

July 2, 2012

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, July 2, 2012 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Joyce Handley, Farrell Jamison, Billy Mashburn, Carolyn Pattillo and Bob Scott were present.

Approval of the Minutes

Motion was made by Handley, seconded by Pattillo to approve the minutes for the June 4, 2012 meeting as presented. Motion carried. Vote: 6 to 0.

Public Hearing on the Proposed Financing

Mayor Collins opened the public hearing on the proposed financing by the Town of Franklin to (1) refund debt previously issued as an installment financing agreement that financed the purchase and construction of Town administrative buildings and (2) for the purchase of retail space for the Town of Franklin ABC Board's use as tenant. The following persons spoke at the public hearing.

Orville Coward – I have thoughts on the location of the ABC Store. I don't think this is the best location. We have been hit by a slow hurricane with the economy from 2006 to 2012. There are empty buildings inside town. We have not turned the corner yet. The new ABC Store should be a magnet or destination point. It should not be located at the new Wal-Mart Center. Maybe put it in West Franklin or on the Sylva Road or in the old Wal-Mart Center. It could stay where it is now. It is not needed at the new Wal-Mart Center. The board serves the town.

Ron Winecoff – I go to church with all the members of both boards. This is uncomfortable for me. Our economy today is back to the '70s. It is getting better. However, things are not good enough to buy a 1.25 million ABC store. It is unfair to the citizens of the Town. There is a good chance that privatization is coming to the ABC store. The store cannot stand on its own. The Town is not getting a lot of profit now. The current profit margin is 2.87 percent. You are not on the best path. You are doing too fine of a building. There are vacant properties all over town. Reconsider your decision.

Paul Shuler – I am not a resident inside Town. I cannot vote. Since I pay taxes I should be able to vote. I have an interest on how taxes are being used. The ABC Store has a poor performance and a low profit from the store. Profit is less than \$70,000.00 per year. Purchasing realty is usually a wise decision. It is not the time. The new Wal-Mart center is not the place.

Howell Derrick – We called the store a liquor store in Georgia. I ask that you withdraw your decision and look at using old town hall.

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Bud Siler - I am a taxpayer and resident of town. I am in opposition of you financing the ABC Store. There are empty buildings inside town. The liquor store needs to be downtown. The Town's money can be spent better elsewhere.

Tim Butterfield – It's atrocious that you want to spend 1.25 million to move a store a quarter mile down the street and make a one percent profit.

Bill Martin – I am a taxpayer. I am not a citizen. You are not protecting my money. The store should be returning 10% to 12% profit. You can put the store in a better location.

Lamar Sprinkle – I am speaking against this location. 1.4 million dollars is way too high. You could rent another location. Several locations could be remodeled. The liquor store will do well wherever it is located. West Franklin would be a good location. I ask you reconsider.

Mayor Collins closed the public hearing at 7:32 P.M.

Recess

Mayor Collins recessed the meeting at 7:33 P.M.

Mayor Collins reconvened the meeting at 7:40 P.M.

Public Session

Dan Williams – I have been to town hall five times about Dogwood Drive. I have been cleaning Dogwood Drive up for the last thirty years. I cannot do it anymore. You need to keep the roads clean instead of building a liquor store. The power company cut down the trees. You need to chip up these trees.

Howell Derrick – Water is going under the pavement on Ulco Drive. The sign is too small indicating the routing of the three-axle trucks. They are being misrouted.

Administrative Reports: Report on Sign Sweep

Derek Roland – We had a sign sweep beginning June 18 inside town and the extra territorial jurisdiction of temporary signs placed in the public right of way. We worked with the North Carolina Department of Transportation. Eighty temporary signs were removed from the right of way. Numerous owners were asked to remove their signs. Twenty permanent signs were documented in the public right of way. Formal violations were issued by the North Carolina Department of Transportation to the owners of the permanent signs located in the public right of way. The owners will be given thirty days to remove the signs. The temporary signs can be picked up at town hall until July 13, 2012.

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Administrative Reports: Report on Insurance Services Office (ISO)

Fire Chief Warren Cabe – The ISO inspection is completed. It was completed in three days instead of the expected four days. The first day of inspection is pass or fail. If you do not pass the first day, the inspection does not move on. We will get the result in forty-five days. Everything went well. I want to thank the firemen, the staff and the Board for their help. The ratings should go down both inside town and in the district. This will save residents on their insurance premiums.

Administrative Reports: Water Study Update and Recommendations

Town Manager Sam Greenwood – W. K. Dickson has started on the Water Study. It should be finished in mid November or early December. He said I am recommending the following: (1) until the water study is complete and presented to the Aldermen, no major water lines should be added or approved to the Town system and (2) the water study will be the information basis for expanding the Town water supply and for the allocation process for capacity both inside and outside of Town. Information copy is attached.

Committee Reports: Administration Committee Report

There was no report.

Old (Unfinished) Business

None was presented.

New Business: Aldermen Discussion

Alderman Curtis – Recently the relationship between Mayor Collins and members of the town board have been strained to great degree due to the actions taken by Mayor Collins regarding the location for a new ABC store and now the issuing of an apology to Chief Hicks of the Eastern Band of Cherokee Indians for the spraying of herbicide on the mound. After closing the town board meeting on June 4th, Mayor Collins passed out a copy of the letter of apology to Chief Hicks, on Town stationery, identified himself as Mayor of the Town of Franklin and signed as Mayor. This was done without approval by the Board of Aldermen and total disregard for the previous decision by the board on May 7th. As a result of his actions, the media has used this and other articles to refer to board members as uncaring and exercising poor judgment. Right or wrong, decisions of this nature are the responsibility of the Board of Aldermen and not the office of the mayor. I submit that the actions of the Mayor were a gross abuse of assumed powers. I make a motion that Mayor Collins be censured for his actions.

Bob Scott - I ask that I be censured too. I have talked to Chief Hicks.

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Motion was made by Curtis, seconded by Mashburn that Mayor Collins be censured for his actions. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Handley, Jamison, Mashburn and Pattillo. Voting no: Scott.

Mayor Collins - I acted personally as mayor on writing the letter to Chief Hicks. I was within my bounds as mayor.

Legal: Approval of Alcoholic Beverage Control Store Lease

John Henning, Jr. – Attorney - You need to approve the ABC Store lease. The money received from this lease will pay the lease payments of the proposed loan.

Motion was made by Curtis, seconded by Handley to approve the lease with the Franklin ABC Board. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Handley, Jamison, Mashburn and Pattillo. Voting no: Scott. A copy of the lease is attached.

Legal: Easements

No report given.

Legal: Planning Board Ordinance

John Henning, Jr. – Attorney – The Planning Board needs to replace a member. The Board of Adjustment acts as the Planning Board. There is some ambiguity in the appointment of members. These proposed amendments to the ordinance will clarify the appointment of the Board of Adjustment as the Planning Board. You need to set a public hearing for these proposed changes.

Motion was made by Mashburn, seconded by Jamison to set a public hearing for the proposed amendments to the Unified Development Ordinance on August 6, 2012 at 7:05 P.M. Motion carried. Vote: 6 to 0.

Other Business

Alderman Scott – There was no discussion at this meeting about censuring Mayor Collins. Any discussion should be done in open session.

Alderman Curtis – I acted on my own. I was at the hospital with my wife. Chief Hicks now wants the mound. A decision made at one meeting should be honored.

Mayor Collins – I take my role as mayor seriously. I do not always agree with the Board. It was a personal apology to Chief Hicks.

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Departmental reports are attached.

Adjournment

**Motion was made by Jamison, seconded by Handley to adjourn the meeting at 8:25 P.M.
Motion carried. Vote: 6 to 0.**

Joe Collins, Mayor

Janet A. Anderson, Town Clerk