

December 7, 2004 meeting,

The regular meeting of the Town of Franklin Board of Aldermen was held on Tuesday, December 7, 2004 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Edwin Hall, Charles Roper, Bob Scott and Jim Williamson were present. Alderman Billy Mashburn was absent.

Approval of the minutes

Motion was made by Williamson, seconded by Hall to approve the minutes for the November 1, 2004, November 8, 2004 and December 2, 2004 meetings as presented. Motion carried. Vote: 5 to 0.

Public hearing on proposed Neighborhood Mixed Use zoning district text

Mayor Collins opened the public hearing on the proposed Neighborhood Mixed Use zoning district text at 7:02 P.M. No persons were present to speak at the hearing. Mayor Collins closed the public hearing at 7:04 P.M.

Consideration of addition of new zoning district text to the town's zoning ordinance

Motion was made by Curtis, seconded by Williamson to adopt the Neighborhood Mixed Use zoning district text. Motion carried. Vote: 5 to 0. A copy is attached.

Persons to be heard

Narelle Kirkland said I am glad the speed limit is up to 45 miles per hour on Depot Street Extension and the timing has been changed on the traffic light. She said various groups are doing cleanup on the greenway. She said there are several potholes near a manhole on the walking path that needs to be repaired. Ms. Kirkland said there are three houses near the north end of the greenway that are a public hazard. She said the tenants need to be relocated and the buildings be razed. Bobby Key said the Town has no legal responsibility for the Greenway since this is a county project. Mayor Collins said Jay Gibson can look at the problem. He said we can fix it if we are able. Mayor Collins asked Rebecca Crawford to look at the problems with the houses.

Departmental reports

Fire Chief Pete Haithcock gave the fire department report. A copy of the report is attached.

Public Works Director Jay Gibson reported the following: (1) the Christmas lights are up, (2) the Baird Cove sewer line has been completed and a punch list has been done, (3) the Town Mountain sewer line has been completed and the punch list will be done soon and (4) the work on Panorama Drive has been started.

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Police Chief Terry Bradley gave the police department report. A copy is attached. He said the police department Christmas dinner will be on Thursday, December 9, 2004 at 6:00 P.M. at the Boiler Room. He said the Christmas parade went well.

Recommendation on bid award for Macon Middle School sewer line – Joel Storrow, McGill Associates

Joel Storrow said the initial low bid was from L-J, Inc. for \$542,156.00. He said the original cost estimate for the project construction was \$382,600.00. Mr. Storrow said we are proposing the following changes to the project: (1) relocating the pump station on the Macon County property adjacent to the parking area for the athletic fields which reduced the amount of twelve inch gravity sewer by 1,850 lineal feet, (2) reduction in the number of manholes required and (3) the elimination of paving repairs required. He said the estimated new total construction cost is \$462,306.00. Mr. Storrow said the funding for the project is from the following sources: (1) North Carolina Rural Economic Development Center - \$400,000.00, (2) Macon County School Board - \$113,322.00, (3) Macon County - \$10,000.00, (4) Owens (Sanders Property) - \$10,750.00 and (5) Mark Berry - \$10,750.00. He said we have provided a breakdown of the anticipated future allocation for tap fees and availability fees as a result of easement negotiations. He said the following persons would receive a waiver of tap and availability fees: (1) Wells Grove Baptist Church - \$1,980.00, (2) Vanderwoude - \$1,980.00, (3) Van Hook - \$1,980.00 and (4) Gary Owens (Sanders property) - \$21,500.00. He said also the school would be getting one free sewer tap and waiver of availability fees. Alderman Williamson said I don't like giving Gary Owens that much in free taps and availability fees. Alderman Roper said I think like Alderman Williamson does. Mayor Collins said can we condemn the property? Mr. Storrow said the Sanders easement is the longest at around 2,600 feet. He said there will be no stub out at Dowdle Mountain since this part is not eligible for funding. He said Mark Berry would then be receiving nothing for his money. He said there has been no engineering done yet. Mr. Storrow said we may need to take Mark Berry's money off the table. Alderman Curtis said I would like to award the bid and negotiate later about the easements. **Motion was made by Curtis, seconded by Roper to award the revised bid to L-J, Inc. in the amount of \$462,306.00. Motion carried. Vote: 5 to 0. Motion was made by Williamson, seconded by Curtis to do the engineering on providing water and sewer to the Wells Grove businesses. Motion carried. Vote: 5 to 0. Copies are attached.**

Petition from the Fred Cruse family – Doris Hunter

No one was present to speak.

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Update on Window Wonderland – Hal Chapman

Hal Chapman said this is the fourth year for Window Wonderland. He said our goal is to bring people downtown. He said I want to thank Jay Gibson and the town crew for their help. He said I also want to thank Chief Bradley for the help with traffic control. He said the weather should be good this Friday and I invite all of you to come.

Second consideration of franchise extension for J&B Disposal, Inc.

Motion was made by Williamson, seconded by Scott to extend the franchise agreement with J&B Disposal for an additional five years. Motion carried. Vote: 5 to 0.

Persons to be heard (continued)

Jim Vanderwoude said I have two projects I am working on. He said there is water at the Nantahala Bank site but to get sewer to the site from the manhole it will cost me \$39,000.00. He said if the Town is planning to do a larger project to provide sewer to the new library site and to the Southwestern Community College site, I would be willing to increase my contribution to \$50,000.00. He said my allocation to the Mayberry village has ended. He said I am formally requesting the same amount in water and sewer allocations. Joel Storrow said the big sewer project has been delayed and additional studies will have to be done. He said at this time until we do the larger sewer project we cannot accommodate the library or the school. Alderman Scott said what impact will Mayberry have on the environment? He said I would like to see some plans of the project. **Motion was made by Curtis, seconded by Williamson to give the following allocation for one year of water (135,000 gallons per day) and sewer (110,000 gallons per day). Motion carried. Vote: 5 to 0.**

Recess

Mayor Collins recessed the meeting at 8:07 P.M.

Mayor Collins called the meeting back to order at 8:18 P.M.

Update on intervention in Franklin Hydroelectric Project relicensing application

Mike Decker said we have a proposed contract with Fish and Wildlife Associates, Inc. for John Boaze to do the intervention with Duke Power. A copy of the contract is attached. He said the cost is not to exceed \$1,500.00. Alderman Scott said I have a problem with the expenses. He said it seems to me they could be unlimited. Bobby Key said I have talked to him and he indicated he would be working for the Town, Macon County and Jackson County. He said the total cost would be around \$9,000.00 thus our part would be \$3,000.00. Alderman Scott said the problem goes way further than Lake Emory. He said I don't think Duke Power is at fault. He

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said agriculture, developers, landowners are all part of the problem. He said the contract is too open-ended. Alderman Scott said I would not sign this contract. Mayor Collins said we will have a part in helping with the solution. Alderman Williamson said Fred Alexander did not show much interest in Lake Emory. Alderman Curtis said the intervention may be contested and studies may need to be done. **Motion was made by Curtis, seconded by Williamson to accept the contract with Fish and Wildlife Associates, Inc. Motion carried. Vote: 3 to 2. Voting yes: Curtis, Roper and Williamson. Voting no: Hall and Scott.**

Update on Wright property acquisition – Mayor Collins

Mayor Collins said Joe Wright has approached us about the Whitmire property being a gift/sell. He said Mr. Wright has indicated that the value of the property is higher than what we paid for it. He said Mr. Wright is willing to cut the purchase price by \$5,000.00. He said there is no down side to the Town financially. Alderman Curtis said what is the appraisal? Mayor Collins said it is \$1.9 million. Alderman Scott said has our offer not been accepted already? Mayor Collins said yes. He said if we issue a letter Mr. Wright can save on his taxes. Bobby Key said we will have to show the purchase price. **Motion was made by Williamson, seconded by Curtis to agree to give the authority to Mayor Collins to sign the contract. Motion carried. Vote: 5 to 0.**

Consideration of public meeting for input on town issues – Alderman Scott

Alderman Scott said I would like to have a meeting at the meeting room at Macon Bank. He said the keynote speaker would be from Western Carolina University. He said we would have tables for different groups. Alderman Scott said I would like to have the meeting on a Sunday afternoon in February. He said the board members and the department heads would be present to answer questions. He said there will be no cost to the Town.

Petition for rezoning from Derrick Wong

Motion was made by Curtis, seconded by Hall to have the public hearing on the Derrick Wong rezoning petition at 7:00 P.M. on January 3, 2005. Motion carried. Vote: 5 to 0.

A look back at 2004

Mike Decker said I have done a list of the board's accomplishments during the past year. A copy is attached.

Additional departmental and committee reports

Alderman Williamson said I will get with Alderman Roper about hand rails for the steps on Main Street.

Alderman Scott said I want to commend the fire and police departments for keeping us safe.

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Alderman Scott said are the billboard companies giving us any money? He said they need to be taxed.

Alderman Williamson said on the west end of the football field on Wayah Street water is eroding out our sidewalk. He said in the spring we will need to replace the sidewalk there. He said there is 45 feet of right of way on Wayah Street, 40 feet of right of way on Ulco Drive and 40 feet of right of way on Forest Avenue. He said we will need to take care of the open hole on the old Paul Ward property which is in the right of way.

Alderman Curtis said Alderman Mashburn, Sam Greenwood and I have discussed about the town crew working on the LBJ and Enloe pump stations when necessary and billing any cost to the county. Bobby Key said I was in the courthouse and an employee from the planning office was transferring these pump stations to the Town on Sam Greenwood's instructions. He said I told her that the Town had not taken ownership of these pump stations. Alderman Curtis said McGill Associates needs to look at fixing the problems with the pump stations. Jay Gibson said we have done no work in the past on these pump stations. Alderman Curtis said these pump stations are still licensed to the county. Mayor Collins said we need something in writing concerning these pump stations before we begin working on them.

Mike Decker said I have done a work plan for Rebecca Crawford and myself. He said please look over my work plan and talk to me about your expectations of me for the coming year. Copies are attached.

Mike Decker said F. P. Bodenheimer of Zickgraf Enterprises has declined the \$10,000.00 in matching grant funds from the Town. A copy of the letter is attached.

Mike Decker said Wesley Grindstaff, North Carolina Department of Transportation district engineer, has written me that public utilities located within the state right-of-way have to be owned by the Town and cannot be privately owned. A copy of the letter is attached. Mr. Decker said I have not received a response to my November 2, 2004 letter concerning the 441 North sewer line.

Mike Decker said the Macon Middle School water line is finished. He said Tugaloo needed sixteen additional days to finish the project. He said the work come in under the original bid by \$2,368.21. **Motion was made by Curtis, seconded by Scott to approve the change order in the amount of \$2,268.21. Motion carried. Vote: 5 to 0. A copy of the change order is attached.**

Mike Decker said I have enclosed a punch list for the Baird Cove Road sewer line project for your information. A copy is attached.

Motion was made by Scott, seconded by Williamson to give the employees a Christmas bonus. Motion carried. Vote: 5 to 0.

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Janet Anderson said the Christmas dinner will be on Wednesday, December 22, 2004 at 12 noon at the Jaycee Building.

Water adjustments, tax discoveries and payment of the bills

Water adjustments for November, tax discoveries and payment of the bills were approved on motion made by Williamson, seconded by Scott. Motion carried. Vote: 5 to 0. Copies are attached.

Closed session

The Board went into closed session at 9:25 P.M., on motion made by Scott, seconded by Williamson to discuss property acquisition and easements. Motion carried. Vote: 5 to 0.

The Board came out of closed session at 9:45 P.M., on motion made by Curtis, seconded by Scott. Motion carried. Vote: 5 to 0.

Open session

Motion was made by Curtis, seconded by Scott to offer Mrs. Prince \$52,000.00 (appraisal value) for a piece of property on Wilkie Street for a water tank site for ten days and if there is no response for the Town's attorney (Bobby Key) to start condemnation proceedings. Motion carried. Vote: 5 to 0.

Motion was made by Williamson, seconded by Hall to defend against a small claims suit brought by Dan Williams with an attorney representing the Town's insurance carrier. Motion carried. Vote: 5 to 0.

Adjournment

Mayor Collins adjourned the meeting at 9:50 P.M.

Joe Collins, Mayor

Janet A. Anderson, Town Clerk

