



Town of Franklin Council

Agenda

April 2, 2018

6:00 p.m.

1. **Call to Order-** Mayor Bob Scott
2. **Pledge of Allegiance-** Vice Mayor Barbara McRae
3. **Approval of the March 2, March 3 and March 5, 2018 Town Board minutes**
4. **Adoption of the April 2, 2018 Town Board Agenda**
5. **Public Hearing 6:05 p.m. for Wireless Telecommunications Ordinance**
6. **Public Session**
7. **New Business**
 - A.) Board Action on Wireless Telecommunications Ordinance- Town Council
 - B.) Taste of Scotland Street Closing Request- Town Manager Summer Woodard
 - C.) Law Enforcement Memorial Day Street Closing Request- Town Manager Summer Woodard
 - D.) Martin-Starnes Audit Contract for Fiscal Year 2017-2018- Finance Officer Kyra Doster
 - E.) Set Public Hearing for Special Use Permit for Verbena Development- Land Use Administrator Justin Setser
 - F.) Appointment of Town Tax Collector- Town Manager Summer Woodard
 - G.) Updated Rules of Procedure for Town Council- Town Manager Summer Woodard and Town Attorney John Henning Jr.
 - H.) Discussion on Alcohol at Events- Mayor and Town Council
 - I.) Discussion on Town Board Re-Appointments- Town Manager Summer Woodard and Town Attorney John Henning Jr.
 - J.) Discussion on Quarter Cent Sales Tax Increase- Mayor Bob Scott
8. **Legal**
 - A.) Discussion on CAR-FAX for Police Program Agreement- Town Attorney John Henning Jr.
 - B.) Forward Unified Development Ordinance Amendment Regarding Utilities to the Town Planning Board- Town Attorney John Henning Jr.
 - C.) Lease Agreement for Gazebo- Town Manager Summer Woodard and Town Attorney John Henning Jr.
9. **Announcements**
 - A.) Town Council Budget Work Session Monday April 16, 2018 at 5:30 p.m.
10. **Adjourn**

April 2, 2018 meeting,

The regular meeting of the Franklin Town Council was held on Monday April 2, 2018 at 6 p.m. in the Town Hall Board Room. Mayor Robert S. Scott presided. Vice Mayor Barbara McRae, Council Members Joe Collins, David Culpepper, Adam Kimsey, Dinah Mashburn and Brandon McMahan were present.

The Pledge of Allegiance was done by Vice-Mayor Barbara McRae.

Approval of the March 2, March 3, and March 5, 2018 Town Council minutes

Motion was made by Kimsey, seconded by McRae to approve the March 2, March 3, and March 5, 2018 meeting minutes. Motion carried. Vote: 6 to 0.

Adoption of the April 2, 2018 Town Council Agenda

Mayor Scott – I would like to add an update of the 76 Hillcrest Avenue property.

Council Member Culpepper – Could we also add Read2Me’s proposal for a story walk at Memorial Park? I have spoken to some of the west side businesses who are eager to sponsor this.

Motion made by McMahan, seconded by Mashburn to add an update of the Hillcrest Avenue demolition as item 6(K) and discussion of Read2Me’s Story Walk proposal as item 6(L) and approve the agenda as amended. Motion carried. Vote: 6 to 0.

Public Hearing 6:05 p.m. for Wireless Telecommunications Ordinance

Land Use Administrator Justin Setser and Town Attorney John Henning Jr. presented this item.

Nobody from the public spoke.

Public Session

Heather Shields thanked the Town Council and town staff for their work in cleaning up the property located at 76 Hillcrest Avenue.

Bill Krepek spoke on behalf of Jimbo Ledford and Jepaca. He said they are currently involved with some local businesses and they want to put together an outdoor festival. He presented some questions; What is the status of Stewart Street and is it public or private? If the Town agrees that the street is Town owned, would the Town help Jepaca get an emergency alcohol permit?

Sandra Crownover spoke about concerns of tenants on Curtis Street. She said that she was going to go to the local news media and WLOS. She also said that she did not like the parallel parking on Main Street.

Richard Jones and Jim Shope spoke on behalf of the Franklin Cemetery Association. They said they do not have an excess of funds to care for the cemetery. They said that they hope that they can have \$10,000 a year from the Town from its nonprofit funding pool grants and \$10,000 from the County to keep the cemetery mowed.

April 2, 2018 meeting continued,

New Business: Board Action of Wireless Telecommunications Ordinance

Council Member Culpepper – When I went to the meeting concerning regional broadband the guy from Sylva said the cost of permitting for cell towers was excessive. We’ve got a couple of different fees in here. Let’s say Balsam West wanted to start bouncing around signals from towers. What would the fee look like for them?

Justin Setser – Land Use Administrator – It depends on the towers they are wanting to build. If they are wanting to do something that falls under small cell then it would be \$50 for a tower. If they want to build something over 50 feet or 110 feet tall then they fall under that \$5,000. If they are going on an existing tower and they are wanting to add equipment to it that falls under the eligible facilities request and that’s the \$1,000.

Council Member Culpepper – We do differentiate then? We’re not just going to charge somebody \$5,000. Ultimately we should welcome any and all ideas to help get better wireless internet to everybody in our community.

Motion was made by McRae, seconded by Mashburn to approve the Wireless Telecommunication Ordinance as presented. Motion carried. Vote: 6 to 0. Ordinance is attached.

New Business: Taste of Scotland Street Closing Request

Town Manager Summer Woodard presented this item.

Motion was made by McMahan, seconded by Mashburn to approve the Taste of Scotland’s request to close Main Street on June 16, 2018 from 6 a.m. to 6 p.m. and Phillips Street and Iotla Street on June 15, 2018 from 5:30 p.m. to 6 p.m. on June 16, 2018. Motion carried. Vote: 6 to 0.

New Business: Law Enforcement Memorial Day street closing request

Town Manager Summer Woodard presented this item.

Motion was made by Culpepper, seconded by Kimsey to approve the closing of Iotla Street on May 18, 2018 from 11 a.m. to 1 p.m. for Law Enforcement Memorial Day. Motion carried. Vote: 6 to 0.

New Business: Martin-Starnes Audit Contract for Fiscal Year 2018-2019

Town Manager Summer Woodard presented this item. Contract is attached.

Motion was made by Collins, seconded by McMahan to approve Martin-Starnes Audit Contract for Fiscal Year 2018-2019 with the understanding that the Tourism Development Authority will pay \$3,000 towards the audit total of \$37,350. Motion carried. Vote: 6 to 0.

April 2, 2018 meeting continued,

New Business: Set Public Hearing for Special Use Permit for Verbena Development

Land Use Administrator Justin Setser presented this item.

Motion by Collins, seconded by McRae to set the public hearing for a Special Use Permit for Verbena Development at 6:05 p.m. on May 7, 2018. Motion carried. Vote: 6 to 0.

New Business: Appointment of Town Tax Collector

Town Manager Summer Woodard presented this item.

Motion made by McRae, seconded by Mashburn to appoint Sabrina Scruggs as Town Tax Collector. Motion carried. Vote: 6 to 0.

New Business: Updated Rules of Procedure for Town Council

Town Manager Summer Woodard presented this item. Updated Rules of Procedure are attached.

Motion by Mashburn, seconded by McMahan to approve the updated Rules of Procedure for the Town Council. Motion carried. Vote: 6 to 0.

New Business: Discussion on Alcohol at Events

Summer Woodard – Town Manager – We reached out to several municipalities including the Town of Sylva, the Town of Waynesville, the Town of Laurel Park, and also the Town of Canton. In your packet you can see the policies that those towns abide by as far as alcohol at events.

John Henning Jr. – Town Attorney – You can see that there are a number of ways to approach that. I thought one that may be a good fit for the Town of Franklin is the one that is used by the Town of Canton. It says that on Town streets or sidewalks this is prohibited but it says in their ordinance that a resolution from the Town would permit it so you could take requests on a case by case basis. There is a number of ways to approach it, it just depends on how the Town wants to approach it.

Council Member Culpepper – We have a case in point right now with the Jepaca event and whether Stewart Street is public or private. ALE is trying to say that they cannot have the event because it is a town owned street.

Council Member Kimsey – I can speak to this since I own the Ratskeller. ALE did consider Stewart Street a Town owned street and so the alcohol permit couldn't be extended for the event because we have an ordinance that prohibits that.

Council Member Culpepper – Right now it's dead because of the ordinance.

April 2, 2018 meeting continued,

John Henning Jr. – Town Attorney – Nobody came and asked Town administration if that is a public street. It does appear on the Powell Bill list. I think this coming to light has raised some questions for us to look into. We have to look to see if there is an easement and I've looked too and I don't know if there is or not. That's not a necessary condition of having a public road. We need to hash this out before we can say it is or isn't a public street. If we just stop maintaining it then we run a risk if there is an accident somebody saying we aren't maintaining our street.

Council Member Culpepper – So we would have to make a motion to close a street that may or may not belong to the Town for this event and give permission to the owner of the Ratskeller to have the event.

Summer Woodard – Town Manager – If I may intervene. Administration nor the Town Council never told anybody that they could not have the event there. This was an action by ALE. Since there have been events there in past, I think we do need to look at further details of ownership of the road but I do not think that ownership should hinder this event as long as this event complies with ALE standards I don't see a reason for this event to be an issue with Administration or Legal.

John Henning Jr. – Town Attorney – There's not a permitting process that can make this happen or not right now.

Council Member Kimsey – That's what we're looking at here.

John Henning Jr. – Town Attorney – As the Manager says there is no authority that the Town has to stop this event, it is an ALE action.

Council Member Culpepper – ALE is using our ordinance.

John Henning Jr. – Town Attorney – Right. It is a part of the same discussion because of all those other Town's that Summer gathered the information from say no consumption except at designated places and our ordinance says no consumption except at properties rented from the Town.

Council Member Culpepper – So how do we allow this event to happen?

Council Member Kimsey – I think it would almost be like a special use permit, but after talking with ALE it doesn't seem like there is a way for me to extend a license and even if they were applying as a separate event, they wouldn't be able to do it.

Council Member Culpepper – But the Town may not even own it.

Council Member Kimsey – But I don't think we can address that right here.

April 2, 2018 meeting continued,

John Henning Jr. – Town Attorney – I can tell you that to close a street that is on the Powell Bill list is going to require at least a 30 day notice and a public hearing. Let me suggest this. I wouldn't mind, nor would Administration to reach out to whoever made this determination at ALE and say that we are examining the nature of the right-of-way through there. There has been other events held at this property and we didn't consider it to be a violation of our ordinance. We're not asking for ALE enforcement and as long as the property owner is okay with it then we are okay with the event proceeding.

Council Member Kimsey – I can speak from experience that we have done these events before and I still have the ABC permit extension application. They never had an issue with it. It just seems to be the circumstances of this event.

Summer Woodard – Town Manager – I think there are two issues. I think we should reach out to ALE since there have been previous events here and there were no concerns on the Town's part. As a separate issue let's look at alcohol as a whole because I think if you rush this tonight you still may not adhere to the requirements to be able to permit the event.

Council Member Kimsey – Yes, the Stewart Street issue is entirely separate. We can't change the designation of that street here tonight.

Council Member Culpepper – But if it is a street that we don't own then we are preventing somebody from doing what they want with their property.

Council Member Kimsey – To an extent yes, but we have to approach the issue with this as an example. This event does have a secondary plan and we're not totally destroying this event.

Council Member Culpepper – In that though, I think we're hurting the owner of the property pretty bad.

Council Member Kimsey – I think that is a discussion that he can have with the Town.

Council Member Collins – I think the most that we can do is do what John [Henning] and Summer [Woodard] are suggesting.

John Henning Jr. – Town Attorney – I can certainly start working on a draft ordinance if that is what the council is wanting me to do. I will also reach out to ALE as we discussed.

Mayor Scott – This seems to be the will of the board.

Council Member Mashburn – Last time I was for the discussion to see what other places did but this time, I can't sit here and be an advocate against substance abuse and feel like I'm in the position to support this. More people have come to me to say they don't want this than do want it. If it were up to me I would stop it right now.

April 2, 2018 meeting continued,

Council Member Collins – Right now, we have no tolerance. We can look at allowing it on a case by case basis or at festivals. I would recommend that if you are going to come back with something then I feel like a case by case ordinance is going to be better than a blanket policy.

The Town Council directed Town Attorney John Henning Jr. to reach out to ALE to express the Town's stance that they are not concerned with the event set to take place on Stewart Street and to begin work on drafting an ordinance for consideration.

New Business: Discussion on Town Board Re-Appointments

Town Manager Summer Woodard presented this item.

The Town Council directed staff to poll the Tourism Development Authority, Planning Board, and the ABC Board about their thoughts of re-appointments.

New Business: Discussion on Quarter Cent Sales Tax Increase

Mayor Scott presented this item.

No action was taken.

New Business: Hillcrest Avenue demolition update

Land Use Administrator Justin Setser updated the Town Council on the demolition at 76 Hillcrest Avenue.

New Business: Story Walk discussion

Town Manager Summer Woodard presented this item.

Motion made by Collins, seconded by McMahan to allow Read2Me to move forward with placement of a Story Walk at Memorial Park. Motion carried. Vote: 6 to 0.

Legal: Discussion on Car-Fax for Police Program Agreement

Town Attorney John Henning Jr. presented this item.

Motion made by Kimsey, seconded by McMahan to approve Car-Fax Police Program Agreement with changes to the contract made by Henning Jr. Motion carried. Vote: 6 to 0.

April 2, 2018 meeting continued,

Legal: Forward Unified Development Ordinance Amendment Regarding Utilities to the Town Planning Board

Town Attorney John Henning Jr. presented this item.

Motion made by McMahan, seconded by McRae to forward Unified Development Ordinance Amendment Regarding Utilities to the Town Planning Board. Motion carried. Vote: 6 to 0.

Legal: Lease Agreement for Gazebo

Town Attorney John Henning Jr. presented this item.

Motioned made by Collins, seconded by McRae to approve lease agreement with Macon County in regards to the Gazebo on the square. Motion carried. Vote: 6 to 0.

Items from the Board

Vice-Mayor McRae – I would really like to do something to help the people on Curtis Street.

John Henning Jr. – Town Attorney – I am working on it. These things take time. They are in violation of a number of our ordinances but the burden is on us to prove it.

Council Member Culpepper – She said they have been partying all night. Have there been any complaints since we have a noise ordinance?

John Henning Jr. – Town Attorney – Well there have been allegations of drug dealing going on at the property and our Police Department and the Sheriff's Office as well is pretty good at pursuing drug activities so I think there have been efforts to keep an eye on the property.

Summer Woodard – Town Manager – And for the Board's knowledge, there have been arrests made at that location.

Council Member Culpepper – I would like to paint a life size chess board on the square and look into buying 3 foot tall chess pieces so that families can play chess on the square.

Council Member McMahan – As a former high school student I can tell you that those will be stolen immediately.

Council Member Culpepper – I agree with you. They couldn't be left out all the time.

Council Member Collins – I have gotten positive feedback about the theater property that the county owns.

John Henning Jr. – Town Attorney – I'm glad you brought that up. I don't think they have an immediate plan for that property. I think they might be interested.

April 2, 2018 meeting continued,

Council Member McMahan – Everything that I’m hearing in person including from Main Street business owners has been positive about the parallel parking.

Council Member Kimsey – I have heard some negatives but a lot of it has to do with parking violations like double parking and such.

Council Member Culpepper – Speed is an issue. People love the parking but it has opened it up for speeding.

Mayor Scott – I have noticed that as well.

Announcements

Town Council Budget Work Session Monday April 16, 2018 at 5:30 p.m.

Adjournment

**Motion made by McRae, seconded by McMahan to adjourn the Town Council meeting at 7:45 p.m.
Motion carried. Vote: 6 to 0.**

Robert S. Scott, Mayor

Travis Tallent, Town Clerk

