

September 6, 2005

The regular meeting of the Town of Franklin Board of Aldermen was held on Tuesday, September 6, 2005 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Edwin Hall, Charles Roper, Bob Scott and Jim Williamson were present. Alderman Billy Mashburn was absent.

Approval of the minutes

Motion was made by Curtis, seconded by Scott to approve the minutes for the August 1, 2005 and August 29, 2005 meetings as presented. Motion carried. Vote: 5 to 0.

Public hearing on the McCoy heirs petitions for rezoning

The public hearing on the McCoy heirs' petition for rezoning opened at 7:02 P.M. No persons were present at the public hearing. The public hearing closed at 7:03 P.M.

Consideration of rezoning petitions

Mike Decker said the Planning Board recommendation was to rezone the properties from Residential to Neighborhood Mixed Use. **Motion was made by Williamson, seconded by Curtis to approve the Planning Board recommendation to rezone the following properties from Residential to Neighborhood Mixed Use: Tommy Verlin McCoy – Lot 3; Bitty J. Nichols – Lot 4; Rozell Moody McCoy (deceased) and Arbutus McCoy (widow) – Lot 1; Gail Annette Bowen – Lot 2 and Gail Annette Bowen – Lot 5. Motion carried. Vote: 5 to 0. Copies of the rezoning petitions are attached.**

Persons to be heard

Bonita Hamstra said due to the high cost of fuel I want to charge a surcharge to my commercial customers of three percent. A copy of the letter is attached. Alderman Scott said we need to write the administration about the gas prices. He said the gas prices were already going up before the hurricane. Alderman Curtis said what will this cost the average customer? Mrs. Hamstra said it will be \$2.00 per month for commercial customers. Alderman Scott said is there anyone else that can come before us with the same request? Mike Decker said no. Mayor Collins said how long would this surcharge last? Mrs. Hamstra said I don't know. Alderman Curtis said this is certainly not an unreasonable request. Mayor Collins said we have a contract and we would need to review it on a regular basis. Mayor Collins said we will table this request until the next meeting.

September 6, 2005 meeting continued,

Request for text amendment to the zoning ordinance – Macon County Care Network

Jim Mayberry said I am on the Board of Directors for Carenet. He said we want to move to 130 Bidwell Street. He said we thought the property was zoned commercial. He said after talking to Mrs. Crawford we found out the property is zoned residential and that we do not fit under churches in the zoning ordinance. He said we are renting the building now with the plans to purchase the property in the future. He said we are asking that you add non profit excluding thrift stores to your ordinance. Rebecca Crawford said I told Carenet that they did not fit under churches which are allowed in the residential zones. She said they appealed my decision to the Board of Adjustment. She said during the Board of Adjustment meeting Carenet withdrew their appeal and decided to come to the Board of Aldermen for a decision. Mayor Collins said we could do a text amendment. Alderman Williamson said over the years the Board has changed and added to the residential zone. Alderman Curtis said I think the not for profit would be too wide. Alderman Hall said we could over rule Mrs. Crawford's decision. Mayor Collins said we need to work with the language in the ordinance. Bobby Key said the Board can not make a decision before having a public hearing. Mayor Collins said we need to get some language. Mike Decker said we need to get some language, advertise and do a public hearing. Mayor Collins asked Alderman Scott, Alderman Williamson and Alderman Hall to work with Mike Decker and Rebecca Crawford on a proposed text amendment to the zoning ordinance. Mayor Collins asked Mike Decker to get with the rest of the Board about the proposed text amendment after the committee meets so a public hearing can be held at the October 3, 2005 meeting.

Recess

Mayor Collins recessed the meeting at 7:35 P.M.

Mayor Collins called the meeting back to order at 7:43 P.M.

Departmental reports

Assistant Police Chief Jerry DeHart gave the police department report. A copy of the report is attached. Mayor Collins said what are you doing to conserve gas? Assistant Chief DeHart said we have increased our foot patrol. Alderman Williamson said recently I saw several police cars just idling while the policemen were standing outside the hospital. Assistant Chief DeHart said this should not be happening.

Fire Chief Pete Haithcock gave the fire department report. A copy of the report is attached. He said ten firemen are going to fire college. He said we have been working on bringing the fire annex up to code. He said anybody involved in emergency response must complete the National Incident Management Systems (NIMS) 100 by September 30, 2005.

September 6, 2005 meeting continued,

Public Works Director Jay Gibson said the West Main Street water line has been progressing well. He said Alderman Roper has found a bucket truck. He said we have the money in the budget to purchase it. **Motion was made by Roper, seconded by Williamson to purchase the bucket truck for \$25,000.00 from Bobby Mason. Motion carried. Vote: 5 to 0.**

Mr. Gibson said I am recommending we lease two new back hoes for \$2,100.00 per month for a twenty-four month period. He said the back hoes would have full warranty and maintenance for this period. He said we could sell our back hoes for around \$50,000.00. He said one new back hoe would cost \$82,208.00. A copy of the proposal is attached. **Motion was made by Curtis, seconded by Williamson to lease two back hoes for twenty-four months at \$2,100.00 per month for each back hoe. Motion carried. Vote: 5 to 0.**

Recommendations on construction priority list from Infiltration and Inflow (I&I) Study

Mike Decker said the Water/Sewer Committee met and with input from Public Works Director Jay Gibson they did a priority list of the eight projects included in the Infiltration and Inflow Study. He said the first project on the list is the Spring Street/North Womack project at an estimated cost of \$141,000.00. He said the committee decided that the projects could not be done in house. A copy of the report is attached. Jay Gibson said we may want to consider using stainless steel pans in the manholes to catch rain water. He said the company selling the pans demonstrated them recently during a storm. Mayor Collins said the projects need to be done since it will increase the length of time before we have to do the expansion at the wastewater treatment plant. He said how much money do we have in the enterprise fund? Janet Anderson said we have around \$600,000.00 in the fund balance. Alderman Williamson said we need to ask Bill Gibson with Region A to help us either get a grant or a loan for this project. Alderman Curtis said we did get a matching grant for the Siler Road sewer project from Rural Development. Mayor Collins said is it the consensus of the board to do the initial steps on funding this project? The Board said yes. Alderman Curtis said we need to purchase some of the pans for the Highlands Road. Mr. Gibson said the cost of the pans was \$115.00 to \$125.00 each. The Board authorized Mr. Gibson to get one half dozen of the pans and report back on the results.

Departmental reports continued

Rebecca Crawford said in August I had a total of ninety-seven walk-in visits or phone calls with forty-six relating to zoning. She said I attended several meetings. She said I have received some revised plans for Vic Sanders subdivision on Dale Drive. Mrs. Crawford said I would like to get a recommendation from the Street Committee on these plans. She said I am working on a land use inventory for Harrison Avenue. She said there has not been a meeting yet with the committee about junk cars. Mayor Collins said if we wait on the junk cars issue as a part of the overhaul of the ordinance that will be a long process. He said I for one am not willing to wait that long. Alderman Curtis said we may be able to have some type of volunteer program. Mayor Collins said we need to do a campaign. Mrs. Crawford said I will meet with the committee this month. A copy of the report is attached.

September 6, 2005 meeting continued,

Consideration of revised multi-family development plan for “Talking Trees” – Terry Bowling

Terry Bowling said last year my plans showed thirty-four units. He said since that time I have done an in depth study. He said the size of the lot has increased by 6/10ths of an acre and the total units have increased to forty-three units. He said I am trying to open up the development to all levels of income. Rebecca Crawford said his plans meet all our requirements. Copies are attached. **Motion was made by Curtis, seconded by Roper to approve the plans. Motion carried. Vote: 5 to 0.**

Presentation of preliminary plans for “Timberleaf” development – Arthur “Bud” Haley

Bud Haley said I am doing a development that is located in part in the ETJ area. He said the property is located next to the Village Trader and fronts on Highway 28. He said I am planning to do an adult residential community consisting of one hundred twenty (120) residential home sites on a thirty-four (34) acre tract of land. He said at this time I am leaving out three acres that will be developed later as commercial. Mr. Haley said I would like this development annexed into the Town. He said I am requesting an allocation of 30,000 gallons of water and sewer per day from the Town. He said I plan to tie on to the water line in Rolling Acres. He said I own this water line. Mayor Collins said the Water/Sewer Committee will need look at this project. He said we cannot act tonight on this request.

Recess

Mayor Collins recessed the meeting at 8:48 P.M.

Mayor Collins called the meeting back to order at 8:52 P.M.

Committee recommendation on proposed cable television channel

Mike Decker said Alderman Curtis, Alderman Scott and I have met with David Hawkins about his idea for a cable-only television channel for Franklin. He said we have a list of recommendations for you. He said one is to hold a public hearing at the October 3, 2005 meeting on this matter. He said it is our understanding that there will be no financial assistance from the Town to Mr. Hawkins. Mr. Decker said the committee is recommending giving him twelve months from the date of assignment to be on the air. He said the Town will get ten percent of the gross revenues. Bobby Key said we may want to put some type of limitations on the type of programming allowed on this channel. David Hawkins said it will have only family friendly and community oriented programs. Alderman Scott said is this channel only limited to public service type programs? Mr. Hawkins said I am asking for the public channel that would be for profit through assignment. He said the educational and government are both not for profit channels. Mayor Collins said we will have a public hearing at the October meeting on this matter. A copy of the recommendations is attached.

September 6, 2005 meeting continued,

Staff recommendation on Macon Area Transit Services (MATS) new service design

Rebecca Crawford said Macon Area Transit Services wants to do a new service design. She said basically the location of the transfer station is the major problem. She said it needs to be downtown. She said there is no perfect spot for a transfer station. Mrs. Crawford said it is my recommendation to use the upper parking lot at the Burrell Building for the transfer spot. A copy is attached. Kim Angel said we would be using the whole lot and it would need to be widened by approximately six feet. She said there will be seven vehicles there every ninety minutes. She said the spaces would have to be dedicated to the transit service. Mayor Collins said how about using the connecting road? Mrs. Angel said that is on a slope and we would be unable to use the lifts. Mayor Collins said we would be losing how many spaces? Mrs. Crawford said twelve to fifteen spaces. Mrs. Angel said this would be a temporary location. She said we plan to have a real transfer station in the future. Alderman Curtis said I am opposed to using the entire parking lot. Mayor Collins said we may need to go with the Burrell Building upper lot. Alderman Scott said why do all of the seven buses have to be there at one time? Kim Angel said to allow the passengers to transfer to another bus going to a different location. Alderman Curtis said you need to look at using the area around the gazebo. Mayor Collins said we have an acre of land near the hospital that you may be able to use. Alderman Scott said have you looked at the area around the courthouse? Mrs. Angel said I don't think we would have enough room at that location. The Street Committee agreed to look at the Burrell Building upper parking lot and come with a recommendation for the September 20, 2005 meeting. Mayor Collins said we will table this request until the meeting on September 20, 2005.

Petition for rezoning – Terry and Wendy Dalton

Motion was made by Williamson, seconded by Curtis to pass on the petition for rezoning from Terry and Wendy Dalton on to the Planning Board for a recommendation. Motion carried. Vote: 5 to 0.

Planning Board recommendation on Louise Hamilton rezoning petition

Motion was made by Scott, seconded by Williamson to set a public hearing on the Louise Hamilton rezoning petition at the October 3, 2005 meeting. Motion carried. Vote: 5 to 0.

Ratification of telephone polls during August

Mike Decker said Alderman Williamson and Jay Gibson discovered after the August 1, 2005 meeting, the paving bids from APAC did not include the leveling for these projects whereas Rhodes Brothers bids did include this work. He said the bid from Rhodes Brothers was \$39,786.15 and the bid from APAC was \$44,630.12. He said we need to ratify the telephone poll awarding the bid to Rhodes Brothers instead of APAC. **Motion was made by Curtis, seconded by Scott ratifying the telephone poll awarding the paving bids to Rhodes Brothers in the amount of \$39,786.15. Motion carried. Vote: 5 to 0.**

September 6, 2005 meeting continued,

Mike Decker said Jay Gibson received a written quote from Carolina Specialties Construction to repair some infiltration and inflow problems along West Main Street in the amount of \$14,000.00. He said we need to ratify the telephone poll accepting this quote. **Motion was made by Curtis, seconded by Williamson to ratify the telephone poll accepting the bid from Carolina Specialties Construction in the amount of \$14,000.00. Motion carried. Vote: 5 to 0.**

Mike Decker said we received a memo dated August 23, 2005 in regard to the changes in the purchase of the Prince property off Wilkie Street. He said the consensus was to purchase the necessary land for the original price of \$25,000.00. He said we need to ratify the telephone poll agreeing to the change in the amount of the property. **Motion was made by Curtis, seconded by Roper to ratify the telephone poll agreeing to pay \$25,000.00 for the Prince property as shown on the new survey. Motion carried. Vote: 5 to 0.**

Certification of sufficiency of voluntary annexation requests

Janet Anderson as town clerk certified the sufficiency of the voluntary annexation requests received from Jacquelyn A. Brown and Thelma M. Jackson. Copies are attached. **Motion was made by Scott, seconded by Williamson to set a public hearing on the annexation requests for the October 3, 2005 meeting. Motion carried. Vote: 5 to 0.**

Water adjustments and payment of the bills

Water adjustments for August, tax discoveries and releases and payment of the bills were approved on motion made by Williamson, seconded by Curtis. Motion carried. Vote: 5 to 0.

Continuation

At 10:03 P.M., Mayor Collins continued the meeting to September 20, 2005 at 7:00 P.M.

Continuation of September 6, 2005 meeting

The September 6, 2005 Town of Franklin Board of Aldermen meeting was continued until September 20, 2005 at 7:00 P.M. Mayor Joe Collins presided. Alderman Verlin Curtis, Edwin Hall, Billy Mashburn, Charles Roper, Bob Scott and Jim Williamson were present.

September 6, 2005 meeting continued,

Presentation regarding a sister city project for a Gulf Coast community – Michele Hubbs

Michele Hubbs made the following comments. My husband Tim and I are involved in a committee of twenty or more persons who have met eleven times about establishing a sister city. We have chosen “Bayou La Batre” as the sister city for our project. It is on the border of Alabama and is close to New Orleans. It is four hundred eighty miles away from Franklin. The population of the town is two thousand three hundred. Their main industry is fishing with one chemical plant. City hall was damaged and the staff has moved into a mobile unit at the community center. Families are living in tents next to their damaged homes. There is power to some areas and telephone service is expected soon. The expected recovery time will be between eighteen months to two years. Mayor Collins and Alderman Scott attended some of our meetings. Mrs. Hubbs said we are asking you to endorse the idea of having a “sister city”. Bobby Key said you cannot use tax funds for this project. **Motion was made by Scott, seconded by Williamson to endorse the committee goals of having a “sister city”. Motion carried. Vote: 6 to 0.**

Consideration of request of J&B Disposal for a temporary fuel surcharge

Bonita Hamstra said I did an addendum to my first request of September 6, 2005. A copy is attached. She said the additional cost to each commercial customer would be \$2.00 per month or calculated out at 4.3 weeks would be .47 cents per week. She said that would generate \$530.00 per month. Alderman Williamson said you are doing a good job. Alderman Scott said since she is in a fixed contract she needs the Town approval. **Motion was made by Williamson, seconded by Scott to approve Mrs. Hamstra’s request for a surcharge of \$2.00 per month for one year. Motion carried. Vote: 6 to 0.**

Recommendation of the Street/Sidewalk Committee regarding transfer station for Macon Area Transit Services

Rebecca Crawford said the Street/Sidewalk Committee is recommending the use of the road behind the upper parking lot at the Burrell Building on a temporary basis. Alderman Williamson said the idea of doing a cul de sac is too much work. He said the plans are for the buses to come down Church Street and then exit through the lower parking lot at the Burrell Building. Alderman Mashburn said I have a problem with opening up that road. **Motion was made by Williamson, seconded by Scott to allow Macon Area Transit Services to use the connecting road between the Burrell Building parking lots until April 1, 2006. Motion carried. Vote: 6 to 0.**

September 6, 2005 meeting continued,

Kim Angel said what about the funding request? Alderman Williamson said I have some questions whether it will work and should we do quarterly installments. Alderman Mashburn said we could give \$9,000.00 in January and relook the situation. Mike Decker said my suggestion is to give the money in thirds. Kim Angel said the projections are based on a year of operations. Alderman Curtis said what about the county's commitment? Mrs. Angel said I am going to the October 3, 2005 meeting. **Motion was made by Curtis, seconded by Mashburn to commit \$37,075.00 to the Macon Area Transit Services. Motion carried. Vote: 6 to 0.**

Request for sewer allocation – Louis Vitale

Louis Vitale said I own an eleven unit apartment complex located at 408 Terrell Road. He said I have a failing septic system. He said I need to tie on to the Town's sewer system. He said I need an allocation of 1,560 gallons per day. Copies are attached. **Motion was made by Curtis, seconded by Roper to give the allocation of 1,560 gallons per day to Louis Vitale pending approved engineering plans. Motion carried. Vote: 6 to 0.**

Update on improvements at the Clock Tower Square

Mayor Collins said there are two issues before you. He said the first is a check from Phil Drake and the second is the additional bill from Richard Clark in the amount of \$5,200.00 for the additional square footage. Alderman Mashburn said the Clock Tower Project was not a Town project but was a Garden Club Project. He said we didn't base our allocation on the amount of Phil Drake's check. Alderman Scott said the check is made out to the wrong entity. The Board agreed to give back the check to Phil Drake. Mike Decker said we have an invoice for \$5,200.00 for the additional area. He said I need authorization from the Board to pay this invoice. Alderman Curtis asked how did you determine the cost. Richard Clark said I looked at the total square footage to get the cost for the additional part. He said there was quite a bit of expense involved. Alderman Scott said we need to get the \$5,000.00 from the county that was the matching amount. **Motion was made by Curtis, seconded by Scott to pay the additional amount of \$5,200.00 to Richard Clark. Motion carried. Vote: 6 to 0. A copy of the bill is attached.**

Recess

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

Mayor Collins called the meeting back to order at 8:27 P.M.

September 6, 2005 meeting continued,

Ratification of poll of the board regarding proposed zoning text amendment

Mike Decker said we need to ratify the telephone poll regarding the proposed zoning text amendment. He said the proposed amendment is as follows: administrative offices of charitable, non-profit organizations as defined by the Internal Revenue Service tax code to Section 153.20 (Residence District Regulations) as (A) (18). **Motion was made by Williamson, seconded by Scott to ratify the telephone phone regarding the proposed zoning text amendment. Motion carried. Vote: 6 to 0.**

Consideration of rewriting the town's zoning code

Mike Decker said I think it is time to rewrite the town's zoning code. He said it is outdated and needs new language. He said several issues are coming up like junk cars and storm water runoff. He said it is too big of a project for the present staff. Mr. Decker said the timing is difficult due to the upcoming election. He said enforcing the present ordinance is hard. He said my recommendation is to hire a professional planning agency. He said the cost would be around \$15,000.00 to \$25,000.00. He said it would be an eighteen month to twenty-four month process. Bobby Key said you do not have to do anything. He said you have the right to have a zoning ordinance subject to constitutional issues. He said we were one of the first small towns to have a zoning ordinance. He said you will continue to have questions about the definitions. Mr. Key said I think the cost would be closer to \$100,000.00 than \$25,000.00. He said the neighboring towns are having lawsuits. He said the Board needs to know what type of zoning ordinance it wants since it will need to be enforced. He said there needs to be some planning. He said it needs to meet the individual town's wants. Alderman Scott said I agree with Mike Decker one hundred percent. He said our attorney raises vital questions and points. He said I am willing to take a look at what it will cost to do this project. He said there are sample zoning ordinances that we could get from the League. **Motion was made by Scott, seconded by Curtis to ask for requests for proposals from professional planning agencies to rewrite the town's zoning ordinance and to explore the possibility of help from the North Carolina League of Municipalities and the National League of Cities. Motion carried. Vote: 6 to 0.**

Update on Main Street program

Mike Decker said Rodney Swink, the executive director for the Main Street program, will be at the meeting on September 22, 2005 at 8:00 A.M. at the Frog and Owl Mountain Bistro to discuss our possible involvement in the program.

September 6, 2005 meeting continued,

Update on Phillips Street parking lot

Mike Decker said Lee O'Donnell does not want to lease the town parking lot on a month to month basis. **Motion was made by Curtis, seconded by Williamson to do a one year lease with D & L Body Shop starting in April of 2005. Motion carried. Vote: 6 to 0.**

New vehicle tax legislation

Mike Decker said there is new vehicle tax legislation where when a person purchases their car tag the property tax will be collected. He said the effective date for this change is July 1, 2009 or when the computer system is operating.

Additional departmental and committee reports

Janet Anderson said the police department is ready to purchase the three vehicles approved in the budget. She said I need approval to proceed with the financing. She said the approximate cost of each vehicle is \$27,500.00. **Motion was made by Williamson, seconded by Scott approve the financing of the three vehicles for the police department. Motion carried. Vote: 6 to 0.**

Mike Decker said Southwestern Community College and the Macon County Public Library have asked for a waiver of the following fees: zoning compliance permits, tap fees and availability fees. He said it seems to me your choices are to (1) establish policies to waive certain fees, (2) not to waive any fees or (3) to continue to look at each individual request. Alderman Curtis said we already have an established policy not to waive these fees. He said we have a \$150,000.00 loss from the county. He said if we repair and upgrade our facilities we will need all tap and availability fees. Alderman Mashburn said if we waive it once we will be asked again. He said we have a policy. Mayor Collins said this board can't hold another board to this decision. He said it is not before us since it is not due at this time. Jay Gibson said they have to pay for their tap fees before they can get a building permit from the county. Alderman Williamson said we need to see a set of plans for these lines. The Board agreed that there would be no waiver of fees.

Mike Decker said we have received approval from the U.S. Army Corps of Engineers authorizing the replacement of the raw water intake at the water treatment plant. He said the North Carolina Wildlife Resources Commission has added some conditions. He said one of the conditions states that there will be no construction during the trout spawning period from October 15 to April 15. Mr. Decker said we will have to wait until April 16, 2006 to start this project.

Mike Decker said the Street/Sidewalk Committee will meet with me and Jay Gibson about a problem with water runoff from Green Street onto a private road. He said we will report on this meeting at the next board meeting.

September 6, 2005

Alderman Roper said we are working on getting some figures on doing the work on Tennessee View Street. Mayor Collins said is the Board willing to spend non Powell Bill funds on this project? Alderman Williamson said I do not want to commit any non Powell Bill funds before we found out what it will cost.

Jay Gibson said I have a proposal from Corbin & McMahan to install two new Goodman five ton heat/air conditioning units in town hall for \$5,200.00. He said the wiring will have to be done by an electrician at the town's expense. **Motion was made by Williamson, seconded by Roper to accept Corbin & McMahan proposal. Motion carried. Vote: 6 to 0. A copy is attached.**

Adjournment

Mayor Collins adjourned the meeting at 9:25 P.M.

Joe Collins, Mayor

Janet A. Anderson, Town Clerk