

**MINUTES OF THE TOWN OF FRANKLIN TOWN COUNCIL
REGULAR MEETING
NOVEMBER 6, 2023**

THE FRANKLIN TOWN COUNCIL held a regular meeting on Monday, November 6, 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 Joe Collins, David Culpepper, Rita Salain, Adam Kimsey, Mike Lewis, and Stacy Guffey.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Joe Collins.

3. ADOPTION OF THE NOVEMBER 6, 2023 TOWN COUNCIL AGENDA

*Council Member Rita Salain made a motion, seconded by Council Member Mike Lewis to adopt the Town Council Agenda for November 6, 2023 as presented. The motion carried unanimously.
Vote: 6 – 0.*

4. APPROVAL OF THE CONSENT AGENDA FOR NOVEMBER 6, 2023

- A.) Approval of Minutes of October 2, 2023 Town Council Regular Meeting
- B.) Budget Amendments
- C.) Ordinance Revision Traffic Code, Chapter 73 Sections 73.01 and 73.03
- D.) Resolution for Service Side Arm to be granted to Retiring Sergeant Laurie Beegle
- ~~E.) Appointment to Planning Board- Kim Leister~~
- ~~F.) Refer Text Amendment to Planning Board for Review – temporary use permit for Trailers/Recreational Vehicles/Motor Homes and Campers~~

Council Member Adam Kimsey made a motion, seconded by Council Member Stacy Guffey to approve the consent agenda items A-D, but pull items E and F for further discussion. The motion carried unanimously. Vote 6 – 0.

E.) Appointment to Planning Board- Kim Leister
Councilman Guffey commented that we have a highly qualified candidate. He then asked where the Planning Board stood on vacancies. Town Planner Justin Setser stated that if Ms. Leister fills the vacancy, then all that's left to fill are the two (2) alternate positions- one in-town alternate and one in the ETJ.

Council Member Mike Lewis made a motion, seconded by Vice Mayor Joe Collins to approve the appointment of Kim Leister to the Planning Board. The motion carried unanimously. Vote 6 – 0.

F.) Refer Text Amendment to Planning Board for Review – temporary use permit for Trailers/Recreational Vehicles/Motor Homes and Campers
Councilman Guffey asked if this was something that people were coming in and requesting. Town Planner Setser stated that he gets calls from individuals wanting to live in a camper while they build a

house or remodel their home. If they have a camper they can live on the property while they build. Individuals can only apply for a permit if they have already received their building permit from Macon County. Once the Certificate of Occupancy is received the RV/camper can not longer be used for residence. The permit will be for one (1) year with a time extension of six (6) months. This Text Amendment was reviewed by the Ordinance Review Committee.

Council Member Salain stated she doesn't see how this benefits the Town of Franklin. Will the fee cover the cost of everything? Her concern is for residence who have someone living in a RV next to their home.

Vice Mayor Collins stated it would make sense to run the text amendment through the Planning Board and then it would come back to Council.

Town Attorney John Henning, Jr. stated this is a feature in other Towns.

Council Member David Culpepper made a motion, seconded by Council Member Stacy Guffey to send to Planning Board for review. The motion carried unanimously. Vote 6 – 0.

5. INTRODUCTION/RECOGNITIONS

- A.) Introduction Blake Gibson, Water Treatment Operator - Kyle Pacquette, WTP ORC Supervisor
- B.) Recognition - Jake Slagle, Wastewater Treatment Operator - Grade 4 Wastewater Biological - Jason Hopkins, WWTP ORC Supervisor
- C.) Recognition -Bill Allen, WWTP Lab Supervisor - Maintenance Technician I - Jason Hopkins, WWTP ORC Supervisor

6. PRESENTATION

- A.) Annual Audit Presentation - FY 2022/2023 - Kelly Gooderham, Senior Manager, CPA Martin Starnes & Associates, CPAs, P.A.

Kelly Gooderham presented the annual audit report for the Town's Fiscal Year 2022/2023 Audit. They have issued a clean unmodified opinion. The report has been submitted to and accepted by the Local Government Commission (LGC) with no comments. She thanked the Finance Department for all their help on the Audit. There was a noted material weakness finding for material audit adjustments that requires a response to the LGC.

Mayor Horton stated the Town is in a very sound financial position thanks to the Finance Department and the Town Manager. This is due to maximizing revenues and controlling expenditures. He thanked Ms. Gooderham for getting the audit submitted to the LGC on time.

7. PUBLIC SESSION

No one signed up to speak at Public Session.

8. PUBLIC HEARING

A.) Public Hearing to receive public input proposed rezoning of PZC6- Old Murphy Road changes - Justin Setser, Town Planner

The proposed rezoning requested for PZC6, Old Murphy Road, is 110 parcels/154 acres. Currently everything in PZC6 is zoned at C-2. There were several requests from property owners not to rezone their properties or to rezone as R-2 instead of R-1.

Mayor Jack Horton called the public hearing on input on rezoning to order at 6:27 p.m.

Bob Henry, Old Murphy Road, is in agreement with the rezoning.

Carson Green had his questions answered.

Johnny Ammons had his questions answered.

Chris Green owns two parcels on 52 Waldroop Road and Old Murphy Road. The properties were zoned C-2 when he purchased them. If he decided to sell the properties, he would like to be able to sell them at C-2. He does not think it's fair that his property could be rezoned when he does not live in city limits and is not able to vote. Mr. Green asked if any of the properties had access to Town services. Town Planner Setser stated there is water service available.

Kate Dunn, Old Oak Hill Inn/McTernan Manor, is interested in having property zoned multi-use and it is currently zoned commercial. She can not get financing. She questioned, would multi-use not add more possibilities?

Mayor Horton and Town Planner Setser stated that the goal of the rezoning is to rezone based on what the current use is and to protect the neighborhoods.

Lee Garner, Chapel View Drive, has an adjoining property on Homeward Drive, not included in the proposed rezoning, that has a mobile home on the property. He may want to put a mobile home on the other property that is part of the rezoning.

The Public Hearing was closed 6:38 p.m.

Council Member Mike Lewis agreed with Mr. Green and do not think we should bother with rezoning since there are not available Town services.

Council Member David Culpepper feels that this is the exact reason why the State wants to take away rights of municipalities in the ETJ. He said that landowners in this area purchased the land with a bundle of rights and here we are trying to take away some of those rights. He noted that zoning is a sensitive issue.

Mayor Horton asked if these rezonings were part of the Comprehensive Plan. Councilman Culpepper said the Comprehensive Plan is not as important as people's lives.

Additional discussion was held about the current Comprehensive Plan, looking at individual parcels, and zoning for manufactured homes. Council Members discussed taking action, tabling the discussion or sending it back to the Planning Board.

Council Member Stacy Guffey made a motion, seconded by Council Member Rita Salain to send the proposed PZC6 rezoning back to the Planning Board for more property owner input. Council Member David Culpepper and Council Member Mike Lewis voted in opposition. The motion carried. Vote: 4–2.

9. CALL FOR PUBLIC HEARING

A.) Call for Public Hearing at 6:05 p.m. or as closely thereafter as possible on Monday, December 4, 2023 to receive public input on a text amendment to the Unified Development Ordinance Section 152.034 - Justin Setser, Town Planner

The Town of Franklin has applied for a Text Amendment to the Unified Development Ordinance for conditional zoning. Conditional zoning is a legislative process that would allow for developments of certain sizes to be reviewed by the Town Council and certain conditions to be applied. The developer and the Town Council would have to agree on the conditions and paperwork would need to be filed with the Clerk of Court's Office. The Planning Board has reviewed the text amendment and comments the approval.

Council Member Guffey questioned the major development language of more than 30,000 square feet. Town Planner Setser stated that language came from the special use permit language. Town Attorney Henning stated that the square footage could be lowered, so that Council could have more input.

Councilman Guffey would like to see it state 12,000 square feet. Town Attorney Henning stated that this type of zoning would allow Council Members the opportunity to talk with the developers and attend their neighborhood meetings to learn about the request.

Council Member Mike Lewis made a motion, seconded by Council Member Rita Salain to set the public hearing for Monday, December 4, 2023, 2023 at 6:15 p.m. or as closely thereafter as possible to consider public input on a text amendment to the Unified Development Ordinance Section 152.034. The motion carried unanimously. Vote 6 – 0.

10. NEW BUSINESS

A.) Request award of bid for Downtown Wi-Fi Project to Aerolina as the lowest, responsible, responsive bidder and approve contract – Justin Setser, Town Planner

The RFP for Downtown Wi-Fi, was issued on September 6, 2023 with an opening date of October 13, 2023. There were four (4) bids. The proposals were reviewed by the Town Planner, Finance Director and Town Manager. Aerolina was the lowest responsible, responsive bidder for the project. Town Attorney John Henning, Jr. reviewed the proposed contract and the funding of this project will come from the Appalachian Regional Commission and Dogwood Trust grants and a \$10,000 match from the Town that was included in the budget.

Council Member Mike Lewis made a motion, seconded by Council Member David Culpepper to award the bid for Downtown Wi-Fi Project to Aerolina and approve the contract as presented. The motion carried unanimously. Vote: 6 – 0.

- B.) Request approval of Street Closure – Rolling Closure for Christmas Parade on Sunday, November 26, 2023 – will impact Church Street and lotla Street – Amie Owens, Town Manager

The Annual Christmas Parade will be held on Sunday, November 26, 2023 at 3:00 p.m.
The Street closure will be a rolling street closure and closure of lotla Street at 1:00 p.m.

Council Member Mike Lewis made a motion, seconded by Council Member David Culpepper approve the street closure request as presented. The motion carried unanimously. Vote: 6 – 0.

- C.) Request consideration of a lease between the Town and The Rathskeller for space for outdoor dining/food truck on Stewart Street – Amie Owens, Town Manager

The owners of the Rathskeller approached Town Manager Owens about leasing a space for a food truck with outdoor dining on town-owned property on Stewart Street. The first location considered was in the public parking area off of East Palmer Street which has been designated as no parking and was not being utilized. Following a visit to the site, it was determined that the area may be too far from the business and there were stairs to climb up and down to go back and forth. The Town Planner and Town Manager visited the area and the Town Planner noted that there may be space that is town-owned which would be more easily accessible.

There is an area that is currently not marked for on-street parking, but could be utilized under a potential lease, much like the lease for the former Root and Barrel dining location as it is town-owned property.

Councilman Guffey would like to look into traffic management on Stewart Street and additional outdoor dining.

Council Member David Culpepper made a motion, seconded by Council Member Adam Kimsey request the Town Attorney draw up a lease agreement for town owned property on Stewart Street. The motion carried unanimously. Vote: 6 – 0.

- D.) Request approval of change order #1 for Clyde Street Waterline Improvement Project and amendment to the Capital Project Ordinance – Amie Owens, Town Manager and Sarah Bishop, Finance Director

The change order is a proactive thinking suggestion from Public Works Director Bill Deal. The stub out for a future water tank on Clyde Street. The additional cost is \$852.80.

Council Member Rita Salain made a motion, seconded by Council Member David Culpepper adopt capital ordinance amendment for the Clyde Street waterline improvements as presented. The motion carried unanimously. Vote: 6 – 0.

E.) Request approval of Holiday Bonus for Employees and budget amendment – Amie Owens, Town Manager

As the Town is financially performing well, keeping expenditures within budget constraints, are moving projects forward and are continuing to find ways to show efficiency and effectiveness, it is my recommendation that the employees be rewarded for their diligence and commitment by offering a \$1,000 holiday bonus. There was not a merit bonus included in the budget for Town employees. There was a \$500 holiday bonus included in the budget. Manager Owens has requested an additional \$500 for employees.

Council Member Mike Lewis made a motion, seconded by Council Member Adam Kimsey approve additional funding for holiday bonus as presented. The motion carried unanimously. Vote: 6 – 0.

Mayor Horton recognized Town Manager Amie Owens for the completion of the LGFCU/Civic Fellows Program.

F.) Request approval of new agreement with Hendon Tiller – John Henning, Jr., Town Attorney

Town Attorney John Henning, Jr. proposed the new agreement to extend the payments with Hendon Tiller for an additional 2 years with a balloon and with an 8.5% interest rate. He presented a resolution allowing for the change in term and rates for approval.

Council Member Mike Lewis made a motion, seconded by Council Member Adam Kimsey approve the Resolution for the Hendon Tiller loan payment extension as presented. The motion carried. Council Member Stacy Guffey voted in opposition. Vote: 5 – 1.

11. DEPARTMENTAL UPDATES

- A.) Public Works – Bill Deal, Public Works Director- Thanked Department Heads and Nina Dykes for all their help. He gave an update on employee CDL drivers, Clyde Street waterline project, power relocation at the statue site, Boyd’s pumpstation pre construction meeting. lead/copper detection (Chris Green & Aaron Fosler), and new water loss percentage procedure.
- B.) Water Treatment – Kyle Pocquette, WTP ORC Supervisor updated Council on the bore sites for plant upgrade, on-going maintenance of the plant, raw vault cleanout, and current cross connections.
- C.) Wastewater Treatment – Jason Hopkins, WWTP ORC Supervisor updated Council on the wastewater plant, grease trap inspections, the back flow preventer has been installed at WTP, cut trees around plant, STEM tours for schools, and employee certifications.
- D.) Streets – Chris Waldroop, Streets Supervisor updated council on Christmas decorations, leaf ticket pickup, and Maple Street sidewalk project.

12. ITEMS FROM COUNCIL

Councilwoman Salain asked out the bump outs on Main Street. Manager Owens said that was a NCDOT project. The crosswalks will also be moved. Town Planner Setser discussed moving the crosswalks and handicap parking.

Code Enforcement Officer Frank Belanger updated Council on the East Main Street house demolition. The Duncan's have begun some demolition on the house. They have removed the front porch and the non-original additions. They still need to clean up the property.

Councilman Culpepper asked if Council direction was needed to move forward.

Town Planner Setser stated that until the property fully complies, we can still move forward with demolition. The current conditions of the property does not met minimum housing conditions. Councilwoman Salain asked if we could get bids on the cost to demolish the property.

Town Attorney Henning stated that the Town Manager has authority up to \$30,000 to enter into a contract for demolition.

Discussion was also had on the Wilkie Street property demolition.

Councilwoman Salain commented that Pumpkin Fest went really well.

Councilman Culpepper asked about Greenway extension paving. Manager Owens said she has a meeting on Thursday.

13. ANNOUNCEMENTS

- A.) Next Town Council Meeting is December 4, 2023 – Organizational Meeting
- B.) Election Day – Tuesday, November 7, 2023
- C.) Town offices will be closed on Friday November 10, 2023 in observance of Veterans Day per the NC State Holiday Schedule
- D.) Veterans Day Celebration – downtown- Saturday, November 11, 2023 – parade starts at 10:45 a.m. at Town Hall
- E.) Town offices will be closed on Thursday, November 23 and Friday, November 24 in observance of Thanksgiving per the NC State Holiday Schedule
- F.) Winter Wonderland – Saturday, November 25 and Saturday, December 2 from 5:00 p.m. to 8:00 p.m.

Mayor Horton thanked Council Member Adam Kimsey for serving on the Town Board the last two (2) years.

14. CLOSED SESSION

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

The Town Council entered Closed Session at 8:01 p.m.

The Town Council returned from Closed Session at 8:33 p.m.

15. ADJOURNMENT

Council Member Adam Kimsey made a motion, seconded by Vice Mayor Joe Collins to adjourn the meeting at 8:34 p.m. The motion carried unanimously. Vote: 6- 0.

C. Jack Horton, Mayor

Nicole Bradley, Town Clerk