

Meeting Date: February 02, 2009

Town of Franklin Board of Aldermen

Agenda

February 2, 2009

7 p.m.

1. Call to order ? Mayor Collins
2. Approval of the January 5, 2009 minutes
3. Discussion regarding closed session minutes ? John Henning, Jr.
4. Public hearing on the special use application for Grandview Manor Care Center
5. Consideration of special use application
6. Public session
 - A. Margaret Ramsey ? Folk Heritage Association
 - B. Bill Talbott
7. Consideration of Macon County Animal Control Ordinance
8. Certification of sufficiency for voluntary annexation petition ? Janet Anderson
9. Consideration of appointment of Appalachian Trail Gateway Community Committee
10. Forward special use application for Macon Landing apartment complex to the planning board
11. Update on contested case with Duke Energy ? Alderman Curtis
12. Discussion/consideration of appointments to the Tourism Development Authority (TDA)
13. Application for non-profit funding ? NAMI Appalachian South
14. Consideration of budget amendments
15. Adjourn

February 2, 2009

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, February 2, 2009 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 Curtis, seconded by Handley to approve the minutes for the January 5, 2009 meeting as presented. Motion carried. Vote: 6 to 0.

Public hearing on the special use application for Grandview Manor Care Center

Mayor Collins opened the public hearing on the special use application for Grandview Manor Care Center at 7:01 P.M. Deborah Strum said we are planning to add thirty additional beds. She said there has to be a need. She said we have a Certificate of Need from the state. Michael Grubermann said five parcels are involved. He explained how the five parcels are involved: (1) Parcel 1, located at 150 Crisp Street is a 52-bed adult care home, (2) Parcel 2 is an adjoining vacant lot off of Doraul Street which will provide additional parking area, (3) Parcel 3 at 436 Iotla Street is a single-story house which now serves as an office for Grandview Assisted Living Services, a home care agency, (4) Parcel 4 at 24 Crisp Street is an eleven unit apartment building of which eight units have been listed as multi-unit assisted housing and (5) Parcel 5 at 154 Crisp Street is a home for the facility administrator and is required to comply with state requirements for an adult care home. Mr. Grubermann said the neighborhood compatibility meeting was held on December 2, 2008 at 4:00 P.M. He said notices of the meeting were mailed to the owners of all properties within four hundred feet of the parcels in the application. He said the neighbors responded positively at this meeting. A report is attached. Mr. Grubermann said the Planning Board met on December 16, 2008 and recommended approving the Special Use Application. Copies are attached. Mayor Collins closed the public hearing at 7:15 P.M.

Consideration of special use application

The Board of Aldermen approved the following Findings of Fact:

- 1 The five parcels included in the application are all currently being used as part of the assisted-living operations of Grandview Manor Care Center. Parcel 1, located at 150 Crisp Street, is a 52-bed adult-care center. The proposed 30-bed addition will be on this parcel. Parcel 2, is an adjoining vacant lot off of Doraul Street, which will provide additional parking area. Parcel 3, at 436 Iotla Street, is a single-story house which now serves as an office for Grandview Assisted Living Services, a home-care agency. Parcel 4, at 24 Crisp Street, is an eleven-unit apartment building, of which eight units have been listed as multi-unit assisted housing. Parcel 5, at 154 Crisp Street, is a home for the facility administrator and is required to comply with state requirements for an adult care facility. The special use permit includes the continued use of all the parcels as described above.

February 2, 2009 meeting continued,

- 2 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. The operator has indicated that the facility will continue to operate within the licensing restrictions and regulations of the State. There have been no complaints related to the operation or maintenance of the facility that have been reported to the Planning Department.
- 3 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 utilities and adequate capacity is available for the addition. Additional traffic should be minimal and the existing road network has sufficient excess capacity.
- 4 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 and the addition complies with the UDO with reference to special uses.
- 5 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 existing facility has been in place for over forty years and has not been a reported problem to the area. The proposed addition will not cause disruption to the area surrounding the property. The proposed addition will generally only be visible from a small section of Crisp Street near the facility driveway.
- 6 The use or development conforms with the general plans for the physical development of the Town as embodied in the Ordinance, the Principles of Growth, the Thoroughfare Plan, and any other duly adopted plans of the Town. The Special use as proposed is in compliance with the UDO. The Land development permit when applied for will meet the UDO requirements before issuance.

Motion was made by Scott, seconded by Evans to approve the Special Use for Grandview Manor Care Center. Motion carried. Vote: 6 to 0. Informational copies are attached.

Public session

Margaret Ramsey said I am here representing the Folk Heritage Association of Macon County. She said there is a need for a heritage center in this region. She said travel and tourism is a big business. She explained how quilts had been used in the past to showcase Macon County. Susan McCaskill said I work for Southwestern Community College. She said we offer personal enrichment classes. Mrs. Ramsey said we would like to create a living village on the land donated by Macon County near Southwestern Community College. She said we are asking for \$5,000.00 to do a feasibility study. Informational copies are attached. She said the total cost will be \$25,000.00. Sam Greenwood said you will need to apply for the money. The Board took no action.

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Consideration of Macon County Animal Control Ordinance

John Henning, Jr. said I have spoke to the county attorney about the animal control ordinance. He said the effective date for the ordinance is April 6, 2009. He said the shelter has to be in place. He said there are no changes at this time to the ordinance. **Motion was made by Scott, seconded by Handley to adopt a resolution adopting the Macon County Animal Control Ordinance and to ask Macon County to enforce the ordinance inside the Town. Motion carried. Vote: 6 to 0.**

Consideration of sufficiency for voluntary annexation petition – Janet Anderson

Janet Anderson, Town Clerk, certified the sufficiency of the annexation petition from Gary and Edith Holland. A copy of the certificate is attached. **Motion was made by Pattillo, seconded by Curtis to schedule a public hearing on the annexation petition for Monday, March 2, 2009 at 7:00 P.M. Motion carried. Vote: 6 to 0.**

Consideration of appointment of Appalachian Trail Gateway Community Committee

Michael Grubermann explained the membership of the Trail Gateway Community Committee. Attached is a copy of the breakdown of the membership. **Motion was made by Pattillo, seconded by Curtis to accept the membership of the committee as proposed. Motion carried. Vote: 6 to 0.** Mayor Collins appointed Alderman Bob Scott as a member of the committee to represent the Board of Aldermen.

Forward special use application for Macon Landing apartment complex to the Planning Board

Motion was made by Scott, seconded by Pattillo to forward the special use application for the Macon Landing apartment complex to the Planning Board for a recommendation. Motion carried. Vote: 6 to 0.

Update on contested case with Duke Energy – Alderman Curtis

Alderman Curtis said Duke Energy received a \$400,000.00 grant from the state to remove the dam at Dillsboro. He said we need to write a letter asking the state to redirect the money to our schools. Alderman Scott said I agree 100 percent. Alderman Curtis said in light of the economy this money needs to be redirected. **Motion was made by Curtis, seconded by Scott for John Henning, Jr. to write a letter of protest to the state on the \$400,000.00 grant received by Duke Energy. Motion carried. Vote: 6 to 0.**

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Discussion/consideration of appointments to the Tourism Development Authority (TDA)

Sam Greenwood said Tony Angel resigned from the TDA. He said Candy Arvey has volunteered to serve as chairman. **Motion was made by Handley, seconded by Curtis to appoint Candy Arvey as chairman of the Tourism Development Authority. Motion carried. Vote: 6 to 0.** Mr. Greenwood said that leaves two vacancies that we will need to fill according to our criteria.

Application for non-profit funding – NAMI Appalachian South

Mike Decker said we need to wait on this application.

Consideration of budget amendments

Janet Anderson explained the budget amendments. **Motion was made by Pattillo, seconded by Curtis to approve the budget amendments. Motion carried. Vote: 6 to 0. Copies are attached.**

FEMA grant

Janet Anderson said the fire department has received a FEMA Grant to purchase equipment. She said the Town will have to do a five percent match. **Motion was made by Curtis, seconded by Pattillo to accept the FEMA Grant for the fire department. Motion carried. Vote: 6 to 0.**

Discussion regarding closed session minutes – John Henning, Jr.

After some discussion, the following motion was made by Scott, seconded by Evans: that the town attorney will review minutes of closed sessions and direct they be opened when the reason for the closed session has passed and further that any interested party can make a request to the town attorney for review. Motion carried. Vote: 6 to 0.

Other discussion

Alderman Handley said what is the status of the floodplain ordinance? Sam Greenwood said McGill Associates is doing a study for us. He said it should be ready by March. He said the state report had undersized the culverts. He said we may need to respond to the state.

Sam Greenwood said there will be a meeting in Asheville on February 19, 2009 about the Federal Stimulus Package. He said there is money for water and sewer infrastructure. He said we are trying to get funding for two projects. Mr. Greenwood said these would be no interest loans.

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Sam Greenwood said we will sell the financing package in April instead of March. He said we may need to have some called meetings.

Sam Greenwood said Macon County is looking at assisting the residents on Drake Road on upgrading the road. He said we have a water line in the roadway.

Department reports are attached.

Adjournment

Mayor Collins adjourned the meeting at 8:40 P.M.

Joe Collins, Mayor

Janet A. Anderson, Town Clerk