



**Town of Franklin Council**

**Agenda**

**February 5, 2018**

**6:00 p.m.**

1. **Call to Order-** Mayor Bob Scott
2. **Pledge of Allegiance-** Vice Mayor Barbara McRae
3. **Approval of the January 2, 2018 Town Board minutes**
4. **Adoption of the February 5, 2018 Town Board Agenda**
5. **Public Hearing 6:05 p.m. for River Overlay District**
6. **Public Session**
7. **New Business**
  - A.) Board Action on River Overlay District
  - B.) Proclamation for Hunger Awareness Month- Mayor Bob Scott
  - C.) Street Closing Requests- Dave Linn
  - D.) Water Allocation for Porter Creek Subdivision- Neil Enloe
  - E.) Presentation on Assessment of the Whitmire Property- Mike Morgan
  - F.) Budget Amendment- Town Finance Officer Kyra Doster
  - G.) Town of Franklin Authorization for the Advertisement of Real Property Tax Liens for Current Year 2017-  
Town Manager Summer Woodard
  - H.) Tax Refunds and Tax Release- Town Manager Summer Woodard
  - I.) Set Fiscal Year 2018-2019 Town of Franklin Budget Schedule- Town Manager Summer Woodard
  - J.) Discussion on Town of Franklin Board Re-Appointments- Town Council
  - K.) Discussion on Strategic Planning Retreat for 2018- Town Council
  - L.) Discussion on Main Street Parking- Town Council
8. **Legal**
  - A.) Forward Draft Telecommunications Ordinance to Town Planning Board and Set Public Hearing- Town Attorney John Henning Jr.
9. **Announcements**
  - A.) Essentials of Municipal Government Training and Ethics Training Requirement in Asheville, NC on February 21-23, 2018.
10. **Adjourn**

## **February 5, 2018 meeting,**

The regular meeting of the Franklin Town Council was held on Monday February 5 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, and Brandon McMahan were present.

The Pledge of Allegiance was done by Eli Adams.

### **Approval of the January 2, 2018 Town Council minutes**

**Motion was made by McRae, seconded by McMahan to approve the January 2, 2018 meeting minutes. Motion carried. Vote: 6 to 0.**

### **Adoption of the February 5, 2018 Town Council Agenda**

Mayor Scott – Under 7 (M) under New Business there is a request to look at the renaming of a bridge and that is at the request of the Macon County Historical Society.

**Motion made by Collins, seconded by McMahan to add discussion of renaming bridge to the agenda as item 7(M) under new business. Motion carried. Vote: 6 to 0.**

**Motion made by Collins, seconded by McMahan to approve the agenda as amended. Motion carried. Vote: 6 to 0.**

### **Public Session**

Angela Moore – Her comment was in regards to the study done on the Whitmire Property. She said that the report could have been generated in-house and there was no need to spend \$14,000 on it.

### **Public Hearing**

Land Use Administrator Justin Setser provided an overview of the River Overlay District. Presentation is attached.

Angela Moore pointed out that the River District stops just before the town's effluent pipe at their wastewater treatment plant. She also said that the 50 foot buffer targets specific properties. She questioned the sidewalk requirements, the outdoor storage restrictions in regards to the area being an industrial zone, she said the lighting restrictions were redundant, the last sentence of the parking specifications doesn't make sense, the street tree restrictions encourages the cutting down of old trees and that as a result of the River district people would lose square footage. Overall, she said she disagreed with the plan.

Lewis Penland said that the area encased by the river district is an important part of the town and that the river should be protected and used for recreation. He said that these people are making an impact on the local economy. He said that the district would make it easier for new businesses to protect the river. He encouraged the Town to adopt the river district.

**February 5, 2018 meeting continued,**

Fred Crane pointed out that he was two rows up from the river and that half of his property was in the district and half of it was out. He said that there was nowhere for new development in the area and that the Town is 60 years too late for this type of plan. He disagreed with the plan.

Orville Coward Jr. thanked the Council, the Planner, Manager, and the Planning Board for their work on the River District. He said that these restrictions would force business owners to improve the area which would improve the local economy but that as a business owner he was concerned about the absence of casualty loss wording in the ordinance. He pointed out that if buildings on his property burned he would not be able to build back. He said he was not opposed to the adoption of a similar ordinance but would encourage the river district to be re-written.

Dennis Sanders said that he had been excited about the ordinance at first but then realized the hardships it would cause on two properties he owns. He said it was too restrictive for people trying to develop undeveloped property and also pointed out that if one of his buildings were to burn down the current occupant may not be willing to build back to the standards in the new district. He also pointed out that the lot he owns directly behind the Hardees lot is the only one that is not developed. The businesses around that particular lot are exempt from having to meet the standards of the district where he or whoever were to purchase his lot would have the difficulties of meeting those standards to develop the lot.

Glen Hedden has storage units on Depot Street and said that it was unfair for storage units to be grouped with landfills, asphalt plants, dangerous materials, etc. when the contract for his facilities specifically bans hazardous materials. He was also concerned about the absence of casualty loss language and not being able to build the facility back as it was in the event of a disaster. He asked the board to consider these concerns when considering the ordinance.

Jackie Cook said that his land was omitted from it except for his driveway. He told the board that it doesn't affect him but that he has a lot of neighbors that it would affect and that he doesn't want to hurt their business.

Joe Sanders pointed out that the ordinance does not have language to promote businesses that are already in the district. He also said that drainage systems that meet the standards of the ordinance are expensive for the owner of the lot. He disagreed with the language the required new or rebuilt businesses to put the store fronts on the road and parking behind the building. He said that that type of requirement would put about 95 percent of the commercial lots into noncompliance. He asked the board to think about the ordinance and to take the current businesses into account before approving the ordinance.

Jeremy Hurst from Freeman Gas asked for more information about building back in the event of a disaster. He said that meeting the standards of the ordinance was his biggest concern.

Reggie Holland said that he agreed with the vision and the goals of the plan but there were some issues he would like for the board to reconsider. He thinks that buildings being off the road is better for the area and that it is important for people to be able to see the parking area. He would like more consideration towards grants and incentives for business owners to improve their lots and buildings. He encouraged constructions of sidewalks in the present rather than in the future.

**February 5, 2018 meeting continued,**

Ben Laseter spoke on behalf on Mainspring Conservation Trust. He said that Mainspring supports the goals of the river district because it puts minimal burden on existing development while ensuring that future designs promote the appreciation of the river.

**New Business: Board Action on River Overlay District**

Council Member Culpepper – One of my concerns is that we may be trapping landowners into arrested development. For example, when you look at the flea market property. If somebody were to buy that and redevelop it and they have to pay for the sidewalk, they'll have to work with the state and cut back their land losing some of their property and developable area. That may kill a project that might go there. I don't want to kill any new projects in this district. I think everybody that spoke agree that the goals are fantastic but I worry that could stop development. I also don't want to discourage people getting on the river with patios. Does the 50 foot buffer stop structures from going within 50 feet or does that just stop buildings?

Justin Setser – Land Use Administrator – It would stop structures but patios or green space are permitted.

Council Member Culpepper – Okay. If someone bought the property at the flea market, would they have to install a sidewalk?

Justin Setser – Land Use Administrator – Yes. That is an odd area because it's higher so that is an odd situation but not every piece of land is flat especially in the mountains. There has been a project submitted to NCDOT to build a sidewalk all the way to Bi-Lo. We're just waiting to hear back about how it ranks. If that happens then it will be on DOT and the Town would have to do a match. At that point it's not on the property owner.

John Henning Jr. – Town Attorney – Keep in mind variances.

Council Member Culpepper – I have one more question. Somebody brought up Shaw Industries. Let's say it shut down for a certain amount of time and six months or a year from now they want to reopen. How does this affect their ability to do that?

Justin Setser – Land Use Administrator – It doesn't affect them at all. They're not a prohibited use.

Council Member Culpepper – What about their outdoor storage of lumber or say, Berry's Tire and their storage of tires outside?

Justin Setser – Land Use Administrator – I would think that piles of tires would count as outdoor storage. Generally, leaving tires outdoor in the rain isn't a good practice.

Council Member Culpepper – So that type of storage would be regulated?

John Henning Jr. – Town Attorney – Those are nonconforming as it is. That sort of business has two avenues that they could take be it a variance or a special use permit.

**February 5, 2018 meeting continued,**

Council Member Collins – I haven't been to a public hearing in a while that has generated this many good comments. Is the board looking to do anything this evening?

Council Member McRae – I am a little curious about the mini-warehouse situation.

Justin Setser – Land Use Administrator – I think the thinking was to encourage retail in the district. The warehouses don't bring foot traffic. Everything that John said is nonconforming is correct.

Council Member McMahan – I have to say that I came here tonight pretty intent to pass this but after hearing from the public maybe we should consider holding more conversations about the topic, possibly even at a retreat. So much has come to light with these business owners.

Council Member Mashburn – I feel the same as Mr. McMahan. We should spend a little more time looking at this.

Mayor Scott – It looks as though the feeling for now is to table it. I'm not sure the retreat is the place for it.

Summer Woodard – Town Manager – One thing that Mr. Henning and I were discussing is that you could forward it back to the planning board and let them hear the issues that we have heard tonight.

**Motion was made by McMahan, seconded by Culpepper to send the River Overlay District back to the Planning Board for further consideration. Motion carried. Vote: 6 to 0.**

**New Business: Proclamation for Hunger Awareness**

Mayor Scott presented the Proclamation for Hunger Awareness Month. Proclamation is attached.

**Motion was made by McRae, seconded by McMahan to Proclaim February as Hunger Awareness Month. Motion carried. Vote: 6 to 0.**

**New Business: Street Closing Request**

Dave Linn presented this request. Request is attached.

**Motion was made by McRae, seconded by McMahan to close Iotla Street on May 19, 2018 from 10 a.m. until 2 p.m., Main Street on June 16, 2019 from 9:00 a.m. until 10:00 a.m., and Main Street on August 4, 2018 from 10:00 a.m. until 11:15 a.m. Motion carried. Vote: 6 to 0.**

**February 5, 2018 meeting continued,**

**New Business: Water Allocation for Porter Creek Subdivision**

Neil Enloe – I represent Porter Creek Subdivision and Phil Drake. We're requesting permission to tie on to the town's water.

Council Member Culpepper – If our public works department maintains that and we hit your fiber line, will we have to fix your fiber line?

John Henning Jr. – Town Attorney – I don't think it's a bad idea to make that subject to an agreement saying the town isn't subject to maintenance of the fiber line.

**Motion by Collins, second by McRae to approve water allocation for Porter Creek Subdivision. Motion carried. Vote: 6 to 0.**

**New Business: Presentation on Assessment of the Whitmire Property**

Mike Morgan from WR Martin Management Consulting presented this item. Presentation is attached.

**Board asked Town Manager Summer Woodard to add discussion of the Whitmire Property to the agenda of upcoming retreat.**

**New Business: Budget Amendment**

Town Finance Officer Kyra Doster presented this item.

**Motion was made by Collins, seconded by Kimsey to amend budget to reflect a total of \$293,870 in expenditures towards water plant loan. Motion carried. Vote: 6 to 0. Budget Amendments are attached.**

**New Business: Town of Franklin Authorization for the Advertisement of Real Property Tax Liens for Current Year 2017**

Town Manager Summer Woodard presented this item.

**Motion made by Culpepper, seconded by Kimsey to allow advertisement of real property tax liens for current year 2017. Motion carried. Vote: 6 to 0.**

**New Business: Tax Refunds and Tax Releases**

Town Manager Summer Woodard presented this item.

**Motion was made by McMahan, seconded by Culpepper to approve tax refunds and releases. Motion carried. Vote: 6 to 0.**

**February 5, 2018 meeting continued,**

**New Business: Set Fiscal Year 2018-2019 Town of Franklin Budget Schedule**

Town Manager Summer Woodard presented this item.

**Motion made by McMahan, seconded by McRae to set Fiscal Year 2018-2019 Town of Franklin Budget Schedule. Motion carried. Vote: 6 to 0.**

**New Business: Discussion of Town of Franklin Re-Appointments**

Council Member Collins – I think it would be fair for the manager to look at the calendar and give appropriate notice, not necessarily spending a lot of money on the newspapers if you don't have to but just to let the public know that there will be openings and to give them the opportunity to apply.

Mayor Scott – So you're talking about vacancies and not reappointments?

Council Member Collins – Well reappointments are vacancies.

Mayor Scott – I believe we have policies in place now about how the vacancies are advertised but if the board comes back with some recommendation of someone who is eligible for reappointment we usually accept that recommendation.

Council Member Collins – I think we should set a policy across the board to let the public know when there is an opening.

Council Member Culpepper – I think a reappointment is an opening. There's people that want to get involved with the town. Let's public all of their information, when their terms expire. Let's get people involved.

Council Member Mashburn – If we were to do this, wouldn't it be more appropriate to discuss it at the retreat? There's many ways to make an advertisement. Wouldn't it be best to determine how we want to do all of this before we bring it to a vote?

John Henning Jr. – Town Attorney – Let me suggest that Summer and I work on something that may be a workable policy for the Town to follow. It would be good to have a written policy.

**February 5, 2018 meeting continued,**

**New Business: Discussion on Strategic Planning Retreat**

Town Manager Summer Woodard presented this item.

Council Member Collins – Would it be better to start it on a Friday afternoon?

Council Member Kimsey – Maybe it would be better to have a small meeting on Friday afternoon to get some thoughts and discussion then get some sleep and come back to it on Saturday. Maybe Friday could be more casual.

Mayor Scott – I would like to make the suggestion that we do it here at Town Hall. It is set up where we can have a lot of people come in. We built this and it's a fantastic meeting room. It belongs to the people. Any objection?

Council Member Culpepper – If we're toying around with doing a two-part we could all go to dinner on Friday and hash some things out.

Mayor Scott – It's not fair to the public to have a fancy dinner at the meeting.

Council Member Culpepper – We can get KFC. I just want to do something where we can let our hair down. The only time we ever see each other is in this room. Something different may facilitate different discussions.

Mayor Scott – That's fine but if we're going to have an official meeting then the public needs to feel welcome.

Council Member Collins – We don't know what choices we have in front of us. When we hear it all out, this may be the best option. I would like to have a retreat where we feel comfortable to talk. Maybe we leave it with Summer to come up with some ideas.

Summer Woodard – Town Manager – We could look at a couple of options. I do like Mr. Kimsey's idea about doing a two day. Maybe we could look at that Friday on March 2 where we could cater into this room. We could also look at Mill Creek or Cat Creek and have it catered. On Saturday March 3, we could look at going from 9:00 a.m. until noon and I could have you breakfast catered in.

Council Member Culpepper – I would like Friday night to not be in this room. Let's get KFC and meet at Whitmire. We can watch the sunset and talk. The bulk of the retreat will be about Whitmire. Let's go walk around on it.



**February 5, 2018 meeting continued,**

Council Member Kimsey – I have no problem being here on Saturday but I would really like to be in a different environment on Friday.

Council Member Mashburn – I have been to Whitmire. I don't see the point in going when it could very cold that day.

**Motion made by Kimsey, seconded by Culpepper to hold the first part of the retreat on March 2, 2018 at 5:30 p.m. at the Whitmire Property followed by supper at 6:30 p.m. at the JC Park and to hold the second portion on March 3, 2018 in the Town Hall Boardroom at 9:00 a.m. Motion carried. Vote 5 to 1. Mashburn opposed.**

**New Business: Discussion on Main Street Parking**

Council Member Collins – Would the board want to ahead and consider changing the parking permanently? Temporarily we're going to get feedback and not good feedback.

Mayor Scott – The merchants are under the impression that it's going to be temporary and that's what we told the public.

Council Member Kimsey – The downtown merchants seem to be okay with trying it on a temporary basis to see how it goes.

Council Member Culpepper – Are we going to suspend giving tickets while we do this?

Mayor Scott – I would say we will have to cut some people some slack while they're not use to it but if they are still driving up on the sidewalk then I would say we will still write a ticket.

Council Member Culpepper – I just don't want to scare people because they are afraid of getting a ticket.

John Henning Jr. – Town Attorney – There is prosecutorial discretion in these circumstances.

David Adams – Franklin Police Chief – Our biggest problem has been people driving five feet onto the sidewalks.

Summer Woodard – Town Manager – I don't see the police department giving unwarranted tickets. I have full faith in our police department to use their discretion.

Council Member Culpepper – So we're not going to issue tickets on the parallel parking side?

David Adams – Franklin Police Chief – I don't foresee us giving tickets unless it is a safety concern.

**February 5, 2018 meeting continued,**

**New Business: Renaming of Bridge on Wells Grove Road over Little Tennessee River**

Mayor Scott read the request.

**Motion made by McRae, seconded by Culpepper to request NCDOT to name the bridge the Phillips Bridge. Motion carried. Vote: 6 to 0.**

**Legal: Forward Draft Telecommunications Ordinance to Town Planning Board and Set Public Hearing**

Town Attorney John Henning Jr. presented this item.

**Motion made by Culpepper, seconded by Kimsey to forward the Draft Telecommunications Ordinance to the Town Planning Board and set a public hearing for March 5, 2018 at 6:05 p.m. Motion carried. Vote: 6 to 0.**

**Items from the Board**

Council Member Culpepper presented an item. Item is attached.

Council Member Culpepper – I put together a packet about the Greenway. We may have the ability to facilitate a connection to the County's rec park. If you look at the map of the Chamber of Commerce plat you can see where there are some streets that don't appear on the map. I would argue that everybody in the county has a right to those streets that never got built but that may not be the case. I've talked to everybody I can talk to and I'm at a dead end. I'm asking for the board's guidance and what you may think about that.

John Henning Jr. – Town Attorney – There are a few things that are of concern. I found a case about the dedication of a roadway where a town tried to use a roadway as a park area and they got sued and lost. They said you have to use it for what the dedication is for.

Council Member Culppper – When I spoke to the Rec Director Seth Adams about this he also mentioned that they are trying to get a Blue Ways going where they would connect Parker Meadows to the Rec Park via river but people aren't allowed to cross over our water intake. I was wondering if there is a possibility of portage there. I wanted to see if I could get permission from the board to talk with Mr. Adams and the State about possibly having enough room to put a portage in. I just want to see if I have permission to work on that.

Summer Woodard – Town Manager – When I met with Mr. Adams about eight or nine months ago with Rob Hartsell the ORC of the water plant, Jay Gibson our Public Works Director, and Doug Johnson from Macon County, Mr. Hartsell was concerned because there are state regulations that prohibit I think maybe 500 feet above and below our intake area.

Mayor Scott – If you want to draw something up and bring it back at the retreat we could look at it. It may just be a case of what the State says we can and can't do though.

**February 5, 2018 meeting continued,**

**Announcements**

Essentials of Municipal Government Training and Ethics Training Requirement in Asheville, NC on February 21-23, 2018.

**Adjournment**

**Motion made by Collins, seconded by Mashburn to adjourn the Town Council meeting at 9:05 p.m.  
Motion carried. Vote: 6 to 0.**

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Robert S. Scott, Mayor

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Travis Tallent, Town Clerk