

**MINUTES OF THE TOWN OF FRANKLIN TOWN COUNCIL  
REGULAR MEETING  
AUGUST 7, 2023**

**THE FRANKLIN TOWN COUNCIL** held a regular meeting on Monday, August 7, 2023, 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, Council Members Stacy Guffey, Adam Kimsey, Mike Lewis and Rita Salain.

Council Member David Culpepper was absent.

**2. PLEDGE OF ALLEGIANCE**

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

**3. ADOPTION OF THE AUGUST 7, 2023 TOWN COUNCIL AGENDA**

*Council Member Rita Salain made a motion, seconded by Council Member Adam Kimsey to adopt the Town Council Agenda for August 7, 2023 as presented. The motion carried unanimously. Vote: 5 – 0.*

**4. APPROVAL OF THE CONSENT AGENDA FOR AUGUST 7, 2023**

- A.) Approval of Minutes of July 3, 2023 Town Council Regular Meeting
- B.) Budget Amendments
- C.) Allocation of funds budgeted for the Franklin Garden Club

*Council Member Mike Lewis made a motion, seconded by Council Member Stacy Guffey to approve the consent agenda as presented. The motion carried unanimously. Vote 5 – 0.*

**5. INTRODUCTION/RECOGNITIONS**

- A.) Korah Shepherd – Water Treatment Plant Operator – Kyle Pocquette, WTP Supervisor
- B.) Mark Stanfield – Fire Engineer – Fire Chief Ben Ormond
- C.) Proclamation – Help Homeless Veterans Week – Sept. 10-16, 2023 – Mayor Jack Horton

**6. PUBLIC SESSION**

Dave Linn, 80s Flashback Weekend Coordinator, gave a recap of the 9<sup>th</sup> Annual 80s Flashback Weekend to benefit Shriners Hospital. He spoke in favor of a Social District in downtown Franklin. He would like to move his 80s Flashback event to downtown. The event has outgrown the local breweries.

Tracy & Joe Griffith, 80s Flashback Weekend Board Members, spoke on the growth of the 80s Flashback Weekend and the need to move the event downtown. There were no incidents at this year's events, but there is concern for the venues being too small.

Connie Stiles, 65 Sloan Street, spoke on her concerns for the proposed rezoning amendment. She requested that the map containing First Street and Sloan Street in East Franklin to also include Cherry Street, Second Street, and Hillside Ave as R-1. She feels that zoning should protect and enhance the character of the community. The homeowners on these streets would like for stick-built homes to go back in if the homes are currently stick-built.

## 7. OLD BUSINESS

### A.) Rezoning- need Council direction – Justin Setser, Town Planner

Town Council did not vote related to the 7 (seven) rezonings presented by Justin Setser, Town Planner, at the July 3, 2023 meeting. Mr. Setser needs direction from Town Council related to the potential rezonings so that maps can be updated accurately.

Council Member Guffey has heard concerns and would like to study the maps in more detail.

Council Member Lewis has concerns about the Old Murphy Road rezonings and asked if the Planning Board could take it back and take time to work on it.

Mr. Setser's recommendation to Council is to cut out the Old Murphy Road section and the area around the High School. He presented Council with an updated Zoning Consistency Statement to include only the residential areas for rezoning.

Council Member Salain requested pulling out PZC 4. The area in East Franklin that Ms. Connie Stiles spoke about. Mr. Setser stated there would need to be a separate hearing for those additional streets. Town Council could direct the Planning Board to review the rezoning of those additional areas.

Town Attorney John Henning, Jr. stated that it is becoming extremely difficult for a non-owner to rezone property that they do not own. The Town can study the rezoning. Town Planner Setser stated that a third party can no longer down zone someone else's property. The owner of the property or the Town would need to initiate the down zoning.

***Vice Mayor Joe Collins made a motion, seconded by Council Member Adam Kimsey to adopt the updated Zoning Consistency Statement and rezone the properties as presented. The motion carried unanimously. Vote: 5 – 0.***

***Vice Mayor Joe Collins made a motion, seconded by Council Member Stacy Guffey to instruct the Town Planner to return PZC 6 to the Planning Board for further study. The motion carried unanimously. Vote: 5 – 0.***

***Council Member Rita Salain made a motion, seconded by Council Member Stacy Guffey to have the Planning Board review Hillside Ave, Cherry Street and Second Street for rezoning. The motion carried unanimously. Vote: 5 – 0.***

## 9. NEW BUSINESS

A.) Refer rezoning petition to Planning Board for review -requesting change from Medium Density Residential to Neighborhood Mixed Use - Justin Setser, Town Planner

A petition for rezoning was submitted by applicant David Forkner on July 19, 2023. The request is to rezone the property located at 311 Golfview Drive from R1 to Neighborhood Mixed Use.

***Council Member Adam Kimsey made a motion, seconded by Council Member Rita Salain to refer the petition to Planning Board for review. The motion carried unanimously. Vote: 5 – 0.***

B.) Potential Condemnation of Property - Justin Setser, Town Planner; Frank Belanger, Code Enforcement Officer and Town Attorney, John Henning, Jr.

Frank Belanger, Code Enforcement Officer, has been monitoring the property at 981 East Main Street, co-owned by Jim and John Duncan, since October 3, 2022 for violations of town code. A public hearing was set for March 24, 2023 to discuss the violations and what could be done to bring the property into compliance. The hearing was moved to March 31 at the request of the owner. The Hearing Determination was mailed to the property owner on April 10, 2023. The property owner was given 90-days to bring the property into compliance. As of Thursday, August 3, this property is still out of compliance.

Town Attorney John Henning, Jr. discussed the procedure for property demolition. He stated that since the adoption of G.S. 160D the Town will need to adopt an ordinance that that will be indexed in the owner's name at the Register of Deeds Office. The ordinance will need to state that the property is unfit for human habitation and directs the owner to demolish the property in a certain amount of time. If the property owner does not follow through with the demolition, then the Town Planner will be directed to demolish the property.

Council Member Guffey asked if the issue with people living in the home had been mitigated. Mr. Belanger stated that it's on going and Chief Holland has his officers and Sherriff deputies checking the property. The old saw mill behind the house has been cleaned up. That is the only action that has been taken.

Mayor Horton asked Town Attorney Henning if he would go back and put together possible action by the Board to be brought back at the September 5th meeting. Mr. Henning agreed and there were no objections from Council.

Mayor Horton and Councilman Guffey will reach out to the owners.

Councilman Guffey inquired about the property being boarded up to keep vagrants out. Mr. Belanger stated he was told they were going to board up the door, but there was just a post put up with a no trespassing sign and the signed was torn down the following day.

Council Member Salain asked what would be the cost to tear it down? Town Planner Setser said approximately \$20,000.

Mayor Horton said that if the Town has to cover the cost for demolition and clean up then there would be a lien against the property. The owner would then need to satisfy the lien or it would

go into foreclosure. Councilman Guffey confirmed the Town would then recoup the money when the lien was paid or if the property was sold.

Vice Mayor Collins stated he thought it would cost \$25,000, the property is valued at more than that amount and the owners would probably love the Town if they received a check from the sale.

C.) Request approval of Resolution to begin NC 457 Plan for Town employees - Nicole Bradley, Human Resources Director; Sarah Bishop, Finance Director and Amie Owens, Town Manager

The NC 457 Plan is a deferred compensation plan administered by the North Carolina Department of State Treasurer, and available exclusively to those North Carolina public employees whose employers offer the Plan. This includes full-time, part-time and temporary employees; elected and appointed officials; rehired retired employees and North Carolina state and local government employees.

Several Town employees have inquired about the NC 457 plan. There would be no cost to the Town. The plan offers 100% vesting. Participants are fully vested in the Plan from the first contribution to the last. Withdrawals from the NC 457 Plan account are never subject to a 10% federal income tax penalty, regardless of age at the time of withdrawal.

***Council Member Rita Salain made a motion, seconded by Council Member Stacy Guffey to approve the Resolution to begin the NC 457 Plan for Town employees effective September 1, 2023 and direct the Town Manager to sign the Plan Adoption and Participation forms. The motion carried unanimously. Vote: 5 – 0.***

D.) Request approval of Street Closures - Amie Owens, Town Manager

1. Phillips Street Market-close Phillips Street - to coincide with remainder of Pickin' on the Square dates beginning September 9 from 3:00 p.m. until 9:00 p.m.

This is a newly requested event with local artisans. Main Street would remain open, but both Lotla Street and Phillips Street would be closed for the two events. This will require some additional barricades and will limit access to Main Street.

***Council Member Rita Salain made a motion, seconded by Council Member Adam Kimsey to close Phillips Street to coincide with the remainder Pickin' on the Square dates. The motion carried unanimously. Vote: 5 – 0.***

2. Trucks and Tunes - close Lotla Street and merge to one lane on a portion of Main Street - August 19, 2023 from 3:00 p.m. until 9:30 p.m.

This is a newly requested event which would be on a weekend where there is no Pickin' on the Square. The event is to bring people downtown and an opportunity for food trucks/vendors. There are seven food truck vendors signed up for the event. The request is for closure of Lotla Street and a lane reduction on Main Street.

***Council Member Mike Lewis made a motion, seconded by Council Member Adam Kimsey to adopt the Town Council Agenda for August 7, 2023 as presented. The motion carried unanimously. Vote: 5 – 0.***

- E.) Request approval of deed for the Town to assume responsibility for the streets, sidewalks and rights-of-way in Scenic Ridge effective November 28, 2023 -Amie Owens, Town Manager and Town Attorney, John Henning, Jr

The Scenic Ridge Development has been completed. The road, sidewalks, water/sewer lines are all complete. The Town will take over the streets and it will be added to our Powell Bill. The deed is to formalize the maintenance of those streets as it was laid out and agreed to at the beginning of the Development.

Councilman Lewis asked about taking over the power bill. Town Manager Owens said the lights would be taken over in April 2024.

***Vice Mayor Joe Collins made a motion, seconded by Council Member Adam Kimsey to approve the deed as presented. The motion carried unanimously. Vote: 5 – 0.***

- F.) Request approval of deed for 0.74 acres from Gemstone Village sewer pump station- Amie Owens, Town Manager and Town Attorney John Henning, Jr.

Sno-bar, LLC is going to deed over the property where the pump station is located. The Town will be responsible to the water/sewer lines of Gemstone Village.

Councilman Guffey asked if there was a policy for this type of extension beyond the ETJ. Town Attorney Henning stated yes, but the extension policy needs to be revisited. The policy does cover extensions, but it doesn't say what you can do with respect to the ETJ. Councilman Guffey's concern is will it pay for itself when line and pump station come to the end of its life.

Mayor Horton stated the Town was following through with a commitment the Council made before some members were elected to the Board.

***Council Member Mike Lewis made a motion, seconded by Vice Mayor Joe Collins to approve the deed as presented. The motion carried unanimously. Vote: 5 – 0.***

- G.) Request approval of lease agreement between the Town and No Wrong Door for building at 381 East Main Street to be used as a warming/cooling station -Amie Owens, Town Manager and Town Attorney, John Henning, Jr.

At the Town Council Retreat in February 2023, a request was received from No Wrong Door to lease the vacant building owned by the Town as a warming/cooling station. As part of the budget process, \$10,000 was included to allow No Wrong Door to make improvements to the building.

The Town will lease the building to No Wrong Door for 364 days, for \$1.00 and No Wrong Door will assume the electric utility bill, insuring the building, handling the trash and any modifications above the \$10,000 allocation. The Town will be responsible for water/sewer utility and HVAC maintenance.

Council Member Salain would like to have an operating agreement with No Wrong Door.

***Council Member Stacy Guffey made a motion, seconded by Council Member Adam Kimsey to approve the lease as presented. The motion carried unanimously. Vote: 5 – 0.***

- H.) Request approval of Agreement for Engineering Services for Clearwell and High Service Pump Station at the Water Treatment Plant - Amie Owens, Town Manager, Bill Deal, Public Works Director and Town Attorney, John Henning, Jr.

At the Town Council Retreat in February 2023, Council directed the Town Manager and Public Works Director to work with Withers Ravenel to prioritize which improvements were most necessary. The replacement of the clearwell and the high service pumps was noted as the immediate need. The proposed agreement would give the Town 250,000 gallons of storage. The approximate cost for the project is \$3.2 million. The state is still working with Withers Ravenel to finalize the engineering report related to the whole plant renovation and improvement, and it was determined during the budget process that this would be included in this year's budget utilizing retained earnings from the water/sewer fund.

***Vice Mayor Joe Collins made a motion, seconded by Council Member Mike Lewis to approve the Engineering Services Agreement with Withers Ravenel as presented. The motion carried unanimously. Vote: 5 – 0.***

- I.) Request approval of Dewberry Engineers, Inc. as an on-call engineering provider for the Town of Franklin - Amie Owens, Town Manager and Town Attorney, John Henning, Jr.

The Town has several water/sewer projects planned over the next few years, as the current on-call engineering firms (Withers Ravenel & McGill and Associates) already have a number of projects between them. Adding a third on-call firms gives the Town an option to get someone quickly. Dewberry Engineers, Inc. specializes in water/sewer infrastructure engineering and works with smaller municipalities and counties.

***Council Member Rita Salain made a motion, seconded by Council Adam Kimsey to approve the addition of Dewberry Engineers, Inc as an on-call engineering provider for the Town as presented. The motion carried unanimously. Vote 5 – 0.***

## **10. DEPARTMENTAL UPDATES**

- A.) Public Works - Bill Deal, Public Works Director gave an update on Public Works projects: Installed electrical conduit at town bridge for the statue installation, put a metal roof on the Maclor Forest pump station, East Franklin tree pump station cleaned up, repaired sewer pump at Franklin Fire Substation, and state inspection of distribution system.
- B.) Water Treatment - Kyle Pocquette, WTP ORC/Cross Connection ORC gave an update at the Water Plant. The recent inspection was a success. They are completing their annual cleaning/maintenance on the Actiflo unit. Over six hundred cross connection letters were mailed out. There are about 80 people compliant this year.
- C.) Wastewater Treatment -Jason Hopkins, WWTP ORC/Pre-Treatment Coordinator gave an update of the Wastewater Plant. There were zero findings from the State on the pretreatment audit, gave a staffing update, and gave some quarterly statistics.

D.) Streets - Chris Waldroop, Streets Supervisor gave an update on projects the Streets Department is working on. Conducting interviews for the part-time position, long arm mowing, Christmas/Fall decoration planning, removed decorations from E. Main Street building, drainage issue behind Ace Hardware, 2 RFPs for sidewalk repair/replacement, 2 pickleball courts at Franklin Memorial Park, and gave Skate Park update.

## 11. ITEMS FROM COUNCIL

Council Member Stacy Guffey had a follow up on the water/sewer extension to Prentiss Bridge highlights the fact there needs to be a study on the cost and return of these extensions, as well as a policy.

Council Member Mike Lewis said the 80s Flashback Weekend is something Franklin can be known for if we play our cards right.

Council Member Adam Kimsey thanked Dave Linn.

Council Member Rita Salain said that now that we have the Whitmire/Recreation Plan there is now a need for a housing plan. She asked what else we were waiting for on Social District. Town Manager Owens noted the property belongs to the County and the lease with the County states No Alcohol. Manager Owens is waiting on some clarification from the State.

Vice Mayor Joe Collins said it sounds like we need to get busy on the portable stage.

***Vice Mayor Joe Collins made a motion, seconded by Council Member Adam Kimsey to excuse Council Member David Culpepper from the meeting. The motion carried unanimously. Vote: 5- 0.***

## 12. ANNOUNCEMENTS

- A.) Next Town Council Meeting is TUESDAY, September 5, 2023
- B.) Town offices will be closed on Monday, September 4, 2023 in observation of the Labor Day holiday
- C.) Trucks and Tunes - Town sponsored event – Saturday, August 19, 2023 from 4 p.m. until 9 p.m. downtown

## 13. ADJOURNMENT

***Council Member Rita Salain made a motion, seconded by Council Member Stacy Guffey to adjourn the meeting at 7:50 p.m. The motion carried unanimously. Vote: 5- 0.***

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C. Jack Horton, Mayor

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Nicole Bradley, Town Clerk

