



Town of Franklin Board of Aldermen

Agenda

June 1, 2015

7:00 p.m.

1. Call to Order- Mayor Bob Scott
2. Pledge of Allegiance- Vice Mayor Verlin Curtis
3. Adoption of June 1, 2015 Proposed Agenda
4. Approval of the May 4, May 16 and May 18, 2015 Board Minutes
5. Public Hearing 7:05 p.m. for Re-Zoning Request for Dan Street and Watauga Street
6. Public Hearing 7:10 p.m. for Proposed Fiscal Year 2015-2016 Town of Franklin Budget
7. Public Hearing 7:15 p.m. for Text Amendment to the Sign Ordinance Regarding Banners
8. Public Session
9. New Business
 - A.) Board Action on Re-Zoning Request for Dan Street and Watauga Street
 - B.) Board Action on Proposed Fiscal Year 2015-2016 Town of Franklin Budget
 - C.) Board Action on Text Amendment to the Sign Ordinance Regarding Banners
 - D.) AT&T Wireless Telecommunications Eligible Facilities Request- Land Use Administrator Justin Sester
 - E.) Budget Amendments- Finance Officer Kyra Doster
 - F.) Request for Indoor Gun Range at 245 Carolina Mountain Drive- Land Use Administrator Justin Sester & Town Manager Summer Woodard
 - G.) Re-Appointment of Cheryl Pullium to the Tourism Development Authority Board- Town Manager Summer Woodard
 - H.) Re-Appointment of Josh Drake to the Tourism Development Authority Board- Town Manager Summer Woodard
10. Legal
 - A.) Amendment to Streets and Sidewalks Ordinance Permitting Banners- Town Attorney John Henning Jr
11. Announcements
 - A.) Town of Franklin Employee Luncheon will be July 2, 2015 at 12:00 p.m. at Fat Buddies
 - B.) The Town Hall Offices will be closed Friday July 3, 2015 in observance of this holiday
12. Adjourn

June 1, 2015 meeting

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday June 1, 2015 at 7 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.

The pledge of allegiance was done.

Adoption of June 1, 2015 Proposed Agenda

Motion was made by McRae, seconded by Handley to adopt the Proposed June 1, 2015 Meeting Agenda. Motion carried. Vote: 6 to 0. A copy of the Agenda is attached.

Approval of the May 4, May 16 and May 18, 2015 Board Minutes

Alderman McRae – I did see a mistake in the May 4, 2015 minutes. It should say laundry room, not laundry mat on the second page, first paragraph. It's just a minor thing.

Motion was made by McRae, seconded by Handley to approve the May 4, May 16 and May 18, 2015 Board Minutes, with the change from laundry mat to laundry room on the May 4, 2015 meeting minutes. Motion carried. Vote: 6 to 0.

Public Hearing 7:05 p.m. for Re-Zoning Request for Dan Street and Watauga Street

Justin Setser – Land Use Administrator – Before you tonight is a re-zoning petition on Dan Street and Watauga Street, for six (6) parcels. This is actually a split re-zoning, taking all of the parcels currently zoned R-2 (Residential). The four parcels facing Watauga Street will go to Neighborhood Mix Use (NMU) and the two parcels on Dan Street are going to C-2 Commercial. They are bordered by C-2 Commercial properties as well. It's a total of 1.21 acres for the six (6) parcels. The planning board met on April 20, 2015 and they recommend approval of the rezoning. You will also find the consistency statement and the findings of fact in your packets.

John Henning Jr. – Town Attorney – Did all the owners of the parcels apply for the re-zoning?

Justin Setser – Land Use Administrator – Only two came in and applied. All owners were advertised, however. They all got notified by certified mail.

Jerry Hock – As an owner of one of the houses that is up for rezoning, I would like to say that I concur with the re-zoning. It's a good idea. The houses on that strip are experiencing economic obsolescence. With the loss of value because of the encroaching commercial, and the commercial has always existed there. The backside of these houses all face East Main Street, and they are impacted by noise. For example, a Good Year Shop near my house. I hear the compressor noise all day. On the map, you will see where the rezoning will help even this out. It's like missing teeth out there, a jagged edge. I would like to see that map evened out.

Mayor Scott – Any questions from the Board?

Mayor Scott closed the public hearing.

June 1, 2015 meeting continued,

Public Hearing 7:10 p.m. for Proposed Fiscal Year 2015-2016 Town of Franklin Budget

Angela Moore – Good evening. I wanted to come and address the Board about a few items in your budget. Primarily, the tax increase that you have proposed. I would like to remind each of you that a one point increase is between a three and four percent increase in the tax rate, especially after an increase last year. I realize the revaluation did occur and we have that to contend with, but that was only a one percent loss. Past growth of the budget should not dictate future growth of the budget, but is simply a poor justification for raising taxes. I would also like for you to remove the forcible taxation of citizens for the funding of charities. You are forcibly taking tax dollars and forcing citizens to pay for charities. I would also like to address the yearly raises for personnel. Private businesses are struggling, even our state teachers are struggling, but year after year the Town gets a cost of living increase. We have to run this town like a business, not a charity. If we are going into debt to pay for services, we can't afford to give raises. Lastly, please read the water plant allocation report. The improvements do not need to be done immediately. We have very little growth in our water needs right now. That debt is not warranted. We have seen a big increase in water and sewer rates during the past few years. Increasing it another five percent seems unreasonable. We could look at other provisions for conserving water. This would allow us to pay off other debt services before taking on other debt. Please reexamine the budget, and how you could improve the taxation rate for the Town.

Mayor Scott closed the public hearing

Public Hearing 7:15 p.m. for Text Amendment to the Sign Ordinance Regarding Banners

No person spoke during the public session.

Mayor Scott closed the public hearing.

Public Session

Stephanie Almeida – I'm the founder of Full Circle Discovery center in Franklin. I founded it about three (3) years ago. I work with individuals addicted to opiates. I'm in the middle of a process to raise money to reduce overdose deaths. I've handed each of you a packet, which gives you an overview of the grant. It's basically a community partnership, and we are looking for partners. That's why I'm here. I would really like your support. We need it. I would love to come back after we do our grant proposal.

Mayor Scott – I talked to Ms. Almeida today. They have been instrumental in promoting a drug to bring people back from overdose deaths. I've invited Ms. Almeida to come back after she knows more about the grant process. We will be glad to offer our support with a resolution or something similar to that.

June 1, 2015 meeting continued,

New Business: Board Action on Re-Zoning Request for Dan Street and Watauga Street

Mayor Scott – Anything from the board on this matter?

Motion was made by Jamison, seconded by McRae to rezone six parcels of land on Dan Street and Watauga Street from R-2 Residential to Neighborhood Mix Use and C-2 Commercial. Motion carried. Vote: 6 to 0. A copy of the rezoning petition is attached.

New Business: Board Action on Proposed Fiscal Year 2015-2016 Town of Franklin Budget

Summer Woodard – Town Manager – We have invited Mr. Warren Cabe to discuss the fire tax proposal.

Warren Cabe – Franklin Fire Chief – When your budget was prepared, we were just trying to do a good projection on what the reevaluation would be. We had to calculate revenue neutral rates for the district, and the growth rate. Our district values actually dropped, and the rates were a little off in your work session. Therefore tonight, the rate will actually be – the revenue neutral rate – was calculated at \$.0353 cents. Add up everything together and you get \$.0446 cents. That would be \$596,000 with an estimated 100 percent collection rate. We live with whatever we bring in. That's how it works. Just like you guys. We are a class three/four split fire department. We spent some money back in 2012, we bought an expensive ladder truck and we pulled off a miracle. We had enough money in the fund balance, about \$700,000 at the time. We didn't want to pay the money up front because the economy was so bad, so we withdrew it out over five years. We will have about \$100,000 left in the fund balance, which is 20 percent after all is said and done. That's pretty good for us. We have not put any money back into a capital fund, so we would like to plan ahead so I don't have to come in the future and ask for a big lump sum. We need a plan. By adding another full-time staff member, we will have two people on call during the day. We had 1,600 calls last year, and seventy-five percent of those were medical calls. We have encouraged our career people to handle the medical calls, trying to discourage our volunteers to respond, and we even stopped paying them for the calls. I want to save our volunteers until we can't be without them. I got any figure you want. I got the percentages. Every day is about the same. I can show you hour by hour how much we do. It doesn't change much. We are a really good bargain, and we have saved citizens about \$138.00 per year for a household worth \$150,000. That's savings from 2011 to 2012, when we went from a nine to a four. Any questions?

Alderman Jamison – Where do we stand with the county on this?

Warren Cabe – Franklin Fire Chief – The County had a work session last Tuesday, and we answered some questions. Their public hearing is soon. They have not modified what we presented.

Alderman Mashburn – Did you bring a copy of the budget? I would like to see a copy. I haven't seen a copy. That would certainly enlighten me.

Warren Cabe – Franklin Fire Chief – Sure. I'll get that to you.

Alderman Handley – I'm glad to know that you got our back.

June 1, 2015 meeting continued,

Motion was made by Handley, seconded by McRae to adopt the 2015-2016 Town of Franklin Budget, increasing the tax rate to .28 cents per \$100 of valuation. Motion carried. Vote: 6 to 0. A copy of the budget is attached.

New Business: Board Action on Text Amendment to the Sign Ordinance Regarding Banners

Mayor Scott – Does anyone want to discuss anything?

Alderman Abel – The only thing I have a question about is clarification on the insurance. That’s a question I’ve gotten from people.

Summer Woodard – Town Manager – I did speak with our insurance agent, Mr. Jim Garner. As long as the business sponsoring the event names the Town as an additional insurer, they will be covered for the banner.

John Henning Jr. – Town Attorney – That’s correct, unless it has some strange things attached to it. It’s not going to cost them anything to get a certificate of liability insurance and to name us as an additional insurer. I also want to clarify something else. I left in here the language that no commercial entity will be able to be named on the banners.

Mayor Scott – I think we were talking about individual businesses using banners to advertise. Wasn’t that the feeling of the Board?

Alderman Curtis – What I recommended was this. Businesses might like to sponsor the event, and twenty (20) percent of that banner could be used for the business, and the rest would be for the event itself.

Mayor Scott – I thought we had this thing worked out, but maybe we don’t. I’m not sure I understand where we are. I thought this was decided.

Alderman Handley – Right now, the names of businesses can’t be named on special events banners?

John Henning Jr. – Town Attorney – Yes.

Alderman Mashburn – Let’s just leave it like it is, and if it needs to be fixed we will come back to it.

Mayor Scott – I’m okay with that. We’ve beaten this to death. This will make it complaint driven.

Motion was made by Jamison, seconded by Abel to approve the text amendment to the Town of Franklin Sign Ordinance concerning banners. Motion Carried. Vote: 6 to 0. A copy of the amendment is attached.

June 1, 2015 meeting continued,

New Business: AT&T Wireless Telecommunications Eligible Facilities Request

Justin Setser- Land Use Administrator – Anytime a wireless provider wants to upgrade a cell tower, they have to apply for an eligible facilities request. They are not increasing the size or height of the tower. They just want to add a microwave dish to the tower at 90 Cunningham Road. They sent in the specifications, and it meets the requirements in our ordinance. They also have a report from an engineer from the Department of Transportation saying they meet official capacity.

Motion was made by Handley, seconded by Curtis to approve the AT&T Wireless Telecommunications Eligible Facilities Request. Motion carried. Vote: 6 to 0. A copy of the request is attached.

New Business: Budget Amendments

Kyra Doster – Finance Officer – We have one budget amendment for the professional services line-item in legal to cover the last couple of months of expenditures based on projections of what we have already spent. Last fiscal year, the line-item was a total of \$56,500. In Fiscal year 2014-2015 the line-item was \$43,000. So that's a difference of \$13,500. The approval will bring this year's budget to \$51,600, which is still about \$4,900 less than last year.

Motion was made by Mashburn, seconded by Curtis to approve the budget amendment to increase legal professional services line-item to \$51,600 from \$43,000. Motion carried. Vote: 6 to 0. A copy of the budget amendment is attached.

New Business: Request for Indoor Gun Range at 245 Carolina Mountain Drive

Justin Setser – Land Use Administrator – We have received a request to change our ordinance to allow an indoor shooting range. Mr. Henning will probably go into more detail. I believe we dealt with this a few years ago.

John Henning Jr. – Town Attorney – We looked at this last time, and it is permissible because it is an indoor gun range. The problem is you have police power ordinance that says you can't discharge a firearm in the city limits. The consensus is that if we appeal the police power, and we don't have a permissible use in C-2 Commercial, we could have an indoor firing range anywhere in Town. My recommendation in terms of a zoning matter, I would recommend to give some special thought for indoor gun ranges – a special use in the Unified Development Ordinance. That way you can dictate the exact locations when you receive a request.

Summer Woodard – Town Manager – Jeff is here. Do you have any final drawings yet?

Jeff Wang – Owner of Carolina Cleaners – Yes, but they are not finalized.

Mayor Scott – I have looked into this, and they're a lot of requirements for lead and other environmental factors at the federal level. Are you aware of these? They are really complicated.

June 1, 2015 meeting continued,

Jeff Wang – I have.

Mayor Scott – I think what we need to do is refer it to the Town Planner and the Planning Board, because we need to look at the police power ordinance.

Justin Setser – Land Use Administrator – I think this will be a good time to get the Ordinance Review Committee together.

New Business: Re-appointment of Cheryl Pullium to the Tourism Development Authority Board

Summer Woodard – Town Manager – At last month's Tourism Development Authority Board Meeting, they unanimously recommended to reappoint Ms. Cheryl Pullium for a two (2) year term, which will be from June 1, 2015 to June 1, 2017.

Motion was made by Handley, seconded by Abel to reappoint Ms. Cheryl Pullium to a two (2) year term to the Tourism Development Authority Board; from June 1, 2015 to June 1, 2017. Motion carried. Vote: 6 to 0.

New Business: Re-appointment of Josh Drake to the Tourism Development Authority Board

Summer Woodard – Town Manager – At last month's Tourism Development Authority Board meeting, the Board unanimously recommended to reappoint Mr. Josh Drake to a two (2) year term, from June 1, 2015 to June 1, 2017.

Motion was made by Abel, seconded by McRae to reappoint Mr. Josh Drake to the Tourism Development Authority Board for a two (2) year term, from June 1, 2015 to June 1, 2017. Motion carried. Vote: 6 to 0.

Legal: Amendment to Streets and Sidewalks Ordinance Permitting Banners

John Henning Jr. – Town Attorney – The way we dealt with this in the past there was some confusion regarding the sign ordinance and the police power ordinance that banned them across streets. What we did in the past was to ban banners all together. This would undo that.

Motion was made by Handley, seconded by Abel to approve the Amendment to Streets and Sidewalks Ordinance to permit banners. Motion carried. Vote: 6 to 0. A copy of the Amendment is attached.

June 1, 2015 meeting continued,

Announcements:

- A. The Town of Franklin Employee Luncheon will be July 2, 2015 at 12:00 p.m. at Fat Buddies
- B. The Town Hall Offices will be closed Friday July 3, 2015 in observance of this holiday.

Mayor Scott – The service for former Town Planner Mike Grubermann will be this Saturday June 6, 2015 at 2 p.m. at the Fire Department.

Summer Woodard – Town Manager – Mr. Grubermann really brought the Town a lot, and he was a true asset to us and we should remember him for that.

Mayor Scott – The Mac Arnold concert will be July 3 at the Gazebo. I also want to thank Mr. Gerald Roper and Donald Clay for what they do for Pickin' on the Square. They really run that so well. I saw the biggest crowd ever Saturday night.

Adjourn

**Motion was made by Curtis, seconded by Jamison to adjourn the meeting at approximately 8 p.m.
Motion carried. Vote: 6 to 0.**

Robert S. Scott, Mayor

Chad B. Simons, Town Clerk

