



**Town of Franklin Council**

**Agenda**

**August 3, 2020**

**6:00 p.m.**

1. **Call to Order**- Mayor Bob Scott
2. **Pledge of Allegiance**- Vice Mayor Barbara McRae
3. **Adoption of the August 3, 2020 Town Council Agenda**- Town Council
4. **Approval of the Consent Agenda for August 3, 2020**- Town Council
  - A.) Approval of July 6, 2020 Town Council Minutes
  - B.) Duke Energy Street Light Agreement at 259 Womack Street
  - C.) Forward Re-Zoning Petition for 668 Dowdle Mountain to Town Planning Board
  - D.) Set Public Hearing for Ingles Market for Tuesday September 8, 2020 at 6:05 p.m.
5. **Public Session**
6. **Old Business:**
  - A.) Discussion on Outdoor Seating at Root and Barrel- Town Council
  - B.) Discussion and Update for Pickin on the Square- Town Manager Summer Woodard
7. **New Business:**
  - A.) Discussion on Porter Street Sidewalk Project- Town Manager Summer Woodard
  - B.) Discussion on Barn at Whitmire Property- Town Manager Summer Woodard
  - C.) Update on CARES ACT Funding- Town Manager Summer Woodard
  - D.) Update on Pumpkin Fest Event 2020- Town Manager Summer Woodard
8. **Legal**
  - A.) Discussion on Town of Franklin Title VI Policy- Town Attorney John Henning Jr.
9. **Announcements:**
  - A.) Town Hall Offices will be closed Monday September 7, 2020 in observance of Labor Day
  - B.) The next regularly scheduled Town Council meeting will be Tuesday September 8, 2020 at 6:00 p.m.
10. **Adjourn**

### **August 3, 2020 meeting,**

The Franklin Town Council held its monthly meeting on August 3, 2020 at 6:00 p.m. in the Town Hall Board Room. Mayor Robert S. Scott presided. Vice-Mayor Barbara McRae, Council Members Joe Collins, David Culpepper, Jack Horton, Mike Lewis, and Dinah Mashburn were present.

The Pledge of Allegiance was led by Vice-Mayor McRae.

### **Adoption of the August 3, 2020 Town Council Agenda**

Council Member Culpepper said he would like to add discussion about ethics as 7(E) under New Business.

**Motion was made by Culpepper, seconded by Mashburn to approve the August 3, 2020 Town Council Agenda as amended. Motion carried. Vote: 6 to 0.**

### **Approval of the Consent Agenda for August 3, 2020**

- A.) Approval of the July 6, 2020 Town Council Minutes
- B.) Duke Energy Street Light Agreement at 259 Womack Street
- C.) Forward Re-Zoning Petition for 668 Dowdle Mountain to Town Planning Board
- D.) Set Public Hearing for Ingles Market for Tuesday September 8, 2020 at 6:05 p.m.

**Motion was made by McRae, seconded by Mashburn to approve the consent agenda as amended. Motion carried. Vote: 6 to 0.**

### **Public Session**

There were no speakers.

### **Old Business: Discussion on Outdoor Seating at Root and Barrel**

Gary Murphy presented this item on behalf of Root and Barrel. He said currently with COVID-19 they are taking temperatures and requiring masks. They have 27 employees and from June to July we brought in \$7,019 in sales tax with \$2,645 came back to the county. He said they would spend \$15-20K on a patio. He said they would prefer to buy the .02 acres from behind the power box to the sidewalk. He offered \$1 but the Town Attorney said that wasn't a possibility.

Town Attorney John Henning Jr. said by NC law, the Town has to get fair market value for Town owned property. Looking at the tax books, from the sidewalk to sidewalk it would be about \$12-14K. He said he did think the lease idea was hard to execute.

Council Member Horton said that the property would have to be declared as surplus to be sold. He said he thinks the property lines were drawn to form a buffer. He said he wasn't in favor because it wouldn't serve the public.

Council Member Culpepper said that Brett [Murphy] had suggested a 3 to 10-year lease.

**August 3, 2020 meeting continued,**

Gary Murphy said that a longer-term lease would be more acceptable.

Council Member Culpepper said that there could be an upset bid if a sale is pursued and that a lease would be a better approach. He said that he thought the Town should pursue it.

Vice-Mayor McRae said that she favors outdoor seating and would be in favor of it.

Council Member Collins said the board could vote to table the issue but that they can't sell or lease it tonight since they don't have terms. He said that he agrees with Jack and doesn't see the benefit to the Town.

Council Member Mashburn said they had saw a drawing and talked about a lease but now they were talking about potentially buying the property. She said she thinks outdoor seating is a good idea but she did not want to set a precedent with town owned property.

**Motion was made by Collins, second by Horton to table the request.**

Council Member Culpepper said he thought it would be more productive to continue engaging in the discussions instead of cutting off the talks.

**Motion carried. Collins, Horton, and Mashburn voted yes. Culpepper, Lewis, and McRae voted no. Scott broke the tie in favor of the motion. Vote: 4 to 3.**

**Old Business: Discussion and Update for Pickin on the Square**

Town Manager Summer Woodard told the Town Council that Donnie Clay who organizes Pickin' on the Square had requested a payment of \$2,000 for work he had done towards Pickin' on the Square.

**Motion was made by Mashburn, seconded by Lewis to approve payment of \$2,000 to Donnie Clay for work in regards to Pickin' on the Square. Motion carried. Vote: 6 to 0.**

**New Business: Discussion on Porter Street Project**

Town Manager Summer Woodard presented this item. She said that this would put in a sidewalk on Porter Street. And the \$1,600 could come from Powell Bill.

Council Member Culpepper asked if it would be possible to connect the sidewalk and go all the way around to the end of the neighborhood eventually.

Woodard said yes since businesses like SMART Pharmacy and Yonder will be on that end of the neighborhood.

**Motion was made by Horton, seconded by McRae to approve \$1,600 from Powell Bill for sidewalks on Porter Street. Motion carried. Vote: 6 to 0.**

**August 3, 2020 meeting continued,**

**New Business: Discussion on Barn at Whitmire Property**

Police Chief Bill Harrell told the Town Council that the old barn on the Whitmire Property was becoming a hazard to the public. He said there was evidence of people living in it as well as drug use inside.

Woodard told the Town Council that town staff would be able to demolish it if the Council chose to do that.

Council Member Lewis asked if it could be used in a training exercise.

Fire Chief Matt Breedlove said it could be used for a smoke exercise but nothing beyond that.

Council Member Culpepper suggested looking at it for some type of picnic shelter if it was salvageable.

Council Member Collins said the board could consider options.

Chief Harrell said that he was very concerned about the neighboring community and the barn as a safety hazard.

**Council Member Lewis said he and Town Staff would look at the barn in the next week or so to determine if it could be salvaged.**

**New Business: Update on CARES ACT Funding**

Town Manager Summer Woodard told the Town Council that through the CARES ACT the Town of Franklin is eligible to receive \$191,169 in the form of reimbursements from the county. She said the reimbursement for July was \$31,000.

**New Business: Update on Pumpkin Fest Event 2020**

Town Manager Summer Woodard told the Town Council that Pumpkin Fest is such a large festival that it takes at least six months to plan. She said the limit is being pushed at this point and that she initially hoped the Governor's orders would be different by now. She said the current order prohibits festivals and gatherings of this size. She said that she, Tony Angel (organizer) and Warren Cabe from Macon County had been working together and after reaching out to State representatives have found that at the current order, the festival would not be permitted. She said that Angel and Gwen Taylor on behalf of the Main Street Merchants had spoken about an alternative plan to use the Gazebo as a large pumpkin patch to allow visitors to come take pictures while social distancing and then they can still have the opportunity to visit Main Street. She said that she would like feedback from the board.

Vice-Mayor McRae said that she was sad to say that the odds didn't look to be in the Town's favor and that she hated to see all the work and money go into something that may not be approved anyway.

### **August 3, 2020 meeting continued,**

Gwen Taylor referenced the Hometown Festival that the merchants had to cancel in July. She said merchants had since been having sidewalk sales, setting up sidewalk music, and attractions in order to attract people downtown while still allowing social distancing guidelines. She said they wanted to continue doing these types of things through the fall and into December. She said they wanted to do something every weekend. She suggested decorating earlier this year. She said she had looked up every festival in WNC that would take place in the fall and that each one, including Hendersonville's Apple Festival had been cancelled.

Council Member Culpepper asked if the merchants would benefit from having a Pumpkin Patch at the Gazebo downtown and whether the Town would be able to support it. He asked if the merchants would stay open later to take advantage of such an attraction, would it be allowed under the Governor's order.

Taylor said that the merchants would be permitted under the order but that they would need to follow mask rules and social distancing, or whatever the order describes at that time.

Council Member Culpepper said the Town could support some plan that the downtown merchants came up with, similar to Winter Wonderland without the ice slide and sleigh rides.

**Motion was made by Collins, seconded by McRae not move forward with Pumpkin Fest this year, but instead to use budgeted funds to work with downtown merchants on alternatives with Pumpkin Fest funds. Motion carried. Vote: 6 to 0.**

### **New Business: Discussion on Ethics**

Council Member Culpepper asked if the Town Council should look at an ethics policy.

Town Attorney John Henning Jr. said that every term, elected officials are required to take an ethics course.

Mayor Scott said the Town does have an ethics policy.

Council Member Culpepper said he would like to see a policy involving social media. He said Council Members shouldn't be able to use their position to retaliate against people.

Council Member Collins asked if the League would be able send somebody to provide training.

Town Manager Summer Woodard said that they weren't traveling much due to COVID but that she would look at options.

### **Legal: Discussion on Town of Franklin Title VI Policy**

Town Attorney John Henning Jr. told the Town Council that passing this policy will give anybody who feels discriminated against in accordance to Title VI of the Civil Rights Act of 1964 an outlet to make a formal complaint. He said that in order to receive federal funds that an organization needs a policy like this.

**August 3, 2020 meeting continued,**

Council Member Horton said he thought that putting a policy in place may create more issues than it addresses.

**Motion was made by McRae, seconded by Lewis to approve the Town of Franklin's Title VI Policy. Motion carried. Vote: 5 to 1. Horton opposed. Policy is attached.**

**Discussion from Board Members**

Council Member Lewis said Sheriff Holland sends his thanks to Police Chief Harrell and Town Manager Woodard for their support in Back the Blue.

Council Member Culpepper said he would like to revisit the liaison discussion. He also asked about the Greenway connector under the Town Bridge.

Town Manager Woodard said that the county was leading that project.

Council Member Collins told the Board to keep in mind that if their vote is not voiced whether verbally or with a raise of hand then technically it should be counted as a yes vote.

Town Attorney John Henning Jr. asked the Town Clerk to clarify how the votes were recorded on the 7(A).

Town Clerk Travis Tallent said that it was recorded as a split vote with Mayor Scott breaking the tie. He said that he knew the Council Members who did not vote yes were in opposition but that he agreed with Council Member Collins on the procedure.

Council Member Lewis commended Town Staff for the improved look of the Pump House by the Town Bridge.

**Adjournment**

**Motion made by Horton, seconded by Culpepper to adjourn the Town Council meeting at 7:10 p.m. Motion carried. Vote: 6 to 0.**

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Robert S. Scott, Mayor

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Travis Tallent, Town Clerk