

## **September 4, 2007**

The regular meeting of the Town of Franklin Board of Aldermen was held on Tuesday, September 4, 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 Curtis, seconded by Evans to approve the minutes for the August 6, 2007, August 13, 2007 and August 27, 2007 meetings as presented. Motion carried. Vote: 6 to 0.**

### **Public hearing on the Childers heirs petitions for rezoning**

Mayor Collins opened the public hearing on the Childers heirs petitions for rezoning at 7:01 P.M. Mike Decker said we have received seven petitions to rezone 14.4 acres on Roller Mill Road from Residential to Neighborhood Mixed Use. He said the Planning Board's recommendation is to rezone the property. He said we received one letter of protest which will invoke a three-fourths majority vote of the Board for the zoning to change. A copy of the letter is attached. Herman Childers said I am one of the property owners. He said we want the tract to be rezoned to something usable. He said Westgate is on one side and Orchard View Apartments is on another side. He said we want to sell the property for maybe a rest home or an assisted living home. No other persons spoke at the public hearing. Mayor Collins closed the public hearing at 7:08 P.M.

### **Consideration of Childers heirs petitions**

**Motion was made by Pattillo, seconded by Scott to rezone the Childers heirs property on Roller Mill Road from Residential to Neighborhood Mixed Use. Motion carried. Vote: 6 to 0. Copies of the petitions are attached.**

### **Persons to be heard**

Larry Dryman said in June I received a call from the meter reader that there was a water leak at my mother's home on Maple Street. He said 50,000 gallons of water had gone through the meter. He said I called a plumber. Mr. Dryman said the plumber started digging toward the street. He said during the repaving of the street the meter had been moved. He said I feel like this leak could have been caused by moving the meter. He said I have not received the bill from the plumber yet but it will be around \$1,000.00. He said I am asking you to share in the cost. Jay Gibson said the old meter was moved nine months ago. Mr. Dryman said the plumber said the leak was between the house and the meter. He said the sewer portion of the bill has already been adjusted since the leak was outside. Mayor Collins said it has been a while in the passage of time. John Henning, Jr. said the problem is what happened to the water from the leak. Mayor Collins said we have two problems. He said one we don't know what happened to the water and second we don't know what the plumber bill will be. He said we will take this request under advisement for now.

## **September 4, 2007 meeting continued,**

Lori Echevarria-Long said I live on Harrison Avenue. She said I was walking my children and dogs on Anderson Street. She said we were attacked by two rotweilers. She said my dogs were on leashes. She said this attack happened last week. She said the Town needs to have a leash law. She said this is a serious problem inside Town. Alderman Evans said the county is building a shelter. Mayor Collins asked Michael Grubermann, John Henning, Jr. and Police Chief Terry Bradley to look at doing a leash law.

Steve Carpenter said I am a fireman with Mountain Valley Fire Department. He said we need to come to a solution on the district lines. He said they need to be changed. He said our station was inside the Franklin Fire Department district. Mayor Collins asked the Fire Committee to meet with the Mountain Valley Fire Department on this matter.

Denton Higdon said some of the young people are shooting birds with a BB gun. He said we need to establish Franklin as a bird sanctuary. Mayor Collins said we will work on making Franklin a bird sanctuary. He asked Michael Grubermann to look into this matter.

Denton Higdon said persons are going to the police department and it is not open. He said you could get volunteers to be there to answer questions.

### **Departmental Reports**

Police Chief Terry Bradley gave the police department report. A copy of the report is attached. He said Edna Bennett has requested that the street be closed for an event on September 22, 2007. He said we need some rules in place on when we are closing the streets. Mayor Collins said we cannot say yes now. Alderman Pattillo said we need more information. Mayor Collins said please tell her to call Mike Decker. Police Chief Bradley said the rotweilers have been deemed vicious. He said now the owner can be arrested and would face criminal charges.

Public Works Director Jay Gibson said the engineering is complete on the Ulco Drive sewer line and the Highlands Road water line. He said these projects are ready for bid. Mr. Gibson said the North Carolina Department of Transportation is not willing to let us cross the road twice on Iotla Street on The Sanctuary project. He said Manfred Judertz has been out of town. He said we need plans with only one road crossing. He said we are waiting on some materials for the Raw Water Intake project.

Fire Chief Pete Haithcock gave the fire department report. A copy of the report is attached. He said nine firemen went to the WNC Fire School. He said we will be doing the fire pull on September 22, 2007 at Wal-Mart for Relay of Life. He said we will be advertising the position for the full time employee. Fire Chief Haithcock said Mountain Valley Fire Department built inside our district. He said municipalities do not give up any of their district.

## **September 4, 2007 meeting continued,**

Town Planner Michael Grubermann said I have done four zoning permits and nine sign permits. He said I have been updating the proposed UDO. He said we will be looking at the flood maps.

Main Street Coordinator Linda Schlott said the first footloose Friday event was successful. She said Gem City Car Club came. She said the next event will be on September 21, 2007. She said we have been meeting with design firms. Mrs. Schlott said at the end of September we will be decorating town. She said this year Pumpkin Fest will be on two days. She said the first day will be October 26, 2007 on the Highlands Road and the second day will be October 27, 2007 in the downtown area. She said we are working with the Chamber of Commerce on the Christmas Parade. She said the tree lighting will be on the Friday after Thanksgiving. She said new decorations have been ordered.

### **Discussion/consideration of extension of franchise agreement with J & B Disposal – Bonita Hamstra**

Bonita Hamstra said I am requesting that my franchise be extended for five additional years through March 3, 2016 due to capital investments. She said I have three and one half years left on my contract. A copy of her letter is attached. John Henning, Jr. said I need to review the franchise. He said the town can give an exclusive contract for up to sixty years. After reviewing the franchise, Mr. Henning said that she has a non exclusive contract and the length of the contract she is asking for is not excessive. **Motion was made by Pattillo, seconded by Scott to extend the franchise with J & B Disposal for an additional five years. Motion carried. Vote: 6 to 0.**

### **Update on soil erosion and sedimentation control enforcement – Matt Mason/Macon County**

Matt Mason was unable to attend the meeting due to illness.

### **Consideration of subdivision on Green Street – Ricardo Parks**

Michael Grubermann said Ricardo Parks has 3.98 acres on Green Street and Gaston Street. He said his plans are to divide this property into three parcels. He said he is in compliance with the current ordinance and this would be allowed in the new ordinance. A copy of his report is attached. He said my recommendation is to grant approval for this subdivision. **Motion was made by Evans, seconded by Curtis to approve Ricardo Parks' subdivision. Motion carried. Vote: 6 to 0.**

September 4, 2007 meeting continued,

**Consideration of change in classification for property at 686 Siler Road – Larry Stenger**

Michael Grubermann said Larry Stenger is developing his 5.4 acres of property on Siler Road. He said Mr. Stenger is requesting that this property be changed in use classification to Professional Use. A copy of his report is attached. He said my recommendation is that you approve the change. **Motion was made by Pattillo, seconded by Evans to approve the use classification to Professional Use. Motion carried. Vote: 6 to 0.**

**Update on meeting with Local Government Commission staff regarding Capital Improvement Plan projects/funding**

Mike Decker said Janet Anderson and I went to Raleigh and met with members of the Local Government Commission staff and representatives from RBC Centura Bank on Friday, August, 24, 2007. He said we discussed the Town's desire to borrow money for our various projects. He said the staff of the Local Government Commission suggested that we go with revenue bonds instead of installment purchase. Mr. Decker said by doing revenue bonds our assets will be free and clear when we need to borrow for expansions at the wastewater treatment plant and the water treatment plant. He said we will have to design the project, have the permits and bid the project before receiving the loan money.

**Consideration of authorization for engineering for new pump station, sewer line under the Little Tennessee River and equalization basin – McGill Associates**

Jeff Bishop with McGill Associates said the equalization basin will take care of the problem on the Greenway and it will help in the future to expand the wastewater treatment plant. He explained the preliminary cost estimate on the project. A copy is attached. **Motion was made by Pattillo, seconded by Curtis to give the authority to the Water/Sewer Committee and Jay Gibson to work with McGill Associates on the scope of the project. Motion carried. Vote: 6 to 0.**

**Recess**

Mayor Collins recessed the meeting at 9:12 P.M.

Mayor Collins reconvened the meeting at 9:20 P.M.

**Discussion regarding upcoming public hearing on the proposed extension of Siler Road**

Michael Grubermann said the North Carolina Department of Transportation has four proposals for the expansion of Siler Road. He explained each one briefly. He said for development purposes I like Alternative A. He said it does not change our zoning for that area. Alderman Scott said this will not clear up the traffic on the Georgia Road. Mike Decker said the public hearing on these proposals will be on September 18, 2007. Information copy is attached.

September 4, 2007 meeting continued,

**Discussion /consideration of upcoming meetings regarding the draft Unified Development Ordinance (UDO)**

The Board set a called meeting on September 10, 2007 at 5:30 P.M. to discuss the proposed UDO. The Board will schedule additional meetings at this meeting if necessary.

**Consideration of scheduling public hearing on the UDO**

**Motion was made by Curtis, seconded by Pattillo to set the public hearing on the proposed Unified Development Ordinance for October 1, 2007 at 7:00 P.M. Motion carried. Vote: 6 to 0.**

**Update on proposed ordinance regarding abandoned nuisance and junked motor vehicles**

The Board decided to discuss the ordinance regarding abandoned, nuisance and junked motor vehicles at a later meeting.

**North Carolina League of Municipalities (NCLM annual conference in Fayetteville – October 13-16, 2007**

Mike Decker related the dates for the League conference.

**NCLM Legislative Bulletin summary**

Mike Decker said I enclosed a copy of the NCLM Legislative Bulletin in your agenda package. A copy is attached.

**Ratification of poll of the Board regarding water and sewer allocation for Ferguson Enterprises**

Mike Decker said Ferguson Enterprises thought that they had gotten a water and sewer allocation of 500 gallons in 2005. He said the minutes did not indicate that they had received an allocation. Mr. Decker said the allocation would have been gone if they had received it due to time. He said I polled you about this matter last week. He said five members said yes. He said we need to ratify this poll. **Motion was made by Mashburn, seconded by Curtis to give a water and sewer allocation of 500 gallons to Ferguson Enterprises at the corner of Cat Creek and Cunningham Road. Motion carried. Vote: 6 to 0.**

September 4, 2007 meeting continued,

**Consideration of continuing lease agreement for John Deere backhoes**

Mike Decker said the lease on the two backhoes from John Deere will end October 31, 2007. He said we need to continue the lease or turn in these backhoes and get new ones. Information copies are attached. **Motion was made by Curtis, seconded by Scott to turn in the two backhoes and lease new ones with the staff handling the details. Motion carried. Vote: 6 to 0.**

**Update on fuel situation**

Mike Decker said I would like to delay discussion on this matter until the next meeting.

**Additional departmental and committee reports**

Alderman Evans said the trees on the square are falling. He said they need to be cut down. He said I will talk to Sam Greenwood.

Alderman Roper said there is a tree over the street on Conley Street near the football field. Alderman Evans said there may be a power line involved. Jay Gibson said it may be on private property. The Board asked Mike Decker to talk to the owners about this tree.

Alderman Pattillo said Clarence Mason has asked for a street light at the old Lowe's property on the Highlands Road. **Motion was made by Pattillo, seconded by Scott to approve a street light at the old Lowe's property on the Highlands Road. Motion carried. Vote: 6 to 0.**

Mike Decker said my departmental report is in my memo. A copy is attached.

Janet Anderson said the staff is planning to change payroll to every two weeks beginning in October. She said at a later time we will be doing direct deposit.

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

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

**Closed session – personnel**

**The Board went into closed session at 10:03 P.M., on motion made by Evans, seconded by Curtis to discuss personnel. Motion carried. Vote: 6 to 0.**

**The Board came out of closed session at 10:15 P.M., on motion made by Scott, seconded by Evans. Motion carried. Vote: 6 to 0.**

**September 4, 2007 meeting continued,**

The Board did not take any action.

**Adjournment**

Mayor Collins adjourned the meeting at 10:16 P.M.

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Joe Collins, Mayor

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Janet A. Anderson, Town Clerk