

## **September 6, 2016 meeting,**

The Town of Franklin Board of Aldermen held their regularly scheduled meeting on Tuesday September 6, 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, Billy Mashburn, Brandon McMahan and Barbara McRae were present.

The Pledge of Allegiance was done

### **Approval of the September 6, 2016 Town Board Agenda**

**Motion was made by Kimsey, seconded by McRae to adopt the September 6, 2016 Town Board Agenda as presented. Motion carried. Vote: 6 to 0.**

### **Approval of the August 1, 2016 meeting minutes**

**Motion was made by McRae, seconded by Abel to approve the August 1, 2016 meeting minutes as presented. Motion carried. Vote: 6 to 0.**

### **Public Session:**

Cheryl Franz – Property Manager – On Tuesday Aug. 30 one of our tenants vehicles, a motorcycle, was towed from the back parking lot of East Main Street. I was informed that Mr. Scott had requested the vehicle to be towed. In talking with Mr. Scott he had stated that the vehicle had been abandoned due to his personal observance of the motorcycle sitting there for months and months. Now this tenant and owner of this vehicle is new, and he has only been here for a month and a half. So his vehicle had not been there for months and months. No notice was posted on the bike, which to my understanding has to be done from the Town's Junk and Abandoned Vehicle Ordinance. The removal process is no less than seven (7) days after notice mail is posted. My tenant had to pay Franklin Body Shop \$175 dollars to get his vehicle back, and this tenant is a nurse at the Veterans Affairs clinic working 14 to 16 hour shifts three days at a time. Like other tenants it is possible for their vehicles to stay put for days at a time. Whether they are sick, on vacation or they might be staying at home. It's their home so very often their vehicle will likely be parked in the same spot. And I know Mr. Scott had also asked me how they were supposed to know that they were a tenant of mine. That's why I'm here. I want to prevent this from happening again, because it is very unfair for my tenants to have to pay towing bills after being towed. The only idea I have to answer that question is to have stickers on rear view mirrors. I'm looking for suggestions and I know we have problems on East Main Street with parking, and I'm not here to cause more problems. I'm just trying to help this situation because I think it was very unfair.

Summer Woodard – Town Manager – If I may Mr. Mayor and Town Board. I and Police Chief David Adams have received numerous complaints because those vehicles appeared to be abandoned. There are two down there that we are certain have been there for over two months. The Police Department made numerous attempts to call both numbers and even made a visit to one of the homes where we were able to track it down through the tags. So from the Town I apologize if there was any misconception, but I can assure you that we made numerous attempts to call those two owners and they went unsuccessful for at least two weeks.

**September 6, 2016 meeting continued,**

Franz – The one on the motorcycle if you tried to contact him by his tag, he’s only been here for a month and a half.

Summer Woodard – Town Manager – He’s from Asheville? Yes ma’am. We tried that.

Franz – Okay. Well he said he didn’t get any notice and nothing was posted. So like I said I’m just trying to help my tenants. Franklin Body is right across the road and it’s not fair to them that they have to worry about getting towed.

Mayor Scott – We will take this under consideration. Thank you.

**New Business: Presentation of Appreciation and Service Plaque to the Family of Pat Pattillo**

Mayor Scott – We would like to present an appreciation plaque to the family of Mr. Pat Pattillo for his many years of service. He served many years on our ABC Board and he was a man who personified what it means to be a gentleman. To Sissy and Rocky Pattillo, on behalf of the Town and to the Pattillo family given in great appreciation to George Pat Pattillo for 21 years of dedicated service as chairman of the Alcohol Beverage Control Board from July 1994 to March 2016.

**New Business: Proclamation for Constitution Week 2016**

**Motion was made by Collins, seconded by McRae to adopt the Proclamation declaring September 17-23, 2016 as Constitution Week. Motion carried. Vote: 6 to 0. A copy of the proclamation is attached.**

**New Business: Proclamation for Youth 2 Youth Partners 4 Peace Day**

**Motion was made by Collins, seconded by Kimsey to approve the Proclamation declaring September 21, 2016 Youth 2 Youth Partners 4 Peace Day in Franklin, North Carolina. Motion carried. Vote: 6 to 0. A copy of the Proclamation is attached.**

**New Business: Presentation by Applicants for Fiscal Year 2016-2017 Non-Profit Funding Pool**

Jan Ramsey – Vice President of the Arts Council – Thank you for having me. The arts are an intrinsic part of our culture here, and today we are balancing more and more with traditional arts and the modern arts, and I think we are doing a good job with that. Our focus for this fiscal year is to continue our more popular programs, such as the Land of Sky Barbershop, the Artisan School – all while developing new initiatives in cross cultural and the visual arts. We also plan to spotlight local artists both on stage and in adjunct with other performances. We plan to use the requested \$3,000 to fund these initiatives.

Dan Rogers – Boy Scouts of America – Good evening. We have a hidden gem here in Macon County that for many years went unnoticed and unused, and that is the Lumpkin Adventure’s Camp. It is owned by the Lumpkin Trust and it is a 117 acre property. About twelve years ago the Boys Scouts walked away from it. It came to my attention in 2013 and I fell in love with the place. It’s open for all organizations, even though the Boys Scouts utilizes it. We reported this year over 1,000 camper nights and hundreds of volunteer opportunities. The funding will be used to purchase equipment to fund a Frisbee golf course.

**September 6, 2016 meeting continued,**

Ellen Schope – Chairman of Community Care Clinic Board – We provide primary care services to people out of the Health Department during the evening hours. We became our own non-profit several years ago. We operate completely on grants and donations, and see low-income adults who have no other source of insurance – and who are not eligible for Medicare and Medicaid and can't afford private insurance. We have a staff of two nurses, one clerical position and one clinic director; all part-time. Otherwise we use volunteers. Our medical director is a volunteer, and we have about 50 other volunteers. We operate on Monday evenings, but we were fortunate to get a grant this year to open up Wednesday evenings. We will use this funding to purchase a flu vaccine, about 320 doses, and the health department agreed to purchase the vaccine and administer it. This would be our best measure to prevent the flu. Our top disease is hypertension and second to that is diabetes. If people get the flu they will be more vulnerable. Thank you.

Rita St. Clair – Friends of the Greenway Board Member – Good evening. We have been a 501c(3) since 2002. These funds will help pay for repairs to the Aquatic Playground equipment at Wesley's Park, a public park and playground used by many Franklin families. The water feature is located between the two playgrounds and was part of the initial installation done in 2004. It's been continuously enjoyed by young children from spring to fall every year. After twelve years we are seeking your support to maintain this activity with a new cast bronze solenoid valve and controller. These repairs are more than we can afford. We cooperate with the county, but we don't receive any revenue from the county. Our funding comes from donations and memberships. Our donations have steadily declined, like many non-profits.

Diane White – Friends of the Greenway Board Member – The quotes you have are for the controller. It will put the pieces back together so it will work the way it is supposed to, and it will use water more efficiently. It will be put back to original working order so we can continue to use it. Thank you.

Rick Westerman – Habitat for Humanity – I would like to thank the Board for funding various projects in the past. I do have John Wert, our site supervisor, with me tonight to let you know what our request will go toward.

John Wert – Habitat for Humanity – This past year we completed six jobs to include ramp and deck repairs. We did roof repairs at a home, a complete roof replacement at another, and plumbing work at another place. This funding will allow two to four homes in Franklin to be repaired or installed with handicapped access ramps and grab bars.

Phyliss Racine – Hospice House Foundation of WNC Capital Campaign Manager – As most of you know we have been working hard to bring a hospice house to Franklin that will serve Western North Carolina. The closest hospice homes to this area are in Clyde, Seneca, and Asheville, all well over an hour's drive to people in this town. Many town residents are 65 or older, so this is a viable project. We are seeking funding to complete a survey in preparation for construction.

KIDS Place – Patrick Betancourt – Ms. Alicia Ashe sends her regrets about not being able to be here. I serve as the treasurer for this organization. These funds will be used to provide services for child victims of abuse that are living with the Town of Franklin, or whose abuse occurred in Franklin. Services include child forensic interviews, child medical evaluations, trauma focused therapy, victims advocacy and case management, multidisciplinary core team and community education. Thank you.

**September 6, 2016 meeting continued,**

Carol Waldroop – Literacy Council of Highlands – We are requesting funds to provide support in second language, tutoring and pre-literacy skills. We reached out to about 100 children in the Franklin area by providing volunteers to come in and work with teachers to emphasize literacy skills. This year we are working with public schools to get some training for those volunteers before they start in September, in order to make them better at what they do. We appreciate your attention to our application.

Sue Weathers – Macon County Arts Association – Our gallery serves artists in the community who are members, and we also serve the general public. Part of our gallery has both public and other presentations, as well as classes; some of those for kids. We try to hold classes about two to three times per week when we can. We are not the Arts Council, and I just want to emphasize that. In general they are not representing visual arts. We have been here for over fifty (50) years. We want to update our appearances of operations so we can increase customer sales and will allow us to become a showroom displaying the talents of many Franklin artists. We also need to provide help to our volunteers with a computerized point of sale system. Thank you so much.

Robert Bourke – Macon New Beginnings – Our request for Macon New Beginnings is for the cold weather months again, to provide shelter to homeless people during the winter. We got additional funding so we are requesting fewer dollars than we did last year. As far as the Serving Spoon request we are asking for nothing more than the rent for the facility. We have ten to twelve churches that provide food at no cost, so this is just for rent at the Memorial Park. Anyone in the community that wants to have a warm meal on Thursdays at 6:00 p.m. can come. We do this fifty (50) weeks out of the year. Other churches provide food for the weeks of Christmas and Thanksgiving. This is different because Serving Spoon was operating on their own for a while. Since the move over to the Jaycee Building we no longer have any place to use. This will simply offset the rent you are charging for. We average about 32 to 40 people per week.

Alderman Mashburn – Did you say you had two requests? I only have Serving Spoon here.

Robert Bourke – There should be a second one I submitted for Macon New Beginnings.

Summer Woodard – Town Manager – I only received one of them for Serving Spoon. I will contact you later to remedy this problem.

Don Capaforte – Macon County CareNet – Good evening. We are requesting funding to support our backpack program, which benefits children living inside the city limits. Each week about 250 children at East Franklin Elementary School, Franklin High School, Macon Program for Progress and Macon Early College receive backpacks filled with food for the weekend. We actually reach out to dietitians, we actually had one come in to show us what to pack, when picking the food. I have brought one to illustrate an example of what they might get. This ensures they don't go hungry over the weekend. The program is completely anonymous. To qualify through our guidance counselors and teachers that send home a letter, written in English and Spanish, that they accept entrance into the program. No names. All of this is confidential. Thank you.

## **September 6, 2016 meeting continued,**

Karen Wallace – Macon County Public Library – We are seeking this funding to replace our multimedia equipment, which is about ten (10) years old. This will include a new digital projector and ceiling mount, new amplifier, Blue Ray player, surround sound decoder and control systems. This equipment is used in a variety of ways, businesses and students. Businesses use it for employee training, and students use it for STEM training. This equipment provides a much needed venue, and over 25,000 people attended events in that meeting room last year. So the equipment gets used. We help the Town serve town residents, non-profit groups and many others. Thank you.

Ashley Freeman – Macon County REACH – We just recently completed our shelter, which is much closer to Town. Last year we had 567 unduplicated clients, which included 2,500 sessions with them. That included 19,000 service contacts. We also had 534 hotline calls. We were able to provide 128 women and children shelter for 2,651 nights and 7,953 meals. We have ten rooms and twelve bathrooms now. It's bigger but you don't think about the amount of toilet paper you go through, and other items like that. The funding would be used to continue our shelter support and emergency crisis lines and core advocacy services. Also safety services for clients and crisis intervention.

Diane Cotton – Read2ME – Good evening. We are a 501 (c) 3 organization that provides literacy training and books for children. We serve about 800 children right now in the Dolly Parton imagination library, and about 185 of those kids have addresses inside the Town limits. It enables every child to get one book in their home once a month. The expenses cost about \$30 per child. We work with other organizations in the community to provide training to parents, teaching them different strategies on how to engage their children. We also have new story walks. We have one on the Greenway already.

### **New Business: Street Closing Request for Centro Comunitario of Franklin**

**Motion was made by Kimsey, seconded by McRae to close Iotla Street on Friday September 16, 2016 from 5:30 p.m. to 10:00 p.m. Motion carried. Vote: 6 to 0.**

### **New Business: Tax Release**

Jessie Wilkins – Tax Collector – Periodically we will get exemption request from Macon County after our tax files are updated. That's what you are seeing. One is for Life Church. The amount is attached. The second request is for a VA exemption. The county created a new account number, and left the code off of it. So this will honor that exemption of \$126.01.

Mayor Scott – What is a VA exemption?

Jessie Wilkins – Tax Collector – If they qualify they get \$45,000 of value taken off their assessed value when taxation occurs. Anyone wishing to file for that exemption does that with Macon County. Each year they take applications and rate their applications. It's for veterans.

**Motion was made by McRae, seconded by McMahan to release \$3,456.74 for Life Church Franklin, Inc. and release \$126.01 for Mr. Joseph J. Ripley. Motion carried. Vote: 6 to 0. A copy of the releases are attached.**

September 6, 2016 meeting continued,

**New Business: Budget Amendments**

**Motion was made by Abel, seconded by Kimsey to approve two budget amendments; to appropriate \$3,309.00 insurance settlement check into water/sewer vehicle maintenance, and to appropriate \$5,122.00 from 2015-2016 fund balance into 2016-2017 budget for Tourism Development Authority. Motion carried. Vote: 6 to 0.**

**New Business: Forward Re-zoning Petition for 1281 Georgia Road**

Justin Setser – Land Use Administrator – You will see the petition from Ingles Markets. This is part of the special use permit request. They are requesting to go from C-3 Commercial to Planned Commercial Development. This will simply forward it to the Planning Board.

**Motion was made by Abel, seconded by McMahan to forward re-zoning petition for 1281 Georgia Road to the Planning Board. Motion carried. Vote: 6 to 0. A copy of the petition is attached.**

**New Business: Set Public Hearing for Re-Zoning Petition for 1281 Georgia Road**

Justin Setser – Being the time crunch we also wanted to set the hearing next month for rezoning. That's what this will do.

**Motion was made by McRae, seconded by Abel to set a public hearing for re-zoning petition for 1281 Georgia Road for Monday October 3, 2016 at 7:05 p.m. at Town Hall Board Room. Motion carried. Vote: 6 to 0.**

**New Business: Set Public Hearing for Special Use Permit Application for 1281 Georgia Road**

Justin Setser – Land Use Administrator – On top of the rezoning there is a special use permit application for Ingles Markets. The Planning Board has met and discussed this, and we had a neighborhood compatibility meeting. Now we need to move forward with the public hearing.

John Henning Jr. – Town Attorney – Before we move on I wanted to review that we are setting two separate hearings for the same property. In the past for special use rezoning we have tried to separate those two. They are in fact a legislative decision on whether or not the change in use is good for that area, and the quasi-judicial hearing to cover if the applicant can do what they want to do on that property. It's confusing so if you have questions please let me know. Remember that the special use permit application it is a quasi-judicial hearing. You can't discuss it outside of here. The decision has to be made based on the evidence at the hearing that night. So please don't investigate it personally or speak with other people about it.

**Motion was made by McRae, seconded by Kimsey to set a public hearing for special use permit application for 1281 Georgia Road on Monday October 3, 2016 at 7:10 p.m. in the Town Hall Board Room. Motion carried. Vote: 6 to 0.**

September 6, 2016 meeting continued,

**New Business: Update on Various Town Planning Projects**

Justin Setser updated the Town Board on Bike and Pedestrian Plan progress, Department of transportation projects to include Town Bridge and improvements on Ulco Drive, and improvements to Franklin Memorial Park.

**New Business: Discussion on Speed Limit on Van Raalte Street and Cherry Street**

Summer Woodard – Town Manager – About three months ago we met with Franklin Tubular Plant Manager Mr. John Edmond. He expressed a concern with speeding at this area. Chief Adams and the Franklin Police Department ran some radar, and ended up issuing citations there. One thing he observed was that there is no posted speed limit. That means its 35 miles per hour, and since it is heavily utilized, he thought 35 miles per hour was excessive. So we are asking the Board to lower that speed limit from 35 miles per hour to 20 miles per hour, and to allow us to post some signage out there.

David Adams – Police Chief – The biggest concern is right in front of the Whitmire Property. It's hard to enforce anything where there is no posted speed limit. And I think we are fixing to pave that street.

John Henning Jr. – Procedurally, we have to pass this via ordinance. You can pass this now for the sign posting, but we actually have to change the speed limit with an ordinance. We can do this next month.

**Motion was made McMahan, seconded by Abel to lower speed limit from 35 mph to 20 mph. Motion carried. Vote: 6 to 0.**

**New Business: Memorial Park Heating and Air Unit Replacement**

Summer Woodard – Town Manager – We have some issues with the heating and air unit at Memorial Park. It is thirteen (13) years old. We sent some technicians out there to look at it, and we received some estimates to do some basic maintenance and repairs. Those estimates were around \$2,500. It's hard to justify spending tax dollars on a unit that is thirteen (13) years old. So we have solicited bids, and we got three proposals for a new unit; they range from \$5,500 to \$7,200 to the highest bid. We are asking the Board to appropriate \$6,000 out of contingency and place into the Streets Memorial Park line-item for the new heating and air system.

Alderman McMahan – To avoid impropriety I want to avoid voting on a contract if my uncle's business is getting it. Do I need to refrain from voting?

John Henning Jr. – Town Attorney – You actually can't on a matter like this.

**Motion was made by Mashburn, seconded by McRae to appropriate \$6,000 from contingency into Streets Memorial Park budget line item for a new heating and air unit. Motion carried. Vote: 6 to 0.**

**September 6, 2016 meeting continued,**

**New Business: Resolution Declaring Property Located at 546 Wilkie Street Surplus Property**

John Henning Jr. – Town Attorney – I think the Board is aware that for some time now Duke Energy has been interested in this property. This discussion has developed into Duke Energy offering to purchase the 1.91 acres of that property for about \$125,000. The resolution will have the effect to declare that property surplus, and to establish an upset bid process. This isn't final. We aren't authorized to enter into a contract until an upset bid process is completed. Then you will still have to approve it.

Lisa Leatherman – Duke Energy – You have an overview of our transmission system. Looking at this map of significance between West Franklin and East Franklin substation is the line we are working on now. As my colleague put here specifically, the wire line is 3.7 miles. So as we are rebuilding this line and we will put in larger wire sizes, and all of these substations feed the Town and the rest of the county. Essentially this is a system improvement.

**Motion was made by Collins, seconded by Abel to adopt the Resolution declaring property located at 546 Wilkie Street Surplus Property, and to authorize upset bid process. Motion carried. Vote: 6 to 0. A copy of the Resolution is attached.**

**Legal: Resolution for Diversified Lenders Regarding Software Financing**

John Henning Jr. – Town Attorney – This is in connection with the purchase of Tyler Technologies software. You have a requisition to improve the utility services of the Town. Diversified Lenders is the lending institution that Tyler uses, and so we are proposing that you approve the use of the lender for the financing of the software package, and to enter into a four (4) year term agreement for that, for four annual payments of \$45,382.14. I'm happy to answer any questions you might have. This is simply financing the purchase of what we have already budgeted.

**Motion was made by McRae, seconded by McMahan to approve the Resolution and to authorize the completion of the agreement forms subject to the review of the Town Attorney. Motion carried. Vote: 6 to 0. A copy of the Resolution is attached.**

**Legal: Consideration of Resolution for Fire Apparatus Financing**

Summer Woodard – Town Manager – It is about that time to consider purchasing two fire apparatuses out, and we have some refinancing options before the Board tonight. We approached PNC financing who it is currently through, and got a proposal from Entegra Bank. Entegra seems to be the better option, for 1.54 percent for a four year term. Also you will see a proposal from United Community Bank for 120 months at 5.52 percent. The total still owed for refinancing is \$401,902.50. That's with the lease purchase payment and the two apparatus buyouts.

John Henning J. – Town Attorney – The resolution before you has the effect to authorize the Town to enter into one of those arrangements. I think Entegra Bank's offer is the best one in front of you. That's my recommendation.

**Motion was made by Mashburn, seconded by Abel to adopt Resolution approving refinancing agreement with Entegra Bank. Motion carried. Vote: 6 to 0. A copy of the Resolution is attached.**

**September 6, 2016 meeting continued,**

**Announcements:**

Summer Woodard – Town Manager – We did approve a tax release this past month. It was for \$100 or less and it was for two jet skis that no longer belonged to that property owner. They were taxed when they shouldn't have been.

**Motion was made by Collins, seconded by Mashburn to set a called meeting for Thursday September 15, 2016 at 5:30 p.m. at Town Hall Board Room for the purpose of consideration of the non-profit applicant funding pool. Motion carried. Vote: 6 to 0.**

Summer Woodard – Town Manager – We have discussed having a planned board meeting for October. So if you can start looking at a date in October and let me know what dates would work for you. This would be to get some ideas from the Board before the budget process begins again. Maybe by next month's meeting we can set a date.

**Adjourn**

**Motion was made by Abel, seconded by Kimsey to adjourn the meeting at 8:25 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

