



## Town of Franklin Council

### Agenda

December 3, 2018

6:00 p.m.

1. Call to Order- Mayor Bob Scott
2. Moment of Silence and Reflection of Years of Service for Former Mayor Doctor Ed Henson
3. Pledge of Allegiance- Vice Mayor Barbara McRae
4. Approval of the November 5, 2018 Town Council Minutes
5. Adoption of the December 3, 2018 Town Council Agenda
6. Public Hearing 6:05 p.m. for Re-Zoning Petition for Hendon Properties
7. Public Session
8. New Business
  - A.) Board Action on Re-Zoning Petition for Hendon Properties- Town Council
  - B.) Presentation of Town of Franklin Audit for Fiscal Year 2017-2018- Justin Allen
  - C.) Discussion on Town of Franklin Alcohol Beverage Control Board- Town Council & ABC Board
  - D.) Budget Amendments- Finance Officer Kyra Doster
  - E.) Forward Text Amendment Regarding Tasting Room to Town Planning Board- Land Use Administrator Justin Setser
  - F.) Discussion on Town of Franklin Ordinance Regarding Parking Schedule- Land Use Administrator Justin Setser
  - G.) Discussion on Town Bridge Greenway Connection- Council Member David Culpepper
  - H.) Tax Releases- Town Manager Summer Woodard
  - I.) Approval of the 2019 Town Council Regular Meeting Schedule- Town Manager Summer Woodard
  - J.) Approval of the 2019 Town of Franklin Holiday Schedule- Town Manager Summer Woodard
9. Legal
  - A.) Discussion on Town of Franklin Comprehensive Plan- Town Attorney John Henning Jr.
10. Announcements
  - A.) Town Employee Luncheon will be December 14, 2018 at 12:00 p.m. at Town Hall Boardroom
  - B.) Town Offices will be closed December 24, 25 and 26, 2018 in observance of the Christmas Holiday
  - C.) Town Hall Offices will be closed Tuesday January 1, 2019 in observance of New Year's Day
  - D.) The next regularly scheduled Board Meeting will be Monday January 7, 2019
11. Adjourn

### **December 3, 2018 meeting,**

The regular meeting of the Franklin Town Council was held on Monday December 3, 2018 at 6 p.m. in the Town Hall Board Room. Mayor Robert S. Scott presided. Vice Mayor Barbara McRae, Council Members Joe Collins, David Culpepper, Adam Kimsey, Dinah Mashburn and Brandon McMahan were present.

A moment of Silence and Reflection of Years of Service was held for former Mayor Doctor Ed Henson.

The Pledge of Allegiance was done by Vice-Mayor Barbara McRae.

### **Approval of the November 5, 2018 Town Council minutes**

**Motion was made by McMahan, seconded by Kimsey to approve the November 5, 2018 meeting minutes as presented. Motion carried. Vote: 6 to 0.**

### **Adoption of the December 3, 2018 Town Council Agenda**

**Motion made by Kimsey, seconded by McMahan to approve the agenda as presented. Motion carried. Vote: 6 to 0.**

### **Public Hearing 6:05 p.m. for Re-Zoning Petition for Hendon Properties**

Mark Tiller spoke on behalf of Hendon Properties.

### **Public Session**

Dana Bresnahan spoke about the Town's sign ordinance.

Mayor Scott introduced the Town of Franklin's new Fire Chief, Matthew Breedlove.

### **New Business: Board Action on Re-Zoning Petition for Hendon Properties**

**Motion by McRae, second by McMahan to approve the Re-Zoning Petition for Hendon Properties from a R-1 to a C-2. Motion carried. Vote: 6 to 0.**

### **New Business: Presentation of Town of Franklin Audit for Fiscal Year 2017-2018**

Justin Allen presented this item on behalf of Martin Starnes and Associates, CPAs, P.A.

**Motion was made by McMahan, seconded by Collins to accept the audit as presented. Motion carried. Vote: 6 to 0. Audit is available in the Clerk's office.**

**December 3, 2018 meeting continued,**

**New Business: Discussion on Town of Franklin Alcohol Beverage Control Board**

Sissy Pattillo – ABC Board Member – It has been brought to our attention that some of you have concerns about the ABC Board and the ABC Store. We've had a three member board for 24 years and we've never had a problem with our board. I think the money it would cost to go to a five member board could be spent more wisely by the Town. It would cost between three and four thousand dollars a year to go to a five member board.

Alton Sutton – ABC Board Member – I just want to say that we are not questioning your authority to make the Board bigger but I think we need to look at some things before we do that. First, why do we want to make it a bigger board? I understand some comments is that so more people will be involved. That's great but in five years this is the second person we're replacing. I think through all of the years you don't get more than a couple of people to apply. If we're only getting a couple of people to apply are we going to go out and beg people to serve on this board? This doesn't make sense to me as a board member or a citizen of the Town. This money can be spent in a better way. I'm not saying it can't be bigger but there needs to be good reasons to make it bigger. If you think the Board isn't doing their job then come to our meetings. Our audits have been great. Mr. Mason does a great job. I would like to ask you tonight to make an appointment so we don't have to have more than one meeting with only two people. If you want to make it a bigger board down the road then make it bigger but for now let's get on with business and get somebody appointed.

John Henning Jr. – Town Attorney – We try to avoid polling. I think the best way would be for the Council to allow your Town Manager the ability to make the appointment based on the ABC Board's recommendation based on the two applicants.

Council Member Mashburn – Did the Board not recommend one of the names?

Summer Woodard – Town Manager – No. The application process ran from the end of September to October 29<sup>th</sup>. We had our Council meeting in November when the discussion came up so those names have not come up.

Council Member Collins – What names have been turned in?

Summer Woodard – Town Manager – We have two names. Mr. Ron Winecoff and Mr. Farrell Jamison during that time period to fill an unexpired term. Later there were some inquiries. Mr. Jacob Reiche has reached out and expressed an interest as well. I received an email from him.

Council Member Mashburn – So we have two people who have applied for an unexpired term? So if we were so inclined to go to a five member board, we're not there yet.

Council Member Collins – The Council could go from a three to five person board and we could appoint the three names that were given tonight, correct?

**December 3, 2018 meeting continued,**

Town Attorney John Henning Jr. – You could. It goes back to the statute that says an ABC Board will have three or five members. I do think that by and large, three is the most common and that's what the board wanted to begin with. The statute only says that if you were to determine that five members is preferable then the terms of the new members are for three years. It doesn't put much out there of how you go about doing it. You had two applicants specifically for an unexpired term. I would think you want to adopt a resolution at your next meeting if you wanted. If you were to create those seats I would still think you would want to talk to those applicants to see what they prefer.

Mayor Scott – Right now the issue is that we have two applicants for a vacant position. The other is a separate issue of whether we are going to make a change to the ABC Board without public input. I don't think we can vote on both issues at one meeting.

Town Attorney John Henning Jr. – I can't tell you that you don't have authority to do that. I wouldn't advise it. I would rather you do just about anything by resolution. You don't necessarily need a public hearing.

Council Member Culpepper – No matter what this board does tonight I do want to say that I don't think the board does a bad job. The store is really nice and I think it's ran well but I think there is broad consensus that the space it is located in now is very costly and they're having to spend money on repairs in that facility that it may not be fair that they have to do as well as spend that much in rent. I think we need inclusivity. I do think we could use more heads and more ideas in figuring out a long-term solution that benefits the ABC store and the Town of Franklin.

Council Member Collins – Assuming that Farrell Jamison is their choice, I think we should vote to put Farrell on, vote to go to a five member board, and then advertise for a month and then make a decision on filling in the openings.

Council Member Mashburn – I've got some concerns. We asked the Town Manager to give us some information and nobody has asked her for it. I feel like we're jumping the gun. We have a vacant seat that needs to be filled. I specifically remember Mr. Henning saying last month that it is easy to go to five but it's hard to go back the other way. I don't see the rush. I feel like we're putting stuff on the agenda for discussion and then we're voting without having all of the information in front of us. I'm not saying a five member board is a bad thing. I don't know. I'm just wondering why there is a rush. We still haven't heard what other towns do like we asked Ms. Woodard to do.

Town Manger Summer Woodard – I have reached out to other towns. The Town of Highlands has a total distribution from their ABC of \$75,000 annually. In Sylva, of course it is a little different with Western Carolina University there and it's Jackson County. They are at \$160,000 annually. One thing their manager noted is that they do own their store.

Town Attorney John Henning Jr. – I think it would be a good idea to have a joint meeting with the ABC Board.

Council Member Culpepper – It should be a yearly meeting. Open communication is better for everybody no matter the size of the board.

**December 3, 2018 meeting continued,**

Council Member McRae – I agree with Joe and Dinah that we should go ahead and fill the seat. Then I think we should have an intergovernmental meeting. I think that would be helpful.

Council Member McMahan – I feel the same about going ahead and replacing the vacant seat. Truth be told, I think I need a little more convincing that we need five. I feel like we have operated a quarter of a century with three and it's been okay. I don't fully see the need for five right now.

Council Member Kimsey – I do agree that we need to get more information on this issue.

Alton Sutton – ABC Board – Since you gave us the name, can we just go ahead and make our recommendation now?

Town Attorney John Henning Jr. – These names are public record so yes, it's not a problem.

Sissy Pattillo – ABC Board – I would recommend that we fill the position tonight. I would recommend that you appoint Farrell Jamison. He has been on the Town Board, worked with the fire department. He knows how things work and he also knows how to get along with people.

**Motion was made by Mashburn, seconded by Kimsey to accept the recommendation from the ABC Board and appoint Farrell Jamison to the ABC Board to fill the unexpired term on the ABC Board.  
Motion carried. Vote: 6 to 0.**

Council Member Collins – You all would be open to a joint meeting, correct?

Sissy Pattillo – ABC Board – Yes.

Council Member Culpepper – I just want to understand. The current ABC Board is opposed to increasing the Board?

Sissy Pattillo – ABC Board – I don't think we're opposed but we're opposed to the fact that you want to put it out there and then vote on it and there hasn't been any discussion about it.

Council Member Culpepper – I'm receptive to discussion. We meet a lot and say that we're going to talk about it more and then it never comes up again. Let's not kick the can down the road, let's actually talk about it.

**Town Manager Summer Woodard told the Town Council that she would work with the ABC Board in setting up some dates in January for a joint meeting and present them at the January 7, 2019 meeting.**

**December 3, 2018 meeting continued,**

**New Business: Budget Amendments**

Finance Officer Kyra Doster presented this item. \$2,846 was moved from Insurance Settlements to Water and Sewer's vehicle maintenance line. \$1,121 was moved from Insurance Settlements to Facility's vehicle maintenance line. \$2,826 was moved from Insurance Settlements to Water and Sewer's vehicle maintenance line. \$4,829 was moved from Insurance Settlements to the Police Vehicle Maintenance line.

**Motion was made by Collins, seconded by McRae to approve the budget amendments as presented. Motion carried. Vote: 6 to 0.**

**New Business: Forward Text Amendment Regarding Tasting Room to Town Planning Board**

Land Use Administrator Justin Setser presented this item.

**Motion was made by Culpepper, seconded by McMahan to forward text amendment regarding tasting room to Town Planning Board. Motion carried. Vote: 6 to 0.**

**New Business: Discussion on Town of Franklin Ordinance Regarding Parking Schedule**

Land Use Administrator Justin Setser presented suggested changes from the Town Planning Board.

Council Member Culpepper – What's the difference between a misdemeanor and a civil penalty?

Town Attorney John Henning Jr. – One of the things we're going to look at in the Ordinance Review Committee meeting is virtually eliminating ordinances that contain misdemeanors. They are largely being enforced as civil penalties.

Council Member Culpepper – So we actually don't want to make these misdemeanors?

Town Attorney John Henning Jr. – Correct. We should hold off until we can look at some things. I would ask the council for a motion to refer all planning matters including Chapter 73 in the Code to the Planning Board for review.

**Motion was made by McRae, seconded by Mashburn to send all planning matters including Chapter 73 of the Town's ordinance regarding parking back to the Town Planning Board. Motion carried. Vote: 6 to 0.**

**New Business: Discussion on Town Bridge Greenway Connection**

Council Member David Culpepper presented this item. Map is attached.

**Motion was made by Collins, seconded by Kimsey to direct Public Works Director Nathanael Moore to make contact with the NCDOT, Macon County, and any other necessary parties in regards to a connection under the Town Bridge and return to the Council with information in January. Motion carried. Vote: 6 to 0.**

**December 3, 2018 meeting continued,**

**New Business: Tax Releases**

Town Manager Summer Woodard presented this item. Releases are attached.

**Motion was made by McMahan, seconded by Mashburn to approve tax releases as presented. Motion carried. Vote: 6 to 0.**

**New Business: Approval of the 2019 Town Council Regular Meeting Schedule**

Town Manager Summer Woodard presented this item.

**Motion was made by Culpepper, seconded by McMahan to approve the 2019 Town Council Regular Meeting Schedule as presented. Motion carried. Vote: 6 to 0.**

**New Business: Approval of the 2019 Town of Franklin Holiday Schedule**

Town Manager Summer Woodard presented this item.

**Motion was made by Collins, seconded by McRae to approve the 2019 Town of Franklin Holiday Schedule. Motion carried. Vote: 6 to 0.**

**Legal: Discussion on Town of Franklin Comprehensive Plan**

Town Attorney John Henning Jr. – There is legal importance as well as practical importance to do this plan. It has gotten to the point where legally it's almost impossible to move forward on zoning without one.

Town Manager Summer Woodard – I know that one of the concerns was cost at \$85,000. We were concerned about the costs of training to we asked and that puts the number at \$90,000. We did ask if we could divide it up between fiscal years and they said that we could do that. It would be a twelve month period so hypothetically, the firm would be ready to start in January and conclude by December so we would make one payment of \$45,000 in January in this fiscal year and then the second one would be in your next fiscal year. You were also concerned about the use of other plans that we have done such as the Parking Study and the CIP Plan on the Whitmire Property. They also agreed to look at historical preservation. They have agreed to incorporate those plans.

John Henning Jr. – The zoning ordinance is not sufficient. When I tell you that over two years you're going to spend \$90,000, I want you to compare that to a quagmire over a zoning decision that gets tied up in court over the span of five or ten years. That will happen and it won't be covered over your general liability policies.

**Motion made by Collins, seconded by McRae to spend \$45,000 from the Contingency Fund for a Comprehensive Plan with the understanding that \$45,000 will be budgeted for the same cause in the 2019/2020 budget. Motion carried. Vote: 6 to 0.**

**December 3, 2018 meeting continued,**

**Announcements**

Town Employee Luncheon will be December 14, 2018 at Town Hall Boardroom.

Town Hall Offices will be closed December 24, 25, and 26 in observance of the Christmas Holiday.

Town Hall Offices will be closed Tuesday January 1, 2019 in observance of New Year's Day.

The next regularly scheduled Board Meeting will be Monday January 7, 2019.

**Items from the Board**

Council Member Mashburn – I think we kind of saw here tonight about rushing into things. I get an agenda and it says discussion. When I come in I think that we are going to discuss it but sometimes people are ready to vote on it. I know sometimes people may talk behind the scenes but if I come in and am expected to vote on something then I want all of the information. I just want to use tonight as an example. I'm not trying to be argumentative, I just want all of the facts.

Council Member Culpepper – I agree. I can tell you how I do things, but I don't know if it's right. I call the DOT or like after we spoke about the ABC Board last time, I reached out to one of the members.

Mayor Scott – I think sometimes the School of Government errs on the side of caution. There is no reason that you can't call somebody individually.

John Henning Jr. – The only time I will caution you is with quasi-judicial matters.

**Adjournment**

**Motion made by Collins, seconded by Culpepper to adjourn the Town Council meeting at 8:00 p.m.  
Motion carried. Vote: 6 to 0.**

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Robert S. Scott, Mayor

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Travis Tallent, Town Clerk



