

December 1, 2008

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, December 1, 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 Pattillo, seconded by Evans to approve the minutes for the November 3, 2008 meeting as presented. Motion carried. Vote: 6 to 0.

Public hearing on Special Use Application (Macon County Carenet)

Mayor Collins opened the public hearing on the Special Use Application for Macon County Carenet at 7:01 P.M.

The following persons spoke at the hearing:

Jim Mabery – We want to put an awning over an existing porch.

Michael Grubermann – They are requesting a Special Use to put an awning over a concrete porch at 130 Bidwell Street. This will be no enlargement of the nonconforming use. You will need to approve the Findings of Fact that is in the package. There were only positive responses at the Neighborhood meeting held on September 23, 2008.

Mayor Collins closed the public hearing at 7:07 P.M.

Consideration of Special Use Application

The Board of Aldermen approved the following Findings of Fact:

- 1 The use or development is located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare.
- 2 There are or will at the time they are required, adequate public facilities to serve the use or development as specified in Section 4.11 of the UDO.
- 3 The use or development complies with all required regulations and standards of the Unified Development Ordinance or with variances thereto, if any, granted pursuant to Section 4.4.14 of the UDO and with all other applicable regulations.
- 4 The use or development is located, designed and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.
- 5 The use or development conforms with the general plans for the physical development of the Town as embodied in this Ordinance, the Principles of Growth, the Thoroughfare Plan and any other duly adopted plans of the Town.

December 1, 2008 meeting continued,

Motion was made by Pattillo, seconded by Curtis to approve the Special Use to Macon County Carenet at their property located at 130 Bidwell Street. Motion carried. Vote: 6 to 0. Informational copies are attached.

Public Session

Jason Futch said I have started a recycling business called Green T. He said I want to increase the number of persons doing recycling within the county. He said there will be no charge to the Town. Mr. Futch said the cost is \$15.00 per month for weekly pickup. He said I will be asking for a franchise license after the first of the year. Informational copies are attached. The Board took no action.

Presentation of the Fiscal Year 2007-2008 Audit – Dixon Hughes PLLC

Nancy Wike with Dixon Hughes presented the Fiscal Year 2007-2008 audit to the Board. She said we do not do services that will impair our independence. She said the Town received an Unqualified Opinion which is the highest. Mrs. Wike said there were findings on Internal Control due to the small staff size. She said the timing of the debt payments caused a statutory finding. She said there was a decrease in the General Fund Balance due to the economy. Mrs. Wike said there was strong collection in property tax. She said there was operating income in the Water/Sewer Fund.

Motion was made by Mashburn, seconded by Evans to acknowledge the receipt of the 2007-2008 audit. Motion carried. Vote: 6 to 0.

Presentation on request for a resolution providing approval for transfer of control to Shivers Investments, LLC and assignment to Morris Cable, LLC of the cable television franchise – Maggie Blythe/Mediacom

Maggie Blythe with Mediacom said we planning to sell our cable system to Morris Cable. Craig Mitchell with Morris Cable said we are a privately held company. He said we will do improvements. Alderman Evans said it is sadly lacking now. Mr. Mitchell said we have been losing customers in the past few years. He said we plan to increase our customers by improving our service.

Motion was made by Evans, seconded by Curtis to adopt a Resolution Providing Approval for Transfer of Control to Shivers Investments, LLC and Assignment to Morris Cable, LLC of the Cable Television Franchise. Motion carried. Vote: 6 to 0. A copy of the resolution is attached.

December 1, 2008 meeting continued,

Consideration of resolution levying a tax on gross receipts derived from retail short-term lease or rental of heavy equipment – John Henning, Jr.

Motion was made by Mashburn, seconded by Evans to adopt a Resolution Levying a Tax on Gross Receipts Derived From Retail Short-Term Lease or Rental of Heavy Equipment. Motion carried. Vote: 6 to 0. A copy of the resolution is attached.

Consideration of adoption of capital project ordinances

Motion was made by Mashburn, seconded by Evans to approve the Ordinance Adopting a Capital Project Fund for the Construction of a Police Building, to adopt a Resolution Declaring the Intent to Reimburse Expenditures and to approve the architectural service proposal from Ritter Architecture. Motion carried. Vote: 6 to 0. Copies are attached.

Motion was made by Mashburn, seconded by Evans to approve the Ordinance Adopting a Capital Project Fund for the Construction of a Public Works Building, to adopt a Resolution Declaring the Intent to Reimburse Expenditures and to approve the architectural service proposal from Ritter Architecture. Motion carried. Vote: 6 to 0. Copies are attached.

Motion was made by Handley, seconded by Evans to approve the Ordinance Adopting a Capital Project Fund for the Construction of a Water Tank and to adopt a Resolution Declaring the Intent to Reimburse Expenditures. Motion carried. Vote: 6 to 0. Copies are attached.

Consideration of application for Appalachian Trail Gateway Community/Trail Town Program

Bill Van Horn said I made presentations in November to various groups about the Appalachian Trail Gateway Community Program. **Motion was made by Mashburn, seconded by Scott to proceed with the application for the Appalachian Trail Gateway Community. Motion carried. Vote: 6 to 0.**

Award of contract for renovations to Memorial Park (Jaycee Building)

Sam Greenwood said we planned to do a total renovation to the Memorial Park building. He said however the bids came in too high. He said I have negotiated with the low bidder. Mr. Greenwood said Holland Construction will do the following: (1) complete bathrooms, storage and mechanical as drawn, (2) build new porch at entry to bathrooms with accessible ramp, (3) re-shingle existing building, (4) paint existing block wall facing parking and (5) move air handler to mechanical room and outside unit to same end of building. He said the cost would be \$102,850.00 for this work. A copy of the quote is attached. He said we only budgeted \$50,000.00 for this work thus the budget will need to be amended.

December 1, 2008 meeting continued,

Motion was made by Pattillo, seconded by Handley to award the bid to Holland Construction in the amount of \$102,850.00 and to amend the budget in the amount of \$52,850.00 from the Fund Balance for the work at the Memorial Park building. Motion carried. Vote: 6 to 0.

Refer Grandview Manor Special Use Application to the Town Planning Board for a recommendation

Motion was made by Mashburn, seconded by Evans to refer Grandview Manor Special Use Application to the Town Planning Board for a recommendation. Motion carried. Vote: 6 to 0.

Discussion regarding annexation policy

Sam Greenwood said the North Carolina General Assembly is considering placing a moratorium on city-initiated annexations. He said it appears they are trying to limit the Town's ability to annex. He said we need to consider annexing developed commercial property adjacent to the Town. He said this property is already in our fire district, being served by water and sewer and the police are already patrolling through these areas.

Motion was made by Handley, seconded by Pattillo to adopt a Resolution Stating the Intent of the Town of Franklin to Consider Annexation of the Area Described Herein and Fixing the Date of the Public Informational Meeting and a Public Hearing on the Question of Annexation. Motion carried. Vote: 6 to 0. Copies are attached.

Consideration of 2009 Holiday Schedule

Motion was made by Evans, seconded by Handley to adopt the 2009 Holiday Schedule as proposed. Motion carried. Vote: 6 to 0. A copy is attached.

Aldermen's discussion time

Department reports are attached.

Closed session (legal action)

The Board went into closed session at 8:15 P.M., on motion made by Mashburn, seconded by Curtis to preserve attorney-client privilege. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Evans, Handley, Mashburn and Pattillo. Voting no: Scott.

The Board came out of closed session at 9:05 P.M., on motion made by Pattillo, seconded by Mashburn. Motion carried. Vote: 6 to 0.

December 1, 2008 meeting continued,

Adjournment

Mayor Collins adjourned the meeting at 9:06 P.M.

Joe Collins, Mayor

Janet A. Anderson, Town Clerk