

**August 6, 2007**

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, August 6, 2007 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Jerry Evans, Billy Mashburn, Carolyn Pattillo, Charles Roper and Bob Scott were present.

**Approval of the minutes**

**Motion was made by Pattillo, seconded by Evans to approve the minutes for the July 2, 2007 and July 30, 2007 meetings as presented. Motion carried. Vote: 6 to 0.**

**Persons to be heard**

Howell Derrick said a tractor trailer tried to turn into Ulco Drive and caused a backup of traffic for fifteen to twenty minutes. He said the truck drivers are using their Jake brakes. He said there is no grade and Jake brakes are not necessary. Alderman Scott said it is a problem. He said I listened on the Highlands Road and they are not necessary. Alderman Curtis said I thought we asked the North Carolina Department of Transportation to have trucks exit on to Dowdle Mountain Road. Mr. Derrick said boom boxes are a problem. He said you do not need a meter to enforce the noise ordinance. Alderman Evans said the signage goes through the DOT. Mayor Collins said we will talk to the DOT.

Nicholas Sincore Moore said I live in Otto. He said I have a plaque from my former city of Homestead, Florida for Mayor Collins. He said I served on the board and also served as mayor. He said Franklin is a wonderful town.

Dan Williams said last Friday there was a storm and Allstate handled my damage. He said the DOT mailed me a check for \$100.00 for damages on my property. He said the contractor violated the contract. He said you had a one million dollar insurance policy. He said why can't we settle this problem? He said you have been avoiding me. Mayor Collins said a lawsuit was filed by you and you dismissed your claim in court.

**Discussion regarding sewer overflows – McGill Associates**

Jeff Bishop with McGill Associates said a holding tank would not solve the problem of the overflows on the Greenway since there is too much difference in the flow per day. He said you could upgrade at the lower pump station and do an equalization basin or tank on the side of the wastewater treatment plant. Alderman Pattillo said we have been having the same problem for two years. She said something needs to be done. Alderman Scott said storm water runoff is a problem. He said we are not requiring developers to use pervious materials. Mayor Collins said in defense of the Board we have done a study of needs and we are getting a loan to do the projects. Mayor Collins said we need to look at upgrading the pump station and doing the basin in the next six months. Jeff Bishop said the cost would be around one million four hundred thousand dollars.

**August 6, 2007 meeting continued,**

**Update from Franklin ABC Board Manager Todd Mason**

Todd Mason said the ABC Store opened in 1994. He said we borrowed \$95,000.00 and paid it back in two years. He said the store was 2,800 square feet. He said last year we moved to a new location with 6,800 square feet. He said we only have two full time employees and eight part time employees. A copy of the report is attached. Alderman Pattillo said the Franklin ABC Store and Todd Mason as manager is one of the top stores in the state.

**Consideration of subdivision plats**

Lamar Sprinkle – Michael Grubermann said Lamer Sprinkle is doing a subdivision off Gaston and Lyle Streets. He said the plans show eight lots. He said the lot size is in compliance. He said for the street to later become a town street there needs to be a turnaround. Mr. Grubermann said otherwise it would have to remain a private driveway. A copy of the report is attached. Lamar Sprinkle said other streets in town do not have a turnaround. He said I do not want to do a turnaround since it would take two of my lots. Alderman Scott said what is the total acreage? Mr. Sprinkle said it is 2.29 acres. Alderman Scott said what has been done for storm water runoff? Mr. Sprinkle said I am doing an erosion plan. Mayor Collins said he is complying with all of our rules. **Motion was made by Mashburn, seconded by Curtis to approve the subdivision with the understanding the street will remain a private driveway. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Evans, Mashburn, Pattillo and Roper. Voting no: Scott.**

Michael Martin - Michael Grubermann said Michael Martin is planning to subdivide his property on Baltimore Avenue into two additional lots. A copy of the report is attached. Alderman Scott said I have the same objection about storm water runoff. **Motion was made by Mashburn, seconded by Evans to approve the subdivision. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Evans, Mashburn, Pattillo and Roper. Voting no: Scott.**

**Recess**

Mayor Collins recessed the meeting at 8:20 P.M.

Mayor Collins reconvened the meeting at 8:28 P.M.

**Departmental reports**

Police Chief Terry Bradley gave the police department report. A copy of the report is attached. He said we have received two informal bids on a fully equipped Explorer, two fully equipped cars and one unmarked car. Copies of the bids are attached. He said I am recommending the bid from Franklin Ford because they are using a more experienced vendor to supply the equipment. **Motion was made by Evans, seconded by Curtis to accept the bid from Franklin Ford in the amount of \$109,595.00. Motion carried. Vote: 6 to 0.**

**August 6, 2007 meeting continued,**

**Departmental reports continued**

Main Street Coordinator Linda Schlott said the 4<sup>th</sup> of July parade was very successful. She said we have been talking to some other design firms. She said we have a web site. Mrs. Schlott said we want to have a monthly street dance. She said on August 17, 2007 we plan to do a 50s-60s street dance from 6:30 – 9:30 P.M. The Board gave their approval.

Town Planner Michael Grubermann said I have done seven zoning permits with two pending. He said I have remedied three violations. He said I will be attending a conference at Western Carolina University later in the week.

Fire Chief Pete Haithcock gave the fire department report. A copy of the report is attached. He said I have gone over the specifications with Ken Swanson and he is still the low bidder at \$213,500.00 on the expansion at the fire department. He said there is no ADA compliance in the bid. **Motion was made by Curtis, seconded by Roper to accept the bid from Ken Swanson in the amount of \$213,500.00. Motion carried. Vote: 6 to 0.**

Public Works Director Jay Gibson said the raw water intake is under construction. He said the Hemlock tank was taken out of service for repairs but is back on line now. He said we received the new tractor. He said I am reviewing the bid from Appalachian Construction for the sewer work on Crisp Street. He said I will get with Alderman Curtis and Alderman Roper about the proposed public works facility since Alderman Scott has compiled the surveys.

**Consideration of agreement with Kimmel & Associates**

Mayor Collins said we have talked with Kimmel & Associates about recruiting us an engineer. He said the cost would be one third on the first year's salary. Information copies are attached. **Motion was made by Mashburn, seconded by Pattillo to contract with Kimmel & Associates. Motion carried. Vote: 6 to 0.**

**Planning Board recommendation**

Mike Decker said the Planning Board met on July 17, 2007 on the Childers Heirs' rezoning requests. He said their recommendation is that the property be rezoned from Residential to Neighborhood Mixed Use as was requested. A copy of their recommendation is attached. **Motion was made by Scott, seconded by Pattillo to schedule a public hearing on the Childers Heirs' rezoning requests for the September 4, 2007 meeting at 7:00 P.M. Motion carried. Vote: 6 to 0.**

**August 6, 2007 meeting continued,**

**Unified Development Ordinance (UDO) review schedule**

Mike Decker said I am recommending that you schedule one meeting to discuss Article 3 and then to decide when to meet again. **Motion was made by Scott, seconded by Curtis to have a special called meeting on August 13, 2007 at 5:30 P.M. to discuss the proposed UDO. Motion carried. Vote: 6 to 0.**

**Consideration of Sawmill Village easement dedication**

John Henning, Jr. said the Sawmill Village easement is sufficient. Michael Grubermann said on the west side of the road there is a portion that is not annexed. Alderman Mashburn said I worked on this annexation and we decided that the street needs to be inside. He said we zoned it Business. Alderman Scott said how will be taxpayers benefit by us accepting this easement. Alderman Mashburn said we will be collecting Powell Bill money. Mayor Collins said it will connect streets. **Motion was made by Mashburn, seconded by Evans to accept the street easements only and take out the utilities easements. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Evans, Mashburn, Pattillo and Roper. Voting no: Scott.**

**Additional departmental and committee reports**

Mayor Collins said there will be a breakfast with Congressman Health Shuler on August 21, 2007 at the Waynesville Country Club. He said we need to try to attend.

Alderman Pattillo said Claire Suminski is requesting that we pay for the cost of fixing the dance floor at the gazebo. She said the cost was \$237.31. **Motion was made by Scott, seconded by Pattillo to give \$237.31 for the repairs at the gazebo to the Taste of Scotland. Motion failed. Voting yes: Pattillo and Scott. Voting no: Curtis, Evans, Mashburn and Roper.**

Alderman Pattillo said the new sidewalk on Maple Street is causing a flooding problem at Ingles. She said we need to divert the water. She said I am working with Phillip Cochran with WNC Paving.

John Henning, Jr. said the sale of the property to Lamar Sprinkle ended without an upset bid. **Motion was made by Curtis, seconded by Roper to accept the bid from Lamar Sprinkle in the amount of \$10,200.00 for the two properties located on Jones Ridge Road. Motion carried. Vote: 6 to 0.**

Mike Decker said Conoco/Phillips was quitting all operations in North Carolina as of August 3, 2007. He said John Duncan is working on getting us cards from Marathon. He said we may want to get bids. **Motion was made by Evans, seconded by Curtis to get bids for fuel services. Motion carried. Vote: 6 to 0.**

**August 6, 2007 meeting continued,**

Mike Decker said we received a letter from the Department of State Treasurer relating the Town does not have flood insurance. A copy of the letter is attached.

Mike Decker said I have responded to a letter from John Dorney of the state Division of Water Quality regarding the proposed Dillsboro dam removal project. Copies of the letters are attached.

Mike Decker said Chris Brouwer has asked on behalf of the Highlands Road Merchants Association that they be allowed to do the tree trimming and plant additional trees on the Highlands Road. A copy of the email is attached. The Board agreed to allow the Association to do this work as long as it is okay with the North Carolina Department of Transportation.

**Motion was made by Curtis, seconded by Pattillo to give a \$25,000.00 donation over two years to the Veterans Memorial as long as it is legal. Motion carried. Vote: 6 to 0.**

Mike Decker said the legislation to allow All Terrain Vehicles (ATV) use on Town streets by law enforcement officers and other employees has passed both the state House and Senate. He said it is now before a conference committee.

Mike Decker said the plans are to look at the proposed Junk Car Ordinance at the September meeting.

**Water adjustments, tax discoveries and releases and payment of bills**

**Motion was made by Scott, seconded by Evans to approve the water adjustments for July, the tax discoveries and releases and to approve payment of the bills. Motion carried. Vote: 6 to 0. Copies are attached.**

**Adjournment**

Mayor Collins adjourned the meeting at 9:35 P.M.

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Joe Collins, Mayor

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Janet A. Anderson, Town Clerk