



## Town of Franklin Board of Aldermen

### Agenda

May 4, 2015

7:00 p.m.

1. Call to Order- Mayor Bob Scott
2. Pledge of Allegiance- Vice Mayor Verlin Curtis
3. Adoption of May 4, 2015 Proposed Agenda
4. Approval of the April 6, 2015 Board Minutes
5. Public Hearing 7:05 p.m. for Special Use Permit Application
6. Public Session
7. New Business
  - A.) Board Action on Special Use Permit Application
  - B.) Presentation of the North Carolina Cardinal Award to Wayne Price- Mayor Bob Scott
  - C.) Proclamation for Scottish Heritage Week - Mayor Bob Scott
  - D.) Set Public Hearing for Dan Street and Watauga Street- Land Use Administrator Justin Setser
  - E.) Update on Bicycle and Pedestrian Planning Grant- Land Use Administrator Justin Setser
  - F.) Resolution Opposing Senate Bill 650 Elections Transparency Act- Mayor Bob Scott
  - G.) Street Closing Request for 2015- Town Manager Summer Woodard
  - H.) Request for Water and Sewer Allocation for Siler Road- Town Manager Summer Woodard
  - I.) Capital Project Ordinance for Town of Franklin Water Plant Upgrade and Expansion- Town Manager Summer Woodard
  - J.) Reimbursement Resolution for Town of Franklin Water Plant Upgrade and Expansion- Town Manager Summer Woodard and Town Attorney John Henning Jr
  - K.) Resolution to Appoint Town of Franklin Finance Officer- Town Manager Summer Woodard
  - L.) Joint Meeting with Macon County and Town of Highlands- Town Manager Summer Woodard
  - M.) Proposed Fiscal Year 2015-2016 Town Budget- Town Manager Summer Woodard
    - 1.) Presentation of Proposed Fiscal Year 2015-2016 Town of Franklin Budget
    - 2.) Set Budget Work Session for Saturday May 16, 2015 at 9:00 a.m.
    - 3.) Set Public Hearing for Fiscal Year 2015-2016 Town of Franklin Budget for Monday June 1, 2015 at 7:10 p.m.
8. Legal
  - A.) Ratify Email Vote on April 9, 2015 for Forwarding Amending the Ordinance Regarding Banners to the Town Planning Board- Town Attorney John Henning Jr
  - B.) Banner Policy- Town Attorney John Henning Jr
  - C.) Set Public Hearing for Amending the Ordinance Regarding Banners- Town Attorney John Henning Jr
9. Adjourn

## **May 4, 2015 meeting,**

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday May 4, 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.

**Motion was made by Mashburn, seconded by Jamison to move up Agenda Items D and E, and approve the Agenda as presented with the aforementioned changes. Motion carried. Vote: 6 to 0.**

### **Approval of the Minutes**

**Motion was made by Curtis, seconded by McRae to approve the April 6, 2015 Board minutes as presented. Motion carried. Vote: 6 to 0.**

### **Public Hearing: 7:05 p.m. for Special Use Permit Application**

Mayor Scott – The first thing that I have to do is swear everyone in that will be speaking. Mayor Scott swore in Mr. Jim Yamin of Workforce Homestead Inc., and Justin Setser, Land Use Administrator of the Town of Franklin.

Justin Setser – Land Use Administrator – Did we review the section on the conflicts of interest?

Mayor Scott – That’s right. Let me ask, does any Board member have any conflict of interest whatsoever in this project we are looking at tonight? Please say it now if you do. No person seems to have a conflict. Let’s proceed.

Justin Setser – Land Use Administrator – This is for an affordable housing unit, 5 (five) acres on Siler Road. Mr. Yamin has submitted his preliminary plans. I did not find any issues with the plan in our Unified Development Ordinance. A neighborhood compatibility meeting with all property owners within four hundred (400) feet was held here at Town Hall on March 20, 2015 at 5 p.m. Only I and Mr. Yamin showed up. But it was sent out to every property owner within four hundred (400) feet of this property. This was sent to the Planning Board on March 16, 2015. Their recommendations and findings of fact are in your report. They since approved this with the added conditions that Mr. Yamin install a sidewalk and a right hand turning lane coming into the property off Siler Road. Lastly, you will see the email from Mr. Grindstaff from the state Department of Transportation about the traffic study. The length of time that it would take, and the pre-requisites associated with the study would not have met the deadline. All of the findings of facts are in our Unified Development Ordinance, and you need to review them before taking any action.

Jim Yamin – President of Workforce Homestead Inc. – Good evening Mr. Mayor and Town Board. I’m here to please request your approval of the special use permit application. I’ll be happy to hit the highlights on some of these display items. I got a contract for five (5) acres. To do a complete survey, you have to do the whole fifty-five acres. I’m working on that now. There is an existing driveway showing an existing residence. They will be maintaining that. It will be three (3) stories in elevation, roughly forty-one (41) feet. All three buildings will be this tall.

**May 4, 2015 meeting continued,**

The appearance will be similar to the one at Westgate Terrace, but we have updated some design features. But we're actually using the same architect. The clubhouse will contain a multi-purpose room, laundry room and a fitness center.

Jim Yamin – President of Workforce Homestead Inc. – There will also be a playground area. And of course all units will have washer and dryer access. I also just want to summarize that the application does coincide with the Town's Unified Development Ordinance in complying with the Town's principles of growth. It's in a great location. There has been a market study done showing the need for affordable housing. I'm requesting for you to consider this.

John Henning Jr. – Town Attorney – Before the hearing closes can we get some clarification on the turning lane. East bound coming into Siler Road is where your turning lane will be? Was that your understanding Mr. Setser?

Justin Setser – Land Use Administrator – Yes.

John Henning Jr. – And the sidewalk on the northern boundary of the property? That's where it is going, correct?

Jim Yamin – Yes.

Justin Setser – Land Use Administrator – Yes.

Alderman McRae – Is that on Siler Road?

Jim Yamin – Yes. That will be on the south side of Siler Road.

Mayor Scott – Okay. Nobody signed up in opposition to this. Does the Board have any discussion on this? Hearing nothing, I will close the public hearing.

**New Business: Board Action on Special Use Permit Application**

Mayor Scott – Counselor is there any reason for the Board to continue this?

John Henning Jr. – Town Attorney – I seriously doubt it. I think the Board can make a decision on this tonight if you are ready to deliberate on the findings of fact. If you look at the planning board's decision on the findings of fact, they said yes to a.) (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.) if the developer puts in a sidewalk and turning lane coming into the property. That's an adequate finding and it's entirely up to the Board, but I would recommend including the right hand turning lane from the eastern bound direction coming into Siler Road, and the sidewalk to be on the northern boundary of the property, on the south side of Siler Road.

Mayor Scott – Do we need a motion for each one?

John Henning Jr. – Just a consensus.

**May 4, 2015 meeting continued,**

John Henning Jr. – Town Attorney – For b.) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 152.060, of the Unified Development Ordinance. The planning board said yes. And I think that's an adequate finding.

Alderman McRae – So they have water and sewer?

Justin Setser – Land Use Administrator – Yes.

John Henning Jr. – Town Attorney – For c.) The use or development complies with all required regulations and standards of this chapter or with variances thereto, if any, granted pursuant to division (S), below, and with all other applicable regulations. The planning board said yes, with the waiving of tree survey and traffic impact study. My only suggestion here would be to make reference to the Department of Transportation do a traffic impact study in the future.

Mayor Scott – Yeah. I think that's the consensus of the board.

John Henning Jr. – Town Attorney – For d.) 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 planning board said yes because it is in a wooded area.

Mayor Scott – Anything from the Board?

John Henning Jr. – Town Attorney – Last one is e.) The use or development conforms 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 planning board said yes because it offered more affordable housing options.

Alderman McRae – What is the definition of affordable housing?

John Henning Jr. – Town Attorney – I don't know if the principles of growth defines it. My understanding is that it is a government provided definition of affordable housing.

Alderman McRae – Can we ask Mr. Yamin?

John Henning Jr. – Town Attorney – The hearing has been closed, but we can ask him after the vote.

Mayor Scott – Any other questions concerning this?

**Motion was made by McRae, seconded by Handley to approve the Findings of Fact and the Special Use Permit Application. Motion carried. Vote: 6 to 0. A copy of the permit and findings of fact are attached.**

**May 4, 2015 meeting continued,**

Jim Yamin – I'll be glad to answer that. As part of the application process, for the federal house tax credits program, it requires that all of the housing applicants earn no more than 60 (sixty) percent of the median county income. So in round numbers, it would mean that the households that will be eligible to live at Indigo would be capped at \$30,000.00 of gross household annual income.

**New Business: Presentation of North Carolina Cardinal Award to Wayne Price**

Mayor Scott and the Town Board of Aldermen presented Mr. Wayne Price the North Carolina Cardinal Award for 25 years of service to the Town of Franklin and 10 ½ years of service to the Town of Waynesville as Superintendent of the Wastewater Treatment Plants in both respective towns.

**New Business: Set Public Hearing for Dan Street and Watauga Street**

**Motion was made by Jamison, seconded by Curtis to set a public hearing for rezoning of Dan Street and Watauga Street for Monday June 1, 2015 at 7:05 p.m. in the Town Hall Board Room. Motion carried. Vote: 6 to 0.**

**New Business: Update on Bicycle and Pedestrian Planning Grant**

Justin Setser – Land Use Administrator – As most of you know, we did a press release. We applied for the grant back in the winter, and we got a letter back on April 10, 2015 saying we were awarded with the grant. We were one of 10 towns to receive the award. We approved the ten (10) percent match back in the winter. In July we will release an RFP as a proposal for consultants, and then we will start working on a comprehensive plan for the Town. We will look at modifying, creating sidewalks and creating bike lanes in Town. We will have a steering committee, and hopefully we can adopt the plan in about a year.

**New Business: Proclamation for Scottish Heritage Week**

Mayor Scott read the Proclamation.

**Motion was made by Abel, seconded by Handley to approve the Proclamation to designate June 15, 2015 through June 21, 2015 as Scottish Heritage Week in Franklin. Motion carried. Vote: 6 to 0. A copy of the proclamation is attached.**

**May 4, 2015 meeting continued,**

**New Business: Resolution Opposing Senate Bill 650 Elections Transparency Act**

Mayor Scott – Ninety-eight (98) percent of all municipal elections in this state are non-partisan, and this is how it has been for years. Mayor Scott read the Resolution.

**Motion was made by Jamison, seconded by Abel to approve the Resolution Opposing Senate Bill 650 Elections Transparency Act. Motion carried. Vote: 6 to 0. A copy of the Resolution is attached.**

**New Business: Street Closing Request for 2015**

Summer Woodard – Town Manager – There is an attachment in your packet of upcoming events that the town has been made aware of. The first one is the Law Enforcement Memorial Day on May 15, 2015. Of course our Pickin' on the Square is set to kick off on May 23, 2015 through October 17, 2015. That's every Saturday night from 5:30 p.m. to 9:30. p.m. The Taste of Scotland and the Braveheart 5k are included in this. The Mac Arnold concern for July 3 and the July 4<sup>th</sup> celebration is in this as well. Pumpkinfest and Winter Wonderland are also a part of this attachment.

Alderman Jamison – What about New Year's Eve? No request yet?

Summer Woodard – Town Manager – Not yet. I thought it would be good if we could knock some of these out so we don't have to put something on the agenda each meeting. We can always come back periodically and add street closings if we need to.

Alderman Mashburn – We are going to close it at 5:30 p.m. on the 19<sup>th</sup> of June until 6:30 p.m. on the 20<sup>th</sup> of June?

Summer Woodard – Town Manager – You are correct.

Alderman Jamison – Have we closed Main Street before for the Taste of Scotland?

Summer Woodard – Town Manager – We have not.

Alderman McRae – Do we close Main Street for Winter Wonderland?

Summer Woodard – Town Manager – We do not.

**Motion was made by Mashburn, seconded by Curtis to approve the street closings included in the attachment. Motion carried. Vote: 6 to 0. A copy of the street closings are attached.**

**New Business: Request for Water and Sewer Allocation for Siler Road**

Summer Woodard – Town Manager – What you have is a request for Indigo. There is a letter in your agenda packet that addresses this. Assuming the standards of 120 gallons per bedroom per day, they calculate a need for an allocation of 15,120 gallons per day. This includes water and sewer. One thing I would ask the Board to consider is that we get an engineer's approval on this.

**May 4, 2015 meeting continued,**

Alderman Mashburn – I would recommend we accept the manager’s recommendation on this. We don’t have an engineer’s letter attached. If they need a yes or no on this, I would be happy to give them preliminary approval. But we would need an engineer’s statement of need for any hard numbers.

**Motion was made by Mashburn, seconded by Jamison to grant water and sewer allocation to Indigo Affordable Housing Development on Siler Road, pending an engineer’s letter of approval. Motion carried. Vote: 6 to 0.**

**New Business: Capital Project Ordinance for Town of Franklin Water Plant Upgrade and Expansion**

Summer Woodard – Town Manager – What you have before you, we received a \$3.5 million dollar loan to expand our water plant. This takes the project a step further. This project ordinance authorizes capital improvements to be financed through the use of the loan funds. Engineering work is \$265,000 and initial construction for phase one is \$3.235 million. That’s a total of \$3.5 million that the Town received.

**Motion was made by Curtis, seconded by Handley to approve the Capital Project Ordinance. Motion carried. Vote: 6 to 0. A copy of the Ordinance is attached.**

**New Business: Reimbursement Resolution for Town of Franklin Water Plant Upgrade and Expansion**

John Henning Jr. – This is simply what we dealt with a moment ago. We have approval for the loan that’s not in place yet. This will let us re-pay ourselves out of the loan proceeds after the fact, because we may have to make expenditures in the meantime.

**Motion made by Mashburn, seconded by Jamison to approve the Resolution for Town of Franklin Water Plant Upgrade and Expansion. Motion carried. Vote: 6 to 0. A copy of the Resolution is attached.**

**New Business: Resolution to Appoint Town of Franklin Finance Officer**

Summer Woodard – Town Manager – Ms. Woodard introduced Kyra Doster as the Town of Franklin’s new Finance Officer.

**Motion was made by McRae, seconded by Abel to adopt the Resolution appointing Kyra Doster as the Town of Franklin’s Finance Officer. Motion carried. Vote: 6 to 0. A copy of the Resolution is attached.**

Summer Woodard – Town Manager – I would like to inform the Board that I would like to add Mrs. Doster to the Town’s bank accounts, and that her first day will be May 18, 2015.

**May 4, 2015 meeting continued,**

**New Business: Joint Meeting with Macon County and Town of Highlands**

Summer Woodard – Town Manager – I would just like to remind the Board about the joint meeting. It's with the Town of Highlands and Macon County, and it's on a Monday. I made a mistake in the packet.

**New Business: Proposed Fiscal year 2015-2016 Town Budget**

Town Manager – Summer Woodard – Ms. Woodard presented the proposed 2015-2016 Town of Franklin Budget. I would like to thank town staff for taking the time to go through budget requests, and a special thank you to Ms. Evelyn Southard for sticking with me and helping us out.

**Motion was made by Jamison, seconded by Curtis to acknowledge receipt of the 2015-2016 fiscal year budget. Motion carried. Vote: 6 to 0.**

**Motion was made by McRae, seconded by Jamison to set budget work session for Saturday May 16, 2015 at 9 a.m. in the Town Hall Board Room. Motion carried. Vote: 6 to 0.**

**Motion was made by Jamison, seconded by Curtis to set public hearing for fiscal year 2015-2016 Town of Franklin Budget for Monday June 1, 2015 at 7:10 p.m.**

**Legal: Ratify Email Vote on April 9, 2015 for Forwarding Amending the Ordinance Regarding Banners to the Town of Franklin Planning Board**

John Henning Jr. – Town Attorney – I apologize. When we had the discussions about the banners, it did not dawn on me that it really is a land-use ordinance, and that has to be announced in the paper and to forward it to the planning board. We try to avoid doing this. There is no debate or discussion. The planning board did have an open dialogue. Can we ratify that vote, please?

**Motion was made by Handley, seconded by McRae to ratify the April 9, 2015 email vote for Forwarding Amending the Ordinance Regarding Banners to the Town Planning Board that was a 6-0 approval. Motion carried. Vote: 6 to 0.**

**Legal: Banner Policy**

John Henning Jr. – Town Attorney – We missed the advertising deadline that we had to get it into the paper to have the hearing tonight. I apologize for that. You were also very clear that this doesn't need to be held up for a lot of discussion. So to move on, this banner policy will take what we proposed in the ordinance and put it into a policy – until we can get this language placed into the ordinance. I would like to get feedback on some things. Liability insurance, the Town does not accept liability for having a banner put up. That portion of the policy is Section II-G, which says applicants that get special events insurance will give the Town a copy of it. A couple of options here. You could go all the way and request a copy of the special events certificate, and also name us as a secondary insurer. I don't know if Ms. Woodard wanted to weigh in on that. We jumped through a lot of hoops with the Tourism Development Authority with that. I don't know how expensive it is. What would you like to do?

**May 4, 2015 meeting continued,**

Mayor Scott – The Tourism Development Authority basically tries to get people to come into Franklin. What if the tourism Development Authority could approve a group backed policy?

John Henning Jr – Town Attorney – I don't know.

Mayor Scott – Would that not be a proper use of Tourism Development Authority funds?

Alderman Mashburn – That would have to be a Tourism Development Authority Discussion.

Mayor Scott – Yeah. I know the air show required only about \$1,200. It wasn't too bad. We can talk about it later. I was thinking if we could get some funding elsewhere, we should try to.

Alderman Mashburn – Some insurance is going to have to be there. If something happens to the banner, there needs to be something behind it. We are going to have to require something, if not an events insurance policy, at least liability insurance for the installation and removal of the banner. I'm adamant about this, so we have some level of protection.

Mayor Scott – The event has to have insurance.

Alderman Mashburn – I think that's separate.

Alderman Jamison – There has been cases of banners falling on vehicles and running over and killing someone. It's happened.

John Henning Jr. – Town attorney – The consensus should say the application should require special events insurance, correct?

Mayor Scott – Yes. But each event is a special event.

John Henning Jr. – Once this is in place, Mr. Setser will regulate the policy and it won't have to come before the board. A couple of other things, I think there was some discussion the committee brought forward. In Section II-C, the display is for non-profits or community groups. Banners can't be used for business promotions. The sign ordinance is about regulating commercial speech. That's the heart of it.

Mayor Scott – That's correct. But banners are special events. No politicking. No religion. Just community events.

Alderman Curtis – I think if businesses sponsor the event, they should be allowed to put their name on there. But eighty (80) percent of the content should be for the event, and no more than twenty (20) percent available for the business.

Mayor Scott – I think we might open up a can up a can of worms with that. I think we need to be clear about that.

**May 4, 2015 meeting continued,**

Alderman Mashburn – I don't object to that. I was going to be a little more lenient.

Alderman Handley – The consensus is that we advertise events only for banners. No businesses.

John Henning Jr. – Town Attorney – So no business names. Only non-profits.

Mayor Scott – I think that's it.

**Motion was made by Abel, seconded by McRae to approve the Town of Franklin Banner Policy, with the caveats that you have to add the Town of Franklin as a second insurer and special events insurance is required, and no for-profits businesses will be placed on banners.**

**Motion was made by Mashburn, seconded by Handley to set public hearing for amending the Ordinance Regarding Banners on Monday June 1, 2015 at 7:15 p.m. in the Town Hall Board Room. Motion carried. Vote: 6 to 0.**

**Mayor Scott read a prepared statement regarding the upcoming budget, and the problems associated with the North Carolina General Assembly involving itself in local government affairs. A copy of Mayor Scott's statement is attached.**

**Adjourn:**

**Motion was made by Handley, seconded by Jamison to adjourn the meeting at approximately 8:30 p.m. Motion carried. Vote: 6 to 0.**

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Robert S. Scott, Mayor

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Chad B. Simons, Town Clerk

