

February 5, 2007

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, February 5, 2007 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Jerry Evans, Billy Mashburn, Carolyn Pattillo, Charles Roper and Bob Scott were present.

Approval of the minutes

Motion was made by Scott, seconded by Pattillo to approve the minutes for the January 2, 2007 and January 8, 2007 meetings as presented. Motion carried. Vote: 6 to 0.

Public hearing on the petition for annexation by G&V Development, LLC

Mayor Collins opened the public hearing on the petition for annexation from G&V Development, LLC at 7:01 P.M. Mike Decker said the property is located at the intersection of Highway 23-441 South and Siler Road. No other persons were present to speak at the public hearing. Mayor Collins closed the public hearing at 7:04 P.M.

Consideration of annexation petition

Motion was made by Pattillo, seconded by Curtis to annex the G&V Development, LLC property and to zone the property Business. Motion carried. Vote: 6 to 0. Copies are attached.

Discussion regarding newspaper boxes on Main Street – Alderman Scott

Alderman Scott said all the racks with the exception of one newspaper are still on Main Street. He said I think we need to pass an ordinance to put the boxes in one location. Alderman Pattillo said Alderman Curtis talked to everybody. She said it was agreed to put the boxes at the end near the gazebo. John Henning, Jr. said the Town has never acted with police power on this issue. He said you can designate an area permitting newspaper boxes. Alderman Mashburn said we can better address this issue through the Principles of Growth. Bonnie Pickartz said the newspapers belong on Main Street in front of the businesses. She said papers deliver information. She said there are others that want to move back to Main Street. Rachel Hoskins said I am the publisher of the Franklin Press. She said on June 19, 2006 the Franklin Press, Macon County News, Smoky Mountain News, Mayor Collins, Alderman Pattillo, Alderman Scott and Mike Decker met about the newspaper racks. She said we want the racks enforced equally. She said the news media agreed to purchase the racks. She said our sales have dropped from moving the location of the rack. Colin Gooder said we did not hear back from the group since our meeting in June. He said we asked permission from the business owner before we put our racks in front of their businesses. He said we have been in business over twenty years. Mr. Gooder said an ordinance would bar the merchants from using the sidewalks for any event. He said the new area is not a high traffic area. He said the signage has not been put up as was

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promised. Alderman Scott said we will have to address what can be allowed in the racks. Betsy Gooder said we need some type of racks and leave it up to the vendors to pay for the racks. Alderman Evans said I will not vote for an ordinance. He said this should be left up to the individual merchants. June Hernandez said I am speaking for the Main Street group and as an individual merchant. She said Town looks so much better. She said we are trying to beautify the area. She said I am against the newspaper racks going back on Main Street. George Hasara said this is a first amendment right of free speech. He said news stands give information. He said the racks need to be maintained. He said as a matter of principle I can't support having no newspaper racks. Stephanie Andrews said I am on the Main Street Board. She said we have made progress cleaning up town. She said there should be no problem having a designated area. She said we do not need to have them all over the street. She said we need to educate the people and continue on with progress. Alderman Pattillo said I am on both sides of the fence on this issue. She said we need to get together and solve this problem. Alderman Mashburn said everybody is willing to work on the problem. He said we need to talk one more time. Mayor Collins said we may need to give them some outlets. He said we need to come up with three to four spots. He said the merchants are willing to buy the racks. Mayor Collins said we do not need to worry about an ordinance at this time. Alderman Curtis said they are not happy with the present location. He said they won't be happy with the alley. He said it makes sense to decide on the locations. He said I am not in favor of an ordinance. Alderman Pattillo said we need to have everybody represented. Mayor Collins asked Michael Grubermann to work with all interested parties on this matter.

Recess

Mayor Collins recessed the meeting at 7:43 P.M.

Mayor Collins reconvened the meeting at 7:45 P.M.

Update on Main Street Program – Tony Angel

Tony Angel said several Main Street Board members are here. He said we have been able to do a lot in a short time. He said we added some new members to the Board from Depot Street. He said we have named the Main Street Program as “Renewing Franklin, Feel the Spirit”. He said we have designed a logo. Mr. Angel said the Bylaws have been approved. He said the Articles of Incorporation have been filed. Mr. Angel said the Board wants to hire a consultant for \$2,600.00 to assist with the overall look of the district. He said we are asking the Town to pay half. He said we have a proposal to do the gazebo with timber frame. He said the labor would be free with the Town paying for the materials. Mr. Angel said Nancy Deeks has resigned as Main Street Coordinator. He said we will have a recommendation for a replacement in a few weeks. Alderman Curtis said can you please explain how Nancy Deeks came to resign? Mr. Angel said Alderman Pattillo, Mike Decker and I met with her to discuss her performance. He said it was during this meeting, she agreed to resign. Information copy is attached. **Motion was made by Curtis, seconded by Pattillo to give \$1,300.00 on the cost of hiring a consultant. Motion carried. Vote: 6 to 0.**

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Recess

Mayor Collins recessed the meeting at 8:03 P.M.

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

Petitions for annexation

Mike Decker said we have received the following petitions for voluntary annexation: (1) Albert and Margaret Long and (2) Dennis and Terry Stamey. **Motion was made by Curtis, seconded by Evans to direct the town clerk to check the sufficiency of these petitions. Motion carried. Vote: 6 to 0.**

Discussion regarding sidewalks at Angel Medical Center – Street and Sidewalk Committee and Emory Prescott

Emory Prescott said we have patients going in wheel chairs from the hospital to physical therapy on Riverview Street. She said it is very dangerous since there are no ADA curb ramps on the sidewalk. Alderman Pattillo said we need to correct this situation. She said we have an estimate from Tim Bates to do this work for \$8,200.00. Joel Setzer with the North Carolina Department of Transportation said this project may be eligible for state enhancement funds. **Motion was made by Evans, seconded by Roper to do the sidewalk improvements with funds from the NC DOT if possible. Motion carried. Vote: 6 to 0.**

Update from NCDOT Division Engineer Joel Setzer

Joel Setzer said I am here tonight to update you on our progress on your concerns expressed at your November 20, 2006 meeting. A copy of the letter is attached. He said the following DOT employees are here tonight with me: Wesley Grindstaff, Scott Cook and Josh Deyton. He addressed the following concerns:

- (1) will be providing a protected left turn phase from Porter Street onto Wayah Street by April 1, 2007
- (2) will be installing a traffic signal at Wayah Street and Depot Street by July 1, 2007
- (3) the intersection concerns at West Main Street and Depot Street is in the Town's control
- (4) the new signage for Depot Street Extension showing "To NC 28" has been erected
- (5) NCDOT has not designated Wayah Street as a truck route
- (6) to fix the hole at the corner of Wayah Street and Ulco Drive will cost around \$33,000.00 and will require Macon County approval to spend the Secondary Road Funds on this project
- (7) the work on the drainage grate on Harrison Avenue across from Sunset Restaurant has been completed

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- (8) traffic concerns and safety concerns on US 23/441 from the bypass toward Otto will require upgrading US 23/441 from US 64 to Georgia from a boulevard to an expressway; will be very expensive and have a high impact to the adjacent properties
- (9) resurfacing Palmer Street will cost \$235,000.00; all resurfacing funds are currently obligated; this need will be considered this fall
- (10) need to curb, gutter and do sidewalk on Old Murphy Road to Baird Cove Road will cost \$56,000.00 for construction and \$27,000.00 for utility relocation; if the cost of the utilities could be born by the Town and right of way be provided at no charge this project would be a good project for funding with Small Construction Funds

Departmental reports

Fire Chief Pete Haithcock gave the fire department report. A copy of the report is attached. He said Matt Breedlove is the new assistant fire chief. He said he will not get paid since he is employed full time as a police officer. **Motion was made by Scott, seconded by Mashburn to stop paying Greg Day \$100.00 per month as assistant fire chief. Motion carried. Vote: 6 to 0.** He said the engineering study has been done on the proposed building addition.

Public Works Director Jay Gibson said McGill Associates is getting the raw water intake project ready for bidding. Mike Decker said we were told we cannot rebid the same project again without modifying it in some way. Mr. Gibson said the Water/Sewer Committee has come up with a priority list of projects. He said we can let McGill do the plans.

Proposed increase in 1½ inch and 2 inch tap fees – Water/Sewer Committee

Jay Gibson said the Water/Sewer Committee has recommended the following increases in tap fees. He said they are as follows:

- (1) 1 1/2" tap – Inside - \$900.00 plus accessories
Outside \$1,800.00 plus accessories
- (2) 2" tap – Inside - \$1,200.00 plus accessories
Outside - \$2,600.00 plus accessories

Motion was made by Mashburn, seconded by Evans to increase the 1 ½ inch and 2 inch tap fees to the amounts recommended by the Water/Sewer Committee with an effective date of February 6, 2007 and to grandfather in any taps already quoted. Motion carried. Vote: 6 to 0. A copy of the rates is attached.

Departmental reports continued

Police Chief Terry Bradley gave the police department report. A copy of the report is attached. He said the calls are up from December.

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Michael Grubermann said I started working full time on January 29, 2007.

Discussion concerning update on town code regarding abandoned vehicles – Michael Grubermann

He said I have been working on updating the Town Abandoned Vehicle Ordinance. He said the current ordinance is lacking in the ability to enforce the code except on public property. He said I will be giving some proposed wording to the Town attorney shortly for his input. A copy of the report is attached.

Consideration of multi-family development – Ron Franklin

Mike Grubermann said Ron Franklin has met all requirements for his multi-family development and has added a copy of their drainage plan and details. A copy of the report is attached. **Motion was made by Evans, seconded by Roper to give conditional approval of Ron Franklin's multi-family development plans. Motion carried. Vote: 6 to 0.**

Persons to be heard

Carl Doozan said the Water/Sewer Committee was to bring a recommendation to this meeting concerning my request for a water/sewer allocation for my project on the Georgia Highway. Alderman Mashburn said I am sorry but we have not looked into this request yet. He said we will try to have a recommendation at our next meeting.

Discussion regarding March meeting date

Mike Decker said Alderman Scott has asked the Board to change the March meeting from March 5, 2007 to March 12, 2007 since he will be out of town. Alderman Mashburn said we need to ask our attorney. He said I am not sure we can change the date of the regular meetings. John Henning, Jr. said I think that you can change the date of the meeting. Alderman Scott said I withdraw my request of changing the meeting in March. **Motion was made by Pattillo, seconded by Mashburn to change the regular March meeting from March 5, 2007 to March 12, 2007. Motion carried. Vote: 6 to 0.**

Planning Board recommendation

Mike Decker said the Planning Board met on January 16, 2007 and their recommendation is to rezone Tim Ryan's property from Residential to Traditional Neighborhood Development. **Motion was made by Curtis, seconded by Pattillo to set the public hearing on the proposed rezoning for March 12, 2007 at 7:00 P.M. Motion carried. Vote: 6 to 0.**

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Request concerning proposed letter to NC Division of Water Quality regarding Duke Power – Alderman Curtis

Alderman Curtis said we need to send a letter to Duke Energy asking for documents. Alderman Scott said I don't think we need to send a letter since all this information is public already. **Motion was made by Evans, seconded by Mashburn to send a letter to Duke Energy asking for documents. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Evans, Mashburn, Pattillo and Roper. Voting no: Scott. A copy of the letter is attached.**

Additional departmental and committee reports

Janet Anderson said Danny Breedlove's retirement party will be on Friday, February 9, 2007 from 2:00 to 4:00 P.M. at the town hall board room.

Mike Decker said Becky Barr with the Macon County Public Health Center has asked if the Town would be interested in working on a grant application that would entail an assessment of the Town's sidewalks. He said the Town's portion would be the GIS mapping component. He said the grant would be worth \$30,000.00 for two years. **Motion was made by Pattillo, seconded by Masburn to join with the Macon County Public Health Center on this project. Motion carried. Vote: 6 to 0.**

John Henning, Jr. said I talked to Bud Siler last week about the Susie Prince property. He said Mr. Siler said Mrs. Prince wants more money. The Board did not take any action.

Acknowledgement of settlement with L-J, Inc. – John Henning, Jr.

John Henning, Jr. said we need to make a public acknowledgement of our settlement with L-J, Inc. in the amount of \$129,000.00.

Continuation of meeting

At 9:40 P.M., motion was made by Scott, seconded by Curtis to continue the meeting until Thursday, February 22, 2007 at 5:15 P.M. to the W.C. Burrell Building. Motion carried. Vote: 6 to 0.

Call to order of the February 5, 2007 continuation meeting

The regular February 5, 2007 meeting of the Town of Franklin Board of Aldermen was continued at 5:15 P.M., Thursday, February 22, 2007 at the W. C. Burrell Building. Mayor Joe Collins presided. Aldermen Verlin Curtis, Jerry Evans, Billy Mashburn, Carolyn Pattillo, Charles Roper and Bob Scott were present.

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Presentation regarding use of the Burrell Building as town hall – Tom Ritter and Martha Chapman

Tom Ritter said we were asked to look at moving the town hall to the Burrell Building. He said we have done plans. He said the new board room would hold up to fifty persons. He said it could be utilized day or night with an outside entrance. Mr. Ritter said the present public bathroom use would remain. He said the downstairs area could be used for multipurpose use. He said you would have a drop off box. He said there are enough parking spaces. Mr. Ritter said the construction is sound. Martha Chapman said this building could be used to advertise town. She said we would do some landscaping. She said the offices have plenty of room and there would be storage. Mr. Ritter said you could add additional space in the future when needed. He said the cost of remodeling the Burrell Building would be \$75.00 per square foot. Mayor Collins said would there be additional plumbing? Mr. Ritter said we would be adding two additional bathrooms. Alderman Mashburn said what would be the cost of remodeling the building? Mr. Ritter said around \$200,000.00. Alderman Evans said have you put in a vault? Mrs. Chapman said yes we have planned for a vault. Mayor Collins said what are the biggest limitations of the building? Mrs. Chapman said the exterior. Several interested citizens spoke in favor of moving town hall to the Burrell Building.

Recess

Mayor Collins recessed the meeting at 5:52 P.M.

Mayor Collins reconvened the meeting at 5:58 P.M.

Discussion regarding APAC and Maple Street resurfacing

Mike Decker said APAC has proposed that they mill up the pavement of Maple Street, put down a two inch binder and put down two inches of asphalt. He said the cost would be \$99,901.07. He said the intital bid of \$34,000.00 is included in this amount. Alderman Pattillo said we have a problem with the paving. She said it could be smoothed out in the spring. Jay Gibson said we do not know how long this repaving will last. Alderman Evans said we need to get bids on this job. Alderman Mashburn said APAC should have addressed any problems before starting the job. Alderman Evans said we have never had any problems before with repaving projects. He said there is a clause in the proposal stating we will pay \$10,000.00 per day for each additional day over two days. He said that could add up. Mayor Collins tabled the discussion until the March 12, 2007 meeting.

Consideration of records retention policy – Janet Anderson

Motion was made by Mashburn, seconded by Evans to adopt the records retention policy. Motion carried. Vote: 6 to 0. A copy is attached.

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Ratification of telephone poll regarding sidewalk work on Riverview Street

Mike Decker said Mayor Collins asked me to poll the Board on doing the sidewalk work on Riverview Street with town funds instead of state funds. He said if we had used the state funds the work would not have been done for about six months. Alderman Evans said I was not in favor in turning down the state funds since we could have saved tax dollars. **Motion was made by Scott, seconded by Curtis to ratify the telephone poll to do the sidewalk work on Riverview Street with Town funds. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Mashburn, Pattillo, Roper and Scott. Voting no: Evans.**

Recommendation on request for water/sewer allocation for Carl Doozan – Water/Sewer Committee

Motion was made by Mashburn, seconded by Evans to allocate to Carl Doozan 3,620 gallons per day of water and sewer to his proposed mixed-use development at 2235 Georgia Highway. Motion carried. Vote: 6 to 0. A copy of the request is attached.

Additional departmental and committee reports

Mike Decker said Sunday Bougher, the architect on the planned new Wal-Mart Supercenter has notified me the project has been put on hold.

Mike Decker said Mediacom is increasing rates effect with its March billing cycle. He said there will be no change in the Basic or Expanded Basic rates.

Mike Decker said Alderman Scott has indicated he would like us to try to get local legislation passed that would allow vehicles owned by the Town such as the police department's Polaris to be used on town streets. **Motion was made by Scott, seconded by Curtis to ask for local legislation allowing the Town to use such vehicles as the Polaris on town streets. Motion carried. Vote: 6 to 0.**

Mike Decker said there is a bill that has been drafted that is known as the Mountain Slope Construction Act. He said this bill if passed would require local governments to adopt ordinances to regulate development on mountains where the slope is twenty-five percent or greater.

Mike Decker said I am asking for \$1.00 per hour raise for Rose West. He said she did an excellent job recently dealing with zoning issues after Rebecca Crawford resigned. He said the Board could consider giving a one time bonus. **Motion was made by Scott, seconded by Pattillo to give Rose West a \$1.00 per hour raise. Motion carried. Vote: 6 to 0.**

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Mike Decker said we have received four proposals in response to our request for financing for our wastewater Capital Improvement Plan needs. He said we will have a report at the March 12, 2007 meeting.

Mike Decker said we need to formally accept Nancy Deeks resignation. He said the Main Street Board has voted to recommend hiring Linda Schlott on an interim basis. **Motion was made by Scott, seconded by Mashburn to formally accept Nancy Deeks resignation. Motion carried. Vote: 6 to 0. Motion was made by Curtis, seconded by Scott to hire Linda Schlott on an interim basis beginning on March 1, 2007 until the end of May 2007. Motion carried. Vote: 6 to 0.**

Mike Decker said the dedication of the two Civil War Trails markers is planned for Saturday, May 12, 2007.

Mike Decker said Ricky Parks last plans for a subdivision on Green Street does not provide access to one of the lots. He said we will be working with Mr. Parks on this project.

Mike Decker said the 2007 North Carolina League of Municipalities meeting will be held on Tuesday morning, March 27, 2007 in Canton.

Mike Decker said at our next meeting I will have information for you on a cross connection control program that the town needs to have in place.

Mike Decker said does the Board want me to use potential recruiters for the engineering position or do you want me to advertise the job on a part-time basis? After some discussion, the Board asked Mr. Decker to advertise the job on a part-time basis.

Alderman Mashburn said the trunk sewer line will be permitted by the state soon. He said we need to get the easements on Depot Street. He said we need approval from the Board for John Henning, Jr. to do the legal work. **Motion was made by Scott, seconded by Mashburn to authorize John Henning, Jr. to do the necessary work to get the easements for the sewer trunk line on Depot Street. Motion carried. Vote: 6 to 0.**

Alderman Curtis said I think we should do a resolution of support for HB 127 authorizing a referendum in November 2007 on the issuance of \$500 million in state general obligation bonds for clean water purposes. **Motion was made by Curtis, seconded by Pattillo to do a resolution of support for HB 127. Motion carried. Vote: 6 to 0.**

Alderman Scott said I have concerns about the anti-annexation bills proposed. He said we need to support the League on working on stopping these bills being passed. **Motion was made by Scott, seconded by Pattillo to send a letter to the League stating the Town's support on stopping anti-annexation bills. Motion carried. Vote: 6 to 0.**

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Water adjustments – tax releases/discoveries – payment of bills

Motion was made by Scott, seconded by Curtis to approve the water adjustments for January, to approve the tax releases and discoveries and to approve payment of the bills. Motion carried. Vote: 6 to 0.

Closed session

The Board went into closed session at 7:00 P.M., on motion made by Scott, seconded by Curtis to consult with the town attorney and to discuss the location of a business inside town requesting economic development incentives. Motion carried. Vote: 6 to 0.

The Board came out of closed session at 7:13 P.M., on motion made by Scott, seconded by Curtis. Motion carried. Vote: 6 to 0.

Open session

Motion was made by Curtis, seconded by Scott to authorize John Henning, Jr. to start the condemnation process on the Susie Prince property on Wilkie Street for a water tank site. Motion carried. Vote: 6 to 0.

Adjournment

Mayor Collins adjourned the meeting at 7:15 P.M.

Joe Collins, Mayor

Janet A. Anderson, Town Clerk