

Town of Franklin Board of Aldermen
Regular Scheduled Meeting
Agenda Monday January 4, 2016 7:00 p.m.

1. Call to Order- Mayor Bob Scott
2. Pledge of Allegiance- Vice Mayor Patti Abel
3. Adoption of the January 4, 2016 Town Board Agenda
4. Approval of the December 7, 2015 Town Board minutes
5. Public Hearing 7:05 p.m. for Special Use Permit Application for Scenic Ridge Development
6. Public Session
7. New Business
 - A.) Board Action on Special Use Permit Application for Scenic Ridge Development
 - B.) Presentation on Fiscal Year 2014-2015 Town of Franklin Audit- Martin Starnes Associate Cassie Wilson
 - C.) Update from Appalachian Trail Committee- Bill Vanhorn
 - D.) Set Public Hearing for Text Amendment to the Unified Development Ordinance Regarding Tasting Rooms- Land Use Administrator Justin Setser
 - E.) Forward Re-Zoning Petition for Carolina Mountain Drive to the Town Planning Board- Land Use Administrator Justin Setser
 - F.) Entegra Bank Account Signatories- Town Manager Summer Woodard and Town Finance Officer Kyra Doster
 - G.) Competitive Bidding Purchasing Program NJPA and HGACBUY for the Town of Franklin- Town Manager Summer Woodard and Town Finance Officer Kyra Doster
 - H.) Town Board Appointment to Orchard View Apartments Board- Town Manager Summer Woodard
 - I.) Town Board Committee Appointments- Mayor Bob Scott
8. Legal
 - A.) Discussion Regarding Town of Franklin Code of Ordinances Chapter 32 and Chapter 91- Town Attorney John Henning Jr, Town Manager Summer Woodard and Town Clerk Chad Simons
 - B.) Policy for Police Body Camera's- Town Attorney John Henning Jr, Town Manager Summer Woodard and Police Chief David Adams
 - C.) Town of Franklin Mercury Minimization Plan- Town Attorney John Henning Jr and Town Manager Summer Woodard

9. Announcements

- A.) Town Hall Offices will be closed Monday January 18, 2016 for Martin Luther King Jr Day
- B.) Town Board Retreat will be Saturday January 23, 2016 at 9:00 a.m. in the Town Hall Board room

10. Adjourn

January 4, 2016 meeting,

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday January 4, 2016 at 7 p.m. in the Town Hall Board Room. Mayor Robert S. Scott presided. Aldermen Patti Abel, Joe Collins, Adam Kimsey, Billy Mashburn, Brandon McMahan and Barbara McRae were present.

The Pledge of Allegiance was done.

Adoption of the January 4, 2016 Town Board Agenda

Mayor Scott – Before we adopt the Agenda there is one item that I would like to add, and that is a short closed session for the Attorney-Client privilege.

Motion was made by McRae, seconded by Abel to approve the January 4, 2016 Town Board Agenda as amended. Motion carried. Vote: 6 to 0.

Approval of the December 7, 2015 meeting minutes

Motion was made by McMahan, seconded by Kimsey to approve the December 7, 2015 Town Board minutes as presented. Motion carried. Vote: 6 to 0.

Public Session

Jim Geary – I've been a resident of Franklin for the past 10 years. My wife and I have been collecting toy cars, trucks and other stuff for 60 some years. Nobody sees these toys in our home, so we are trying to start a toy museum here in Franklin. This will be another tourist draw to the Town. This will be a down memory lane toy museum, and we will fall under the Historical Museum's branch for their donations and so forth. We are looking at a location, so if anyone has a building they would like to donate please let us know. We have about 1,200 toys in our collection. These are little cars and everything else. We have dolls coming from Franklin from two private collections. We have a train collection that has been offered to us from the Netherlands, and toys from Pennsylvania and South Carolina have been promised to us. I have a lot of cases I bought from antique offices, and they are currently in storage. There is a doll and toy museum in Spencer, NC and they said they would like to partner with us with exhibits. They are very excited. We plan on having a children's play area, and a hands on area where kids can play; as well as a consignment shop and gift shop so we can make money and other people can too. I'm doing this on my own, and we do have a couple of people around town looking for locations. I have some business cards I will leave up here. We have a Facebook page entitled "Down Memory Lane Toy Museum." That's all. Thank you.

Brent Martin – Wilderness Society – I have copies here of a letter I will pass around. We are in the middle of the forest planning process provision now. It happens every fifteen to twenty years. We have 152,000 thousand acres of Forest Service land in Macon County. So obviously we all have a stake in the outcome of the plan here. I work for the Wilderness Society and I live here in Macon County. We want to protect public land for wilderness. Currently, we have about 6,000 acres of wilderness land in Macon County. We have a fair amount of acres eligible for wilderness in Macon County. I'm not asking the Board to support a resolution for wilderness tonight, but the people in this letter do have an interest in the outcome of the forest plan, and the economic future for Macon County. About a year and a half ago the County passed a resolution to oppose expanding wilderness in Macon County.

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Brent Martin – It was based on the testimony of one person, and there was no public input, fact-finding process. All we want the Board to do is to approve a resolution to support whatever wilderness plan the U.S. Forest Service recommends. At the time the County Commissioners passed that resolution, the Town Board passed a resolution celebrating the 50th anniversary of the Wilderness Society.

Mayor Scott – We will study this and bring this up at our February meeting.

Angela Moore – Thank you. I wanted to address two things very quickly. One is the dog tag ordinance that you will be looking at eliminating. I think this is a great example of a code that hasn't been enforced for decades. I actually remember the old Town Clerk refusing to issue the licenses even when someone wanted them. It's a great example of ways we can clean up our code, and I think there is a lot more we can look at. But this is a good start. Another thing is the police body cameras. I think it will be a great step in the right direction to create a process for people who got issued citations to obtain that footage without a subpoena. They shouldn't have to pay legal fees to obtain that footage, particularly for minor citations.

Gary Murphy – Bowery Restaurant – I'm not here to argue about last year when you didn't like our restaurant, but I live in Town and I'm here on behalf of the restaurant. Our building is your closest neighbor, and I find your gate offensive. I don't expect an answer tonight, but I would like you to consider why you have a gate between our parking lot and the public parking lot. I think it's ridiculous. Just consider why it is there and why it is there on the weekends when you people aren't even here.

Bill Van Horn – Nantahala Hiking Club – Good evening. I'm here on behalf of the Nantahala Hiking Club and the Appalachian Trail Conservancy to provide a little information that will support what Brent Martin has already presented. You realize Franklin was designated an Appalachian Trail community in 2010, one of the first communities to get that designation. We have a close, special relationship with the Town. The partnership between the trail, the Town, and the Appalachian Trail Commission was renewed last year, and you realize the economic benefit that the trail brings. It's 11 miles outside of town, and we still have a lot of people that don't know it is a national park in its own right. Obviously Franklin has been and is becoming even more of an outdoor destination. And what I wanted to make you aware of is that the Appalachian Trail Conservancy has no objection to the trail being in a federally designated wilderness area. Our hiking club is one of the signatories in support of Mr. Martin's letter, and so is your own Appalachian Trail Commission. If I can be of any further assistance about the trail or its users, please ask. I'll be happy to help. As always, I appreciate your time.

Olga Pader – Nantahala Hiking Club – I'm President of the club, and I'm here to represent over 200 of our members. Our club is very much in favor of Mr. Martin's letter, and we are the people that maintain the trail. I'm here to tell you that in 2014 tourists spent \$550 million in Franklin, and they don't come here to shop in Wal-Mart. They come here for the same reason I'm here, which is the beauty of our mountains and nature. We need to realize some things need to be maintained the way they are. And wilderness isn't just for young men. I just finished hiking 120 miles of wilderness areas this year, and if I can do it, everybody can. Wilderness is for everybody. The county resolution was not a public process.

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Public Hearing 7:05 p.m. for Special Use Permit Application for Scenic Ridge Development

Mayor Scott opened the public hearing at 7:05 p.m.

Mayor Scott – This is a quasi-judicial hearing so we will have to swear anyone in who wants to speak.

Mayor Scott gave the Affirmation to Angela Moore.

Mayor Scott swore in Land-Use Administrator Justin Setser and Providence Builders Neil Enloe.

Mayor Scott- Does anyone on this board have any conflict of interest on this matter? If so please come forward. Anyone have any knowledge or prior information about the evidence that may not come out in the hearing? If so can we please discuss this at this time?

Alderman McMahan – I did hear this on the Planning Board a few months ago. Does that count?

John Henning – I don't think so. They voted to send this back to the Town Board of Aldermen. I don't think that qualifies.

Mayor Scott – The staff will give the overview, then the applicant will speak, and anyone else who wants to give the rebuttal, or speak for it will get a chance.

Justin Setser – Land Use Administrator – We have a special use permit for Scenic Ridge Properties for Providence Builders. This is for 55.31 acres of vacant land. They are proposing to turn it into a subdivision, a split use subdivision. The defined uses would be (C-2SU) Commercial Special Use and Planned Residential Development. They are proposing 59 lots with 32 town homes. In your packets you will see what they are estimating for water and sewer. This has been to the Planning Board, and they have reviewed it. They since recommended to approve it. They have met all of our Unified Development Ordinance requirements. They want the Town to take over street maintenance once it is built. There was a neighborhood compatibility meeting held, and it was very positive. In your packet is the list of people who attended that meeting.

Alderman McRae – How did the meeting go?

Justin Setser – Land Use Administrator – It was really all positive. Most just wanted to know if they could get easements for water and sewer to their property.

Mayor Scott – Any more discussion. Okay Mr. Enloe, can you state your name and address for the record.

Neil Enloe – My name is Neil Enloe, I'm with Providence Builders. My home address is 305 East Trace in Franklin. What I have before you is the proposed development. I tried to comply with the Unified Development Ordinance in every way that we know of. So we are just looking at approval tonight. I'll be happy to take any questions you might have.

Alderman McRae – So you have several ways to get into the property?

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Neil Enloe – Yes ma'am. One clarification is that we are looking for the Town to take over roads and water and sewer.

Alderman Kimsey – Any plans to place potential lighting along the sidewalks within the subdivision?

Neil Enloe – We haven't gotten to that part yet. I'll have to discuss that with Duke in regards to existing power lines, and the possibility of re-routing those and feeding the power to the development underground. We don't want to restrict the views on such a beautiful piece of property.

Alderman Collins – Can you give us the landmark, the main entrance, Highlands Road, Tennessee View Street on the map?

Neil Enloe pointed out Highlands Road, Thomas Heights and Tennessee View Street on the map.

Neil Enloe – Our main entrance was off of Thomas Heights originally. We didn't own the Homestead piece, but since then we acquired that piece of property. At the request of some of the Town members we have added some ties there that will help with access there in the winter time. The larger lots are up on top of the hill.

Mayor Scott – Any further questions from the board?

Angela Moore – My name is Angela Moore and I live on Riverview Heights Street in Franklin. First of all, I heard a lot of grumbling about my decision not to take the Oath on the name of God. Let me be clear, I believe in God and the Bible. I just believe that the Bible clearly states not to take Oaths, and clearly states not to take an Oath on the name of God. So there is that. I've looked at the application materials, and it looks fantastic. I do have one request for Mr. Enloe and the Board, if possible. Two of the requirements for the Board to consider in a special use application are that the "use or development is located and designed and proposed to be operated so as to be compatible with the particular neighborhood in which it is located." Also, "the use or development conforms with the general plans for the physical development of the Town as embodied in this chapter, the principles of growth, and the thoroughfare plan, and any other duly adopted plans of the Town." I haven't seen or heard any one of these specifically addressed, and just for the purposes of doing our due diligence, I would ask that you ask Mr. Enloe to address these since the burden of proof is on them. I cannot imagine that this would be an issue, but it may have been in the past when it wasn't addressed. Thank you.

Mayor Scott – Counselor, help us out.

John Henning Jr. – Town Attorney – It's quite correct that a special use permit approval does require you to approve the five findings of fact, and you will need to make a finding on each of those. I would disagree on one point. This has been done in the past with quasi-judicial hearings.

Mayor Scott – So this has been vetted.

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John Henning Jr. – Town Attorney – Yes, Mr. Mayor. Now it's the Board's discretion to hone in what evidence you want. You have been presented evidence on the record already, upon which you can determine that the requirements of the Unified Development Ordinance are met. If there are any other questions you have that are relevant to that, you can ask.

Mayor Scott – Does the Board have any other questions to ask on this matter? Okay, Mr. Setser do you have any additional comments?

Alderman McMahan – Justin, if I'm not mistaken did we not recommend the approval of the findings of fact on the Planning Board.

Justin Setser – Land Use Administrator – Yes. We went through them and they should be answered in your packet. You can go through the questions, and if you're happy with them, you can keep them as is.

John Henning Jr. – Town Attorney – That is also correct. The recommendations the Planning Board provided is also substantial evidence.

Mayor Scott closed the public hearing for the special use permit application at 7:20 p.m.

New Business: Board Action on Special Use Permit Application for Scenic Ridge Development

Mayor Scott – Any discussion?

Alderman McRae – I think it looks like the kind of development we want for Franklin.

Alderman Collins – I live close to the neighborhood and I think it will be done right, and will be a really good thing.

Motion was made by Collins, seconded by McRae to adopt the findings of fact approved by the Planning Board and to approve the special use permit application. Motion carried. Vote: 6 to 0. A copy of the findings of fact and the special use permit application are attached.

New Business: Presentation on Fiscal Year 2014-2015 Town of Franklin Audit

Cassie Wilson with Martin Starnes presented a PowerPoint presentation of the audit. A copy of the audit is attached.

Alderman Collins – What's the stabilization by state statute?

Cassie Wilson – That is the Local Government Commission requirement that factors in what you have in accounts receivable and other non-spendable items that you have which is restricted by state statute.

Alderman Collins – The 55 percent of our funds. We have gone up from 44 percent to 55 percent. What's the trigger threshold?

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Cassie Wilson – They do require an 8 percent minimum, but it all depends on what each unit has. They take different variables in consideration.

Alderman Collins – So for towns our size it would need to be higher than 8% I guess?

Cassie Wilson – They would like to see it higher, yes because your ad valorem amount is lower than other large towns. But they take everything into consideration.

Alderman Collins – So the debt service is part of operating expenditures?

Cassie Wilson – Yes.

Mayor Scott – I would really like the men and women of the fourth estate to recognize our town employees for returning money to the fund balance. They should be commended for that.

Motion was made by Kimsey, seconded by Abel to acknowledge receipt and acceptance of the Town of Franklin 2014-15 fiscal year audit. Motion carried. Vote: 6 to 0. A copy of the presentation is attached.

New Business: Set Public Hearing for Text Amendment to the Unified Development Ordinance Regarding Tasting Rooms

Justin Setser – Land Use Administrator – In your packets you will see the draft text amendment. The Town Planning Board met in December to review this amendment to our ordinance, and they recommended approval to add this as a defined use. We need to set a public hearing for February.

Motion was made by McMahan, seconded by McRae to set a public hearing for Text Amendment to the Unified Development Ordinance Regarding Tasting Rooms at 7:05 p.m. on February 1, 2016 in the Town Hall Board Room. Motion carried. Vote: 6 to 0. A copy of the draft text amendment is attached.

New Business: Forward Re-Zoning Petition for Carolina Mountain Drive to the Town Planning Board

Justin Setser – Land Use Administrator – In your packet you will see a rezoning petition at 295 Carolina Mountain Drive from Mr. Jeff Wang. He has filed a petition to rezone his parcels, along with three more parcels as you will see in the attached aerial map. He wants to rezone the parcels from (C1) Commercial to (C2) Commercial.

Alderman Mashburn – I didn't see any parcels numbers in here. Which parcels are you talking about?

Justin Setser – Land Use Administrator – It will be the parcels highlighted in blue. The names of the property owners are two parcels with Mr. Wang, the Cody's Properties LLC property and the two Bryson Investments LLC properties. That's what is being considered for rezoning.

Motion was made by McRae, seconded by Abel to forward Re-Zoning Petition for Carolina Mountain Drive to the Town Planning Board. Motion carried. Vote: 6 to 0. A copy of the Re-Zoning Petition is attached.

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New Business: Entegra Bank Account Signatories

Summer Woodard – Town Manager – What you have before you is that is has been brought to our attention, Mrs. Doster and myself, that we are not signatories on the account at Entegra. Mrs. Doster did go to them and ask them what we needed to do. They informed us that we would need minutes from the Board of Aldermen that authorized Kyra Doster, Finance Officer and the Town Manager to become designated signatories on the Entegra Bank account.

Motion was made by Mashburn, seconded by McRae to authorize Town Manager Summer Woodard and Finance Officer Kyra Doster to become designated signatories on the Entegra Bank Account.

Motion carried. Vote: 6 to 0.

New Business: Competitive Bidding Purchasing Program NJPA and HGACBUY for the Town of Franklin

Summer Woodard – Town Manager – The HGACBUY was brought before the Board in October, and Mrs. Doster may want to elaborate further about what these two programs will allow in terms of the competitive bidding process.

Kyra Doster – Finance Officer – This will allow us to enter into the competitive group purchasing programs, and there is no charge. This will allow us to utilize the programs for purchasing. For formal bids you have to take into consideration the cost for that. So this is just an avenue for us to take for purchasing things.

Alderman Mashburn – John, have you looked this over?

John Henning Jr. – Town Attorney – The HGACBUY was before the Board back in October, but we didn't get formal enough in terms of an interlocal agreement. So that's what we are asking for. The NJPA doesn't require formal approval. That's at the manager's discretion really.

Alderman Mashburn – This doesn't subject the Town to the jurisdiction of Texas and Minnesota?

John Henning Jr. – Town Attorney – No.

Motion was made by Abel, seconded by McRae to allow the Town of Franklin to enter into the competitive purchasing programs of HGACBUY and NJPA. Motion carried. Vote: 6 to 0.

New Business: Town Board Appointment to Orchard View Apartments Board

Summer Woodard – Town Manager – There is an email in your agenda packet. Phillip Moore is on the Orchard View Apartments Board. The bylaws state that one Franklin Board member must serve on the Board. Mr. Farrell Jamison was on that board, but he decided not to run again as Alderman. Also, they only meet twice a year in April and October.

Mayor Scott – This comes under Macon Program for Progress, and I've been serving with them as the elected official of the Town. So if there is no objection I'll take that appointment.

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New Business: Town Board Committee Appointments

Mayor Scott – I've made these committee appointments myself. So I guess basically those appointments have been made and if you have any questions just see me.

Attached is the list of committee appointments.

Fire Department-- Patti Abel, Bob Scott; Police Department -- Billy Mashburn ; Sewer Department-- Billy Mashburn; Water Department-- Patti Abel; Streets-- Barbara McRae; Sidewalks-- Brandon McMahan; Ordinance Review-- Adam Kimsey; Recreation-- Joe Collins; MPP—Mayor Scott; Economic Development Commission-- Barbara McRae

Legal: Discussion Regarding Town of Franklin Code of Ordinances Chapter 32 and Chapter 91.

Summer Woodard – This involves purchase orders. Right now it states that all purchases over \$10.00 requires a purchase order. I would ask the Board to change that to \$500.00.

John Henning Jr. – Town Attorney – The Board can take action on this tonight, but they are ordinances. It will take an ordinance to repeal an ordinance. The motion would need to adopt the ordinance amending what you want to amend.

Chad Simons – In Chapter 32:02 it needs to state that purchase orders come from the finance office, and not the office of the Town Clerk.

Motion was made by Mashburn, seconded by Abel to adopt an Ordinance to Amend Chapter 32:02 of the Town of Franklin Code of Ordinances to state \$500.00 instead of \$10.00, and that the purchase orders need to be obtained from the finance department. Motion carried. Vote: 6 to 0.

Motion was made by Mashburn, seconded by McRae to adopt an Ordinance to repeal Chapter 91.15 of the Town of Franklin Code of Ordinances. Motion carried. Vote: 6 to 0.

Legal: Policy for Police Body Camera's

John Henning Jr. – Town Attorney – I will just say that I have reviewed this policy several times, made some changes. In terms of review, storage and maintenance of these recordings I think this is a good policy. I will tell you that nine times out of ten under North Carolina law, a recording made in police business will either be investigative or a confidential part of their personnel file. That means it won't be a public record subject to release. Or it will be a combination of the two. Ultimately, it will be the Police Chief's decision to release it.

Mayor Scott – It appears to follow the public records law of the state, and it is pretty detailed.

David Adams – Police Chief – We've met several times. This does follow state guidelines. Criminal investigations doesn't fall under discovery. It has to be up to the court system to release it. It's something we need and are behind on. We don't have cameras in our cars. That would cost about \$5,000 a piece, so this is the cheapest and best way to help our department.

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Alderman Collins – Any time you don't release information people will want to know why. You know what I mean? It's troubling to me why we would make someone go to court to get something released. I'm just throwing that out there. It seems like we're hiding something when we do that.

David Adams – Chief of Police – Misdemeanors are under my discretion, like anything else. Felonies have to go to the District Attorney's Office.

Alderman Collins – So we couldn't force you to release it on a felony if we wanted to?

David Adams – Chief of Police – No. That falls under discovery.

John Henning Jr. – Town Attorney – I don't think the Board can tell the Chief of Police to do that, but it may fall under the attorney-client privilege.

Alderman Collins – I just want to give as much daylight as we can.

David Adams – Chief of Police – I don't see a problem with releasing information unless it is a civil case or an ongoing investigation. Most of the time we will release it anyway.

Mayor Scott – I think there has to be a compelling reason to release it. It has been vetted by the International Association of Chiefs of Police, and several departments throughout the state have adopted an almost identical policy.

David Adams – Chief of Police – And body cameras won't be in the cars. So it's not going to catch bad drivers.

Alderman Kimsey – Is there any precedent for any additional wording for an individual wishing to go get footage, or is it up to Chief Adams? I like Chief Adams, but he may not be our Chief forever.

John Henning Jr. – Town Attorney – I don't know any better way to be honest. It's going to be his discretion or an H.R. issue.

Motion was made by Mashburn, seconded by McRae to approve the Police Body Camera's Policy. Motion carried. Vote: 6 to 0. A copy of the policy is attached.

Legal: Town of Franklin Mercury Minimization Plan

John Henning Jr. – Town Attorney – This is something the state is requiring. Operators of wastewater treatment plants must have a plan to enforce and address the discharge of mercury. It's that straightforward. The policy is almost verbatim of what the state is requiring.

Alderman McRae – Any cost?

John Henning Jr. – Town Attorney - Just what it will take to test dentist offices and other things, but that's coming down the pipes anyway, no pun intended.

Motion was made by Mashburn, seconded by McRae to adopt the Mercury Minimization Plan as presented. Motion carried. Vote: 6 to 0. A copy of the policy is attached.

January 4, 2016 meeting continued,

Announcements:

Town Hall offices will be closed Monday January 18, 2016 for Martin Luther King Jr. Day.

Town Board Retreat will be Saturday January 23, 2016 at 9 a.m. in the Town Hall Board Room.

Mayor Scott – Alderman Collins, I believe you wanted to speak to the retreat?

Alderman Collins – Yes, thank you Mayor Scott. I just want the Board to consider if that's what we want to do for the retreat. It almost seems like you have one or two a year, from my experience, but I think it will be useful with three new Board members to use the time for different things, to plan to get to know each other better casually. I think we can do better myself. I don't think we have to decide tonight to do anything. Maybe the clerk can poll the board to get some ideas. I know the Chamber of Commerce retreat over at Fontana Village, they had a facilitator, and my wife thought it was great. She was really bragging about it. I wasn't able to go. She thought it was useful, and I'd hate to think we wouldn't explore something like that. I feel like we got a chance to do a little bit more.

Alderman McRae – I think so to. Sitting around the table sometimes doesn't give you a chance to explore ideas.

Mayor Scott – Basically I called for the retreat. As Mayor I can do that. And it will be in the Board Room at 9 a.m. on Saturday, January 23. I think we can facilitate our own meeting, we are adults. I do not think we should spend money to go out of town for a retreat, and I'm not sure sometimes you don't give the impression that you are running from the public when you do that. We are inviting people of the public to come in and give their ideas, and that will be on the Agenda. I'd like to encourage that. We can look at other retreats later on.

Alderman McRae – How long do you think it will be?

Mayor Scott – I think we will be gone by noon.

Alderman Collins – John, just for clarification, is this not a Board decision?

John Henning Jr. – Town Attorney – I'd have to look at the Rules of Procedure.

Alderman Collins – And I haven't looked at it. I'm just wondering.

John Henning Jr – Town Attorney – Based on the top of my head the Mayor calls the meeting, unless it's two members that call for a meeting outside of a regular meeting.

Mayor Scott – Any further discussion?

Alderman Kimsey – I would like to, real quickly, since Mr. Murphy came before us tonight, can anyone speak to why the gate is closed between Town Hall and the Bowery?

Mayor Scott – I think I can speak to that a little bit. First of all, it's not a public street. In fact, there is something I need to go discuss with Mr. Murphy about another matter concerning the restaurant. But if there were an accident on that street and it's not open to the public, what do you think Counselor?

John Henning Jr – There is a possibility for some liability there if there is an accident.

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Summer Woodard – Town Manager – If I may, it's not a new gate. It's been there since Town Hall opened. And there has been some issues when our employees would take trash to the dumpsters using the little thoroughfare, there were some close calls.

Mayor Scott – I'd be glad for you to go talk to him, or whatever you want to do. I have no problem with bringing it up. I know that that gate has been there a long time. It's never been a problem. And I'm not sure if that's a public parking area behind there. It is private property.

Alderman Collins – I seem to recall that it was a good shortcut. Sam got offensive about it and closed it one day, and I think it was just to control access to it. I think we should at least consider leaving it open on weekends and after hours.

Alderman Mashburn – I wouldn't consider opening it up at any time, period.

Alderman Collins – Why not?

Alderman Mashburn – I don't want people to take a shortcut. It's kind of like Green Street.

Alderman Collins – If a merchant asks for something I try to find a reason to help them.

Mayor Scott – It's not like they don't have access to their parking lot.

Alderman Collins – They do. But they did come here tonight, so there is something there.

Alderman Mashburn – Yeah, kind of like when they put their door in.

Mayor Scott – That's right. Let's move on. I don't think we can solve this tonight unless someone wants to pursue it further. We need to go into closed session.

Motion was made by Collins, seconded by Abel to go into closed session under the Attorney/Client privilege at 8:19 p.m. Motion carried. Vote: 6 to 0.

Motion was made by Collins, seconded by McRae to come out of closed session at approximately 8:30 p.m. Motion carried. Vote: 6 to 0.

No action was taken.

Adjourn

Motion was made by McRae, seconded by Abel to adjourn the meeting at approximately 8:30 p.m. Motion carried. Vote: 6 to 0.

Chad Simons, Town Clerk

Robert S. Scott, Mayor

