May 1, 2006

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, May 1, 2006 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 Curtis, seconded by Pattillo to approve the minutes for the April 3, 2006 and April 26, 2006 meetings as presented. Motion carried. Vote: 6 to 0.

Public hearing on rezoning petitions from the Childers heirs

Mayor Collins opened the public hearing on the Childers heirs Group rezoning petitions at 7:02 P.M.

The following persons spoke at the hearing:

Carroll Childers – We are petitioning for the highest and best use as a business park. The plans are to have office buildings. Utilities are there at the property.

Brownlow Green – Cars go by like it is the Daytona 500. I have a house at the top of the hill that I have worked thirty years to pay for. I am afraid to go out on the road now.

Mayor Collins closed the public hearing at 7:04 P.M.

Public hearing on rezoning petitions from G&V Development

Mayor Collins opened the public hearing on G&V Development's rezoning petitions at 7:05 P.M.

No persons were present to speak at the public hearing.

Mayor Collins closed the public hearing at 7:06 P.M.

Public hearing on rezoning petitions from David and Helen Henson

Mayor Collins opened the public hearing on the David and Helen Henson rezoning petitions at 7:07 P.M.

The following persons spoke at the hearing:

Ted Brown – I have lived for twenty years on Harrison Avenue. My property borders the Henson's property. Traffic is very bad. Depot Street Extension has helped with the big trucks. If this property is rezoned to business, the traffic would be heavier. The Presbyterian Church is a historical property. We may end up with a Burger King.

Dr. David Henson – I ask that these three parcels be considered separately.

Mayor Collins - We will consider them separately. The first parcel to be discussed will be the Franklin Terrace property.

Denton Higdon – I am speaking as an individual. This piece is all business now except for the parking lot. The whole parcel needs to be zoned as one piece.

Dr. David Henson – We are not trying to hinder or harm the Town. We had the property appraised and found out that only two-thirds of the property was zoned business. The property will stay the same.

Russ Rankin—I am representing the Presbyterian Church. We have a beautiful church. He said if the parcel is left residential it will protect the area from changing. I hate to see the neighborhood change.

Bill Knief – I own property across the street. Three acres is a good size piece of property.

Mayor Collins closed the public hearing on the Franklin Terrace parcel at 7:19 P.M.

Mayor Collins opened the public hearing on the Callahan parcel at 7:20 P.M.

The following persons spoke at the hearing:

Barbara McRae – I would like to keep the historical qualities of the street in place.

Mary Browning – We have lived on Harrison Avenue for twenty-two years. Every house has been improved. The street is looking good. I am in favor of residential.

Alan Shoffeitt – I own the Harrison Avenue Apartments. This is the prettiest street in Franklin.

Ted Brown – I repeat my same objections as before.

Denton Higdon – This would be perfect for Neighborhood Mixed Use zoning.

Mayor Collins closed the public hearing on the Callahan parcel at 7:23 P.M.

Mayor Collins opened the public hearing on the Orlando Apartments parcel at 7:24 P.M.

The following persons spoke at the hearing:

Ted Brown – Same comments as before.

Alan Shoffeitt – Same comments as before.

Mayor Collins closed the public hearing on the Orlando Apartments parcel at 7:25 P.M.

Consideration of rezoning petitions

Rebecca Crawford said the Childers heirs are asking their property off Roller Mill Road be rezoned from Residential to Business. She said there are seven parcels with five petitioners. She said the amount of property is 14.4 acres. Mrs. Crawford said the change will impact traffic in the area and Town water and sewer are available. She said we received one protest letter from Bernard and Deanna Wagner. The letter is attached. She said my recommendation is that since this request does not adequately contribute to the public good the Board table this request until after the Principles of Growth plan is adopted and then reconsider the matter when undergoing the zoning code revision. She said the Planning Board's recommendation is to rezone the property from Residential to Business. Copies are attached. Alderman Evans said the Principles of Growth Plan is still a year away. Alderman Scott said we need to accept the staff's recommendation. Alderman Curtis said they have met all our current requirements. He said we need to act on their request. Mrs. Crawford said the protest letter will require a 3/4 majority vote by the Board to approve the request. Motion was made by Evans to rezone the Childers heirs' property off Roller Mill Road from Residential to Business. Vote: 4 to 2. Motion failed since it did not pass by a ¾ majority vote. Voting yes: Curtis, Evans, Mashburn and Roper. Voting no: Pattillo and Scott. Copies of the rezoning petitions are attached.

Rebecca Crawford said G & V Development are requesting their property on Georgia Road be rezoned from Residential to Business. She said the amount of property is 5.5 acres is surrounded by Business. She said there are traffic concerns with a lot of accidents in this area. She said Town water and sewer are available. Mrs. Crawford said no protest letters were received. She said my recommendation is that since this request does not adequately contribute to the public good the Board table this request until after the Principles of Growth plan is adopted and then reconsider the matter when undergoing the zoning code revision. She said the Planning Board's recommendation is to rezone the property from Residential to Business. Copies are attached. Alderman Scott said we need to wait and do more study. Alderman Mashburn said this area is prime for business. He said these folks need to know. Motion was made by Evans, seconded by Mashburn to rezone G & V Development property on the Georgia Road from Residential to Business. Motion carried. Vote: 6 to 0. Copies of the rezoning petitions are attached.

Rebecca Crawford said the Franklin Terrace parcel owned by David Henson consists of 1.29 acres and he has requested that the remaining portion of this property be rezoned from Residential to Business. She said traffic is a factor and Town water and sewer are available. She said we have five protest letters from the property owners requiring a ¾ majority vote by the Board. The letters are attached. She said my recommendation is that since this request will adequately contribute to the public good to rezone the parcel from Residential to Business. She said the Planning Board's recommendation is to rezone the property from Residential to Business. Copies are attached. Motion was made by Evans, seconded by Curtis to rezone the Franklin Terrace parcel from Residential to Business. Motion carried. Vote: 6 to 0. A copy of the rezoning petition is attached.

Rebecca Crawford said the Callahan property owned by Helen Henson consists of 1.00 acre and she has requested that this property be rezoned from Residential to Business. She said traffic is a factor and Town water and sewer are available. She said we have five protest letters from the property owners requiring a ¾ majority vote by the Board. The letters are attached. She said my recommendation is that this parcel should remain Residential until the Principles of Growth Plan is completed and the Harrison Avenue corridor can be further studied. She said the Planning Board's recommendation is to deny rezoning the property. Copies are attached. Motion was made by Evans to rezone the Callahan property from Residential to Business. Motion died for a lack of a second.

Rebecca Crawford said the Orlando Apartments property owned by Helen Henson consists of .46 acre and she has requested that this property be rezoned from Residential to Business. She said traffic is a factor and Town water and sewer are available. She said we have five protest letters from the property owners requiring a ¾ majority vote by the Board. The letters are attached. She said my recommendation is that this parcel should remain Residential until the Principles of Growth Plan is completed and the Harrison Avenue corridor can be further studied. She said the Planning Board's recommendation is to deny rezoning the property. Copies are attached. David and Helen Henson withdrew this rezoning request.

Recess

Mayor Collins recessed the meeting at 7:48 P.M.

Mayor Collins called the meeting back to order at 7:55 P.M.

Persons to be heard

Dan Williams said I have asked to be put on the agenda for the last three months. John Henning, Jr. said the Town is not required to put you on the agenda. Mr. Williams said I have talked to Rebecca and Bob. Mayor Collins said I set the agenda. Mr. Williams said the stop sign on Dogwood Street needs to be repaired.

Request for funding for folk festival – Janet Greene

Janet Greene said the Franklin Folk Festival will be held on June 9th and 10th. She said we need money for shuttle parking. She said this is the third year for the event. **Motion was made by Pattillo, seconded by Scott to give the Franklin Folk Festival \$1,500.00 with the understanding that a report of the expenses will be given. Motion carried. Vote: 6 to 0.**

Consideration of multi-family development – Vic Sanders

Steve Philo said I am the attorney for Vic Sanders. He said Mr. Sanders wants to build a multifamily development. Rebecca Crawford said there are plans to do a four unit duplex in two buildings off Dale Drive. She said all the requirements for setbacks, drainage, parking and building height have been met. Copies are attached. Mr. Philo said I understand there were concerns about sedimentation. He said there are drainage plans. Mayor Collins said can emergency vehicles get to the area? Fire Chief Pete Haithcock said the street needs to be paved. Dan Williams said it is a one lane dirt road that cannot be driven down. He said the neighbors were not notified about this development. Mike Decker said public notice is required for a rezoning but not for a multi-family development. Dan Williams said speaking as a homeowner we should have been notified. Vic Sanders said I will make the street the width that is required by the Town. Fire Chief Haithcock said the street through Dale Drive is only twelve feet wide. He said the street needs to be at least sixteen feet wide. Motion was made by Curtis, seconded by Roper to approve Vic Sanders' plans with the condition that the interior streets be sixteen feet wide. Motion carried. Vote: 6 to 0.

Discussion regarding preliminary subdivision – Lamar Sprinkle

Lamar Sprinkle said I have four lots on Green Street that I plan to put mobile homes or modular houses. Rebecca Crawford said this is a preliminary hearing to hear your comments. She said Mr. Sprinkle needs to meet the subdivision regulations. Copies are attached. John Henning, Jr. said I agree with Rebecca that this would be a subdivision. Mr. Sprinkle said I need to know what I have to do to make these lots legal. Mayor Collins said please get with Mrs. Crawford about the requirements.

<u>Update on enforcement of soil erosion control ordinance – Josh Ward</u>

Josh Ward said there have been no problem areas inside Town. He said everything is going well in Town. He said there is one large commercial site being developed past the Chevrolet dealership.

Departmental reports

Public Works Director Jay Gibson said we should have an update on the raw water intake project by the 1st of June. He said we are closer to bid on the water tank on Wilkie Street. He said the price for a two inch water tap is under priced. Mayor Collins said please work with the Water/Sewer Committee on this matter. Mr. Gibson said I would like to get approval to hire Jeremy Gibbs as a backhoe operator. Motion was made by Evans, seconded by Pattillo to hire Jeremy Gibbs as a backhoe operator. Motion carried. Vote: 6 to 0. Mayor Collins said Reggie Holland has questions about his taps on Edgewood Avenue. Jay Gibson said if the business is divided he will need two taps. Mayor Collins asked Mike Decker to talk to Reggie Holland about this situation.

Police Chief Terry Bradley gave the police department report. A copy of the report is attached.

Fire Chief Pete Haithcock gave the fire department report. A copy of the report is attached. He said the fire department had turned in a proposed 2006-2007 budget to Macon County. He said we have been helping with the Relay for Life.

Town Planner Rebecca Crawford said in April I had a total of one hundred thirty-two walk-in visits or phone calls. A copy of the report is attached. She said I attended the following meetings: Heritage Task Force Committee meeting, Principles of Growth Kick-Off meeting, Regional Planners meeting and the Dan Williams meeting. She said I have enclosed a memo pertaining to the question about the zoning code revision and moratorium. A copy is attached.

Update on town-wide cleanup – Alderman Pattillo

Alderman Pattillo said we will have the cleanup this Saturday at 8:00 A.M. and work for four hours. She said at noon we will have hot dogs. She said the inmates have been working all week with Gerald Roper. She said vouchers will be given so trash can be taken to the landfill. Alderman Curtis said J & B will provide one to two trucks. He said I have talked to some persons about their junked cars.

<u>Consideration of resolution approving the Macon County Solid Waste Management Plan</u> Update

Motion was made by Scott, seconded by Mashburn to adopt the resolution approving the Macon County Solid Waste Management Plan. Motion carried. Vote: 6 to 0. A copy of the resolution is attached.

Ratification of telephone poll

Mike Decker said I would like the Board to ratify the telephone poll on April 17, 2006, in which I asked your to approve the following: (1) a change order on the Nantahala Bank/Siler Road sewer project and (2) to approve the cost of repairs to the James and Shirley Tallent property on Baird Cove that resulted from the installation of the sewer line in that area at a cost of \$2,500.00 with Denny Ledford doing the work. A copy is attached. Motion was made by Curtis, seconded by Evans to ratify the telephone poll on April 17, 2006. Motion carried. Vote: 6 to 0.

Candidates for planning board vacancy

Motion was made by Pattillo, seconded by Scott to appoint Joyce Handley of 39 Northside Drive as a member of the planning board and to appoint Dr. Jason Creel of 351 Harrison Avenue as an alternate member of the planning board. Motion carried. Vote: 6 to 0.

Discussion regarding possible referendum on on-premise malt beverage sales

Alderman Scott said basically we would be allowing persons to vote their opinion. John Henning, Jr. said you have four choices: (1) on premises and off premises, (2) on premises, (3) off premises and (4) on premises with Class A restaurants. Alderman Evans said we need to do malted beverages plus liquor. Alderman Pattillo said the voters have the right to vote on the issue. Alderman Curtis said I am personally against both of them but due to the cost of the election we need to consider both at the same time. Motion was made by Scott, seconded by Pattillo to instruct the Town Attorney to request the County Board of Elections to hold an election on malt beverages and mixed beverages, pursuant to N.C.G.S. sec 18B-600 and following. Motion carried. Vote: 4 to 3. Voting yes: Evans, Pattillo, Scott and Mayor Collins. Voting no: Curtis, Mashburn and Roper.

Discussion regarding Whitmire property

Mayor Collins said David Whitmire requested a couple of mementos from the Whitmire property. He said I talked to Mike Decker and then gave him permission. Alderman Mashburn said we do not need to make any additional comments at this time. He said we need to ask our attorney to be the spokesperson on this matter. John Henning, Jr. said I may be able to give you a more complete picture of your options in a few weeks. Alderman Mashburn said that was the question I was raising days ago. Alderman Pattillo said I have no problems with exploring avenues. Alderman Curtis said this has already been discussed in closed session. Mayor Collins said our attorney is asking for some more time. Alderman Pattillo said how do we know this is criminal? Alderman Scott said the problem with the SBI is that information cannot be released

to the public. Alderman Scott said I would like to see an impartial licensed contractor estimate the damages. He said I am concerned about intent. Alderman Mashburn said these questions were already asked in closed session of our attorney. Motion was made by Curtis, seconded by Evans that Chief Bradley contact the SBI asking for a full and complete investigation concerning the unauthorized removal of materials, break in and entering and destruction of property owned by the Town of Franklin on the former Whitmire Estate. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Evans, Mashburn, Roper and Scott. Voting no: Pattillo.

Additional committee and departmental reports

Janet Anderson presented a budget report and budget amendments for the Board's consideration. Copies are attached. Motion was made by Curtis, seconded by Scott to approve the budget amendments as proposed. Motion carried. Vote: 6 to 0. Copies are attached.

Alderman Curtis said the Fraternal Order of Police needs to use the Town's PA system. He said we need to pay Donnie Clay for his time. Alderman Scott said I have a problem with donating to them. Alderman Curtis said I will personally pay for the use of the equipment.

Alderman Curtis said I want to give my resignation as a member of the Streets of Franklin Committee.

Alderman Mashburn said we have met with Sam Greenwood and there are some problems with the Main Trunk Sewer Line. He said the plans are still in Raleigh and not getting anywhere. He said we need to call McGill Associates about this project and try to get it out of the comment stage.

Alderman Mashburn said some towns have trademarked their seal. The Board asked John Henning, Jr. to look into this matter.

Water adjustments, tax releases and payment of the bills

Water adjustments for April, tax releases and payment of the bills were approved on motion made by Curtis, seconded by Evans. Motion carried. Vote: 6 to 0.

Continuation of meeting

At 9:57 P.M., Mayor Collins continued the meeting until Monday, May 15, 2006 at 7:00 P.M.

Call to order

The regular May 1, 2006 meeting of the Town of Franklin Board of Aldermen was continued at 7:00 P.M., Monday, May 15, 2006 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.

Consideration of Macon County Humane Society request

Hazel Davis said I am the treasurer of the Macon County Humane Society. She said we are requesting money from the Town. She passed out a copy of the Humane Society profit and loss statement for April. A copy is attached. Mike Decker said there is \$20,000.00 in the current budget for animal control. Mrs. Davis said the Humane Society has continued to take in animals from the Town and from individuals when we have room. Alderman Scott said this is not animal control. Alderman Evans said I agree. Mayor Collins said how much does Macon County contribute? Skip Holland with the Humane Society said zero. He said a committee has been working on getting animals tagged and starting a pound. Alderman Evans said has the county given any money to the Humane Society? Mr. Holland said no, not in the past two years. Alderman Evans said there is a need for it, but we shouldn't be paying for the county. Alderman Pattillo said I don't think we should penalize them just because the county doesn't help. Alderman Mashburn said we need to look into it for next year's budget. Mayor Collins said I hope we can free up this money to help them. Alderman Scott said we have an obligation to help. Alderman Curtis said I am not against funding but my feelings are that the Town is funding the whole county. Motion was made by Scott, seconded by Pattillo to give the \$20,000.00 for animal control to the Macon County Humane Society. Motion carried. Vote: 6 to 0.

<u>Update on water and sewer projects – McGill Associates</u>

Jeff Bishop with McGill Associates reported on the following projects:

Main Trunk Sewer line - Will be receiving comments on Friday. We have two months to work on the plans and respond to the comments. We will have to pump around the Zickgraf property on Depot Street. The plans are to let the bids in September and start construction in October 2006. We are in good shape on the grants. Alderman Pattillo said the library will have to pump. She said that will be expensive. Mr. Bishop said the county has given the go ahead for a pump station. Mayor Collins said is there any reuse for a pump station? Mr. Bishop said the pump can be reused but not the lines.

Macon Middle School Sewer Line – A walk through has been done. A letter has been sent to the contractor. The contractor has indicated that the punch list will be done this week or next week. The pump station will be at the corner of Wells Grove and Clarks Chapel Roads. It should be finished by the first part of August. Alderman Curtis said where is the pump station? Mr. Bishop said on the Sanders property.

West Main Street water line – The water will be turned on at the Macon Middle School this week. This should let us get the funding for the West Main Street water line project.

Raw Water Intake – The bids came in over budget. We have put together a new package and will be opening bids again next week.

Wilkie Street water tank - The permits are in hand and the surveys are completed.

Forest Avenue sidewalks – The bids will be opened next Tuesday.

Job Corp – Joel Storrow and I will get with them about upgrades to the pump stations.

Joel Storrow with McGill Associates said we have been working with the Town for twenty years. He said I would like to continue doing business with the Town. He said I ask that you consider adopting the Clean Water Resolution.

Consideration of proposed interim agreement with the Great Outdoors RV Resort

Mike Decker said in late April the Board asked John Henning, Jr. to contact Great Outdoors about the sewer line on Highway 441 North. He said the Town received a letter from the Robes with a proposed interim agreement. Mr. Henning, Jr. said you have seen the letter and they have put up a bond. He said I recommend that the Town accept the agreement. Mike Decker asked Jeff Bishop what he thought. Mr. Bishop said I recommend a walk through so you will have a base line. Mr. Henning, Jr. said they are open for inspection. He said it could be put in writing, but I don't think it needs to be. Alderman Mashburn said the agreement lists the Great Outdoors, but doesn't say anything about the Gem and Lapidary. He said does the Gem and Lapidary need to be in the agreement? Mr. Henning, Jr. said I agree that they should be in the agreement. Alderman Mashburn said in paragraph five of the agreement it states: "Parties agree that the Great Outdoors should obtain a public utility franchise". He said should that be in the agreement? Mayor Collins said we need to take that wording out. Motion was made by Evans, seconded by Mashburn to accept the agreement with the above mentioned changes. Motion carried. Vote: 6 to 0. A copy of the agreement is attached.

Consideration of invitees for Principals of Growth working group

Mike Decker said that Rebecca Crawford and I have been working on the Principals of Growth working group. He said the board has twelve proposed members. He said I would like to send out invitations to these people. A copy of the list is attached. Alderman Scott said I would like to give anybody that is a town taxpayer a chance to be in this group. Rebecca Crawford said we would like to get moving on this program. She said it has been advertised and we need to have a broad spectrum of people. She said the first meeting is on May 31, 2006. Mayor Collins said we can put something in the paper this week.

Update on Main Street coordinator contract/board of directors

Mike Decker said the money in the budget for the Main Street Program will be coming from the contributions to the Streets of Franklin and the East Franklin merchants. He said Rebecca Crawford and I have been working on a list for the Board of Directors. Alderman Pattillo said I think we need someone from Depot Street and Palmer Street so that everybody is represented. Mayor Collins said when do you need this board? Mr. Decker said we can take it up at the regular June meeting.

Recess

Mayor Collins recessed the meeting at 8:10 P.M.

Mayor Collins called the meeting back to order at 8:15 P.M.

Main Street Coordinator contract

John Henning, Jr. said the contract should read final payment on May 1, 2007. Motion was made by Curtis, seconded by Pattillo to accept the Main Street Coordinator contract with Nancy Deeks. Motion carried. Vote: 6 to 0. A copy of the contract is attached.

Response regarding town's flood insurance status

Mike Decker read a letter from the state concerning flood insurance. A copy is attached. Mr. Decker said we need to respond. After some discussion, the Board decided not to participate at this time.

Response regarding Notice of Violation (NOV) at wastewater treatment plant

Mike Decker said the Town has received a notice of violation at the wastewater treatment plant during the month of January. He said the penalty is \$1,600.00. Motion was made by Curtis, seconded by Evans to pay the penalty. Motion carried. Vote: 6 to 0.

Consideration of 2006 Clean Water Bond Resolution

Mike Decker said the Town has received a memo from Bill Gibson asking us to consider approving a resolution for the 2006 Clean Water Bond. He said the Town has benefited in the past from these water bonds. Motion was made by Evans, seconded by Curtis to approve the resolution for the 2006 Clean Water Bond. Motion carried. Vote: 6 to 0. A copy of the resolution is attached.

Consideration of audit contract with Dixon Hughes

Motion was made by Evans, seconded by Mashburn to accept the audit contract with Dixon Hughes in the amount of \$25,000.00 for fiscal year 2005-2006. Motion carried. Vote: 6 to 0. A copy is attached.

Additional departmental and committee reports

Alderman Pattillo said the Town's cleanup was successful. She said the state has accepted the resolution for sidewalks assistance on Maple Street and Green Street. She said we need to put pavers behind the clock tower so that the square is even. Motion was made by Pattillo to get bids to do these pavers, seconded by Evans. Motion carried. Vote: 6 to 0.

Alderman Evans said the gazebo is ready for Pickin' on the Square. He said the police department needs a building to park their ATV in since they now park it inside the police department. He said the public works department needs a tractor with an arm on it to do mowing.

Mike Decker said Lori Smith, the tax collector, has become a certified tax collector. He said I recommend giving her \$1.00 per hour raise. Motion was made by Mashburn, seconded by Evans to increase Lori Smith's pay \$1.00 per hour. Motion carried. Vote: 6 to 0.

Mike Decker said the Town is advertising for contract mowers to see if it would be more cost efficient as opposed to hiring extra help.

Called meeting for presentation of proposed budget

Motion was made by Evans, seconded by Curtis to set Thursday, June 1, 2006 as the date for the presentation of the proposed budget. Motion carried. Vote: 6 to 0.

Schedule public hearing on proposed budget

Motion was made by Curtis, seconded by Evans to set Monday, June 12, 2006 as the date for the public hearing of the proposed 2006-2007 budget. Motion carried. Vote: 6 to 0.

<u>Adjournment</u>	
Mayor Collins adjourned the meeting at 8:40 P.M.	
	Joe Collins, Mayor
	Janet A. Anderson, Town Clerk