September 2, 2008

The regular meeting of the Town of Franklin Board of Aldermen was held on Tuesday, September 2, 2008 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Jerry Evans, Joyce Handley, Billy Mashburn, Carolyn Pattillo and Bob Scott were present.

Approval of the minutes

Motion was made by Scott, seconded by Handley to approve the minutes for the August 4, 2008 meeting as presented. Motion carried. Vote: 6 to 0.

Public hearing on the petition for rezoning of the Lillian Cowart Estate (Margaret Hawks, Executor)

Mayor Collins opened the public hearing on the rezoning petition of the Lillian Cowart Estate at 7:01 P.M. The following persons spoke at the public hearing.

Michael Grubermann – We have a petition to rezone the property from Residential (R-1) to Commercial (C-2). The notices have been posted. The mailings were sent out to the property owners. I received one letter of protest from Susie Bryson. The Planning Board's recommendation is to rezone the property. Information copies are attached.

Dennis McDowell – I am the realtor for the property and it seems logical to rezone the property from Residential to Commercial.

Margaret Hawks – I am asking that the property be rezoned to Commercial.

Mayor Collins closed the public hearing at 7:05 P.M.

Consideration of rezoning petition

Motion was made by Evans, seconded by Scott to rezone the Lillian Cowart Estate at 80 Mashburn White Road from Residential (R-1) to Commercial (C-2) as requested. Motion carried. Vote: 6 to 0. A copy of the rezoning petition is attached.

Public session

No one spoke.

North Carolina Department of Transportation discussion items

Sam Greenwood said we have a report from the North Carolina Department of Transportation concerning the truck route from Dowdle Mountain to Wells Grove Road to Depot Street and Depot Street Extension. He said the Town needs to look at what size trucks would be allowed on Wayah Street and what traffic would be restricted. Attached is a study by the North Carolina Department of Transportation on the traffic speed on Wayah Street. He said the study indicates that only fifteen vehicles were trucks with an average speed of thirty-five miles per hour. Alderman Evans said I don't think that speed is the problem. He said it is the amount of vehicles. Alderman Pattillo said if we took some of the traffic off of the street it would help. Mike Decker handed out a study by the DOT on the volume of traffic inside town and inside the county. A copy is attached. Alderman Scott said I would like for the town limits map to be enlarged. Mr. Greenwood said the Board may want to adopt a town wide speed limit and also work on the traffic flow and the truck route. Alderman Scott said I would like us to put in speed bumps. **Motion was made by Handley, seconded by Pattillo to work on a comprehensive traffic plan. Motion carried. Vote: 6 to 0.**

Alderman Mashburn said Dr. Thomas Harris wants a cross walk close to this office on Palmer Street.

Criteria for application for non-profit funding pool

John Henning, Jr. said any expenditure of public money has to be for public purposes. Alderman Scott said I would like to read the handout and postpone any action. Alderman Handley said do we want to increase or stay with the $25,000.00 cap? Alderman Curtis said I think the $25,000.00 is enough. Alderman Pattillo said how many non-profits come to the Town? Mike Decker said ten to twelve. Alderman Pattillo said what is the average we give? Mr. Decker said $20,000.00 to $25,000.00 to as little as $1,000.00. Mayor Collins said we could get the numbers from the last two budget years and the amount we gave to each non-profit and the total for the year. Alderman Scott said are we under any obligation to fund any organization? Mayor Collins said no we could say we are not funding. **Motion was made by Pattillo, seconded by Handley to get information on the contributions for the last two budget years. Motion carried. Vote: 6 to 0.** Sam Greenwood said we will get information on the last five years and discuss this information at the next Board meeting.

Bicycle and Pedestrian Planning Grant Resolution – Linda Schlott

Linda Schlott said there is a grant available from the state in the amount of $25,000.00 to do a study on improving either bicycle or pedestrian facilities. She said I am recommending the pedestrian study. She said the Town would need to pass a resolution of support and agree to a twenty percent match. **Motion was made by Curtis, seconded by Pattillo to apply for the grant and adopt the resolution to authorize the twenty percent match. Motion carried. Vote: 6 to 0.**

September 2, 2008 meeting continued,

Resignation from town planning board

Mayor Collins said we have a letter from Cathy Ellis resigning from the Planning Board. **Motion was made by Handley, seconded by Curtis to accept Cathy Ellis' resignation from the Planning Board. Motion carried. Vote: 6 to 0.**

Unified Development Ordinance revisions – Michael Grubermann

Michael Grubermann said there are areas of the UDO that needs revisions. He said we need to have a public hearing on these revisions. **Motion was made by Handley, seconded by Scott to have a public hearing on the revisions of the UDO for October 6, 2008 at 7:00 P.M. Motion carried. Vote: 6 to 0.**

NCLM Centennial Conference in Charlotte – October 12-14, 2008

Mike Decker said the NCLM Centennial Conference will be in Charlotte from October 12 – 14, 2008. The Board asked Mr. Decker to make the necessary reservations.

Consideration of declaring the Whitmire property as surplus

Sam Greenwood said the appraisal on the Whitmire property is attached. He said you need to consider declaring the property surplus. Alderman Scott said I am opposed to declaring the property surplus. He said this is the only open space inside town. He said if we don't hold on to it we won't have any place for a park or civic center. Mayor Collins said even if it was declared surplus the town would not have to sell it. Alderman Scott said why is this coming up at this time? He said what has been done about the property that was taken from the Whitmire property? John Henning, Jr. said I have talked to David Whitmire and he has agreed to pay $5,000.00 to the Town. Alderman Scott said we need to sue. Mr. Henning, Jr. said it would be hard to win in court. Alderman Curtis said Mr. Whitmire needs to pay for the property or bring it back. Alderman Mashburn said what would the cost of the materials be? Mr. Mashburn said we need to convey to David Whitmire he needs to pay the Town the value of the materials taken or return the materials back to the Town. **Motion was made by Scott, seconded by Curtis to instruct John Henning, Jr. to draft a letter to David Whitmire to make restitution to the Town or return the materials to the Town or the Board will consider further actions to recover. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Evans, Handley, Mashburn and Scott. Voting no: Pattillo.** Mayor Collins said what are we going to do about declaring the Whitmire property surplus? Alderman Scott said I would like to table it until I have time to talk to the public. Mr. Greenwood said to declare the property surplus doesn't mean you would sell. The Board took no action.

September 2, 2008 meeting continued,

Aldermen's discussion time

Alderman Scott said I would like for the Board to be better informed. He said I would like to get the agenda package by e-mail or hand delivered.

Alderman Scott said we need to fight the movement in Raleigh to privatize the ABC stores.

Alderman Handley said I would like to get financial statements showing the cash balances. Alderman Scott said I would like to get statements quarterly.

Mayor Collins said I would like Matt Mason with soil erosion to come quarterly and give us a report.

Alderman Pattillo said Martha Chapman will be here in October to give us a presentation about the furnishings at the Burrell Building.

Sam Greenwood said Tom Ritter is getting bids on the Memorial Park Building project. He said it doesn't look like the county will be willing to share the cost. He said the roof will be replaced.

Sam Greenwood said Mike Decker will be attending a PARTF workshop September 3, 2008 to seek funding for the Frogtown Amphitheater Project.

Sam Greenwood said the sidewalks and curb work is nearing completion at the courthouse square. He said it is looking good.

Department reports are attached.

Adjournment

Mayor Collins adjourned the meeting at 8:35 P.M.

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Joe Collins, Mayor

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Janet A. Anderson, Town Clerk