

**MINUTES OF THE TOWN OF FRANKLIN TOWN COUNCIL
REGULAR MEETING
APRIL 1, 2024**

THE FRANKLIN TOWN COUNCIL held a regular meeting on Monday, April 1, 2024, at 6:00 p.m. in the Town Hall Board Room located at 95 East Main Street Franklin, NC.

1. CALL TO ORDER

Mayor Jack Horton called the meeting to order at 6:00 p.m. with the following members present: Vice Mayor Stacy Guffey, Council Members: Joe Collins, David Culpepper, Mike Lewis, Rita Salain, and Robbie Tompa.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Stacy Guffey.

3. ADOPTION OF THE APRIL 1, 2024 TOWN COUNCIL AGENDA

Council Member Rita Salain made a motion, seconded by Council Member Joe Collins to adopt the Town Council Agenda for April 1, 2024 as presented. The motion carried unanimously. Vote: 6 – 0.

4. APPROVAL OF THE CONSENT AGENDA FOR APRIL 1, 2024

- A.) Approval of February 26, 2024 Special Called Meeting and March 4, 2024 Regular Town Council Meeting Minutes
- B.) Budget Amendment
- C.) Reinstatement and reclassification of positions - Facilities and Police Department
- D.) Substitution vehicle purchase - Public Works
- E.) Tax Release
- ~~F.) Ordinance Review Committee Recommended Revisions
 - ~~1. Evaluation Policy~~
 - ~~2. Local Purchasing Preference (part of the Purchasing Policy)~~
 - ~~3. Junk and Abandoned Car Ordinance~~~~

Council Member Joe Collins made a motion, seconded by Vice Mayor Stacy Guffey to approve the consent agenda for April 1, 2024 and to pull item "F" for further discussion. The motion carried unanimously. Vote: 6 – 0.

- F. Ordinance Review Committee Recommended Revisions
 - 1. Evaluation Policy
 - 2. Local Purchasing Preference (part of the Purchasing Policy)
 - 3. Junk and Abandoned Car Ordinance

Vice Mayor Guffey asked if there were any additions or changes on these from what was discussed. Town Manager Owens said there were no changes. Town Manager Owens said there was some language clarification in the Performance Evaluation Policy. The Local Purchasing Preference Policy is clarification alluding to if there is an eligible local bidder that bids within 2% of another nonlocal bidder then we can go back to the local bidder to see if they can match the

lower bid. In regards to the Junk and Abandoned Motor Vehicles Ordinance, the State Statute utilizes the clarification of “or” between each of the definitions and the Town Ordinance does not. Therefore, it could be interpreted to read “and”. This is just a clarification from State Statute. Attorney John Henning Jr. add that it’s just a technicality and removes any doubt.

Council Member Mike Lewis made a motion, seconded by Vice Mayor Stacy Guffey to approve item “F” the Ordinance Review Committee recommendations as presented. The motion carried unanimously. Vote: 6 – 0.

5. RECOGNITIONS/INTRODUCTIONS

- A.) Sergeant Matt Breedlove, CTAC Officer, introduction by Chief Devin Holland
- B.) Proclamation Honoring and Celebrating National Tartan Day – April 6 – Mayor Jack Horton

6. OLD BUSINESS

- A.) Request approval of fee for Temporary Use/RV Camper Fee- Town Planner Justin Setser
Town Planner Justin Setser was directed by Town Council at the March meeting to check with other municipalities to see what fee they were charging for temporary use/RV camper fee. Mr. Setser provided fee information from other municipalities in NC and recommended a fee of \$50 for a Temporary Use/RV Camper permit.

Council Member David Culpepper made a motion, seconded by Council Member Joe Collins to approve the \$50 fee for the temporary use permit as recommended. The motion carried unanimously. Vote: 6 – 0.

7. CALL FOR PUBLIC HEARING

- A.) Call for Public Hearing on Monday, May 6, 2024 at 6:05 p.m. or as closely thereafter as possible to allow for public input on a Conditional District Rezoning for a 10.63-acre tract of land for 227 Siler Road - Town Planner Justin Setser

Vice Mayor Guffey had a question about Conditional Zoning and when does Town Council get involved. Town Attorney John Henning, Jr. said Town Council is not prohibited from having any discussions about legislative matters and conditional zoning is a legislative matter. He also stated that you do not have to have a public hearing to discuss the conditional zoning project, but you do have to have a public hearing before one is approved.

Council Member Rita Salain asked about the neighborhood meetings and wanted to be able to attend. She asked how the meetings were advertised. Town Planner Sester stated he sends letters and places signs on the property. He also noted that these meetings are not required to be published in the newspaper.

Additional discussion was held about water/sewer line extensions, annexation and adding sidewalks as part of the conditional zoning process.

Vice Mayor Guffey has some concerns about the impact on infrastructure, transportation, and walkability. He would like to talk about these concerns on the front end and mitigate these issues instead of playing catch-up.

Council Member Joe Collins noted that there were multiple calls for public hearings and wished to change the times of each to conserve time during the upcoming meeting.

Council Member Joe Collins made a motion, seconded by Council Member David Culpepper to set the public hearing for Monday, May 6, 2024 at 6:05 p.m. or as closely thereafter as possible to receive public input on the conditional district rezoning of 227 Siler Road. The motion carried unanimously. Vote 6 – 0.

- B.) Call for Public Hearing on Monday, May 6, 2024 at 6:10 p.m. or as closely thereafter as possible to allow for public input on a Conditional District Rezoning for a 7.2-acre tract of land of the western portion of parcel with frontage on Siler Road and Firefly Lane- Town Planner Justin Setser

Council Member Joe Collins made a motion, seconded by Council Member David Culpepper to set the public hearing for Monday, May 6, 2024 at 6:08 p.m. or as closely thereafter as possible to receive public input on the conditional district rezoning of the 7.2-acre parcel with frontage on Siler Road and Firefly Lane. The motion carried unanimously. Vote 6 – 0.

- C.) Call for Public Hearing on Monday, May 6, 2024 at 6:15 p.m. or as closely thereafter as possible to allow for public input on a Conditional District Rezoning for 5 acres located off Allman Drive - Town Planner Justin Setser

Council Member Joe Collins made a motion, seconded by Council Member Mike Lewis to set the public hearing for Monday, May 6, 2024 at 6:11 p.m. or as closely thereafter as possible to receive public input on the conditional district rezoning of the 5-acre parcel off Allman Drive. The motion carried unanimously. Vote 6 – 0.

- D.) Call for Public Hearing on Monday, May 6, 2024 at 6:20 p.m. or as closely thereafter as possible to allow for public input on a Conditional District Rezoning of 3.63 acres located off the Highlands Road - Town Planner Justin Setser

The developer submitted the conditional zoning application late, so it has not yet gone before the Planning Board. Vice Mayor Guffey asked if there would be a Planning Board recommendation before the Public Hearing. Town Planner Setser said he would have the Planning Board's recommendation in the May Town Council packet.

Council Member Culpepper asked if Council makes a requirement for one parcel and not the other does that open the Town up to the developer saying it wasn't done fairly. Mayor Horton said if they were not reviewed subjectively and everyone isn't given the same consideration then you

could be opening yourself up for a lawsuit. Discussion was held on what types of conditions to set with Conditional Zoning.

Council Member Joe Collins made a motion, seconded by Council Member David Culpepper to set the public hearing for Monday, May 6, 2024 at 6:14 p.m. or as closely thereafter as possible to receive public input on the conditional district rezoning of the 3.63-acre parcel off Highlands Road. The motion carried unanimously. Vote 6 – 0.

- E.) Call for Public Hearing on Monday, May 6, 2024 at 6:25 p.m. or as closely thereafter as possible to allow for public input on Rezoning of 31.71 acres, Franklin High School property, from Neighborhood Mixed Use/R2 to change the entire property to R2 - Town Planner Justin Setser
Vice Mayor Guffey asked what was the advantage of the high school project for them to change the zoning. Town Planner Setser said that currently some of the high school property is zoned R-2 and some is zoned NMU. The advantage is that R-2 zonings for schools are by-right use and in both R-1 & R-2 there is no size restrictions per the Town’s UDO (Unified Development Ordinance). The properties would be uniformly zoned and a by-right use and would not require a special use permit.

Council Member Lewis asked if there would be a problem with the zoning change if the “Higdon Property” was turned into a land lab with live stock. Town Planner Setser said agriculture would be allowed in R-2.

Council Member Joe Collins made a motion, seconded by Council Member Robbie Tompa to set the public hearing for Monday, May 6, 2024 at 6:15 p.m. or as closely thereafter as possible to receive public input on the rezoning request for Franklin High School from NMU/R2 to R2. The motion carried unanimously. Vote 6 – 0.

8. PUBLIC SESSION

Virgil Valentine, 645 Siler Road, asked if his property would be part of the rezoning off Siler Road. Town Planner Setser told him it was just the one parcel that would be rezoned. Mr. Valentine also stated that there was a strip of property in front of his that the Town owns and he asked if they Town would sale to him or not develop it. Town Attorney John Henning, Jr. stated the Town could take a look at it.

Tawana Valentine, 645 Siler Road, said that someone had been shooting guns on the Town owned property behind her house. Town Attorney Henning said the Town could post signs on the property that the Town does not permit hunting or discharge of firearms.

9. NEW BUSINESS

- A.) Request approval of the Resolution Approving the Town of Franklin's 2023 Local Water Supply Plan- Bill Deal Public Works Director

The Town is required to provide a Local Water Supply Plan to the State for approval every five years. When the plan is the approved, Town Council must adopt a resolution stating Council concurs with the Local Water Supply Plan. Chris Green assisted Public Works Director Bill Deal with the updates to the Local Water Supply Plan.

Councilwoman Salain said she would love for the questions under the last chart of plan to be thought through and planned for the future submissions. Public Works Director Deal said they could definitely include that information.

Council Member Mike Lewis made a motion, seconded by Council Member Robbie Tompa to adopt the Resolution Approving the Town of Franklin's 2023 Local Water Supply Plan as presented. The motion carried unanimously. Vote: 6-0.

- B.) Request approval of application for NC Parks and Recreation Trust Fund (PARTF) grant for \$500,000 for the Whitmire Inclusive Play Area (including restrooms, parking areas and connecting sidewalks) -Town Manager Amie Owens

Town Manager Owens noted, that as previously discussed, part of the development of the Whitmire Property was for recreation amenities. The PARTF grant is a \$500,000 grant that requires a one-to-one match. The request is for permission to apply for the grant with the allocation of the match money if awarded the grant.

Vice Mayor Stacy Guffey made a motion, seconded by Council Member Mike Lewis to approve the application for NC Parks and Recreation Trust Fund (PARTF) grant as presented. The motion carried unanimously. Vote: 6-0.

- C.) Request approval for Engineering Proposal from Dewberry Design-Builders Inc. for Siler Road and Berry Blvd 12" Water Main Loop Connection – Town Manager Amie Owens and Public Works Director Bill Deal

Town Manager Owens said the Town is being proactive and has looked at the waterlines off Siler Road and Berry Blvd. There are two lines that do not connect, therefore, part of what this design request with Dewberry Design-Builders is for the design so the lines can connect. This will make it a looped system so that if someone has a line break, the Town does not have to shut off the entire line and will allow others to have service uninterrupted. The request is for \$36,500 and the proposal should be completed by the end of the fiscal year.

Discussion was held on the cost for the actual project and the possibility for grants.

Council Member Mike Lewis made a motion, seconded by Council Member Robbie Tompa to approve the Engineering Proposal from Dewberry Design-Builders Inc. for Siler Road and Berry Blvd 12" Water Main Loop Connection as presented. The motion carried unanimously. Vote: 6-0.

10. DEPARTMENTAL UPDATES

- A.) Finance - Sarah Bishop, Finance Director gave an update on the 2024/2025 FY budget preparation and discussed what APRA funds were remaining; \$421,000 needs to be committed by the end of 2024.
- B.) Planning/IT/Facilities - Justin Setser, Town Planner gave an update on the following: Balsam West Internet upgrade, new backup server equipment, AEDs were purchased for all Town buildings, downtown Wi-Fi, and the proposed downtown historic district.

Town Planner Sester provided photos of code enforcement violators and what had been cleaned up. Discussion was held on resources to help with clean up, focusing efforts on serious conditions, resources to solve problems, and focusing on complaint driven issues.

- C.) Police Department - Chief Devin Holland gave an update on calls answered and reports made, staffing, new drone, and trainings.

11. ITEMS FROM COUNCIL

Councilman Culpepper asked about the old landfill property and if it would be useful. He said there are other counties and municipalities who are turning those spaces into mountain bikes trails.

Councilwoman Salain is glad to see the focus on property that needs to be fixed and cleaned up.

Councilman Tompa is happy to see all the projects going on in Town.

Mayor Horton said there was a good turn out at the WHT Sculpture unveiling. He said he appreciates all the hard work that was put into the project and thanked Town Council for being behind the project.

12. CLOSED SESSION

- A.) Enter into Closed Session under NC General Statute § 143-318.11 (a)(5) to discuss acquisition of real property by purchase, option, exchange, or lease

Vice Mayor Stacy Guffey made a motion, seconded by Council Member Rita Salain to enter into Closed Session under NC General Statute § 143-318.11(a)(5) to discuss acquisition of real property by purchase, option, exchange, or lease. The motion carried unanimously. Vote: 6-0.

The Town Council entered Closed Session at 7:45 p.m.

The Town Council returned from Closed Session at 8:18 p.m.

13. ANNOUNCEMENTS

- A.) Next Town Council Meeting is Monday, May 6, 2024
- B.) Special Called Town Council Meeting - Tuesday, April 16, 2024 Budget Work Session

14. ADJOURNMENT

Council Member Joe Collins made a motion, seconded by Council Member David Culpepper to adjourn the meeting at 8:19 p.m. The motion carried unanimously. Vote: 6- 0.

C. Jack Horton, Mayor

Nicole Bradley, Town Clerk