

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

1. Call to Order- Mayor Bob Scott
2. Pledge of Allegiance- Vice Mayor Patti Abel
3. Adoption of the March 7, 2016 Town Board Agenda
4. Approval of the January 30 and February 1, 2016 Town Board minutes
5. Public Hearing 7:05 p.m. for Re-Zoning Petition for Carolina Mountain Drive
6. Public Session
7. New Business
 - A.) Board Action on Re-Zoning Petition for Carolina Mountain Drive
 - B.) Consideration of Rate Increase Request for J&B Disposal- Bonita Hamstra
 - C.) Forward Text Amendment Regarding Neighborhood Mixed Use Zoning to Town Planning Board- Land Use Administrator Justin Setser
 - D.) Tax Release- Tax Collector Jessie Wilkins
 - E.) Martin Starnes Audit Contract for Fiscal Year 2016-2017- Finance Officer Kyra Doster
 - F.) Update on Fiscal Year 2016-2017 Town of Franklin Budget Schedule- Town Manager Summer Woodard
 - G.) Street Closing Requests for 2016- Town Manager Summer Woodard
8. Legal
 - A.) Parking Citation- Town Attorney John Henning Jr and Police Chief David Adams
 - B.) Ordinance for Handicapped Parking Penalty- Town Attorney John Henning Jr
 - C.) Utility Ordinance Amendments- Town Attorney John Henning Jr
 - D.) Resolution of Intent to Join the National Flood Insurance Program- Town Attorney John Henning Jr
9. Announcements
 - A.) Town Hall Offices will be closed Friday March 25, 2016 in observance of Good Friday

10. Adjourn

March 7, 2016 meeting,

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

The Pledge of Allegiance was done.

Motion was made by McRae, seconded by McMahan to excuse Alderman Billy Mashburn from the meeting. Motion carried. Vote: 5 to 0.

Mayor Scott recognized the Town of Franklin Fire and Police departments for their work at a house fire on Moore Street over the weekend.

Adoption of the March 7, 2016 Town Board Agenda

Motion was made by Abel, seconded by Kimsey to approve the agenda as presented. Motion carried. Vote: 5 to 0.

Approval of January 30 and February 1, 2016 Town Board minutes

Motion was made by Kimsey, seconded by Abel to approve the January 30 and February 1, 2016 Board minutes as presented. Motion carried. Vote: 5 to 0.

Public Hearing 7:05 p.m. for Re-Zoning Petition for Carolina Mountain Drive

Justin Setser – Land Use Administrator – This is a petition for re-zoning for five (5) parcels on Carolina Mountain Drive. The applicant is Jeff Wang. It's for 2.83 acres and it would go from (C-1) Commercial to (C-2) Commercial. You will see the maps in your packet. Also attached is the staff report, along with the planning board recommendations and the consistency statement. The Planning Board recommended approval for re-zoning of these parcels.

Alderman Collins – The difference between (C-1) Commercial and (C-2) Commercial?

Justin Setser – Land Use Administrator – (C-1) Commercial does not have a setback, and (C-2) Commercial has a ten (10) foot setback all the way around. The neighboring property owners were made aware of that with a certified notification. There are some added uses in (C-2) Commercial as well, but all of the added uses in (C-1) Commercial will apply to (C-2) Commercial.

Mayor Scott closed the public hearing at 7:06 p.m.

Public Session

Phillip Aschliman – First of all thanks for having me. I'm here with residents of Hillcrest Avenue and Porter Street. We are here because I've walked here tonight. The bike walk plan is a great thing and we have a great neighborhood. We are excited about the new restaurant and all of the other exciting things happening in town. We would also ask that you continue to enforce building codes, health codes and zoning in our neighborhood.

March 7, 2016 meeting continued,

Carolyn Diamond – I'm a neighbor on Hillcrest Avenue. I'm here to talk about the house in our neighborhood where there is a hoarding situation. It's been a problem for a long time, longer than I've been a resident of Franklin. I bought my house about a year and a half ago. I've spent considerable time and money renovating that house because I want to keep our neighborhood beautiful. A very large majority of our neighbors are great as well, and I think we are all concerned that our property values are being lowered because of several properties here. We don't want this to happen, so we would like to see the Town improve this area. The Town has an interest too, because of the tax base. In addition to that I'm concerned about hazardous issues apparently going on at that property. It has no running water and electricity. To the best of her ability, I see her taking up gas cans throughout the winter and that is a real hazard. I'm just real concerned about her and the neighborhood's safety. And there is no plumbing facilities there either, just a toilet that runs into the yard. I don't want anything bad to happen to the owner. There is an RV at the home and I think that's where she stays. I'm just asking if nothing else, maybe social services and animal welfare check in on them. Thank you.

John Henning Jr. – Town Attorney – Mr. Mayor Town staff is very much aware of this situation. I used to live there, so I know. We are attempting to enforce ordinances and there are reasons why it is somewhat complicated there. We are aware of it and are pursuing action.

Nancy Key – I have nothing else to add except that it is kerosene that she is burning. I'm just afraid that she is going to blow herself up. It's dangerous and we are worried. We've stayed quiet about it because we know you have been working on it. I know she has family in Otto and they refuse to come back and help her.

Angela Moore – Good evening. Currently the Town has an exclusive franchise for solid waste collection with J&B Disposal. Because this franchise is exclusive it gives them a monopoly over solid waste disposal in the town, and that makes rate adjustments serious business. This is the only company that is allowed to operate in Franklin.

Angela Moore read from the Town of Franklin/J&B Disposal Contract which states that J&B Disposal can only increase rates with approval from the Board of Aldermen and must provide sufficient proof when asking for a rate increase.

Angela Moore – Back in April 2008 J&B Disposal made excellent use of this policy, asking for a much needed rate increase in light of very high gas prices that were approaching the \$4.00 mark. Tonight they are again asking for a rate increase and there has not been sufficient proof that I've seen in the press packet, unless there has been materials submitted to the Board that I haven't seen. I would assume it would be in the form of financial records showing that it is a necessary adjustment. I would like to remind the Board that they are making a business decision on behalf of all the residents. While the Board cannot unreasonably withhold this approval. It's in the best interest of the people of Franklin that the rates not be increased. The only reason they should be increased is if J&B Disposal can bring concrete and compelling proof that the rate increases are absolutely warranted. They are asking for an 18.75 percent increase for curbside pickup, an increase that I can't imagine is justified. If they can show you that it is justified then I would seriously ask you to consider disfranchising solid waste services or looking to other options for solid waste disposal services. It just seems unreasonable in the light of falling gas prices.

March 7, 2016 meeting continued,

Matt Bateman – Thank you for allowing me to speak and thank you for your service. It is a thankless job I know. So why I'm here. I came here before on behalf of the Town for the Top Town Award from Blue Ridge Magazine. It's a big deal, at least I think it is a big deal. If you've been on Facebook or Instagram recently, the community is buying into this. Businesses want their picture taken with the banner. We have other plans to take the two existing banners to the more natural elements of our community and town, to help increase the promotion of the award. I plan on Franklin winning more of these awards because we are that cool of a town. We have a lot to offer and a lot of people got behind this to help us win. Why I'm here again is I would like to have a more in-depth discussion on the current banner ordinance, and I applaud the Board for putting that into place. It was a big step and it's probably impossible to put yourself in the position at the time of foreseeing a banner for an award like we received. An award that doesn't have a set time period, and we should allow for that. Who could hold you to that? I would just like to have a more in depth discussion about streamlining the process if and when we receive another award, and the process of getting it up as soon as possible. It does have a shelf life of a year, so time period is another issue as well. Reading through the current ordinance it is a little gray to me. It was designed for an event, not an award. Is there a special exemption option we could use? I don't want to knock an event banner from the conserved space. That's the last thing I want to do. I'm a big community guy, I think. I just want to tout this award and shout this from the rooftops. Currently there is an insurance requirements, and it's a thing – especially if you're as poor as me. Is there something we can do? What can we do? That's a discussion I want to have. There are a lot of people here advocating for the same thing. It would be awesome if the Town Board could consult more with the Tourism Development Authority Board. Why not lead our marketing campaign with the Top Town award. If you're in Atlanta, why not come to the top town. We need to harness our energy and momentum and strategize a little bit.

Alderman Kimsey – I'd like to speak to that Mr. Mayor if that's okay. I spoke with you and Mr. Bateman today. I think it's a pretty simple situation we can resolve. At least in regards to a special accommodation, and tell me if I'm wrong. If there is a special requirement they can go to Mr. Setser and ask him. Secondly, if it is outside of his range can that not go to the planning board? Basically a special accommodation for something. If he wants it up more than the two weeks, we can have that discussion with the planning board and make that decision on a case-by-case basis. I don't know. It just seems like we are causing some headaches about this when we don't have to. I don't want to make more rules and more ordinances if we don't have to. It's a very rare situation.

Mayor Scott – When we go around the table all of the Aldermen will get to speak to this.

Alderman Kimsey – When can we do that?

Mayor Scott – In a few minutes.

New Business: Board Action on Re-Zoning Petition for Carolina Mountain Drive

Motion was made by McRae, seconded by Kimsey to accept the findings of fact and recommendations from the Planning Board and to approve the re-zoning petition to move the properties from (C-1) Commercial to (C-2) Commercial. Motion carried. Vote: 5 to 0. A copy of the petition, maps and findings of fact are attached.

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New Business: Consideration of Rate Increase Request for J&B Disposal

Bonnie Hamstra – owner of J&B Disposal – I am here requesting an increase in rates. It has been eight years. Fuel prices are not my only expense. I have employees, insurance and repairs. It goes on and on. I don't feel like going from \$8.00 to \$9.50 per month is exorbitant increase for all of the things I incur from running a business.

Mayor Scott – Anything else you would like to add? Any questions from the Board?

Alderman Collins – This is a five year franchise?

Bonnie Hamstra – Yes

Alderman Collins – So in 2012 you came and requested an extension with the rates set at that time.

Bonnie Hamstra – No. The rates were set in 2008.

Alderman Collins – But the franchise was up in 2012, or has it ever been up? We are on the third year of a five year franchise?

Bonnie Hamstra – The franchise does not expire until 2012.

John Henning Jr. – That's correct. In 2012 the Board renewed the franchise for five years in addition to the five years that was left from 2008.

Alderman Collins – Have you ran the numbers to show how much the increase would generate?

Bonnie Hamstra – Generally when I have an increase I lose a good portion of income. If I had to run the numbers and bring them back to you, I can do that. I will say that in 1985 in Fort Meyers, Florida I had rates that were \$12.00 more than what we have now, and we included recycling.

Alderman Kimsey – Without any numbers and to address Mrs. Moore's concerns, what are your big things?

Bonnie Hamstra – The big things are employees, maintenance and insurance rates. It's the general cost of doing business.

Alderman McMahan – The last rate increase was eight years ago?

Bonnie Hamstra – That's correct.

Motion was made by Kimsey, seconded by McMahan to increase the J&B Disposal Rates by \$1.50.

Alderman Collins – I just haven't seen enough. Can you come and talk in generalities? Not that it isn't justified. I just haven't seen enough. I just want to see where some of this is, rather than just a broad brush and since it's been a while. I would like to see the numbers.

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Alderman Kimsey – If that’s what you would like to do, I’m not uncomfortable with that.

Alderman Kimsey withdrew the motion to increase the J&B Disposal rates by \$1.50.

Alderman McMahan – I’m still fine with it. I just think \$1.50 per month is reasonable when the rates have not gone up in eight years. I think the cost of operating any business has to increase, especially over an eight year time period. I definitely know where Alderman Collins is coming from.

Alderman McMahan made a motion to increase the J&B Disposal rates by \$1.50. Motion failed due to lack of a second.

Alderman Kimsey – Alderman Collins, you’re not opposed to the rate increase? You just want them to provide more information?

Alderman Collins – Yes. Until I see more I don’t know if I’m fine with it. I just feel like it is our job to do a little more diligence than where we are at right now.

Alderman Kimsey – Would it be possible for you to come back next month with more information? I run a business myself so I know.

Bonnie Hamstra – I can do that. That is not an issue.

New Business – Forward Text Amendment Regarding Neighborhood Mixed Use Zoning to Town Planning Board

Justin Setser – Land Use Administrator – I handed out a draft ordinance amendment. I have received an application to amend our Unified Development Ordinance to build a center across from the high school. They want us to amend it to change the maximum footprint for a new structure, which is currently 5,000 square feet to a maximum gross floor area of 10,000 square feet. This would coincide with everything else anyway, and Neighborhood Mix Use is the only thing that goes by foot print instead of gross floor area.

Alderman McRae – It’s square footage for a structure?

Justin Setser – Land Use Administrator – yes.

Alderman McRae – So you could have the same footprint on a two acre lot as a quarter acre lot?

John Henning Jr. – Town attorney – If you could figure out how to make it fit with all of the other requirements, yes.

Justin Setser – Land Use Administrator – You can have a 10,000 footprint, but you couldn’t go on up and have three stories and have a 30,000 floor area. They want to build a 6,000 square ft.t foot print.

Alderman McRae – Wouldn’t it be better to have this as a special use permit?

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John Henning Jr. – That’s something the planning board could consider. I think something worth considering if a foot print was meant to fit better in Neighborhood Mix Use rather than gross square footage. I’m not sure.

Motion was made by Kimsey, seconded by McRae to forward text amendment regarding Neighborhood Mix Use Zoning to the Town Planning Board. Motion carried. Vote: 5 to 0.

New Business: Tax Release

Jessie Wilkins – Tax Collector – Good evening. I’m here to request a tax release from the Macon Housing Developing Corporation. They are a non-profit and they should be exempt. It was a billing error. We just need the Board to release the \$5,108.37.

Motion was made by McRae, seconded by Kimsey to release the \$5,108.37 for Macon County Housing Developing Corporation. Motion carried. Vote: 5 to 0.

New Business: Martin Starnes Audit Contract for Fiscal Year 2016-2017

Kyra Doster – Finance Officer – The two contracts are the standard audit contracts from Martin Starnes for fiscal year 2016-2017. There is a \$600 increase from last year, but no increase for 2017.

Alderman Collins – Ms. Woodard, are you okay with this?

Summer Woodard – Town Manager – Yes. In 2012 the Town Board adopted the rate schedule, and that amount is on par with what was proposed for 2016.

Motion was made by Collins, seconded by Abel to adopt the 2016-2017 audit contract with Martin-Starnes. Motion carried. Vote: 5 to 0.

New Business: Update on Fiscal Year 2016-2017 Town of Franklin Budget Schedule

Summer Woodard – Town Manager – This is an added work session date for Monday April 18, 2016 at 5:30 p.m. If that will work I would ask the Board to adopt an amendment to the original schedule.

Motion was made by Abel, seconded by Collins to adopt an amendment to the Town of Franklin budget work schedule to include a work session with the Town Board on Monday April 18, 2016 at 5:30 p.m. in the Town Hall Board Room. Motion carried. Vote: 5 to 0.

New Business: Street Closing Requests for 2016

Summer Woodard – Town Manager – This is the street closing requests that we visited last month, with three additions. The first one is for Sunday March 27, 2016 for a sunrise service to be held on the Gazebo. They are requesting to close lotla Street from 6 a.m. to 9 a.m., and everyone is invited by Holly Springs Baptist Church. The second one is the Airing of the Quilts Festival. They are requesting to close lotla Street from 7 a.m. to 4:30 p.m. on Saturday May 7, 2016. The third one is Appalachian Heritage Festival on Saturday July 16 from 8:30 a.m. to 4:30 p.m.

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Summer Woodard – Town Manager – I still have some concerns in this list about the Taste of Scotland Festival. We did reach out to Doug Morton tonight, but he is still in Florida. It does seem like that will be a little heavy to close Iotla Street all day Friday. Other than that I'll be glad to address any questions.

Mayor Scott – I also have a problem with it. Normally when we close Iotla Street it's on the weekend. We have a lot of businesses that are open on Friday, and a lot of traffic. That would tie up a number of parking spaces in front of the court house on both sides of the street. It would be up to the Board but in this case I'm really concerned. I also don't know why they need that street closed.

Alderman Kimsey – I don't disagree with you but I would like to hear from Doug Morton directly. I'd hate to vote against it without hearing from him.

Mayor Scott – The concern is not the closing of the street as it is a workday.

Alderman Collins – There is some concern. If we don't do this do we unilaterally set it for another night?

Mayor Scott – Maybe it can wait another month?

Alderman Abel – I'd like to discuss the Winter-Wonderland event. Shouldn't we close it for both Saturdays? I know the first weekend was packed, but maybe we don't need to close it for the second one. I know Rob Gasbarro with Outdoor 76 is here. What do you think Rob?

Corey McCall – Outdoor 76 – Rob wasn't there the second weekend. I think it would be beneficial to close it for both weekends personally. The second weekend wasn't as busy as the first, but I don't think it would hurt. I did hear a lot of complaints from families in the shops about having to take their strollers on the sidewalks. It does seem like a safety hazard and it was vocalized.

Alderman Collins – Nobody sets up in the streets, though?

Alderman McMahan – No. But it being nighttime and the amount of foot traffic.

Summer Woodard – Town Manager – The tree lighting really brings a lot of people out.

Alderman McMahan – I was one of the people complaining. We had our baby and we had the same concern.

David Adams – Police Chief – I think it would be safer to have it closed.

Alderman Collins – Let's try it for a year, what do you think?

Motion was made by Kimsey, seconded by McRae to table the Taste of Scotland street closure request, and to close Main, Iotla and Phillips Streets for the first Saturday of Winter Wonderland, and to give Town Manager Summer Woodard the discretion to close down Main and Iotla Streets the second weekend, and to approve all other street closure requests as attached. Motion carried. Vote: 5 to 0.

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Legal: Parking Citation

John Henning Jr. – Town Attorney – Chief Adams has done a lot of work on developing a parking citation for the Town, based on existing offenses already in the Code of Ordinances for a long time. They have not been enforced or cited in a way that identifies our local ordinances. This is already within the authority for the Town Police to do that Chief has created a citation form and we will move forward to begin ticketing for violations already cited within our code. Most of the penalties are \$25.00 each. It goes up each day or for each offense. It's collected in the manner of a civil penalty. It would be a small claims act to collect the money owed if someone refused to pay. You're concern Alderman Collins was about how someone would challenge it if they say they didn't do it. I think they will be able to defend themselves in front of a magistrate. The magistrate would have the authority to do that.

Alderman Collins – So you write a ticket and someone doesn't want to pay it. What happens next? Do we have to file a suit to collect \$25.00?

John Henning Jr. – Town Attorney – Yes, we would.

Alderman Collins – Unless we start enforcing our ordinances for parking, we will never have control over our Town. People don't do it voluntarily. There are also sidewalk and handicap issues. But until I see a definitive plan about what will happen at each level I'm not comfortable with it. I want to make sure an appeals process is in place. And who gets the money?

John Henning Jr. – Town Attorney – You can make it a misdemeanor penalty that will have to go through the courts. The money would go to the Town if it is cited correctly.

Alderman Collins – Do we have our plan properly in place?

David Adams – Chief of Police – I think we do. We can give someone a \$25.00 ticket for a local citation, or a \$300 ticket in state court that would go on their insurance and license.

Alderman Collins – And if they don't pay what do we do? I'm just hesitant about figuring out the steps, the due process and knowing that it is constitutional.

David Adams – Chief of Police – We get no money for a state citation right now.

Alderman Collins – I agree.

John Henning Jr. – Town Attorney – I also think we have it planned out. I promise you state statute Chapter 160A gives us the authority to cite for an offense against parking regulations, and it is a debt to the town. There are a lot of ordinances that refer back to a monetary penalty. It's either that or making it a misdemeanor penalty. Again I don't think the Board needs to approve anything to make this happen.

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Alderman Collins – We are going to have to know the steps when we start enforcing.

John Henning Jr. – Town Attorney – The steps are if someone doesn't pay we would have to take action in small claims. Are we going to do that every time there is small claims? Probably not. I'll look into credit reporting, as you suggested Alderman Collins.

Alderman Collins – I just want to make sure we have everything in line before challenges come. But credit reporting is where it is at.

David Adams – Police Chief – The majority of people will be happy to pay a \$25 ticket instead of a \$300 state citation.

Alderman Collins – But it isn't the majority you have to worry about.

David Adams – Chief of Police – That is true.

Alderman Kimsey – You can also cite them a warning too?

David Adams – Chief of Police – Yes.

Legal: Ordinance for Handicapped Parking Penalty

John Henning Jr. – Town Attorney – We don't cover handicapped parking spaces in our code of ordinances. This will take care of that. This ordinance will add it to the traffic code. One change we need to look at is the minimum amount, which is \$100 for a citation. It has to be between \$100.00 and \$250.00. I would ask the Board for input on that amount.

Mayor Scott – If I'm not mistaken handicapped parking is also a state statute. We can't lessen that can we?

John Henning Jr. – Town Attorney – That's correct.

Alderman Kimsey – I personally think we should do the minimum. We can change it if we need to.

Alderman Collins – Why wouldn't we have that option to set a range in case we get a habitual offender?

Alderman McMahan – I was wondering if the ordinance could say that to, if we could say \$100 up to \$250.00 if it is a repeat offender or an egregious offender.

David Adams – Police Chief – We get a few complaints and it is serious if you are handicapped.

Alderman McRae – You don't want people thinking you are treating people differently.

Alderman Collins – You're right. Let's just make it \$100.00

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Motion was made by Kimsey, seconded by Abel to approve the Handicapped Parking Ordinance and setting the penalty of \$100.00. Motion carried. Vote: 5 to 0.

Legal: Utility Ordinance Amendments

John Henning Jr. – Town Attorney – We have an ongoing effort to update our code of ordinances, so this will be commonplace in upcoming meetings. For section 50 of the code, which is actually solid waste collection. This will state that our rates are established with the budget ordinance annually, and not set in stone like they are, which makes no sense. We would have to amend them every year. And the same thing would apply to water rates in Chapter 52.

Motion was made by Kimsey, seconded by McMahan to adopt the Utility Ordinance Amendments as presented. Motion carried. Vote: 5 to 0. A copy of the amendments are attached.

Legal: Resolution of Intent to Join the National Flood Insurance Program

John Henning Jr. – Town Attorney – Mr. Mayor the previous Town Board in its last meeting informally adopted the same resolution, which is a required first step to get into the program. It states that we intend to enter into the program. I've amended this resolution to make clear that the Town is reserving its authority to adopt a flood control ordinance, which is the next step to get into the program. We didn't want to move forward without this Board having bought into that.

Motion was made by Kimsey, seconded by McMahan to approve Resolution of Intent to Join the National Flood Insurance Program. Motion carried. Vote: 5 to 0.

Mayor Scott – Town Hall offices will be closed on Friday March 25, 2016 in observance of Good Friday.

Summer Woodard – Town Manager – I do have some tax refunds I need to notify the Board of. Anything under \$100.00 the manager can refund as long as the Board is notified. This month we refunded \$7.30 to Franklin Health and Fitness, and a refund amount of \$13.86 to Silver Street, LLC.

Mayor Scott – I guess we will go around the table.

Alderman McMahan – Because Mr. Bateman brought the small town banner up again, and this is the second time. And because it clearly has a lot of public interest I do think we need to have a discussion about it. I'd like to hear about how other Board members feel about it. I'd like for everyone to speak to how they feel about the situation and try to reach some end. I'd like to discuss it tonight if that's okay.

Alderman Collins – So many has talked about it. I'm not sure if we shouldn't have a public session.

John Henning Jr. – Town Attorney – Much of this hinges on what the ordinance says. Let me review it for the Board. Essentially the intention of the ordinance was to allow banners across Main Street for events, special events banners. That's what we contemplated. We never questioned something like this, as Matt already noted. It's a leap to make it year round, when we disallowed them for such a long time. And I'm not sure that the Land Use Administrator has any discretion in this. It's not in there.

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John Henning Jr. – Town Attorney – There is no discretion. I'm not sure where that notion came from. I do think that there was intent that specifically promoted the Town, even if it wasn't for a specific event. It's absolutely within the purview and interest of this Board to see that the Town is promoted. So this banner promotes the Town of Franklin and is allowable. But it plainly says two weeks and that's it. There are reasons for that time frame that aren't arbitrary.

Matt Bateman – I have never advocated for this banner to go up all year, just longer than a two week period would be ideal if nothing else is up.

Mayor Scott – Then I don't understand what the issue is then?

Alderman Kimsey – It never goes up for two weeks. I'm getting a little personal, but if it goes up for two weeks, comes down, then goes up for another two weeks, is this not something we could handle on a case by case basis. Can that go to the planning board? That would place a time frame on anyone wanting that. Is this out of the realm in the ordinance?

John Henning Jr. – Town Attorney – Yes. That would have to be an amendment to the ordinance and that is certainly within this Board's right to do that. We spent a lot longer than we have talking about it to get where we are. Matt, can you help me here. I thought I heard you say that you didn't want to replace any banners in place, and I guess I was inferring that you didn't want to bump anyone from that with yours? Does it go back up after the two weeks following another special event banner coming down?

Matt Bateman – Yeah and that's something I want to clear up too. It's not my banner.

Alderman Kimsey – My question to you is would you be willing to sit down and come up with a schedule?

Rob Gasbarro – Outdoor 76 – Then cost comes into the equation, and installation and insurance.

Alderman Kimsey – I do think at some point we need to talk to this Board about the insurance requirements. I guess you will have to incur the insurance costs every time you put it up?

John Henning Jr. – Town Attorney – I guess Matt I need to talk to you more because I'm not sure if I understand your position. We didn't contemplate a year-round banner. It contemplated a special event promotion, with the Town's approval and involvement. If that event was a motorcycle rally that resulted in a lawsuit, I would want a good deal of room for liability purposes. There are a lot of clever plaintiff attorneys out there. But what we discovered is that you don't have to be incorporated or be a 501 (c)3 organization and insurance is not terribly expensive. It's not hard to obtain.

Summer Woodard – Town Manager – They just need a name. Whatever that name may be they can write you a policy. The policy can vary depending on the event, somewhere between \$350 plus. There is nothing that is prohibiting this particular banner from going up. Insurance is available and there is no banner up there now. And it is promoting the town. It is an award and we are proud of that. The only issue is the time frame. It's already being promoted in the Town Hall designation area, and at the gazebo railing.

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Mayor Scott – I think another thing is we have to be fair to everybody, not just one group for one banner. But to everyone in this town. Are you asking the Town to pay to put this banner up and to buy it?

Matt Bateman – No. All I'm asking for is a streamlined process. For example, no banners were up in January and February. I would have loved to have had the top town banner up on Main Street for longer than two weeks.

Mayor Scott – But should we allow any group then if that's the case. Are you going to flip a coin to see who gets that space?

Rob Gasbarro – Outdoor 76 – Has anyone applied for it?

Matt Bateman – It goes back to this. It's not my banner. It's the Town's award. I would love for you guys to embrace this award, and say hey, until someone else applies for this space let's use it.

Mayor Scott – Who conducted the award criteria and what was the criteria to get this award?

Matt Bateman – I'm not sure what the relevance of the question is?

Mayor Scott – How do you get this award? Who started it?

Matt Bateman – It was a voting process by Blue Ridge Outdoor Magazine.

Mayor Scott – And how did we get the award?

Matt Bateman – From local people voting.

Rob Gasbarro – From 110,000 votes.

Mayor Scott – That was the total I think with Knoxville and Roanoke. That's what it says from your ad salesman.

Matt Bateman – I'm still not sure where this is coming from. How is this relevant?

Mayor Scott – How much money was given to Blue Ridge Outdoor Magazine?

Matt Bateman – I have no idea Bob.

Mayor Scott – I can tell you. It was \$3,000.00

Matt Bateman – Then why did you ask the question?

Rob Gasbarro – Look at what their normal ad rates are.

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Mayor Scott – That gets me to my next point. Did every business get an opportunity to buy one of these discounted ads?

Rob Gasbarro – You would have to ask Dusty Allison that. I'm dying to know how this is relevant.

Mayor Scott – I think it's very relevant.

Matt Bateman – Does any of the other Board members feel that this conversation is relevant at this point?

Alderman Kimsey – I do feel as any discussion is relevant, and I'm open to any discussion. I don't want to say that one side is more relevant than the other.

Rob Gasbarro – The magazine said we won top town. Readers aren't going they only won it because they bought ads. Nobody put a gun to our head and asked us to buy advertising. We won before ads were bought and there was no agreement saying ads were going to be bought before we won. So where is the relevance?

Mayor Scott – I have the minutes right here. I think the relevance is we got tax monies, whether it came from the TDA or the TDC.

Rob Gasbarro – It was to promote the town.

Mayor Scott – It was also to sell advertising at a discount.

Matt Bateman – I'd be interested to know if other Board members feel the same way.

Alderman Kimsey – I almost want to steer the conversation back away from being personal, and in reference to something coming up. This has become a very tough thing when it doesn't have to be. Let's focus on the ordinance side. I don't think it will be the only time this will happen.

Alderman Collins – The Taste of Scotland is required to pay for insurance for their event? Whether or not they have a banner?

John Henning Jr. – Town Attorney – Yes.

Alderman Collins – So the insurance is not for purposes of the banner causing falling or whatever. It's for the event.

John Henning Jr. – Town Attorney – I think if you promoted an event and had insurance for it, and then a banner fell. It would cover that.

Alderman Collins – But this is not an event so they don't need insurance. Does insurance cover the banner or a non-existent event, or both? I'm curious. I don't mean to sound facetious here.

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John Henning Jr. – Town Attorney – Again Matt like you said an hour ago. We are trying to figure out how to fit something new into this, and insurance is a part of that.

Alderman Collins – Is insurance required just for a banner?

John Henning Jr. – Town Attorney – The concern is that the event and the Town's apparent endorsement of it, whether they meant to or not, and liability that arises from the event.

Alderman Collins – We just never had a request to put up a banner that's not connected to the event?

John Henning Jr. – Town Attorney – Not to my knowledge.

Alderman McRae – The ordinance doesn't cover it and I think the two weeks was just to make it fair to everyone. Nobody ever thought about something like this.

John Henning Jr. – Town Attorney – I understand your point. There are just some good reasons to not have a banner up for longer than two weeks that aren't arbitrary. I just want you to know that, and the Board can change the policy. And there is no room in the ordinance to say, well we really like this banner. I guess I misunderstood from the start. The Taste of Scotland banner goes up, so the top town banner goes down. The Taste of Scotland is over, and then what?

Matt Bateman – We put the banner back up again if no other banner is in line with it.

Alderman McRae – Is it possible to add something to the ordinance to say that the space can also be used for general purpose type banners?

John Henning Jr. – Town Attorney – Possibly. Again, I spent a long time considering this one.

Alderman Abel – It is allowable for this banner to go up more than once in a year?

John Henning Jr. – Town Attorney – Yes. But that leads me to my second point, which is a preapproval process to get a banner put up for how many ever two week periods when we don't get any banners?

Alderman Kimsey – You would be willing to work with our manager and planner to sort this out? To actually get a schedule put up.

Matt Bateman – Sure. Absolutely. I feel like we are making progress if those comments of mine started this conversation.

John Henning Jr. – Town Attorney – I just don't think this ordinance was intended to say, let's figure out how we can always have a banner up. It would violate the spirit of the ordinance if we did that. And as far as an amendment to it, you have an ordinance review committee and a planning board that considers this sort of thing.

Matt Bateman – Who compromises the ordinance review committee?

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Alderman Kimsey – I'm on that committee and I will be at future meetings.

Mayor Scott – I want to speak to this one more time. I've been here through this whole banner thing. We conducted hearings. We conducted a public session and we sent the word out to have a public hearing during a Saturday work session, and nobody showed up. Nobody came. We had public hearings when we passed this ordinance, and it was based on how can we be fair to everybody concerned over these banners, and that's where it is today. It is a fair ordinance and it does not give an ability for one group to have more privileges over the other.

Rob Gasbarro – I'm curious to how a top town banner is offensive to people?

Alderman Collins – If we as a town, through our own participation, won a big award would we have to adhere to this? We would have to apply?

John Henning Jr. – Town Attorney – Yes. The town is an applicant for its own processes in lots of things, especially rezoning petitions. The town can't just choose.

Alderman Abel – If we are limiting everyone else to two weeks we need to treat everyone else the same.

Mayor Scott – Here is what we can and here is what the top town thing can do. They can go out and buy billboards. So if you wanted to buy a billboard you can do that. And then you got people coming by seeing. And it's fair to everyone, because anyone can buy a billboard.

Alderman McMahan – If I may guys. We've already given space to the small banner by the Bowery, maybe permanently, and by the gazebo as well. So there is two banners on Main Street. Now once people are on Main Street they will see those banners. But also once they are on Main Street they have already found us. Wouldn't a billboard make more sense? Why would you not focus on a billboard coming into Cherokee and Atlanta?

Matt Bateman – We would love to do that to, and we want to make that happen. A banner over Main Street saying top town speaks to a bigger picture. It's about informing and educating all of us about what we have to offer. It's an education of the community. Maybe not everyone knows that we won this award. If we are going to be an outdoor town it takes community buy in. Let's do all we can to harness that. I'm so sick and tired of talking about banners.

Mayor Scott – What other town in Western North Carolina has promoted the outdoors more than Franklin?

Rob Gasbarro – Brevard and Bryson City.

Mayor Scott – We aren't doing it because of one banner? We do all we can.

Matt Bateman – Why are we digressing? And I don't appreciate being talked to like a child.

Mayor Scott – Okay. I understand Matt.

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Alderman Kimsey – You can come in and request multiple two week periods. That's something we can discuss, correct? I think that almost settles the issue. We don't need an ordinance review committee meeting for that. Nothing doesn't have to be changed. And this is getting too personal

Matt Bateman – I get that. It's a process.

Alderman McMahan – Is it possible to look at peak times of the year and promote it with a banner then. If it's not conflicting, we can put it up then.

John Henning JR. – Town Attorney – And the TDA has given \$3,000.00 for the magazine. I think that needs to be pointed out. They deserve some credit for that.

Alderman Collins – Given the fact that this is the first time we've addressed this, and our ordinance does not address it. By the time we get around to amending an ordinance we will be beyond the timeframe. And who puts up the banner?

John Henning Jr. – Town Attorney – They would be responsible for it.

Alderman Collins – Shouldn't we do that? Do we want to make someone else be responsible for that when we know what we are doing? I'm serious. I always thought the insurance was in case the thing fell.

John Henning Jr. – Town Attorney – I think the intent was if it is to promote someone else's event, we wouldn't want to expose town employees to the risks of doing that. And you end up with workman's comp claims.

Alderman Kimsey – And we become overly-affiliated with the group or event.

Alderman Abel – It is kind of an award that is different. Would the town not be the one to put it up?

Summer Woodard – Town Manager – You could, but you will open up a can of worms.

Alderman Collins – I thought we always put up the signs and banners.

Mayor Scott – No. The sign vendors did.

Summer Woodard – Town Manager – Here is a solution. There is an ordinance review committee coming up.

Alderman Kimsey – When is that date?

Chad Simons – Town Clerk – Tentatively April 25.

Summer Woodard – Chad Simons serves on that board. Aldermen Mashburn and Kimsey serve on that board. Our planner Justin Setser will be there, as well as myself. I think that will be a good time to sit down and look at this more closely.

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Summer Woodard – And if they want to put it up before then, they can do so.

Matt Bateman – I'm just happy there is a discussion going on. Is it two weeks and three days?

John Henning Jr. – Town Attorney – Yes.

David Culpepper – The town is going to install it?

Mayor Scott – We will hash that out at the committee meeting. Does any Board member have anything else?

**Motion was made by McRae, seconded by Kimsey to adjourn the meeting at approximately 9:30 p.m.
Motion carried. Vote: 5 to 0.**

Robert S. Scott, Mayor

Chad Simons, Town Clerk