

May 2, 2005

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, May 2, 2005 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Edwin Hall, Billy Mashburn, Charles Roper, Bob Scott and Jim Williamson were present.

Approval of the minutes

Motion was made by Curtis, seconded by Scott to approve the minutes for the April 4, 2005 meeting as presented. Motion carried. Vote: 6 to 0.

Proclamation – National Nursing Home Week

Mayor Collins proclaimed the week of May 8, 2005 as *National Nursing Home Week* in Franklin. A copy of the proclamation is attached.

Persons to be heard

Howell Derrick said there is damage to the fence around the football field due to a car wreck. He said it has been damaged for over six months. He said the barb wire is hanging down and there is a safety hazard. Mayor Collins said we can ask the school officials to fix the problem. Mayor Collins instructed Mike Decker to call the school board office about this problem.

Dan Williams said I have been trying to resolve the problem with my trees for two and half years. Mayor Collins said there is an ongoing lawsuit about this matter and it is in our attorney's hands. Mr. Williams said I would be willing to settle for \$5,900.00. Mayor Collins said the matter is out of our hands.

Departmental reports

Town Planner Rebecca Crawford gave her report. A copy of the report is attached. She said I had ninety-three walk-in visits or phone calls. She said I sent out fourteen notifications of violation of the sign ordinance and as of now eight are in compliance. Mrs. Crawford said I am waiting on Vic Sanders' preliminary plat for his proposed subdivision. She said I met with the Street Committee and they recommended that we determine who is causing the parking problems before any action is taken.

Fire Chief Pete Haithcock gave the fire department report. A copy of the report is attached. He said we are waiting for the asbestos inspection of the day care house on Riverview Street before we do the live burn.

May 2, 2005 meeting continued,

Police Chief Terry Bradley gave the police department report. A copy is attached. He said we have received a 2005 Polaris Ranger 4X4 Vehicle through Homeland Security. He said we purchased the accessories through our law enforcement funds. Mayor Collins said can it be used on public streets? Chief Bradley said you may be able to put a slow moving piece of equipment emblem on it and use it on the public streets. He said there are several bills in the Senate at this time to allow these vehicles to be used for Town purposes.

Update on soil erosion and sedimentation ordinance enforcement – Josh Ward/Macon County

Josh Ward said there has been some mud on Sunset Drive. He said to resolve this problem the owner is going to pave their driveway. He said I received a new application today for seven acres on Lakeside Drive. He said it is a commercial site. Mr. Ward said there have been problems on Dale Drive before the county took over the enforcement for the town. He said Don Holbrooks with the state is handling this development. Alderman Scott said there are two large pipes in front of Carolina Cleaners on Carolina Mountain Street. He said what is happening in this area. Mr. Ward said the owner is planning to put in an automotive shop. He said it is my understanding that the owner has all of the necessary permits.

Persons to be heard

Charlene Lentz said I live at 36 Foxridge Drive. She said due to the flood in September my water line broke. She said the line was separated. She said 59,000 gallons of water went through my meter in November. She said I am asking for relief from this water bill. Alderman Mashburn said usually when the water goes through the meter we charge for it. Mayor Collins said we may want to handle this situation differently since this was caused by an act of nature. Alderman Curtis said we can look into the problem. Mayor Collins said we will take this request under advisement and talk to our staff.

Update on Memorial Day Sesquicentennial events – Janet Jacobs Greene

Janet Greene said you will need costumes for the whole weekend. She said over one hundred persons are involved in the planning. She said during the events over three hundred persons will be working. Mrs. Greene related the schedule of events. A copy is attached. She said the garbage will need to be picked up on Saturday night and an additional dumpster will need to be put in the downtown area. She said the Burrell Building bathrooms need to be continually supplied.

May 2, 2005 meeting continued,

Presentation on Balsam West Fiber Project – Dave Jones/Dnet

Dave Jones said Dnet is planning to put fiber optic lines throughout the town. He said these lines can be used by the schools, the library and the hospital. He said we plan to tie these lines into the existing infrastructure already in place outside the Town limits. He said there is grant money for the library to tie onto the fiber optic line when it is installed. He said we will be doing directional bores. Alderman Scott said does this fall under the same rules like telephone lines and electricity lines where the Town will get income? Mr. Jones said no this is considered a FCC communication. Mayor Collins said will there be some compensation to the Town since we are allowing a lot? Alderman Scott said I think it is great you are doing these lines. He said I have these concerns: is this a franchise operation and should there be some compensation to the Town for the franchise. Mr. Jones said Balsam West Fiber Project will provide the power. Alderman Scott said if this is a utility instead of a communication, we may need to treat it as a utility franchise. Mr. Jones said most of the line is going in the state right of way. Bobby Key said I can't give you an answer now. He said I will need to do some research. Alderman Scott said I would like to hold off for two weeks. He said this request caught me by surprise. **Motion was made by Scott, seconded by Williamson to delay action until the continued meeting on Monday, May 16, 2005 and explore this request further. Motion carried. Vote: 6 to 0.**

Recess

Mayor Collins recessed the meeting at 8:15 P.M.

Mayor Collins called the meeting back to order at 8:25 P.M.

Presentation of proposed fixed bus routes within Franklin – Kim Angel with Macon Area Transit Services

Kim Angel gave a power point presentation on proposed fixed bus routes within Franklin. A copy is attached. She said we are hoping the Town will be willing to participate in the funding of these bus routes. She said the riders will be paying a fee. She said I have been working with Sam Greenwood for some county funding. Mrs. Angel said I have not finalized my budget yet with the county. Mayor Collins asked Mrs. Angel to get back with a request and to indicate how much the county will be paying.

Consideration of multi-family development – Larry Turlington

Town Planner Rebecca Crawford said Mr. Turlington's plans show drainage going into catch basins. Mr. Turlington said I do not have engineering plans yet. Mrs. Crawford said he meets all the necessary requirements. **Motion was made by Mashburn, seconded by Williamson to give preliminary approval of the plans with approved engineering plans to be provided by Mr. Turlington. Motion carried. Vote: 6 to 0.**

May 2, 2005 meeting continued,

Consideration of final draft of Duke Power Settlement Agreement – Alderman Curtis

Alderman Curtis said we have received the proposed Duke Power Settlement Agreement. A copy is attached. He said the funds go directly to the county. He said all the parties are involved. Mayor Collins said is the attorney still on the clock? Mr. Curtis said we have paid him \$1,500.00. Mayor Collins said the county did not act on this agreement today. Alderman Curtis said the Town Board needs to act for the Town's interests not the commissioners. Alderman Scott said I have two issues with the agreement which are the vegetation and the dredging. Alderman Curtis said the dredging can be done off shore. **Motion was made by Curtis, seconded by Williamson to accept this proposed agreement. Motion carried. Vote: 4 to 2. Voting yes: Curtis, Mashburn, Roper and Williamson. Voting no: Hall and Scott.**

Petition for rezoning – David Sanders

Mike Decker said we have a rezoning petition from David Sanders. **Motion was made by Williamson, seconded by Mashburn to pass on this rezoning request to the Planning Board for a recommendation and set the public hearing for the June 6, 2005 board meeting. Motion carried. Vote: 6 to 0.**

Consideration of acceptance of grant from Advantage West

Mike Decker said Advantage West has awarded the Town a \$12,000.00 grant to help with the engineering costs on the proposed Dowdle Mountain Road water and sewer line extension. A copy of the letter is attached. Mayor Collins said we are still working with the involved property owners about the necessary funding for this project. He said we need to hold off on accepting this grant.

Audit contract

Motion was made by Mashburn, seconded by Scott to accept the audit contract with Dixon Hughes in the amount of \$20,800.00. Motion carried. Vote: 6 to 0. A copy of the contract is attached.

West Main Street water line contract

Mike Decker said the Town has received Disadvantaged Business Enterprise approval for the award of the West Main Street water line project to Carolina Specialties Construction from the North Carolina Public Water Supply Section. **Motion was made by Curtis, seconded by Roper to give final approval and award the contract to Carolina Specialties. Motion carried. Vote: 6 to 0.**

May 2, 2005 meeting continued,

Prohibiting Solicitations on State Highways

Alderman Curtis said there is a proposed bill in the Senate prohibiting a person from standing on any street, highway or right-of-way while soliciting from the driver or occupants of any vehicle. He said we need to send a letter of support for this bill. **Motion was made by Curtis, seconded by Scott to send a letter of support for this bill. Motion carried. Vote: 6 to 0.**

Water adjustments and payment of the bills

Water adjustments for April and payment of the bills were approved on motion made by Williamson, seconded by Scott. Motion carried. Vote: 6 to 0.

Continuation

At 9:05 P.M., on motion made by Mashburn, seconded by Scott the meeting was continued until May 16, 2005 at 7:00 P.M. Motion carried. Vote: 6 to 0.

Continuation of May 2, 2005 meeting

The May 2, 2005 Town of Franklin Board meeting was continued until May 16, 2005 at 7:00 P.M. Mayor Joe Collins presided. Alderman Verlin Curtis, Edwin Hall, Billy Mashburn, Charles Roper and Jim Williamson were present. Alderman Bob Scott was absent.

Consideration of Balsam West Fiber Project

Mayor Collins said Dnet want permission to lay fiber optic line within the town limits. He said there has been some consideration of some type of utility fee for this line. Alderman Curtis said the fee schedule from the state for the combined power and telephone lines is insignificant. He said the economic benefits far outweigh the revenues. Alderman Williamson said I question whether we have the legal right to charge any fees for the line under DOT maintained streets. Alderman Hall said I agree with Alderman Curtis and Alderman Williamson. Alderman Mashburn said I agree we do not need to charge any fees. Alderman Roper said I am in agreement. **Motion was made by Curtis, seconded by Williamson to allow the Balsam West Fiber Project into Town. Motion carried. Vote: 5 to 0.** Bobby Key said do you want to do an easement? **Motion was made by Williamson, seconded by Curtis to do an easement with Balsam West Fiber Project paying the attorney fees for the easement. Motion carried. Vote: 5 to 0.**

May 2, 2005 meeting continued,

Planning board recommendation regarding proposed Neighborhood Mixed Use district rezoning

Town Planner Rebecca Crawford said the Planning Board recommendation is to start the Georgia Road/Wayah Street/Porter Street district at the McCollum House property on the east side of the street and to start at the first residential property after Carolina First Bank on the other side of the street. A copy of the district is attached. **Motion was made by Williamson, seconded by Curtis to accept the recommendation from the Planning Board to zone this area as a Neighborhood Mixed Use District. Motion carried. Vote: 5 to 0.**

NCDOT TIP public comment meeting

Mike Decker said the North Carolina Department of Transportation will be having a public comment meeting on May 19, 2005 from 2 – 4 P.M. at Lake Junaluska to hear comments for the State Transportation Improvement Plan. Mr. Decker said I think we need to ask them to look at the congestion on U.S. 23-441 South from Franklin Plaza to the Cartoogechaye bridge. Mayor Collins said I cannot go to the meeting but I would suggest some of the board members go with Mr. Decker. Alderman Williamson said we need to suggest a traffic signal at the intersection of Depot Street and Wayah Street.

Mediacom Petition for special relief

Mike Decker said Mediacom is indicating in their petition they are now subject to effective competition from the satellite companies. He said they are asking FCC to exempt them from any rate regulation from the Town. Bobby Key said at this time the Town can regulate the basic cable rate. Mr. Key said I would suggest that you do not take any action on this matter. The Board agreed to this suggestion.

Additional departmental and committee reports

Alderman Roper said Jason Clay will start working on putting handrails on Main Street this week.

Consideration of special called meeting on June 1 for presentation of the proposed FY 2005-2006 budget

Motion was made by Williamson, seconded by Mashburn to have a called meeting on June 1, 2005 at 5:30 P.M. to present the proposed FY 2005-2006 budget. Motion carried. Vote: 5 to 0.

May 2, 2005 meeting continued,

Susie Prince property

Mike Decker said we received a letter from Bud Siler stating Mrs. Prince has accepted our offer for her property. He said the property will need to be surveyed. **Motion was made by Mashburn, seconded by Curtis to have the property surveyed. Motion carried. Vote: 5 to 0.**

Adjournment

Mayor Collins adjourned the meeting at 7:40 P.M.

Joe Collins, Mayor

Janet A. Anderson, Town Clerk