



## **Town of Franklin Council**

### **Agenda**

**January 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 December 4, 2017 Town Board minutes
4. Adoption of the January 2, 2018 Town Board Agenda
5. Public Session
6. New Business
  - A.) Recognition of Years of Service for Billy Mahsburn Family- Mayor Bob Scott
  - B.) Discussion on Town Council Vacancy-Town Council
  - C.) Re-Appointment of Wayne Swank to the Franklin Alcohol Beverage Control Board- Todd Mason
  - D.) Street Closing Request for Relay for Life- Town Manager Summer Woodard
  - E.) Set Public Hearing for River District Overlay- Land Use Administrator Justin Setser
  - F.) Budget Amendments- Town Manager Summer Woodard
  - G.) Tax Discoveries- Town Manager Summer Woodard
  - H.) Discussion on Strategic Planning Retreat for 2018- Town Council
  - I.) Re-Appointment of Janet Greene to the Town of Franklin Planning Board and Board of Adjustment- Land Use Administrator Justin Setser
  - J.) Update on Town of Franklin Downtown Traffic Pattern. Town Engineer Nathanael Moore and Land Use Administrator Justin Setser
7. Legal
  - A.) Discussion on Town of Franklin Noise Ordinance- Town Attorney John Henning Jr.
8. Announcements
  - A.) Town Hall Offices will be closed Monday January 15, 2018 in observance of Martin Luther King Jr. Day
  - B.) Essentials of Municipal Government Training and Ethics Training Requirement
9. Adjourn

### **January 2, 2018 meeting,**

The regular meeting of the Franklin Town Council was held on Tuesday January 2 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 Vice Mayor Barbara McRae.

### **Approval of the December 4, 2017 Town Council minutes**

**Motion was made by McRae, seconded by Kimsey to approve the December 4, 2017 meeting minutes. Motion carried. Vote: 5 to 0.**

### **Adoption of the January 2, 2018 Town Council Agenda**

Council Member Culpepper – I would like to add something. I wanted to mention about the county grading license and the public hearing that they are going to have.

Council Member Collins – Wouldn't that be better for when we go around the table at the end?

Council Member Culpepper – I just thought everybody would be pretty tired by then.

Mayor Scott – Give me a brief rundown of what it entails?

Council Member Culpepper – There's a public hearing next Tuesday that affects about 3,000 constituents of which I represent that will change their rights to their land and I would like to let my constituents know about that.

Mayor Scott – So you just want to let them know about the public hearing?

Council Member Culpepper – Yeah and I would like to talk a little about it.

Summer Woodard – Town Manager – Mr. Mayor you could put it under New Business as item K.

**Motion was made by McMahan, seconded by Kimsey to add discussion of the county grading license as 6(K) and to approve the agenda as amended. Motion carried. Vote: 5 to 0.**

**January 2, 2018 meeting continued,**

**Public Session**

Sandra Crownover – I came to this meeting about 67 Curtis Street. It is a health hazard in every sense of the word. We think they are using and selling drugs. There's cussing, fighting, breaking windows and having wood fires where propane logs are supposed to be. It's all day and all night traffic coming in and out. They have taken baths in my rental property pool. They also stole 3,000 gallons of water from the house. It's on their water bill. They also stole water from the church and they broke in one of the buildings at the church. On Dec. 31<sup>st</sup> we made a call because they had left two dogs in the trailer. If I had not been there they would have frozen. We had a nice neighborhood until these people came in. We would just like to have everybody's help to get this stopped.

Bill Reid – I live on the same street. It's just a flop house. The law has been there several times and I have to commend them for doing a pretty good job but they put them in jail and then they just come right back. There's no water, no sewer, no lights or anything. I don't see how people stand to live there. They pulled an old trailer in beside that house and nobody would live in it it is so dilapidated. I know you all know about it because the police chief has been to look at it and the Setser boy has tried to help us as much as he can but we want all the help from you that we can get. The neighborhood has been a perfect neighborhood but now there's traffic all night and fighting. We just need some help.

Mayor Scott – I think tonight we will voting on an ordinance that may be able to help you all out some.

Shawn Davis – I moved to Franklin three years ago. I rented on the other end of town and then we moved to Curtis Street. I think Mike Young owns the house. He has since started renting it out to various people. There's fights, they bust the windows out. Sometimes they repair them but then they just get busted out again. There's fights between men and women. We love our old house. We love the area. The support we have gotten from the police department has been fantastic. They come out quite often so I think there has been good actions going on and I appreciate it. I have read notes on the ordinances and there are several that they are not complying with. There's no water and sewer. They set up jumper cables to run power at one time. I'd appreciate any help.

Kathy Reid – I'm speaking on the same subject. The trash is building up in the yard. There's rats and everything else. There were two little dogs in there Sunday morning and animal control and three police officers came to help us get the dogs out of the house. Animal Control took them. There's three missing. We've seen them. They had to of climbed through the glass because I saw one of them had blood on it where it was trying to get out. That is a terrible situation there. Whenever Michael, his wife and their son lived there it was very decent but something went very wrong. We would like something to be done. The house needs to be condemned. The trailer needs to come out of there. It looks awful. We would like the neighborhood to go back to the way it was because it's degrading our property. If somebody looked down there they wouldn't have it.

**January 2, 2018 meeting continued,**

David Watters – I wanted to speak to you about the clock in Rankin Square. I'm a member of the Garden Club and we keep the square neat and pretty. I think you all appreciate that. The clock doesn't run or chime. At one time the chimes were a nuisance because they were running all the time so we decided to turn them off. We can change that though. We can put a timer on it. I have the timer. It's a commercial timer. We can program it to chime throughout the week. We can set it for eight in the morning and noon. On weekends we can make it a little different. For Sunday we can set it for 10 a.m. so you all can make it to church. My roots go in this county as far back as you can think. I think me and another electrical engineer can handle the problem.

Angela Moore – I've got a few things to cover. I know you are looking to set a public hearing for the river overlay district. I have a lot of concerns. It seems to restrict people in that area and seems to specifically target Shaw Industries and the other businesses along the historically industrial area. There is also a lot of redundancy as far as outdoor storage, the lighting, the signs, storm water. It's all covered in other places so it seems like we're overregulating people. Section 1(B) and Section 2 is about sidewalks. It's unclear about the guttering. I definitely have concerns about added street trees and parking requirements particularly because we do have some developers who brought their parking into compliance without redeveloping the buildings themselves. In regard to hiding your parking in certain areas this could inhibit development or make it where we have parking up against the river. I don't think anyone wants to do that. I think that needs to be reevaluated before it goes to public hearing. Second, I would like to address the noise ordinance. This is concerning to me. Section 94.54 is vague. It basically says that anything the police thinks is disturbing or loud they can write people a misdemeanor for. This is left completely up to opinion. The permitting system is completely based on opinion. I think this provides a large area for bias and varying opinions depending on who you speak to. We're going to create fear in the public. I also have a specific concern about B. 7, dogs and other animals. We have goats. They are almost always silent but there are exceptions particularly if predators are present. Maybe this needs to be redirected. I think you will be asking people to get rid of any dogs that may be continually noisy. I know you're not required to have a public hearing on this ordinance but I think it would be in good faith with the public to have a hearing even if the law does not require it.

Jimbo Ledford – I wanted to talk about the noise ordinance myself. I was on the fence at first but after doing some research I realized that it is important for a community to have a noise ordinance. I looked at what the World Health Organization says about them. They summarize it by saying that noise ordinances need to be consistent at all levels mainly regional and national. If an affected improvement of the quality of the sound environment is to be achieved then the policy and community noise ordinances act as self-regulating measures that are able to address noise at a local level. Since much of the noise in the community is a local issue local policies and actions can produce manageable results. Simply enacting a new noise ordinance is not enough though. A noise ordinance must address noise issues in a clear way and must be reasonable. All technical issues such as metrics, standards, inspections and assessments must be well defined. Responsible bodies must be well established with their responsibilities and powers. Efficient enforcement and allocation of adequate financial and technical resources are key for successful results.

## **January 2, 2018 meeting continued,**

Jimbo Ledford - That and a partnership with the U.S. legal considerations based on the constitution Wikipedia led me to Portland, Oregon's policy. They laid it out clear. It keeps people who make too much noise out of jail which I think is important. Prisons are already overpopulated with nonviolent criminals so I don't think we need to enact anymore ordinances that are going to see people in jail. It talks about how to use a device, which ones are to be used, and how to lay out a charge. It talks about times or day and animals. I didn't see a lot in here that I would change. I think there are ways to do it but I do think the one that is being talked about now leaves too much wide open and too much room for bias. It could be manipulated. I think we're on the right track but that we have to consider everybody.

Jennifer Hays – First, I want to thank Mr. Culpepper for inviting me to this public session. This has to do with the recycling centers. My father has been the Solid Waste Manager for over a decade. He does his job with the highest level of professionalism and care. I recently moved to Franklin after serving eight years as an active duty marine. The grievance I wish to discuss is the use of our recycling centers and how when they are closed on holidays our fellow citizens leave their garbage at the gates of each of those centers. Isn't that considered littering? Furthermore, I posted this issue on the Facebook page Macon Issues where I exchanged many words with Mr. Culpepper. His thought process is choosing the lesser of two evils rather than enforcing the law due to costs being outweighed. On the forum it was suggested that attendants be monetarily compensated for opening the center on closed days. He said he would much rather have a hundred bags lining the gate than having one single bag finding its way to the river. Have any of you left your garbage out on the porch over night to be taken away the next morning? I have and it was a mistake. Animals went through it and carried it all over my yard. I had to spend my morning cleaning up the mess. The same things happen at the centers. The one on Highway 28 has two avenues where trash could reach the river if animals get into it. So I don't understand why our fellow citizens think it is right to leave their garbage by the gates. Most attendants are senior citizens, some are veterans. Most can only work 19 hours so they don't lose their Medicare or their benefits. This time of year, by the morning it is frozen to the ground come morning. It's not just trash, it is feces, diapers, adult diapers, maggots, bacteria, diabetic needs. Every year after every holiday, my father and his crew have to go through this. I don't understand why we can't find a better solution.

Mayor Scott – You made some really good points but that actually falls under the county. I hope the media picks up on this tonight and I salute you for serving.

### **New Business: Recognition of Years of Service for Billy Mashburn Family**

Mayor Scott and Vice Mayor Barbara McRae presented the Council Member Billy Mashburn's family with the American Flag that was flown in his memory, a plaque recognizing his years of service and his Town council nameplate. He was also awarded the Long Leaf Pine Award by the Mayor and Vice Mayor on behalf of North Carolina Governor Roy Cooper.

**January 2, 2018 meeting continued,**

**New Business: Discussion on Town Council Vacancy**

Council Member Joe Collins – I would like the opportunity to speak. We're at a time in Franklin where there is a lot of interest in politics. There's been a lot of good and interested people who have expressed their desire to be on the Council and that's meaningful. Obviously it can't be but one at this point in time. It's not coincidental at all at this point in time that I'm going to suggest that we consider the name of Dinah Mashburn. We grew up together. She's always been a good citizen. She's worked with the people while working at the Clerk's office a number of years. She has always been active and willing to do something rather than just talk about it. I would feel honored to place her name up for consideration of this seat.

Mayor Scott – Do I have a second?

Vice Mayor McRae – I would be honored to second that.

Mayor Scott – Do I have any other nominations?

Council Member Kimsey – I would be remiss not to at least bring forward Angela Moore's name. She has some public backing, experience, and obviously some general interest in the town.

Mayor Scott – Okay, do I have a second?

Vice Mayor McRae – I move that we close nominating.

Council Member Collins – I second that.

**Vice Mayor McRae, Council Members Collins, Culpepper, and McMahan voted in favor of appointing Dinah Mashburn to the Town Council. Council Member Kimsey opposed. Motion to appoint Mashburn carried 4 to 1.**

**New Business: Re-Appointment of Wayne Swank to the Franklin Alcohol Beverage Control Board**

Sissy Pattillo of the Franklin ABC Board presented this item.

**Motion was made by McRae, seconded by McMahan to reappoint Wayne Swank to the Franklin Alcohol Beverage Control Board. Motion carried. Vote: 5 to 0.**

**New Business: Street Closing Request for Relay For Life**

Julie Lucas – The beginning of Relay started downtown on Main Street and this year our theme is "There's No Place Like Home – Returning Relay Home." Since the theme is the Wizard of Oz we're looking to return it home to Main Street. We would like for the local businesses to participate in this and bring move things downtown.

**Motion made by McRae, seconded by Culpepper to approve the closing of Iotla Street on June 1<sup>st</sup> from 5 a.m. to midnight. Motion carried. Vote: 5 to 0.**

January 2, 2018 meeting continued,

**New Business: Set Public Hearing for River Overlay District**

Land Use Administrator Justin Setser presented this item.

**Motion was made by McRae, seconded by Collins to set a Public Hearing for the River Overlay District. Motion carried. Vote: 5 to 0.**

**New Business: Budget Amendment**

Town Manager Summer Woodard presented this item.

**Motion was made by Kimsey, seconded by McMahan to approve budget amendments to re-appropriate \$3,210 for a security reimbursement, \$4,019 from FEMA for the wild fires in the fall of 2017, \$2,500 from calendar sales from the Franklin Police Department, and \$713 from an insurance settlement in regards to the ladder truck at the Franklin Fire Department. Motion carried. Vote: 5 to 0. Budget Amendments are attached.**

**New Business: Tax Discoveries**

Town Manager Summer Woodard presented this item.

**Motion made by McMahan, seconded by Kimsey to approve tax discoveries as suggested by the North Carolina Department of Revenue. Motion carried. Vote: 5 to 0.**

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

Mayor Scott – This retreat is to take up anything that is on your mind, looking down the road 5, 10 or 15 years. It's a chance to look at things and not be constrained by a time element. Maybe a Saturday morning or when it is convenient for the council.

Council Member Collins – I'm thinking that if the Whitmire presentation is supposed to be back in February then we can look at possibly doing it at the end of February. Since we're going into the budget season we need to look at our priorities. We're going to have two new members to work with. I would like for us to consider a bigger approach and consider that we may benefit from a facilitator and not be discouraged by following the model of others similar to the Chamber of Commerce where they did an overnight at Fontana. I'm not saying that's where we need to go but maybe we do need to look at something where we really won't be constrained by time. With two new board members I think it would be a valuable use of our time and resources. I do think we need to look at a time after our February meeting and then talk about how we want to handle the nuts and bolts of it.

Council Member Culpepper – I would like to not do it in this building. I think it leads to similar think that we already do here. When you get us all in a different setting it might be better for the exchange of ideas.

Vice Mayor McRae – I am in favor of a facilitator.

**January 2, 2018 meeting continued,**

Mayor Scott – I think we can get a good one through Region A. I think we need to look at a date before we decide on where. The Essentials class is on February 22<sup>nd</sup> so let's keep that in mind.

Vice Mayor McRae – Is March too late?

Summer Woodard – Town Manager – It depends. March is when we start full on budgeting. We really kick off with staff around the first of March.

Vice Mayor McRae – Let's keep looking at February.

Council Member Collins – I don't want to underestimate the benefit of an overnight.

Mayor Scott – I'm concerned with how to fund that though.

Council Member Culpepper – Yeah, I'm not sure how I feel about saddling the tax payers with the bill to make accommodations for us and the media.

Council Member Collins – I think we've gone about as far as we can go tonight.

Mayor Scott – Yeah I think you're right. Let's take it under advisement and look at it in February.

**New Business: Re-Appointment of Janet Green to the Town of Franklin Planning Board and Board of Adjustment**

Land Use Administrator Justin Setser presented this item.

**Motion made by Collins, seconded by McRae to re-appoint Janet Greene to the Town of Franklin Planning Board and Board of Adjustment. Motion carried. Vote: 5 to 0.**

**New Business: Update on Town of Franklin Downtown Traffic Pattern**

Nathanael Moore – Town Engineer – I would like to just give you an update of the Downtown Traffic Pattern. The manufacturer of our markings requires a 50 degree temperature and a 40 degree overnight temperature prior to installing them. At the current time, I would like to hold off in installing them. I would like to know that there is not going to be any snowfall and they get torn up. The other update I have is on our collaboration with NCDOT. They have actually surveyed our downtown and they are about 50 percent plans. Next month we hope to have about 90 percent plans to talk about.

Justin Setser – Land Use Administrator – The DOT has a couple of different funding avenues. One is through the STIP program where you put projects in for prioritization. I submitted our Main Street project back in the summer to see where it ranked and our January TCC meeting we will be getting those rankings back.

**January 2, 2018 meeting continued,**

**New Business: Discussion on the County Grading License**

Council Member Culpepper – I wanted to bring it to this board’s attention, constituents and media’s attention. This is county business but this does affect that people that we represent. There is a county hearing about a proposed grading license ordinance that basically disallows land owners from utilizing their own land. It basically makes landscaping your land yourself illegal unless you sign an affidavit that you won’t sign your property in a year unless you take a test at the county office. You will not become licensed if you take the test, but if you take test and sign an affidavit saying you won’t sell your property for one year you will be able to do your own landscaping. I think this is bad legislation and I would like for our constituents to not have to live with that type of regulation on their own property. It also seems like a conflict of interest that this basically makes landscaping your own property illegal and one of our commissioners owns a landscaping company. I’m certain that he has not thought of this. I mentioned this to him but I have not gotten any feedback on it from him. I’m sure that was not his intention. People complain about crony capitalism when it is on a state level or a federal level. This is how it starts. This is how it gets to a state level and a federal level, when bad legislation is passed on a municipal level. People don’t say anything because it’s a friend or a buddy or they assume it’s being done with good intentions and maybe it is but it’s being done with bad policy. It affects our constituents and I want to bring attention to that. If you’re opposed to it I want you to speak out about it. Go and speak against it or if you’re for it go and voice you’re support. The public hearing is next Tuesday at 6:00 p.m.

Council Member Collins – With all due respect, I think we’re on an unprecedented podium here. I’ve never known the town to take an active position from here as to a county issue and I’ve never know the county to take a position with a town issue. I think as a citizen and through the process of a public hearing we all have that right but I don’t feel comfortable from the form setting of the meeting, us making statements to try to steer the county. I wouldn’t want them to do that to us.

Council Member Culpepper – I understand but I represent a group of people.

Council Member Collins – You represent the Town of Franklin. We all represent the Town of Franklin.

Council Member Culpepper – If the state were to pass bad legislation I would advise the people that I represent in a similar manner.

Mayor Scott – I would like to intervene for a moment. I just don’t see that the Town has a place in having a consensus or a vote on this.

Council Member Culpepper – I’m not asking for a vote, I just want the people to be aware.

Mayor Scott – So this is just for informational purposes.

**January 2, 2018 meeting continued,**

**Legal: Discussion on the Town of Franklin Noise Ordinance**

Mayor Scott – I trust that everyone has read this ordinance.

Summer Woodard – Town Manager – Mr. Henning is unable to be here tonight. He did just ask the board that if you would like to review this there's two copies in your packet, one with the red line strikethroughs. He said that with this being a police power ordinance you are not required to have a public hearing.

Council Member Culpepper – Is this a misdemeanor offense or is this just fines or does it become a misdemeanor offense if you don't pay your fines?

Summer Woodard – Town Manager – Yes, it becomes a misdemeanor offense if you do not pay your fines.

Council Member Collins – I do want to point out that you don't get from a misdemeanor to a felony.

Council Member Culpepper – Don't we already cover barking dogs in an ordinance?

Mayor Scott – We fall under the Animal Control Act of the county. I think that is covered as a nuisance.

Summer Woodard – Town Manager – We do have a barking dog ordinance. The Police Department has had their hands tied numerous times because the only option they have is to write a citation but I do not see from this ordinance where you would have your dog seized from you. I think it just allows the residents the ability to report it if there is a problem and then it gives the officer the discretion to decide if it is a reasonable call or is it a malicious call.

Vice Mayor McRae – I just want to say that I'm very pleased with the draft that we have here. Maybe we'll discover that there's some things wrong with it but I would be in favor of it.

Council Member Culpepper – I just have one amendment I would like to suggest. Given our historic agricultural nature and since it gets light before 6 a.m. in the summertime, I would like for people to be able to use agricultural equipment from 6 a.m. instead of 7 a.m.

Council Member McMahan – That sounds reasonable.

**Motion made by McRae, seconded by McMahan to pass the Town of Franklin Noise Ordinance as amended to reflect a 6 a.m. start time for agricultural purposes. Motion carried. Vote: 5 to 0.**

**Announcements**

Town Hall Offices will be closed Monday January 15, 2018 in observance of Martin Luther King Jr. Day

Essentials of Municipal Government Training and Ethics Training Requirement

**January 2, 2018 meeting continued,**

**Oath of Office for Mayor and Town Council**

Town of Franklin Mayor Bob Scott administered the Oath of Office for Council Member Dinah Mashburn. Copy of the oath of office is attached.

**Adjournment**

**Motion made by Mashburn, seconded by Culpepper to adjourn the Town Council meeting at 7:25 p.m.  
Motion carried. Vote: 6 to 0.**

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Robert S. Scott, Mayor

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Travis Tallent, Town Clerk