



## Town of Franklin Board of Aldermen

### Agenda

August 3, 2015

7:00 p.m.

1. Call to Order- Mayor Bob Scott
2. Pledge of Allegiance- Vice Mayor Verlin Curtis
3. Adoption of August 3, 2015 Proposed Agenda
4. Approval of the July 6 and July 23 , 2015 Board Minutes
5. Public Hearing **7:05 p.m.** for Annexation Petition for 44 Lowery Lane
6. Public Session
7. New Business
  - A.) Board Action on Annexation Petition for 44 Lowery Lane- Town Attorney John Henning Jr
  - B.) Set Public Hearing for a New Cell Tower Site Located at Windy Gap Road- Land Use Administrator Justin Setser
  - C.) Set Public Hearings for Text Amendments to the UDO- Land Use Administrator Justin Setser
    - 1.) Indoor Gun Range September 8, 2015 at 7:10 p.m.
    - 2.) Construction Standards for Curb and Guttering September 8, 2015 at 7:15 p.m.
  - D.) Appointment to the Town Planning Board for Alternate Position- Land Use Administrator Justin Setser
  - E.) Tax Release-Tax Collector Jessie Wilkins
  - F.) Scenic Ridge Properties Water and Sewer Request- Town Manager Summer Woodard
  - G.) Re-Appointment of Connie Grubermann to the Tourism Development Authority Board- Town Manager Summer Woodard
  - H.) Re-Appointment of Vickie Springer to the Tourism Development Authority Board- Town Manager Summer Woodard
  - I.) Publication for Taxi Cab Service- Town Manager Summer Woodard
  - J.) Resolution Authorizing Tax Collector to Collect 2015 Taxes- Town Manager Summer Woodard
  - K.) Budget Amendments- Town Finance Officer Kyra Doster & Town Manager Summer Woodard
  - L.) Discussion on Parking- Mayor Bob Scott
8. Legal
  - A.) Update on Brittany Lane- Town Attorney John Henning Jr
  - B.) Approval on Eligible Facilities Request Applications- Town Attorney John Henning Jr
9. Announcements
  - A.) Applications for the Fiscal Year 2015-2016 Non Profit Funding Pool are available at Town Hall and online at [www.franklinnc.com](http://www.franklinnc.com). All applications are due Monday August 24, 2015
  - B.) Town Hall Offices will be closed Monday September 7, 2015 in observance of Labor Day
  - C.) The next regularly scheduled Town Board meeting will be Tuesday September 8, 2015
10. Adjourn

### **August 3, 2015 meeting**

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday August 3, 2015 at 7 p.m. in the Town Hall Board Room. Mayor Robert S. Scott presided. Aldermen Verlin Curtis, Joyce Handley, Farrell Jamison, Billy Mashburn, and Barbara McRae were present.

The pledge of allegiance was done.

**Motion was made by McRae, seconded by Curtis to excuse Alderman Patti Abel from the meeting. Motion carried. Vote: 5 to 0.**

#### **Adoption of August 3, 2015 Proposed Agenda:**

**Motion was made by Jamison, seconded by Handley to approve the August 3, 2015 Proposed Agenda. Motion carried. Vote: 5 to 0.**

#### **Approval of July 6 and July 23, 2015 Board Minutes:**

**Motion was made by Curtis, seconded by Handley to approve the July 6 and July 23, 2015 Board minutes as presented. Motion carried. Vote: 5 to 0.**

#### **Public Hearing 7:05 p.m. for Annexation Petition for 44 Lowery Lane**

Angela Moore – I have some concerns about the annexation. Primarily about the property being that far out. I want to ask the board to give some serious consideration to this annexation. Does a convenience store and gas station actually benefit town residents? Additionally, what kind of services will they need? What kind of revenue will they generate? Please carefully consider this annexation, specifically because it is outside of town. I have no problem with development, and I know there is certainly a financial incentive for people who own that property – but the question is will that come at a costs to the residents of Franklin? Thank you.

Steve Philo – Henry Te Attorney – We were here several months ago to ask the state to do what was necessary to allow that annexation, and that has all been done. I would simply say there will be significant tax revenue, and a lot of plans have already been made. It's not going to change the nature of the neighborhood, because the neighborhood has already been changed. I think the best thing to do is to carry out what we have been trying to do for the past several months.

#### **Public Session:**

Mayor Scott – I just want to make a clarification here. Public Session is open to anyone wanting to say anything to the Board. You have five (5) minutes. If you have something you want to say that will require a vote or debate, please call the Town Manager and Town Clerk and get on the agenda.

### **August 3, 2015 meeting continued,**

Narelle Kirkland – Has anyone gone behind Crisp Road? The two largest chestnut trees at the Whitmire Property are fabulous. No matter what you do with that property, sell it to a corporation, build a swimming pool, make it into a park, etc. just please keep the chestnut trees there. In fact you might even want to call the Chestnut Tree Society and tell them to put their headquarters there. I am also seeking help from anyone for a view stand that would roughly be the size of two rows of chairs and parking for six vehicles. I've talked to Macon Bank and they have the best sight in the county – where the rest home is. If you have an in with Mr. Plemmons, please help me. I want to build it primarily for residents here to see the mountains. The bank site is ideal. It could be a tourist draw, but I want to build it for people here. And lastly, I want everyone to know that my book is out and will be available to buy next week. It's about cycling through the battlefields during World War I.

Angela Moore – I have two things I want to quickly bring before the board. One is a potential solution for the flood plain conflict. It's my understanding that the people that are hopeful for this to be adopted are located on Palmer Drive and Palmer Street where Crawford Branch typically floods during heavy rain. Since the legislation was passed that does not require subdivisions to be inside or outside town limits, we could allow the residents to consider de-annexation. They are already on the edge of town, and then they will be under the county's jurisdiction. That will allow them to purchase flood insurance. I believe the water and sewer revenues will more than make up for the lost revenue as well. Additionally, I did go before the planning board regarding the minimum housing standards. I went to the meeting and talked to the planner, and you can't speak at a planning board meeting unless the item is on the agenda. There is no public comment period. So I would ask the Board to consider opening this discussion back-up, and re-examining the minimum housing standards. It's the Board's place to do this, to send it to the planning board. Anyone taking a closer look at this knows that some of the things in the ordinance are unreasonable, whether they are being enforced or not.

### **New Business: Board Action on Annexation Petition for 44 Lowery Lane**

John Henning Jr. – Town Attorney – We have asked the General Assembly, with help from the petitioner, to eliminate the subdivision requirement and the ten percent corporate limits requirement. Also, there are good reasons to annex this property. A development would likely not happen without annexing the property, and it's my understanding that the developers have looked elsewhere for a location, but they didn't find anything suitable. This would be a chance for growth, and to be in good harmony with the General Assembly, I think we were pretty much saying that we wanted to annex this property when we sought the request. That would definitely be a consideration in the back of my mind. I think an annexation is in the best interest of the town. You have before you an ordinance that has the effect of annexing the property, which will be effective immediately. Unless you want to delay it, and I don't recommend doing that.

Alderman Jamison – This legislation will affect future annexations as well?

John Henning Jr. – Town Attorney – Yes.

Alderman Curtis – I'd like to ask a question. Are we not going to go against our annexation policy? Should we not consider that before we vote on an annexation?

**August 3, 2015 meeting minutes,**

John Henning Jr. –Town Attorney – In 2011 we had a petition for an annexation that was primarily to attain the capacity for alcohol sales. We did adopt a policy that the town will not annex non-contiguous property outside of the extra territorial jurisdiction where the primary purpose was the intent for alcohol sales. A copy of the policy is attached. It's really a matter of interpretation. I query whether the sole or primary purpose of this annexation is to allow alcohol sales. It's also going to be a restaurant and gas station, and the policy is what you choose to make of it. It is a policy, but it is not in ordinance form.

Alderman Curtis – We had a unanimous decision to put it there. I think therefore we should consider the same method of removing it or changing it. Personally I don't believe we should disregard and change policies after the first occasion.

**Motion was made by Alderman Curtis to not change the annexation policy, and to deny the annexation petition of 44 Lowery Lane. No second. Motion failed.**

Alderman Mashburn – I don't think alcohol is the sole purpose of this annexation. It's going to be a restaurant that will have off-premise sales. I don't want to change the policy, but I don't know that this applies to this one.

Alderman Handley – I agree with you.

**Motion was made by Handley, seconded by Jamison to approve the annexation petition for 44 Lowery Lane. Motion carried. Vote: 5 to 0. A copy of the ordinance is attached.**

Steve Philo – Attorney – Thank you for your consideration.

Steve Isaacs – President of Pioneer Petroleum – You will be proud.

**New Business: Set Public Hearing for a New Cell Tower Site Located at Windy Gap Road**

Justin Setser – Land Use Administrator – Good evening. You have before you an application from Apex Towers to locate a new cell tower on Windy Gap Road, which is outside of the city limits. But it's within four hundred (400) feet of the Town's extra territorial jurisdiction. I've looked this over, and we are ready to proceed with the public hearing for a special use permit.

Mayor Scott – Didn't you say we were going to do a balloon test?

Justin Setser – Land Use Administrator – Yes. And I have those dates as well. In our wireless telecommunications ordinance for a new tower, the application has to supply a balloon test. They have to set a date, and set a rain date. They will send a balloon up to the approximate height of the tower so people nearby can see how tall the tower will be. Notices will go out to property owners nearby. This test will be Aug. 29, and it will have to run for a four (4) hour period. Apex has not set an exact time yet. An alternate rain date for September 3, 2015 has also been set.

**August 3, 2015 meeting minutes continued,**

**Motion was made by McRae, seconded by Curtis to set a public hearing for a new cell tower site located at Windy Gap Road for September 8, 2015 at 7:05 p.m. in the Town Hall Board Room. Motion carried. Vote: 5 to 0.**

**New Business: Set Public Hearings for Text Amendments to Unified Development Ordinance**

- 1. Indoor Gun Range September 8, 2015 at 7:10 p.m.**
- 2. Construction Standards for Curb and Guttering September 8, 2015 at 7:15 p.m.**

Justin Setser – Land Use Administrator – The items before you went before the planning board, and were voted on. The first was the indoor gun range. They recommended a public hearing for that and curb and guttering.

Alderman Curtis – I do have an issue with that. I don't agree with some of the changes that were made by the planning board. I'm not satisfied with it. I'd like to motion that we send it back to the planning board for further discussion.

Alderman Handley – I agree. I think C-1 Commercial can be very tricky, and I would like to have the planning board look at it again.

John Henning Jr. – Town Attorney – That's certainly an option. But the planning board is an advisory board. You are not bound by anything they recommend. You can make any changes you want. You can send it back and tell them to take another look at it, reject the recommendation, or alter the recommendations as you deem fit.

**Motion was made by Curtis, seconded by Mashburn to send indoor gun range text amendment back to the Planning Board, and to reconsider the 250 ft. buffer and to remove C-1 Commercial as a permitted zone. Motion carried. Vote: 5 to 0.**

**New Business: Construction Standards for Curb and Guttering**

Justin Setser – Land Use Administrator – This is just a change to clean up some language. To reform some outdated standards. I'd just ask to set a public hearing for that.

**Motion was made by McRae, seconded by Jamison to set a public hearing for Curb and Guttering text amendment change for 7:10 p.m. at the Town Hall Board Room on September 8, 2015. Motion carried. Vote: 5 to 0.**

**New Business: Appointment to the Town Planning Board for Alternate Position**

Justin Setser – Land Use Administrator – We have had an opening for an alternate position on the Town Planning Board ever since I've been here. We have advertised it on our website for a while. Mr. Todd Duvall expressed an interest. His resume is attached. The planning board recommended approval. He lives in the city limits. It's just an alternate position. The board has seven members. Five have to live in the city limits, and two live in the extra territorial jurisdiction. We have an alternate for the extra territorial jurisdiction.

**August 3, 2015 meeting minutes continued,**

**Motion was made by Handley, seconded by McRae to appoint Mr. Todd Duvall as an alternate to the Town of Franklin Planning Board. Motion carried. Vote: 5 to 0. A copy of his application is attached.**

**New Business: Tax Release**

Jessie Wilkins – Tax Collector – I have an age exemption approval made by the Macon County tax administrator. It would be \$369.20, for a value of \$131,860. I need your permission for the release for parcel number 6594084059.

**Motion was made by Mashburn, seconded by McRae to approve tax release for parcel number 6594084059 in the amount of \$369.20. Motion carried. Vote: 5 to 0.**

**New Business: Scenic Ridge Properties Water and Sewer Request**

Summer Woodard – Town Manager – Scenic Ridge Properties is in the process of preliminary designs of completing their property on Tennessee View Street and Thomas Heights Drive off of Highway 28. The most logical connection is in the main lines along Highway 28. It's recently been brought to our attention that that location is scheduled for resurfacing, possibly this fall. This process would need to be done so new asphalt won't have to be disturbed. This would allow them to install the connection in advance if the Town will give formal approval that water and sewer will be available.

John Henning Jr. – Town Attorney – It's a bit premature to give an allocation, because this will be a special use process. I have no reason to think it won't be approved. However, I don't want to give approval before we get to that process. They just want some assurance that capacity will be available. I don't even think it takes board action. Just a consensus to allow the Town Manager to inform Providence Builders that capacity will be available.

**Motion made by Handley, seconded by McRae to instruct the town manger to inform Providence Builders that allocation of water and sewer will be available pending the approval of the land use development permit. Motion carried. Vote: 5 to 0.**

**New Business: Re-Appointment of Connie Grubermann to the Tourism Development Authority Board**

**Motion was made by Mashburn, seconded by Curtis to re-appoint Connie Grubermann to the Tourism Development Authority Board for a three (3) year term effective August 3, 2015 until August 3, 2018. Motion carried. Vote: 5 to 0.**

**New Business: Re-Appointment of Vickie Springer to the Tourism Development Authority Board**

**Motion was made by Jamison, seconded by McRae to re-appoint Vickie Springer to a two (2) year term to the Tourism Development Authority Board effective August 3, 2015 until August 3, 2017. Motion carried. Vote: 5 to 0.**

**New Business: Publication of Taxi Cab Service**

**August 3, 2015 meeting continued,**

Summer Woodard – Town Manager – This will be the first of about three steps in this process. We had a request from an individual to run a taxi cab service in town limits, so the first thing we need to do is advertise the service for Mr. Brian Paquin.

Alderman Handley – How many taxi cab services do we have?

Mayor Scott – I don't know to be honest with you. We had one come to the old town hall, but I don't ever think they got up and running.

**Motion was made by McRae, seconded by Curtis to allow Town Clerk Chad Simons to advertise publication for potential taxicab service for Mr. Brian A. PaQuin. Motion carried. Vote: 5 to 0. A copy of the application is attached.**

**New Business: Resolution authorizing tax collector to collect 2015 taxes**

Alderman Jamison – Do we know when those bills are going out?

Summer Woodard – Town Manager – We have ran into some software difficulties, but they should go out in about two weeks according to our tax collector.

**Motion was made by Jamison, seconded by Curtis to approve Resolution authorizing Town Tax Collector to collect 2015 taxes. Motion carried. Vote: 5 to 0. A copy of the resolution is attached.**

**New Business: Budget Amendments**

Kyra Doster – Finance Officer – The Tourism Development Authority needs to be fixed within the general ledger.

Summer Woodard – Town Manager – Last year they requested a grand total of \$118,400. They are asking this year for a reduction of \$113,400. We need to record that in the budget.

Alderman McRae – Why the reduction?

Summer Woodard – Town Manager - They want to use some funds for Travel USA, funds they used for Pandora Radio last year just to try some different approaches.

Alderman Jamison – Didn't that increase last year come from their fund balance, for a one-time thing?

Summer Woodard – Town Manager – Yes.

**Motion was made by Handley, seconded by Jamison to approve the budget amendment as presented. Motion carried. Vote: 5 to 0. A copy of the budget amendment is attached.**

**August 3, 2015 meeting minutes continued,**

**New Business: Discussion on parking**

Mayor Scott – I'm getting a lot of complaints from merchants on Main Street about folks taking up parking spaces on Main Street all day. They are taking up parking all day. I don't want to make an issue out of this, but I would just like to get folks who work on Main Street to park off Main Street.

Alderman Handley – I just think we need to make an exception for disabilities.

Mayor Scott – Yes. Absolutely. Chief Adams, Captain Bates do you have anything to recommend?

David Adams – Police Chief – If you have two hour parking you are going to have to come up with a way to enforce it.

Mayor Scott – Couldn't we get one of those tire locks? Look, I'm really wanting to make a plea to get people to stop voluntarily. I really hope that the people doing this will hear our plea or read about it, and then comply. I want to avoid giving tickets. Another thing is this. We have people who like to park and hike to the curb. Big pickup trucks seem to be the biggest violators. Folks need to pull up to the curb, because we do have a problem with trucks taking up one lane.

Alderman Jamison – The re-painting was just a temporary step before we made a decision about Main Street.

Mayor Scott – We also had fifty-four traffic accidents in Franklin last month. I don't know what's going on. I'm not sure people know it's a twenty mile per hour speed limit.

Narelle Kirkland – You need a blinking light so people can see it. People just don't see it.

Mayor Scott – Well I think we are going to come up with a solution to fix that.

Alderman Jamison – Maybe we need to pass a resolution and drop it off to every business on Main Street. A resolution is just a request.

Alderman Mashburn – But it is a state road.

John Henning Jr. – Town Attorney – The state does have a final say, but the state generally delegates how parking should be set-up to municipalities.

Mayor Scott – Let's see if the media can't help us out, and if you can't, I'd like for you to walk across Main Street with me. Please get the word out. If you want, we can make up a generic letter to pass out to businesses.

Alderman McRae – I think that's a good idea.

**August 3, 2015 meeting continued,**

**Legal: Update on Brittany Lane:**

John Henning Jr. – Town Attorney – We had eleven out of thirteen heirs served, so the next step is to go to publication in the Franklin Press. We are going to have trouble finding the two heirs. To get enforcement we don't really have a choice. This is just information. We don't need a motion.

**Legal: Approval of Eligible Facilities Request:**

John Henning Jr. – Town Attorney – This will enable us to streamline this process to approve eligible facilities request, without bringing them to the Board for approval every time.

**Motion was made by Jamison, seconded by Curtis to approve the eligible facilities request applications. Motion carried. Vote: 5 to 0.**

Mayor Scott – Anything from the Board?

Alderman Handley – Whatever happened to banners?

Mayor Scott – Nobody has asked for permission yet. The next thing coming up is Pumpkinfest. I believe we have had one request, but they changed their minds and put it somewhere else. We might have one in August.

Alderman Jamison – Can we get an update on First Street, with the forest over there?

Justin Setser – Land Use Administrator – They cleaned it up last week. The owner took it upon themselves and cleaned it up. They came and spoke to us.

Alderman Jamison – The same thing happened with Forest Avenue. Our policies are working.

**Announcements:**

Applications for the Fiscal Year 2015-2016 Non Profit Funding Pool are available at Town Hall and online at [www.franklinnc.com](http://www.franklinnc.com). All applications are due Monday August 24, 2015.

Town Hall Offices will be closed Monday September 7, 2015 in observance of Labor Day.

The next regularly scheduled Town Board meeting will be Tuesday September 8, 2015.

August 3, 2015 meeting continued,

**Motion was made by Handley, seconded by Curtis to adjourn the meeting at approximately 8:55 p.m.  
Motion carried. Vote: 5 to 0.**

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Robert S. Scott, Mayor

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Chad B. Simons, Town Clerk