

November 5, 2007

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, November 5, 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 Scott, seconded by Curtis to approve the minutes for the October 1, 2007 meeting as presented. Motion carried. Vote: 6 to 0.

Proclamation regarding annual distribution of Buddy Poppies – Georgia Crawford

Motion was made by Curtis, seconded by Mashburn to proclaim the distribution of Buddy Poppies by the Veterans of Foreign Wars on November 9-12, 2007. Motion carried. Vote: 6 to 0. A copy of proclamation is attached.

Persons to be heard

David McClure said I have property on Bethel Church Road. He said there is no water or sewer to the property. He said does the Town have any plans of extending the water and sewer in that area? Mayor Collins said the Town has no plans to extend water and sewer in this area at this time. He said extension of the services outside town is driven by the developer paying for the costs. Mr. McClure said what is the cost of extending the water lines? Mayor Collins said it depends on the project.

Charles Gorgoglione said I am a neighbor of Edwin Hall. He said I have lived at 165 Forest Hills Drive for over twenty-six years. He said traffic is very heavy. He said people are using Forest Hills Drive as a short cut from Womack Street. Mr. Gorgoglione said it is a serious problem. He said you may be able to put up signs or speed bumps. Alderman Scott said what is the law on speed bumps? Mayor Collins said we cannot stop drivers using a town street. Alderman Pattillo said there are speed bumps in Hendersonville. Mayor Collins said Michael Grubermann and Police Chief Bradley can talk to you. He said we will try to help you with this problem.

Consideration of waiver of tap fees for municipal water service to Union Academy

Daniel Brigman said the water at the Union Academy is discolored. He said we are asking the Town to waive the tap fees and the availability fees. A copy of the letter is attached. Alderman Evans said there is material costs involved in water taps. Alderman Pattillo said Macon County gave us land. She said we need to do something for our schools. She said that is only fair. Terry Bell said we need a sewer tap also. Alderman Mashburn said we need to recoup the cost of the materials. **Motion was made by Mashburn, seconded by Pattillo to charge the school only the actual material cost of doing the taps. Motion carried. Vote: 6 to 0.**

November 5, 2007 meeting continued,

Consideration of making Watauga Street one-way – Terry Bell

Terry Bell said during the construction at the East Franklin School we need to use Watauga Street for parking on the right hand curb. He said the construction should take around eighteen months. **Motion was made by Pattillo, seconded by Mashburn to make Watauga Street one way from east to west starting on January 2, 2008. Motion carried. Vote: 6 to 0.**

Consideration of resolution and declaration of withdrawal regarding a section of Palmer Drive

John Henning, Jr. said there has never been a public street there in the past. He said you would be giving up an easement that the Town has no plans to use for a street. **Motion was made by Mashburn, seconded by Pattillo to give up the easement on Palmer Drive. Motion carried. Vote: 6 to 0. A copy of the resolution is attached.**

Discussion regarding conceptual plan from Ziff Properties, Inc.

Chuck Christy said I represent Ziff Properties, Inc. He said they are interested in property near the Macon Bank headquarters. He said they are requesting water and sewer service to this property for a proposed shopping center. Mike Decker said there may be a problem with hooking on since these lines are twenty to thirty feet deep. Jay Gibson said we may be able to reroute the lines and make them more accessible. He said the Town does not have deeds for these lines. Alderman Scott said this looks like a typical strip mall with lots of vehicles. Mr. Christy said the plan is not finalized. He said it was done before the UDO was passed. Michael Grubermann said the developer will have to go through the special use requirements. Alderman Mashburn said we need to sit down with Macon Bank and discuss these lines.

Departmental reports

Fire Chief Pete Haithcock gave the fire department report. A copy of the report is attached. He said the FEMA grant will be received on November 22, 2007 for the exhaust system. He said it requires a ten percent match from the Town. He said the contractor will be pouring the concrete this week for the expansion. He said we received five applications for the fireman position. He said the committee's recommendation is to hire Gregg Day. **Motion was made by Curtis, seconded by Scott to hire Gregg Day with a hire date of November 26, 2007 as a fireman. Motion carried. Vote: 6 to 0.** He said the annual Christmas party will be on December 10, 2007 at the Tartan Hall.

Public Works Director Jay Gibson said the town crew has been putting up Christmas lights. He said the contractor has started working about one week ago on the sewer line replacement on Iotla Street.

November 5, 2007 meeting continued,

Police Chief Terry Bradley gave the police department report. A copy of the report is attached. He said Halloween went very well.

Town Planner Michael Grubermann said I have issued sixteen zoning permits in October and forty eight for the year. He said I have issued twelve sign permits in October and one hundred three for the year. Mr. Grubermann said I have developed a flowchart to be used with the new UDO. A copy is attached. He said the Board of Adjustment and the Planning Board will consist of five persons inside Town and two persons from the ETJ. Alderman Scott said we need to compensate the Planning Board members.

Main Street Coordinator Linda Schlott said October 19, 2007 was the last Friday for the foot-loose events. She said we had a large crowd for Pumpkin Fest. She said we had two professional clowns and thirty volunteers. She said the sound system worked well. Mrs. Schlott said the Veteran's parade will be on November 12, 2007 at 12 noon. She said we are working on putting out the Christmas decorations. Alderman Mashburn said some of the mothers complained to me that the costumes at Pumpkin Fest were too scary for the children.

Recommendation of award for Ulco Drive Sewer Improvements – McGill Associates

Mike Decker said Terry Brothers is the low bidder on the Ulco Drive Sewer Improvements at \$524,015.00. Information copies are attached. He said we need to wait until we get the bid on the Highlands Road water. He said we then can take both projects to the Local Government Commission for financing. He said we need to hire bond counsel. The Board agreed to allow Mr. Decker to choose bond counsel. **Motion was made by Mashburn, seconded by Curtis to accept Terry Brothers bid of \$524,015.00 if they can wait on the financing package. Motion carried. Vote: 6 to 0.**

Update on CIP financing

Please see discussion under award for Ulco Drive Sewer Improvements.

Ratification of e-mail/telephone poll of the Board regarding offer of town engineer position

Mike Decker said we need to ratify hiring Philip Banks as the town engineer. **Motion was made by Mashburn, seconded by Evans to hire Philip Banks as the town engineer at \$56,000.00 per year. Motion carried. Vote: 6 to 0. Information copies are attached.**

Petition for rezoning – Jewel Roper

Mike Decker said Jewel Roper is asking that her property be rezoned at 170 Iotla Street. **Motion was made by Mashburn, seconded by Evans to send Jewel Roper's rezoning request to the Planning Board for a recommendation. Motion carried. Vote: 6 to 0.**

November 5, 2007 meeting continued,

Consideration of pole attachment with Duke Energy for seasonal/holiday decorations

Mike Decker said we need to sign an agreement with Duke Energy about the pole attachment. John Henning, Jr. said I need to check about the language on page two in the agreement. The Board postponed their decision on this agreement. A copy of the proposed agreement is attached.

Discussion regarding draft water shortage response plan

Mike Decker said we need to consider passing the revised water shortage response plan. A copy is attached. He said the state is requiring weekly reports on our water production. A copy of the letter is attached. Alderman Evans said I have a problem with the penalties. He said I have problems with some of the commercial uses in Stage Two. John Henning, Jr. said the purpose is to try to help the businesses. Alderman Scott said this plan needs a lot of changes. Mayor Collins said we will work further on this plan.

Report from Rural Center meetings

Mike Decker said I have attended several meetings concerning grant opportunities from the North Carolina Rural Center. He said we need to pursue these grants. He said we can request a grant to do the equalization basin. Mr. Decker said the second grant we need to ask for is a planning grant to identify a second water source. He said the last grant would be a planning grant for economic development. Information copies are attached. **Motion was made by Curtis, seconded by Roper to apply for these grants. Motion carried. Vote: 6 to 0.**

Additional committee and departmental reports

Alderman Curtis said I did not like the letter from the district attorney concerning the Whitmire property. He said I did not agree with his analysis. He said we need to seek the recovery of the Town's property and get damages. Alderman Pattillo said what will it cost? Alderman Evans said I would be in jail. He said I do not agree with the district attorney. Alderman Pattillo said I don't agree to filing a civil suit. Alderman Curtis said if we don't do a suit we are condoning the taking of the property. Alderman Scott said who released the letter? Mike Decker said I did. Alderman Mashburn said we completely disagree with the letter. Alderman Scott said we need to get this settled. He said what report did the district attorney use for his findings in his letter? **Motion was made by Scott, seconded by Evans for John Henning, Jr. to write a letter to District Attorney Bonfoey asking for the release of the SBI report on the investigation of the Whitmire property. Motion carried. Vote: 5 to 1. Voting no: Pattillo.**

November 5, 2007 meeting continued,

Water adjustments, tax releases and payment of bills

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

Adjournment

Mayor Collins adjourned the meeting at 9:00 P.M.

Joe Collins, Mayor

Janet A. Anderson, Town Clerk