

**October 3, 2011**

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, October 3, 2011 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Joyce Handley, Farrell Jamison, Billy Mashburn, Carolyn Pattillo and Bob Scott were present.

**Approval of the minutes**

**Motion was made by Handley, seconded by Curtis to approve the minutes for the September 6, 2011 meeting as presented. Motion carried. Vote: 6 to 0.**

**Recognition of Larry Moses**

Mayor Collins said Officer Larry Moses will be retiring at the end of October. He thanked Officer Moses for his dedicated service to the Town of Franklin.

**Proclamation – Mental Illness Awareness Month**

**Motion was made by Scott, seconded by Handley to proclaim October 3, 2011 through October 9, 2011 as *Mental Illness Awareness Week* in Franklin. Motion carried. Vote: 6 to 0. A copy of the proclamation is attached.**

**Public hearing – Chuck Holland’s special use application**

Mayor Collins opened the public hearing on Chuck Holland’s special use application at 7:05 P.M.

The following persons spoke at the public hearing.

Yvonne Rogers – Our properties are having runoff from Mr. Holland’s property. He has a mobile home park. The runoff is stopping up our ditches. He should have done something to correct this problem. I am not in favor of this request.

Joan Welch – I live at the end of Memory Lane. Safety of the road is a concern. It is a one way road. Water runs down and damages the road.

Wanda Cabe – I am directly below the property. I oppose the special use.

Joan Keener Hicks – My property adjoins his property. The driveway needs ditching. The ditches are stopped up a lot of the time. There is a lot of noise from the four mobile homes now. I do not feel safe. The mobile homes are not quality homes. Four are occupied. Three are just sitting there. Those homes are a hazard since they are not set up properly.

**October 3, 2011 meeting continued,**

Chuck Holland – I want to give you a handout of the property. When I bought this property in 2005 there were no restrictions on the size of the lots from Macon County. I did not know about the ETJ at that time. I am trying to get a special use application to put in more mobile homes. I need to finish this project.

Mayor Collins closed the public hearing at 7:19 P.M.

**Public hearing – Mildred Rice, et al rezoning request**

Mayor Collins opened the public hearing on the Mildred Rice, et al rezoning request at 7:20 P.M.

The following person spoke at the hearing.

Robert Robison – I question why this is a matter for the Town of Franklin since this property is outside the town limits.

Mayor Collins closed the public hearing at 7:22 P.M.

**Set public hearing for Verizon Wireless cell tower site “Wild Mint” at the end of Gaston Street**

**Motion was made by Curtis, seconded by Mashburn to set the public hearing for Verizon Wireless cell tower site “Wild Mint” at the end of Gaston Street application for Monday, November 7, 2011 at 7:05 P.M. Motion carried. Vote: 6 to 0.**

John Henning, Jr. instructed Mayor Collins and the Board of Aldermen to not speak to anybody concerning this matter outside of the public hearing.

**Public session**

No person spoke during the public session.

**Board consideration on Chuck Holland’s special use application**

Summer Woodard said Chuck Holland as Topical Investment Corp. is requesting a special use permit to rezone his property (Parcel No. 6595593470) located at Memory and Gilcrest Lanes to a Planned Manufactured Housing Development. Ms. Woodard said the plans are to add two or more manufactured homes on a single parcel containing five units at present. She said the Planning Board voted to recommend denial of the special use permit.

**October 3, 2011 meeting continued,**

**Board consideration on Chuck Holland's special use application**

The Board made the following Finding of Fact:

- (a) The parcel included in the application (PIN #6595593470) is about 2.1 acres. The existing un-subdivided property currently has a vacant house and five manufactured housing units on it. The owner presently desires to add two additional units to the property. The property is currently zoned R-1, is non-conforming and is in the town's ETJ. The owner desires not to subdivide the property and the Planned Manufactured Home Development (PMH) zone is the only way to add additional units to the property.
- (b) The use or development is not located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare. The current use is nonconforming and the property is below UDO minimums in size. The Town Board could approve a special use for a smaller parcel but due to existing conditions on this parcel we do not recommend doing so.
- (c) There are or will be at the time they are required adequate public facilities to serve the use or development as specified in Section 4.11 of the UDO. The property is currently served by town water and septic; adequate capacity is dependent on the location and number of units in this development. Travel distances to Lake Emory Road are short.
- (d) 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. No variances are required at this time and the new development complies or will comply with the UDO with reference to special uses and other zoning provisions.
- (e) 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. The proposed development will not cause disruption to the area surrounding the property. The proposed development will generally only be visible from Memory and Gilcrest Lanes and a portion visible from Lake Emory to the west of the development.
- (f) The use or development does not conform 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. The purpose of zoning that area Residential (R-1) was to reduce this type of use. The special use proposed will not be in compliance with the UDO.

## **October 3, 2011 meeting continued,**

The applicant, in the opinion of the Board of Aldermen has not met the burden of establishing these findings of fact. In addressing the issue of compatibility, as required in paragraph (d), above, the applicant has not demonstrated compatibility with the particular neighborhood in which the development or use is to be located. The fact that a use is authorized as a special use within a zoning district classification has not given rise to a presumption that such special use is compatible with other uses authorized in the zoning district classification.

**Motion was made by Curtis, seconded by Pattillo to deny Chuck Holland's Special Use application to change his property located at Memory and Gilcrest Lanes to Planned Manufactured Housing Development based on the Findings of Fact and the Planning Board recommendation of denial. Motion carried. Vote: 6 to 0.**

### **Board consideration on Mildred Rice, et al rezoning request**

Michael Grubermann said Mildred Rice, et al has requested that 12.36 acres along Windy Gap Road, John Tallent Road and Bertha Rice Road be rezone from Residential (R-1) to Residential (R-2). He said the properties are located in the ETJ. Mr. Grubermann said the plans are to place manufactured housing on these properties. He said the owners understand that the UDO requirements are in place for these properties. Mr. Grubermann said the Planning Board recommendation is for approval of the rezoning request.

**Motion was made by Scott, seconded by Jamison to rezone the 12.36 acres along Windy Gap Road, John Tallent Road and Bertha Rice Road from Residential (R-1) to Residential (R-2) as requested by the owners. Motion carried. Vote: 6 to 0.**

### **Recess**

Mayor Collins recessed the meeting at 7:32 P.M.

Mayor Collins reconvened the meeting at 7:38 P.M.

### **Information briefing on Angel Medical Center and Mission Hospital merger**

Tim Hubbs - Angel Medical Center has an eighteen member board. They serve four year terms with no pay. In May 2011 Angel Medical Center entered in a long term agreement for the management of the hospital with Memorial Mission Hospital. There has been zero negative feedback. They did not buy the hospital. They do not pay our bills. We are receiving savings on purchase of equipment. We are a private not for profit hospital. The board members sign a confidentiality statement every year. Meetings are closed to the public due to issues about lawsuits. We have a lot of oversight by governmental agencies. We have 420 employees at the hospital.

**October 3, 2011 meeting continued,**

**Discussion on Duke re-licensing of Lake Emory**

John Boaze with Fish & Wildlife spoke briefly on the Duke Energy re-licensing of Lake Emory. He said I have reviewing the documents. He said there needs to be a sedimentation plan. Mr. Boaze said I will file a letter on Thursday with FERC.

**Authorizing resolution to apply for Rural Center funds**

**Motion was made by Handley, seconded by Jamison to adopt the resolution allowing the Town of Franklin to apply for Rural Center grant funds. Motion carried. Vote: 6 to 0. A copy of the resolution is attached.**

**Bid preparation approval for sewer plant renovation project**

**Motion was made by Mashburn, seconded by Pattillo to approve bid preparation for the sewer plant renovation project with preferred brand alternates. Motion carried. Vote: 6 to 0. An information copy is attached.**

**Resolution adopting Hazard Mitigation Plan for the Town of Franklin**

Fire Chief Warren Cabe said the Town Board approved the Hazard Mitigation Plan in February 2010. He said the federal government wanted some definitions added to the document. Mr. Cabe said these changes have been approved by FEMA. He said tonight the Town Board needs to approve a resolution approving the revised document.

**Motion was made by Scott, seconded by Jamison to adopt the resolution approving the Hazard Mitigation Plan for the Town of Franklin. Motion carried. Vote: 6 to 0. A copy of the resolution is attached.**

**Financing for fire equipment**

Fire Chief Warren Cabe said we are looking at leasing two pieces of equipment for ten years. Information copies are attached. Alderman Scott said there is a high fund balance. He said I think we should do a large down payment on this equipment. Alderman Jamison said the fund balance sounds like a lot. He said in the next four to five years the fire department will be spending money for additional equipment. He said I think we should leave the fund balance in place.

**Motion was made by Mashburn, seconded by Curtis to reject the previous financing bids received on the fire equipment. Motion carried. Vote: 6 to 0.**

October 3, 2011 meeting continued,

**Motion was made by Mashburn, seconded by Pattillo to approve the leasing proposal for the fire equipment subject to review by Town Attorney John Henning, Jr. Motion carried. Vote: 6 to 0.**

**Appointment of Matt Bateman to fill the vacancy on the TDA Board for tourism related business**

Michael Grubermann said at the September 13, 2011 TDA Board meeting the members voted to recommend that Matt Bateman be appointed to fill a vacancy for a tourist related business. Mr. Grubermann said Mr. Bateman owns Stay and Play in the Smokies which is an internet tourist guide for the area. Alderman Scott said I have concerns about the TDA. He said it is a public authority and needs to meet the open meeting law. He said they have been meeting in restaurants. Alderman Scott said persons wanting to serve on the TDA board are never brought before the Town Board for consideration. He said rules of procedure need to be adopted. He said I suggest we table this appointment. He said I have had concerns about the TDA for over three months. Alderman Handley said Alderman Pattillo and myself was charged to get enough members for the TDA when it was first organized. She said we need to work out any problems with the TDA. Alderman Jamison said I have talked to several persons and Matt Bateman will be a good member.

**Motion was made by Mashburn, seconded by Handley to appoint Matt Bateman to a three year term on the TDA Board. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Handley, Jamison, Mashburn and Pattillo. Voting no: Scott.**

**Nikwasi Indian Mound**

Mayor Collins the Nikwasi Indian Mound Committee has met several times. He said we would like to clean up the signs around the mound and stop mowing except at the bottom of the mound.

**Motion was made by Handley, seconded by Pattillo to remove any unnecessary signs around the Nikwasi Indian Mound and stop mowing except at the bottom of the mound. Motion carried. Vote: 6 to 0.**

**Other business**

Departmental reports are attached.

**October 3, 2011 meeting continued,**

**Adjournment**

**Motion was made by Scott, seconded by Handley to adjourn the meeting at 8:50 P.M.  
Motion carried. Vote: 6 to 0.**

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Joe Collins, Mayor

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Janet A. Anderson, Town Clerk