

**MINUTES OF THE TOWN OF FRANKLIN TOWN COUNCIL  
REGULAR MEETING  
MAY 6, 2024**

**THE FRANKLIN TOWN COUNCIL** held a regular meeting on Monday, May 6, 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 MAY 6, 2024 TOWN COUNCIL AGENDA**

*Council Member Mike Lewis made a motion, seconded by Council Member Robbie Tompa to adopt the Town Council Agenda for May 6, 2024 with the change to move Public Comment from item #8 to item #6 and add Nikwasi Initiative to 11 (A). The motion carried unanimously. Vote: 6 – 0.*

**4. Approval of the Consent Agenda for May 6, 2024 -Town Council**

- A.) Approval April 1, 2024 Regular Town Council Meeting and April 16, 2024 Special Called Meeting Minutes
- B.) Budget Amendments
- C.) Tax Release
- D.) Approval of Fireworks Display on Friday, July 5, 2024 at the Whitmire Property
- E.) Approval of Final Map of the Franklin Social District for submission to the NC ABC Commission
- F.) Reappointment of Rhonda Tallent to the Franklin ABC Board
- G.) Approval of ordinance revision - Chapter 130 section 130.09 - Unauthorized Taking of Utility Service

*Vice Mayor Stacy Guffey made a motion, seconded by Council Member Mike Lewis to approve the consent agenda for May 6, 2024 as presented. The motion carried unanimously. Vote: 6 – 0.*

**5. PRESENTATIONS/PROCLAMATIONS**

- A.) Macon County Transit - Darlene Asher, Executive Director  
The Town of Franklin received a request for funding from Macon County Transit. Town Council requested a presentation from Macon County Transit on the Mountain Gem Route. Ms. Asher gave an overview on the service that the Mountain Gem Route provides to the Town of Franklin. She said that they receive their funding through the State and that their funds typically run out in November.

Vice Mayor Guffey asked about adding stops to the proposed new apartment complexes and Ms. Asher said they would work with them.

Discussion was held on the fee for their service. They charge \$1 per boarding or a monthly unlimited ride pass for \$30. Discussion was also held regarding traveling outside Macon County.

B.) Proclamations - Mayor Jack Horton

1. Fire Fighters Week - May 1 - 7; Fire Fighters Day - May 4
2. Municipal Clerks Week - May 5 - 11
3. Police Week- May 12- 18; Fallen Officers Memorial Day- May 17
4. Public Works Week- May 19 – 25

C.) Quarterly Recognition of Public Safety employees by the Chaplains

Chaplains Danny Antoine, Bonnie Peggs and Trevor Trammel presented awards to Chuck Norton, Dennis Carpenter and David Rusch (not in attendance) with Franklin Fire & Rescue and First Sergeant Detective Justin Norman and Officer Peyton Arnold of the Franklin Police Department.

## 6. PUBLIC SESSION

Gracie Parker, Why Us Kids Youth Mental Health Rally, thanked Town Council for their support. She also stated she had been to Raleigh to advocate for a bill for youth mental health.

## 7. CALL FOR PUBLIC HEARING

- A.) Call for Public Hearing to be held on Monday, June 3, 2024 beginning at 6:05 p.m. or as closely thereafter as possible to allow for public input regarding text amendments related to Special Use Permitting - Town Planner Justin Setser

Town Planner Justin Setser gave an overview of the proposed changes to the Land Development text to change the Special Use Permit requirements so that they do not mirror Conditional Rezoning requirements. The Planning Board reviewed these changes and recommends approval.

***Council Member Mike Lewis made a motion, seconded by Council Member Robbie Tompa to set the public hearing for Monday, June 3, 2024 at 6:05 p.m. or as closely thereafter as possible to receive public input regarding text amendments related to Special Use Permitting. The motion carried unanimously. Vote 6 – 0.***

## 8. PUBLIC HEARINGS

- A.) Public Hearing to allow for public input on a Conditional District Rezoning for a 10.63-acre tract of land located at 227 Siler Road - Town Planner Justin Setser

The Planning Board reviewed the request and recommended approval of the conditional rezoning with suggested conditions of annexation and sidewalks.

**Mayor Horton opened the Public Hearing at 6:37 p.m.**

Stephen Drake, Broadcast Construction and Development Inc., gave an overview of their plan to construct a 54-unit affordable senior housing community off Siler Road. They have requested a Conditional District Rezoning.

Tamara Zwinak, 68 Firefly Lane, said that senior house is needed. Many seniors do not tolerate living near children and she supports this project. She also said sidewalks are needed.

**Mayor Horton closed the Public Hearing at 6:46 p.m.**

- B.) Public Hearing 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

The Planning Board reviewed the request and recommended approval of the conditional rezoning with suggested conditions of annexation and sidewalks.

**Mayor Horton opened the Public Hearing at 6:49 p.m.**

Tammy Stern, Solstice Partners, is seeking a Conditional District Rezoning to construct a 60-unit multifamily affordable housing complex off Siler Road and Firefly Lane. They plan to work with the NC DOT and the Macon Transit Gem Route.

Tamara Zwinak, 68 Firefly Lane, said that children need a bigger area on the property to play.

**Mayor Horton closed the Public Hearing at 6:56 p.m.**

- C.) Public Hearing to allow for public input on a Conditional District Rezoning for 5 acres located off Allman Drive - Town Planner Justin Setser

The Planning Board reviewed the request and recommended approval of the conditional rezoning with suggested conditions of annexation and sidewalks.

**Mayor Horton opened the Public Hearing at 6:59 p.m.**

Breck Kean, Franklin Abbington Mill, stated there is a large demand for affordable housing. He went over the proposed 48-unit affordable housing complex.

**Mayor Horton closed the Public Hearing at 7:07 p.m.**

- D.) Public Hearing 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

Macon County has applied for a traditional rezoning of the Franklin High School Property from NMU/R-2 to R-2. The Planning Board reviewed the request and recommended approval of the requested rezoning of the Franklin High School Property.

**Mayor Horton opened the Public Hearing at 7:09 p.m.**

County Manager Derek Roland said they have received a 62-million-dollar grant from the State of North Carolina to construct a new Franklin High School. They plan to begin construction in the Fall of 2024. He feels that rezoning the entire property to R-2 would make the property consistently zoned.

W.H. Derrick, Wayah Street, inquired about repairing Wayah Street from the runoff. Mr. Roland told him they have discussed that with the architects and they will address that issue.

**Mayor Horton closed the Public Hearing at 7:16 p.m.**

***Council Member David Culpepper made a motion, seconded by Council Member Mike Lewis approve the rezoning request for Franklin High School from NMU/R2 to R2. The motion carried unanimously. Vote 6 – 0.***

Discussion was held with Broadcast Construction & Development Inc., Solstice Partners, and Franklin Abbington Mill, LP on adding conditions to their Conditional District Rezoning request for construction of sidewalks, a Macon County Transit stop bus shelter, and potential connectivity to the existing Greenway.

***Council Member Joe Collins made a motion, seconded by Council Member Rita Salain to the Conditional District Rezoning for 10.63-acre tract of land located at 227 Siler Road as presented and to include construction of sidewalks and a bus shelter. The motion carried unanimously. Vote: 6-0.***

***Council Member David Culpepper made a motion, seconded by Council Member Joe Collins to approve Conditional District Rezoning for 7.2-acre tract of land of the western portion of parcel with frontage on Siler Road and Firefly Lane as presented and to include construction of sidewalks, a bus shelter and on good faith greenway connectivity. The motion carried unanimously. Vote: 6-0.***

***Council Member Rita Salain made a motion, seconded by Council Member Robbie Tompa to approve Conditional District Rezoning for 5 acres located off Allman Drive as presented and to include construction of sidewalks and a bus shelter. The motion carried unanimously. Vote: 6-0.***

## **9. NEW BUSINESS**

A.) Request approval of water and sewer capacity/availability - Town Planner Justin Setser, Public Works Director Bill Deal and Town Manager Amie Owens

- 1) Stephen Drake -54 units - requesting 24,000 GPO water and 14,400 GPO Sewer
- 2) Solstice Partners- 60 units- requesting 24,000 GPO water and 14,400 GPO Sewer
- 3) Franklin Abbington Mill, LP - 48 units - requesting 19,200 GPO water and 10,800 GPO Sewer

***Council Member David Culpepper made a motion, seconded by Council Member Joe Collins to approve water and sewer capacity availability for Stephen Drake, Solstice Partners and Franklin Abbington Mill, LP as presented. The motion carried unanimously. Vote: 6-0.***

B.) Request approval of Change Order #2 for Clyde Street Waterline Improvement Project and amendment to the Capital Project Ordinance - Town Manager Amie Owens

Town Manager Owens noted the change order request is for \$44,792. This is a change order for the addition of 392 LF stand up curb (knee wall); 4 detectable domed landings, 2 curb drains and 2 Type 1A curb ramps all in front of East Franklin Elementary School.

***Council Member Mike Lewis made a motion, seconded by Vice Mayor Stacy Guffey to approve the Change Order #2 for Clyde Street Waterline Improvement Project and the amendment to the Capital Project Ordinance as presented. The motion carried unanimously. Vote: 6-0.***

C.) Request approval of bid award to John Burgin Construction for the Interior Construction and Finishing of the Fire Substation in the amount of \$340,000 - Town Manager Amie Owens

Town Manager Owens explained that the RFP was issued on February 29, 2024 with an opening date of March 29, 2024. It was reposted again on April 1, 2024 with an opening bid date of May 1, 2024 since three (3) bids were not received at the first opening. John Burgin Construction's bid was \$340,000 and includes the base bid of \$195,000 alternate 1 - a 75KW generator and tank with 100 gallons of fuel - \$85,000; alternate 3 - Epoxy Floor - \$60,000. The remaining \$40,000 can be used for cabinets, appliances and furnishings. John Burgin Construction was the lowest responsible, responsive bidder for this project.

***Council Member Mike Lewis made a motion, seconded by Council Member Rita Salain to approve the bid award to John Burgin Construction for the Interior Construction and Finishing of the Fire Substation in the amount of \$340,000 as presented. The motion carried unanimously. Vote: 6-0.***

Councilman Lewis wanted to thank State Senator Kevin Corbin and State Representative Karl Gillespie for their assistance with the funding.

Councilwoman Salain asked about a timeline for the project and Town Manager Owens said the plan is to begin at the end of June or first part of July.

D.) Request approval of the capital project ordinance for the Interior Construction and Finishing of the Fire Substation - Town Manager Amie Owens

***Council Member Mike Lewis made a motion, seconded by Council Member Joe Collins to approve the capital project ordinance for the Interior Construction and Finishing of the Fire Substation as presented. The motion carried unanimously. Vote: 6-0.***

E.) Request approval of street closures - Town Manager Amie Owens

- 1) Lane reduction on Main Street from Phillips Street to Harrison Avenue from 5:00 p.m. until 8:30 p.m. on May 18, June 15, July 20, August 17 and September 21
- 2) VanRaalte Street from First Street to Hillside Street - Saturday, June 1 from 4:00 p.m. until 9:00 p.m. for a company event; access will still be available for the skatepark
- 3) Main Street for the Braveheart 5K - Saturday, June 15 from 7:30 a.m. to 10:00 a.m.

***Council Member Joe Collins made a motion, seconded by Council Member David Culpepper to approve the street closures as presented. The motion carried unanimously. Vote: 6-0.***

F.) Delivery of Proposed FY 2024/2025 Budget and Call for public hearing on Monday, June 3, 2024 at 6: 10 p.m. or as closely thereof as possible to allow for public input on the Fiscal Year 2024-2025 Budget - Town Manager Amie Owens

Town Manager Amie Owens presented the FY 2024/2025 budget to Town Council as required by North Carolina General Statute 159-11(b). Town Council will hold a Budget work session on Monday, May, 20<sup>th</sup> at 6:00 p.m.

Councilwoman Salain asked when will we know about the Fire District Tax. Town Manager Owens said she has not heard anything from Macon County BOCC.

***Council Member Rita Salain made a motion, seconded by Council Robbie Tompa to set the public hearing for Monday, June 3, 2024 at 6:10 p.m. or as closely thereafter as possible to allow for public input on the Fiscal Year 2024-2025 Budget. The motion carried unanimously. Vote 6 – 0.***

## 10. DEPARTMENTAL UPDATES

A.) Public Works - Bill Deal, Public Works Director gave an update on the Clyde Street project (80% complete), Boyd’s pump station project (80% complete), 4 new CDL drivers, and Scenic Ridge has 6 full hookups.

B.) Water Treatment - Kyle Pocquette, Water Treatment Plant Supervisor/ORC said things were going good at the water plant and with cross connection. He thanked Nina Dykes for all her help.

C.) Wastewater Treatment- Jason Hopkins, Wastewater Treatment Plant Supervisor/ORC gave an update on their 5-year budget to include PFAS (perpetual-forever chemicals) and staff have done some construction/painting at the plant.

D.) Streets - Chris Waldroop, Streets Supervisor said they plan to begin long arm mowing in June and the Phillips Street sidewalk project is 50% complete.

## 11. ITEMS FROM COUNCIL

Councilman Culpepper said the Nikwasi Initiative voted at their Board Meeting to put up signage at the Indian Mound to say “Please Keep Off the Mound”. He said that would go against the Deed and it is his understanding that when the Town deeded the property the Deed said public access shall not be denied. His question is where to go from here.

Town Attorney John Henning, Jr. said that the Preservation Agreement, which is part of the Warranty Deed, states in Item 8 Public Access: *The general public shall have access to the Property, subject only to reasonable rules of access which may address, without limitation, hours of operation and preservation of the Property, which rules may be adopted by the Grantee with prior approval of the Town. Such rules must be administered in a nondiscriminatory fashion. Nothing shall be erected or allowed to grow on the Property which would impair the visibility of the property and the buildings from the street level or other public rights of way.* He feels the Nikwasi Initiative should have come to the Town for approval of the sign. Town Council asked Town Attorney Henning to send a letter to the Nikwasi Board to remind them of the Preservation Agreement.

Councilman Tompa appreciates the new sidewalk on Phillips Street.

Vice Mayor Guffey brought up the Town’s Flood Plain Ordinance and that it does not have a fill dirt provision and he would like for the Town to look at a no-fill provision. Councilman Collins would like to have good discussion about the Flood Plain Ordinance. Mayor Horton said it would be a good topic for the Planning Board.

Mayor Horton asked Councilwoman Salain to accept his position on the MPP Housing Board and she graciously accepted.

Councilwoman Salain said she is thankful for the housing projects and is thrilled that both of the nuisance houses are down. She feels that we (the Town) still need to stay on top of properties that are in code violation.

**12. ANNOUNCEMENTS**

- A.) Next Regular Town Council Meeting is Monday, June 3, 2024
- B.) Pickin' on the Square – Saturday, May 11 and Saturday May 25, 2024
- C.) Fallen Officers Memorial Service - Friday, May 17, 2024 at Noon at the Gazebo
- D.) Special Called Town Council Meeting - Monday, May 20, 2024 Budget Work Session
- E.) Town offices will be closed on Monday, May 27, 2024 in observation of Memorial Day in accordance with the NC State Holiday schedule

**13. 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.

***Council Member Joe Collins made a motion, seconded by Council Member Mike Lewis 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 8:32 p.m.**

**The Town Council returned from Closed Session at 8:43 p.m.**

**14. ADJOURNMENT**

***Council Member Mike Lewis made a motion, seconded by Council Member Joe Collins to adjourn the meeting at 8:44 p.m. The motion carried unanimously. Vote: 6- 0.***

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C. Jack Horton, Mayor

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Nicole Bradley, Town Clerk