

Town of Franklin Board of Aldermen

Agenda

April 7, 2014

7:00 p.m.

1. Call to order- Mayor Bob Scott
2. Pledge of Allegiance
3. Adoption of April 7, 2014 Proposed Agenda
4. Approval of March 3, March 25 and March 31, 2014 Board Minutes

5. Public session

6. New business
 - A.) Proclamation for Public Health Month- Dawn Wilde
 - B.) Street Closing Requests- Main Street Executive Director Linda Schlott
 - C.) Old Town Hall Offer to Purchase- Town Manager Warren Cabe
 - D.) Tax Refund Request- Tax Collector Jessie Wilkins
 - E.) Hospice House Foundation of Western North Carolina- Michelle Alderson
 - F.) Special Use Application for Wireless Telecommunications Eligible Facilities Request at 90 Cunningham Road- Land Use Administrator Justin Setser
 - G.) Stream Restoration Project at Memorial Park- Town Manager Warren Cabe
 - H.) Rezoning Petition for Macon County and the Town of Franklin Properties- Land Use Administrator Justin Setser
 - I.) Set Public Hearing for Rezoning Petition for Six (6) Parcels on East Palmer Street and Porter Street- Land Use Administrator Justin Setser
 - J.) Recommendation to fill one (1) vacancy on the Town of Franklin Planning Board- Land Use Administrator Justin Setser
 - K.) Appointment to the Friends of the Greenway Board- Town Manager Warren Cabe
 - L.) Application to Amend Text Only of the Unified Development Ordinance for Microbrewery and Brewpub- Land Use Administrator Justin Setser & Town Attorney John Henning Jr.,
 - M.) Set Public Hearing for Application to Amend Text Only of the Unified Development Ordinance for Outdoor Display of Goods- Town Attorney John Henning Jr.,
 - N.) Streets
 - 1.) Stop Sign and Intersection Change on Pauline Avenue and Ulco Drive
 - 2.) Stop Sign and Intersection Change on Lamplighter Street and Skylark Street
 - 3.) Stop Sign and Yield Sign on Maple Street
 - 4.) Watauga Street One Way
 - O.) Gazebo Discussion- Town Manager Warren Cabe

7. Legal
 - A.) Amendment to Town of Franklin Code of Ordinances- Town Attorney John Henning Jr.,
 - B.) Closed session pursuant to N.C.G.S. 143-318.11(a) (3), “to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged”, the matter of an inverse condemnation claim, John W. Mitchell Trust v. Town of Franklin, file no. 12-CVS-228 in the files of the Clerk of Superior Court for Macon County.
 - C.) Closed session pursuant to N.C.G.S. 143-318.11 (a) (6), “to consider the qualifications, competence, performance, character, fitness, conditions of appoint, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee”.

8. Adjourn

April 7, 2014

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, April 7, 2014 at 7:00 P.M. in the Town Hall Board Room. Mayor Robert S. Scott presided. Aldermen Patti Abel, Verlin Curtis, Joyce Handley, Farrell Jamison, Billy Mashburn and Barbara McRae were present.

Pledge of Allegiance

The Pledge of Allegiance was done.

Adoption of April 7, 2014 Proposed Agenda

Motion was made by McRae, seconded by Handley to add to the agenda after Item #C. Old Town Hall Offer to Purchase: a recess, a Venture Local presentation and to move up the gazebo discussion. Motion carried. Vote: 6 to 0.

Approval of the Minutes

Motion was made by McRae, seconded by Handley to approve the minutes for the March 3, 2014, March 25, 2014 and March 31, 2014 meetings as presented with one spelling correction. Motion carried. Vote: 6 to 0.

Public Session

Bruce Koehler – Pauline Avenue – The stop signs have not been put up on Pauline Avenue. It is a very dangerous area.

Dan Williams – You have a slamming door in a million dollar building (town hall). There should be zero noise. There is no reason for this noise.

Angela Moore – I want to be considered for a position on the Planning Board. I have turned in a resume.

New Business – Proclamation for Public Health Month

Motion was made by Jamison, seconded by Mashburn to proclaim the week of April 7 – 13, 2014 as National Public Health Week in Franklin. Motion carried. Vote: 6 to 0. A copy of the proclamation is attached.

April 7, 2014 meeting continued,

New Business – Street Closing Requests

Linda Schlott – Main Street Executive Director – I have the following street closing requests: (1) Iotla Street – Friday nights on April 11, 2014, May 9, 2014, June 13, 2014, July 11, 2014, August 8, 2014 and September 12, 2014 from 5:30 P.M. until 9:00 P.M. for car shows, (2) Phillips Street and Iotla Street - Vietnam Veterans Chapter 994 car show on Saturday, October 11, 2014 from 8 A.M. until 3:00 P.M., (3) Iotla Street – Art’s Council – Friday, May 23, 2014 and Friday, October 3, 2014 from 5:30 P.M. until 10:00 P.M. and (4) Phillips Street and Iotla Street – Taste of Scotland Festival on Friday, June 13, 2014 from 5:30 P.M. until Saturday, June 14, 2014 at 7:00 P.M.

Motion was made by Handley, seconded by McRae to approve the street closings as presented by Linda Schlott. Motion carried. Vote: 6 to 0. An information copy is attached.

New Business – Old Town Hall Offer to Purchase

Warren Cabe – Town Manager – There has been no upset bids on the old town hall property.

Alderman Jamison – What expenses do we have still to do?

Mr. Cabe – An asbestos inspection.

Motion was made by Jamison, seconded by McRae to adopt the Resolution Approving a Lease With an Option to Purchase the Property Known as the “Old Town Hall” and to approve the Lease and Option Agreement with Lazy Hiker, LLC. Motion carried. Vote: 6 to 0. Information copies are attached.

Recess

Mayor Scott recessed the meeting at 7:10 P.M.

Mayor Scott reconvened the meeting at 7:15 P.M.

New Business – Venture Local

Matt Bateman – Venture Local – Did a brief power point presentation on the history of Venture Local and recent events sponsored by the group.

April 7, 2014 meeting continued,

New Business – Gazebo Discussion

Angela Moore – At the town hall meeting the following suggestions and opinions were expressed: (1) do nothing except for minor repairs and improvements, (2) reuse of the current gazebo base to conserve funds and preserve history, (3) match the downtown area, (4) reflect the natural setting, (5) should not have any type of artificial turf or stone, (6) relocation of the stage to the north side of property, (7) storage space under the stage area, (8) rotating panels for acoustics and aesthetics, (9) incorporation of history into the structure, (10) open space designs and (11) address lighting for stage area. Informational copies are attached.

The Board took no action.

New Business – Hospice House Foundation of Western North Carolina

Michele Alderson – Hospice House Foundation – We are applying for \$100,000.00 Building Reuse Grant available from the North Carolina Department of Commerce. The applicant for this grant must be a government entity. We are requesting the Town of Franklin act as the government applicant for this grant application. If the grant is funded, the town must contribute a cash match of 5% (\$5,000.00) to the project. To offset this match, the Hospice House Foundation will pay the Town an administrative fee of \$5,000.00 to administer the grant. If the application is funded, the Town would also have the following responsibilities: (1) acting as an intermediary partner for aspects of the project, including the application process, reporting requirements, payments and job verification and (2) verifying Hospice House Foundation's financial and organizational strength in regard to the ability to successfully meet the terms of the job creation and maintenance requirements, carry out the renovation project and the ability to meet the potential for repayment of any loan funds. The deadline is May 15, 2014.

Motion was made by Jamison, seconded by McRae to agree tentatively to apply for the grant contingent on the Town having no liability with Town Manager Warren Cabe and Town Attorney John Henning, Jr. checking the details of the grant. Motion carried. Vote: 6 to 0. Information copy is attached.

New Business – Tax Refund Request

Jessie Wilkins – Tax Collector – Macon County is requesting that we refund a portion of tax on Parcel #6584783692 which is owned by John and Susan Hopkins at 582 West Palmer Street. Macon County was taxing the Hopkins and also Jeffry Bryson for years 2008-2013. Jeffry Bryson is the legal owner of the property. Information copies are attached.

Motion was made by Curtis, seconded by Jamison to refund the taxes to John and Susan Hopkins in the amount of \$432.62 for tax years 2008-2013 due to a clerical error. Motion carried. Vote: 6 to 0. Copies are attached.

April 7, 2014 meeting continued,

New Business – Special Use Application for Wireless Telecommunications Eligible Facilities Request at 90 Cunningham Road

Motion was made by Handley, seconded by Mashburn to approve the Special Use Application for Wireless Telecommunications Eligible Facilities Request at 90 Cunningham Road to Verizon Wireless. Motion carried. Vote: 6 to 0.

New Business – Stream Restoration Project at Memorial Park

Warren Cabe – Town Manager – The Town can partner with the Land Trust for the Little Tennessee, the Macon Soil and Water Conservation District and the US Fish & Wildlife Service to design and implement a riparian restoration and storm water treatment project on Crawford Branch at the Franklin Memorial Park. We would be applying for a grant. The out of pocket expenses would be \$10,000.00. Information copies are attached.

Motion was made by Handley, seconded by Curtis to approve the grant application for Duke Energy stream restoration funds. Motion carried. Vote: 6 to 0.

New Business – Rezoning Petition for Macon County and the Town of Franklin Properties

Motion was made by Handley, seconded by McRae to forward the rezoning petition for Macon County and the Town of Franklin properties located at Lakeside Drive to the Planning Board for a recommendation. Motion carried. Vote: 6 to 0.

New Business – Set Public Hearing for Rezoning Petition for Six Parcels on East Palmer Street and Porter Street

Motion was made by Curtis, seconded by McRae to set the public hearing for the rezoning petition for six parcels on East Palmer Street and Porter Street for Monday, May 5, 2014 at 7:05 P.M. Motion carried. Vote: 6 to 0.

New Business – Recommendation to Fill One Vacancy of the Town of Franklin Planning Board

Justin Setser – Land Use Administrator – The Planning Board’s recommendation for the vacancy on the board is Peter Mosco.

Motion was made by Handley, seconded by Jamison to appoint Peter Mosco to the Town of Franklin Planning Board to fill a vacancy of an unexpired term from April 7, 2014 through January 7, 2015. Motion carried. Vote: 6 to 0.

April 7, 2014 meeting continued,

New Business – Appointment to the Friends of the Greenway Board

Motion was made by McRae, seconded by Curtis to appoint Alderman Patti Abel to the Friends of the Greenway Board. Motion carried. Vote: 6 to 0.

New Business – Application to Amend Text Only of the Unified Development Ordinance for Microbrewery and Brewpub

Motion was made by McRae, seconded by Jamison to send the application to amend text only of the Unified Development Ordinance for microbrewery and brewpub to the Planning Board for a recommendation. Motion carried. Vote: 6 to 0. Information copies are attached.

New Business – Set Public Hearing for Application to Amend Text Only of the Unified Development Ordinance for Outdoor Display of Goods

Motion was made by Handley, seconded by Curtis to set the public hearing for the application to amend text only of the Unified Development Ordinance for outdoor display of goods for Monday, May 5, 2014 at 7:10 P.M. Motion carried. Vote: 6 to 0.

New Business – Stop Sign and Intersection Change on Pauline Avenue and Ulco Drive

After some discussion, motion was made by Handley, seconded by Abel to table any changes on Pauline Avenue and Ulco Drive for further review. Motion carried. Vote: 6 to 0.

New Business – Stop Sign and Intersection Change on Lamplighter Street and Skylark Street

Motion was made by Handley, seconded by Curtis to put a stop sign on Lamplighter Street. Motion carried. Vote: 6 to 0.

New Business – Stop Sign and Yield Sign on Maple Street

Motion was made by Handley, seconded by Abel to put a stop sign on Maple Street. Motion carried. Vote: 6 to 0.

New Business – Watauga Street – One Way

Motion was made by Jamison, seconded by Curtis to table a decision on Watauga Street until the next meeting. Motion carried. Vote: 6 to 0.

April 7, 2014 meeting continued,

Other Business

Departmental reports are attached.

Legal – Amendment to Town of Franklin Code of Ordinances

Motion was made by Handley to adopt the amendment to the Town of Franklin Code of Ordinances. Motion carried. Vote: 5 to 1. Voting yes: Abel, Handley, Jamison, Mashburn and McRae. Voting no: Curtis.

Legal – Closed Session

At 8:27 P.M., on motion made by Handley, seconded by Mashburn the Board went into closed session (1) pursuant to N.C.G.S. 143-318.11(a)(3), “to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, with privilege is hereby acknowledged”, the matter of an inverse condemnation claim, John W. Mitchell Trust vs. Town of Franklin, file no. 12-CVS-228 in the files of the Clerk of Superior Clerk for Macon County and (2) pursuant to N.C.G.S. 143-318.11(a)(6), “to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer of employee”. Motion carried. Vote: 6 to 0.

The Board came out of closed session at 8:55 P.M., on motion made by McRae, seconded by Curtis. Motion carried. Vote: 6 to 0.

Open Session

On motion made by Handley, seconded by Jamison, the Board of Aldermen reluctantly accepted the resignation of Town Manager Warren Cabe. Motion carried. Vote: 6 to 0.

Adjournment

Motion was made by Handley, seconded by Abel to adjourn the meeting at 9:00 P.M. Motion carried. Vote: 6 to 0.

Robert S. Scott, Mayor

Janet A. Anderson, Town Clerk

