



Town of Franklin Council

Agenda

September 8, 2020

6:00 p.m.

1. **Call to Order**- Mayor Bob Scott
2. **Pledge of Allegiance**- Vice Mayor Barbara McRae
3. **Adoption of the September 8, 2020 Town Council Agenda**- Town Council
4. **Approval of the Consent Agenda for September 8, 2020**- Town Council
 - A.) Approval of August 3, 2020 Town Council Minutes
 - B.) Budget Amendments
 - C.) Banking Approval for ABC Law Enforcement Equitable Sharing and ABC Law Enforcement Funds
 - D.) Approval of Tax Refunds and Tax Releases
 - E.) Set Public Hearing for Re-Zoning Petition for 668 Dowdle Mountain Road
5. **Public Hearing at 6:05 p.m. for Ingles Development at Holly Springs Plaza**
 - A.) Board Action on Ingles Development at Holly Springs Plaza
6. **Public Session**
7. **Old Business:**
 - A.) Discussion and Update on Barn at Whitmire Property- Town Manager Summer Woodard
 - B.) Discussion on Liaisons for TDA, ABC, and Planning Board- Council Member David Culpepper
8. **New Business:**
 - A.) Proclamation for Constitution Week- Mayor Bob Scott
 - B.) Presentation of Public Art- Sydney Giaquinto
 - C.) Presentation from Rathskeller Regarding COVID 19- Adam Kimsey
 - D.) Presentation on K-9 Program for Franklin Police Department and Proposed Budget Amendment- Chief Bill Harrell
 - E.) Discussion on Gazebo Reservations- Town Manager Summer Woodard and Town Attorney John Henning Jr.
 - F.) Street Closing Request for Constitution Day- Joe Suminski
 - G.) Acceptance of Franklin Fire Department Grants and Proposed Budget Amendment- Town Manager Summer Woodard
 - H.) Update and Budget Amendment for CARES ACT Funding- Town Manager Summer Woodard
 - I.) Resolution for SRF Funding Application for Phase II of the Water Treatment Plant- Town Manager Summer Woodard
 - J.) Discussion on Legal Services with Smith-Rodgers, PLLC for Franklin Police Department and Proposed Budget Amendment- Town Manager Summer Woodard
9. **Adjourn**

September 8, 2020 meeting,

The Franklin Town Council held its monthly meeting on September 8, 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 September 8, 2020 Town Council Agenda

Council Member Collins said he would like to add discussion to make the Board Room a virtual learning area as 7(K) under New Business.

Town Manager Summer Woodard said she would like to add discussion on a sick leave sharing policy as 7(L) under New Business.

Council Member Culpepper said he would like to add discussion on a lease for the Root and Barrel as 7(M) under New Business.

Council Member Horton said that due to the bylaws of the Council that there would have to be a vote to bring the topic back up since it had been tabled.

Motion was made by Culpepper, seconded by Lewis to add discussion of Root and Barrel lease to the agenda.

Council Member Culpepper said that he just wanted Town Staff to be able to engage the owners for discussions on a potential lease.

Council Member Collins said there didn't need to be any sort of motion to allow staff to discuss a potential lease with the Murphys.

Council Member Culpepper withdrew his motion.

Motion was made by Culpepper, seconded by Lewis to approve the September 8, 2020 Town Council Agenda as amended. Motion carried. Vote: 6 to 0.

Approval of the Consent Agenda for September 8, 2020

- A.) Approval of the August 3, 2020 Town Council Minutes
- B.) Budget Amendments
- C.) Banking Approval for ABC Law Enforcement Equitable Sharing and ABC Law Enforcement Funds
- D.) Approval of Tax Refunds and Tax Releases
- E.) Set Public Hearing for Re-Zoning Petition for 668 Dowdle Mountain Road

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

September 8, 2020 meeting continued,

Public Hearing at 6:05 p.m. for Ingles Development at Holly Springs Plaza

Preston Kendall and John Cox spoke about the development in the Holly Springs Plaza of a new Ingles store.

Nobody from the public spoke.

Motion was made by Lewis, seconded by Culpepper to close the Public Hearing at 6: 15 p.m. Motion carried. Vote: 6 to 0.

Motion was made by Culpepper, seconded by Mashburn to grant a Special Use Permit for the Ingles Development at Holly Springs Plaza. Motion carried. Vote: 6 to 0.

Motion was made by Culpepper, seconded by McRae to allow the Town Manager to send a letter to the NCDOT in support of a turning lane off of the highway coming from the west. Motion carried. Vote: 6 to 0.

Public Session

Michael Stephens spoke about potentially using the Gazebo for a rally.

Old Business: Discussion and Update on Barn at Whitmire Property

Council Member Lewis said this structure is not salvageable. Tearing it down sooner rather than later is preferable.

Motion was made by Lewis, seconded by McRae to allow Town Staff to demolish the barn on the Whitmire Property. Motion carried. Vote: 6 to 0.

Old Business: Discussion on Liaisons for TDA, ABC, and Planning Board

Council Member Culpepper said he thought the Town Council should look at assigning Liaisons to the TDA, ABC, and Planning Board.

Council Member Horton said that boards are appointed to give independent recommendations and that he thought having a liaison could hurt that process.

Mayor Scott said that in the event of a quasi-judicial hearing with the Planning Board the potential liaison could be put in a situation where they couldn't vote.

Town Attorney John Henning Jr. said that may not be the case when Chapter 160 of state statutes is updated. He said there may be practical reasons not to do it but there wasn't any legal reason if the board chose to do so.

Council Member Horton said the meetings are public and open to anybody including council members to attend.

September 8, 2020 meeting continued,

New Business: Proclamation for Constitution Week

Mayor Scott presented this item.

Motion was made by Lewis, seconded by Culpepper to approve the Proclamation for Constitution week. Motion carried. Vote: 6 to 0.

New Business: Presentation on Public Art

WCU student Sydney Giaquinto presented this item. Presentation is attached.

New Business: Presentation from the Rathskeller Regarding COVID-19

Rathskeller owner Adam Kimsey presented this item. He requested the board to allow him to place picnic table and tents outside of his shop that would extend into part of Stewart Street. He said there would not be alcohol served outside. He said this was due to the capacity regulation in regards to COVID. As his shop is set up now, he is not allowed to have many guests due to a small area.

Motion was made by Horton, seconded by Mashburn to allow Kimsey to extend operations into a portion of Stewart Street during COVID restrictions. Motion carried. Vote: 6 to 0.

New Business: Presentation on K-9 Program for Franklin Police Department and Proposed Budget Amendment

Police Chief Bill Harrell presented this item. He said that it will cost \$18,000 for the initial startup and then an additional \$1,000 per year afterwards. He said that donations would be covering the cost.

Council Member Horton said that he thought it would be a nice asset that isn't going to cost anything extra.

Council Member Collins asked what the plan would be once the initial donations have run out.

Chief Harrell said there have already been others in the community who have said they would make donations to keep the program. He said during his time in Highlands that the Town never spent tax dollars on the program.

Motion was made by Horton, seconded by Lewis to approve the K-9 Program for the Franklin Police Department and to make a budget amendment moving \$17,930 from the K-9 Program Revenue line to the K-9 Program Expense line. Motion carried. Vote: 6 to 0.

September 8, 2020 meeting continued,

New Business: Discussion on Gazebo Reservations

Town Manager Summer Woodard said that recently requests for the Gazebo went from one or two a month to four and five a week from a wide variety of groups. She said that she needed guidance from the Town Council in how to proceed because this was unprecedented and there were COVID guidelines that restrict the attendees to a maximum of 50 as imposed by Governor Cooper.

Council Member Mashburn said that the organizer of the Recover group had reached out to her because she had reserved the Gazebo back in February for October.

Town Manager Summer Woodard said that event and a reading of the Constitution had already been approved previously.

Council Member Collins asked that with the Governor's guidelines, was it really necessary to close it off?

Town Attorney Henning said that he believes enforcement is the issue. He said the intent of this discussion is to stop reservations in consideration of the influx of requests.

Mayor Scott said that the Council can't chose to allow some and shut down others.

Council Member Collins said the other option is to enforce the regulations of having less than 50 attendees.

Council Member Culpepper said he was uncomfortable picking and choosing.

Council Member Collins said to either shut it down or enforce the restrictions.

Council Member Horton asked how to enforce it. He asked what rules the Town has. He asked what the difference would be for a vigil request and a KKK rally. He told the Council that he thought they would care about that when granting requests.

Mayor Scott said the Council should consider closing it until after the Governor's restrictions have been lifted.

Chief Harrell said that in order to enforce restrictions for the amount of reservations requests that there would be a need for manpower. He said that these costs had not been budgeted for. He said that if use is still permitted then the group reserving the Gazebo should pay the costs to have officers present.

Attorney Henning said that could be done via ordinance. He said as a legal matter the Town Council has the authority to close the Gazebo. He said if freedom of speech is of concern that there is a free speech zone across the street at the court house and that satisfies the requirement to have a free speech zone.

September 8, 2020 meeting continued,

Council Member Collins said it would probably be fruitless to try to enforce anything. He said the costs to keep it open could be burdensome. He asked Michael Stephens who spoke earlier if there would be more than 50 people at his event.

Stephens said he anticipated a lot more than 50.

Council Member Culpepper said that he just wanted to remind me everybody that during the spike in COVID there had been two large events held there.

Council Member Collins said that the best idea would be to allow the two that had been approved previously and then shut the Gazebo reservations down until COVID restrictions are lifted.

Motion was made by Collins, seconded by Horton to place a moratorium on the Gazebo reservations excluding the two that were already approved but requiring them to adhere to the Governor's orders. The moratorium will stay in place until the restrictions are lifted. Motion carried. Vote: 5 to 1. Culpepper voted no.

New Business: Street Closing Request for Constitution Day

Town Manager Summer Woodard presented this item. The request is for Iotla Street and drive between Gazebo and Crabtree General Store Thursday September 17, 2020 from 5:00 p.m. to 8:00 p.m.

Council Member Joe Collins said that 5 p.m. is a hard time to close the street.

Motion was made by Collins, seconded by McRae to grant the street closing request from 6:00 p.m. to 8:00 p.m. Motion carried. Vote: 6 to 0.

New Business: Acceptance of Franklin Fire Department Grants and Proposed Budget Amendment

Fire Chief Matt Breedlove presented this item.

Motion was made by Horton, seconded by Lewis to accept the grant from the Department of Homeland Security in the amount of \$37,171.43 and making a budget amendment of \$1,858.57 as a 5% match. Motion carried. Vote: 6 to 0.

New Business: Update and Budget Amendment for CARES ACT Funding

Town Manager Summer Woodard presented this item.

Council Member Collins said that he would like for the Town Staff to look into different signs and report back to the Town Council in October.

Motion was made by McRae, seconded by Mashburn to move forward with expenditures presented that would be reimbursed by CARES ACT funding excluding the signs as requested by Council Member Collins. Motion carried. Vote: 6 to 0.

September 8, 2020 meeting continued,

New Business: Resolution for SRF Funding Application for Phase II of the Water Treatment Plant

Town Manager Summer Woodard presented this item.

Motion was made by Lewis, seconded by Horton to approve the resolution for SRF Funding Application for Phase II of the Water Treatment Plant. Motion carried. Vote: 6 to 0. Resolution is attached.

New Business: Discussion on Legal Services with Smith-Rodgers, PLLC for Franklin Police Department and Proposed Budget Amendment

Council Member Mike Lewis said that he had used them during his time at the Macon County Sheriff's Department and the firm is an asset to law enforcement. He said that even in the middle of the night when he has had to call them that they answer or call him back within a few minutes.

Motion was made by Horton, seconded by Lewis to approve approve prorated contract for Legal Services with Smith-Rodgers, PLLC for Franklin Police Department and the proposed budget amend for funding. Prorated contract to run from September to the end of July. Budget amendment to reflect moving \$7,599 from the Pickin' on the Square line to Professional Legal Services. Motion carried. Vote: 6 to 0.

New Business: Discussion on the Use of Town Council Board Room for Virtual Learning

Council Member Collins said that the space would be perfect for virtual learning for local students during COVID-19.

Town Manager Summer Woodard told the Town Council that she would reach out to Schools Superintendent Chris Baldwin to offer the option if the Council directed her to.

Motion was made by Collins, seconded by Lewis to offer the use of the Town Board Room to Macon County Schools as an area for virtual learning. Motion carried. Vote: 6 to 0.

New Business: Discussion Leave Sharing Policy

Town Manager Summer Woodard presented this item.

Council Member Collins said that he didn't see the need for a policy like this since it hadn't come up before.

Town Manager Summer Woodard said that it had been something used prior to 2010 but was written out by previous administrations.

Council Member Horton said he liked the idea but that he would rather see the wording require vacation leave to be donated as to reduce liability to the Town.

The Council agreed to look at the Policy again in October.

September 8, 2020 meeting continued,

Discussion from Board Members

Council Member Lewis said a good idea for Halloween maybe to encourage residents to decorate their yards and turn it into a competition of sorts.

Fire Chief Matt Breedlove thanked the Town Council for their support of the Fire Department. Breedlove's last day of full-time employment will be on October 1, 2020.

Adjournment

**Motion made by Culpepper, seconded by Lewis to adjourn the Town Council meeting at 8:40 p.m.
Motion carried. Vote: 6 to 0.**

Robert S. Scott, Mayor

Travis Tallent, Town Clerk