is more than C-3 Commercial is industrial. So it's wide-open except for landfills and government facilities.

Alderman Mashburn – What about buffers?

Justin Setser – There is a 10 foot setback automatically on the property line from building. I think the hill is going to be a natural buffer itself. You're not going to be able to do a lot with it. I don't know of any specific buffers that come to mind.

Alderman Curtis – Is the zoning for the extra-territorial jurisdiction the same as the city?

Justin Setser – Land-Use Administrator – Yes.

Alderman Curtis – I heard there is no zoning, but there is zoning on that property according to our unified development ordinance.

October 6, 2014 meeting continued,

Justin Setser – Land-Use Administrator – Technically that property is not located in the city limits. But it's completely surrounded by the city, but it's in the extra-territorial jurisdiction.

Motion was made by Curtis, seconded by Jamison to approve the rezoning petition for one (1) parcel on Highlands Road from R-1 Residential to C-3 Commercial. Motion carried. Vote: 5 to 1. Voting Yes: Curtis, Handley, Jamison, Mashburn and McRae. Voting No: Abel.

New Business – Board Action on rezoning petition for three (3) parcels on Traces Place

Alderman Jamison: Can you explain the difference between C-2 Commercial and C-3 Commercial.

Justin Setser – Land-Use Administrator – There isn't a big difference. The notable difference in C-3 Commercial is that it allows car lots or camper spots. That's not allowed in Commercial C-2. This list is short. C-2 Commercial is the majority of what you see in town, with the exception of Main Street and Palmer Street. They are C-1 Commercial.

Alderman Mashburn – The only reason the planning board denied it was because of access?

Justin Setser – Land-Use Administrator – Yes. Of course it abuts C-2 Commercial. All three (3) of the parcels do abut commercial properties on the east side and the south side. But the access of the narrow road was the reason it was denied.

Alderman Mashburn – Staff recommendation?

Justin Setser – Land-Use Administrator – With the access adjustment I would recommend approval.

John Henning Jr. – There is no contractual obligation to do this. In special use you can take usage into consideration. Conditional or special use only would have allowed this. That's not the route we took, however I think that's what Mr. Setser and myself would have preferred for those reasons.

Motion was made by Handley, seconded by Curtis to approve rezoning petition of three (3) parcels on Traces Place from R-1 Residential to C-2 Commercial. Motion carried. Vote: 6 to 0.

New Business – Proclamation for World Habitat Day

Mayor Bob Scott read Proclamation to make Monday, October 6, 2014 World Habitat Day.

Motion was made by Curtis, seconded by McRae to make Monday, October 6, 2014 World Habitat Day. Motion carried. Vote: 6 to 0. The Proclamation is attached.

October 6, 2014 meeting continued,

New Business – Proclamation for National Disability Employment Awareness Month

Mayor Scott read the Proclamation to make the month of October 2014 as National Disability Employment Awareness Month.

Motion was made by Handley, seconded by Jamison to make the month of October 2014 as National Disability Employment Awareness Month. Motion carried. Vote: 6 to 0. The Proclamation is attached.

New Business – Letter of Support for Appalachian Trail Conservancy Grant Application

Mayor Scott – I thought Bill Vanhorn was going to give a presentation. He's not here tonight. The letter will go to the Appalachian Trail Conservancy for a grant.

Mayor Scott read the letter.

Motion was made by McRae, seconded by Abel to approve the letter of support for the Appalachian Trail Conservancy Grant Application. Motion carried. Vote: 6 to 0. The letter of support is attached.

New Business – Permission to Advertise One (1) vacancy and One (1) alternate position on the Town of Franklin Planning Board

Justin Setser – Land-Use Administrator – We have one member whose term is expiring and they don't wish to serve any longer. They have been on there for seventeen (17) years. The other vacancy is already there. So we need to get those filled. You have to live in the city limits.

Motion was made by Jamison, seconded by McRae to advertise one (1) vacancy and one (1) alternate position on the Town Planning Board. Motion carried. Vote: 6 to 0.

New Business – Recommendation to Macon County Board of Commissioners to Re-Appoint Janet Greene to the Town of Franklin Planning Board as the ETJ Representative.

Justin Setser- Land-Use Administrator – Janet Greene's term is also expiring this week. She does wish to continue to serve as one of our extra-territorial jurisdiction members on the planning board. However, that has to come from the Macon County Commissioners since she is outside the city limits.

Motion was made by McRae, seconded by Mashburn to recommend to the Macon County Board of Commissioners to reappoint Janet Greene to the Town of Franklin Planning Board as the ETJ Representative. Motion carried. Vote: 6 to 0.

October 6, 2014 meeting continued,

New Business – Update on Forest Avenue Properties

Justin Setser – Land-Use Administrator – I should have brought some pictures, but I didn't. The one (1) parcel with the parked trailer that caught fire a couple years back has been demolished and removed from the property. That step has been completed, and there has been some work on the adjoining property. I hope to have more details on that in November.

New Business – Amendment to the Non-Profit Funding Pool Fiscal Year 2014-2015

Summer Woodard – Town Manager – A calculation error on my end occurred back at our continuation meeting on September 15, 2014. We originally thought we would need to deduct \$57.00 from each applicant to meet the \$40,000.00 mark, with the exception of Macon County Public Library and the Franklin Garden Club. So I'm just asking the board to consider to increase that to \$62.50.

Motion was made by Curtis, seconded by Abel to amend motion to reflect that \$62.50 should be deducted from each non-profit funding pool applicant. Motion carried. Vote: 6 to 0. Please see attachment.

New Business – Presentation by J.M. Teague Traffic Engineering For Franklin Parking Analysis

Reuben Moore – J.M. Teague Engineering – The parking study they did started back in November. They delivered that to you guys in May. I wanted to come give an overview and let you ask questions. The parking study covered a two (2) block section of Main Street from Patton Avenue to Harrison Avenue. You have a lot of existing thirty (30) degree angle diagonal parking. You have a little parallel parking, but it typically comes in pairs. One of the goals was to increase parking and to enhance traffic safety. The final proposed recommended plan recommends changing thirty (30) degree angle to forty-five (45) degree angle parking. If we did that it would increase parking spaces from eleven (11) feet into the road to sixteen (16) feet. This would be insufficient for two-lane traffic. But it would also create the possibility of cars backing out into each other. One of the nice features to thirty (30) degree parking angles is being able to open doors to both sides of the vehicle. The company was asked to consider forty-five (45) degree angle parking because the existing ordinance states forty-five (45). But the thirty (30) degree angle parking is insufficient when it comes to curb space. You can get the same amount of parking and only stick out nine (9) feet into the road with parallel parking. By going to forty-five (45) on one side and creating more spaces and changing the other side to parallel, you increase parking and preserve the travel lane. The net result of the parking study would be to go from seventy-seven (77) to eighty-four (84) parking spaces. That was with diagonal parking on one side only and parallel on the other side. You can also install shared lane markings and that will help with bike traffic. Are there any questions?

Alderman McRae – Do you feel like the presence of share signs will slow traffic down to twenty (20) miles per hour?

Reuben Moore – J.M. Teague – I don't have any experience with share signs slowing traffic down, but the presence of cyclists will slow traffic down. If that became routine, that would slow traffic down I think. The curb extensions and presence of pedestrians will also go a long way in slowing traffic down.

October 6, 2014 meeting continued,

Alderman McRae – I wonder if we placed something further down on the hill itself if that would have the psychological effect of people coming up the hill and seeing it, and slowing them down?

Reuben Moore – J.M. Teague – The report we turned in was strictly about parking. There are some pedestrian things that will slow traffic down, but they are pretty serious like raised cross walks or speed tables. It's not a speed bump, but if someone is driving forty (40) miles per hour they will swear it's a speed bump.

Mayor Scott – How would you handle snow plows on the raised crosswalks?

Reuben Moore – J.M. Teague – We saw this at Southwestern Community College and some pieces of those are missing, and I think that was due to snow plows. I would recommend building them out of concrete instead of asphalt.

Alderman Mashburn – It seems to me that you need to concentrate on town hill to slow the traffic down. People get a running start going up-hill, and by the time they get to town hill they are going really fast.

New Business – Discussion on Re-Stripping Main Street Parking

Summer Woodard – Town Manger - I wanted to get some direction from the board. As we are all aware, regardless if you want to move forward with one of these studies, there are no lines on Main Street right now. I was hoping to get some direction from the board.

Alderman McRae – How hard is it to get the Department of Transportation permission to change it?

John Henning Jr. – That would depend on what you want to do.

Reuben Moore – J.M. Teague – To do the curb extensions, they would at least want to see a plan.

Mayor Scott- Maybe we could restripe it before the fall traffic gets here. That would be a stop gap measure, but it's something.

Summer Woodard – I do have two price quotes. One was \$825.00 and the other was \$1,250.00 to restripe Main Street lines. This would give us a start to give us some visibility in downtown. It's a problem. People are parking everywhere on Main Street.

Alderman Handley – I say we go ahead and approve the restriping.

Alderman Curtis – If you use a forty-five (45) degree angle parking on both sides, how much is that cutting into the road way?

Reuben Moore – J.M. Teague – About a four (4) feet increase on each side, so that definitely would not be room for two lanes of traffic. Maybe do the planned striping arrangement, so you just have a painting expense. It's still less than \$1,000.

October 6, 2014 meeting continued,

Alderman Jamison – I think that's we are talking about. It would just give us a start.

Alderman Mashburn – Let's just restripe what we got and take the course of the winter to figure out what we need to do. I'm not ready to decide to change it in any manner.

Motion was made by Mashburn, seconded by Curtis to approve the \$825.00 bid to restripe the lines of Main Street in Franklin. Motion carried. Vote: 6 to 0.

New Business – Designation of Voting Delegate for 2014 North Carolina League of Municipalities Conference

Mayor Scott – Who wants to be our voting delegate at the conference? Who has never gone before?

Alderman Abel – I'll do it.

Motion was made by McRae, seconded by Handley to designate Alderman Patti Abel as the voting delegate for the 2014 North Carolina League of Municipalities Conference. Motion carried. Vote: 6 to 0.

New Business – Tax Release

Summer Woodard – Town Manager – We are requesting the release of real estate property in the amount of \$3,957.50. This is just a release on our end. Orchard View Apartments should be exempt.

Motion was made by McRae, seconded by Handley to approve the tax release in the amount of \$3,957.50 to Orchard View Apartments. Motion carried. Vote: 6 to 0. Attached is the Tax Release.

Discussion on the Ownership of Nikwasi Mound

Summer Woodard – Town Manager – We have a resolution discussing ownership of Nikwasi Mound and maintenance of Nikwasi Mound.

Mayor Scott read the Resolution on the Ownership of Nikwasi Mound.

Motion was made by Curtis, seconded by Handley to approve the proposed Resolution on the ownership and maintenance of Nikwasi Mound. Motion carried. Vote: 6 to 0. The Resolution is attached.

Discussion on the Little Library

Mayor Scott – The library has built a little library, part of a national program, and they want to put it near Town Hall by the Pumpkinfest sign.

Alderman McRae – Can anybody put a book in?

October 6, 2014 meeting continued,

Mayor Scott – Yes. Anyone can put a book in, but it's mainly for children.

Alderman Curtis – I do have some concerns about where it's located? What's the size of it?

Mayor Scott – It's off the sidewalk, about two by two feet.

Alderman Mashburn – Before anything is installed we need to make sure it does not interfere with any water or sewer lines. Who will have responsibility for it?

Mayor Scott – The library is responsible for it.

Discussion on Business License Ordinance

John Henning Jr. - Town Attorney – I want to keep this at a discussion level only. Please read and look over it. We will look at the passage of it next month. It will serve the intent of basically performing all the regulatory functions of what our privilege license tax does now. We won't make it effective until July 2015 when the privilege license tax dies. No motion is needed tonight.

Alderman Jamison – Can the city levy sales taxes in North Carolina?

John Henning Jr. – There are such things.

Alderman Jamison – On my telephone bill I noticed that I was paying a telephone tax to Macon County.

John Henning Jr. – We can look into any local options the town might have.

Alderman Jamison – Down the road we are looking at doing some things for Main Street. I know some cities have tax districts, to where districts accumulate money that goes into those districts. It's not much. Greenville has them. It's amazing what they've done in some of those areas.

Announcements

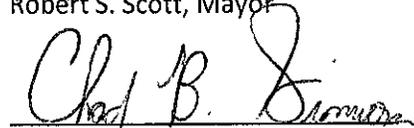
Mayor Scott announced that Pumpkinfest will be held Saturday, October 25, 2014 from 9 a.m. until 4 p.m.

Adjourn

Motion was made by Handley, seconded by Jamison to adjourn the meeting at 8:35 p.m. Motion carried. Vote: 6 to 0.



Robert S. Scott, Mayor



Chad B. Simons, Town Clerk