

Town of Franklin Board of Aldermen
Regular Scheduled Meeting
Agenda Tuesday November 2, 2015 7:00 p.m.

1. Call to Order- Mayor Bob Scott
2. Pledge of Allegiance- Vice Mayor Verlin Curtis
3. Adoption of November 2, 2015 Proposed Agenda
4. Approval of the October 5 and October 20, 2015 Board Minutes
5. Public Hearing 7:05 p.m. for Multi-Tenant Sign Amendment
6. Public Session
7. New Business
 - A.) Board Action on Multi- Tenant Sign Amendment
 - B.) Proclamation for National Hunger and Homelessness Awareness Week- Bob Bourke
 - C.) Sanitary Sewer Request for 940 Lake Emory Road- Lowell Monteith
 - D.) Police Financing Application for New Police Vehicles- Finance Officer Kyra Doster
 - E.) Presentation of Sufficiency Notification for 2235 Georgia Road- Town Clerk Chad Simons and Town Attorney John Henning Jr
 - F.) Tax Refund- Tax Collector Jessie Wilkins
 - G.) Utility Agreement for West End Mobile Home Park- Town Manager Summer Woodard
 - H.) Discussion on National Flood Insurance Program- Town Manager Summer Woodard, Land Use Administrator Justin Setser and Town Attorney John Henning Jr.
 - I.) Town of Franklin Pay Plan Implementation- Town Manager Summer Woodard and Human Resource Officer Chad Simons
 - J.) Discussion on Bartram Trail Heritage Sign Placement- Mayor Bob Scott
 - K.) Update on NCDOT Bridge Project- Town Manager Summer Woodard
 - L.) Update on Memorial Park Stream Restoration Project- Town Manager Summer Woodard
8. Legal
 - A.) Draft Ordinance for the Limited Repeal of the Prohibition on Firearms Discharge- Town Attorney John Henning Jr

B.) Draft Ordinance for the "Streets and Sidewalks" Version of the Mobile Food Vending Ordinance- Town Attorney John Henning Jr

C.) Macon County Leachate Agreement- Town Attorney John Henning Jr

9. Announcements

A.) Town Hall Offices will be closed in observance of Veterans Day Wednesday November 11, 2015.

B.) Town of Franklin Veterans Day Parade and Ceremony will be Wednesday November 11, 2015 from 10:15 a.m. until 12:00 p.m. at the Town Gazebo.

C.) Town Hall Offices will be closed in observance of Thanksgiving Thursday November 26, 2015 and Friday November 27, 2015.

D.) Winter Wonderland will be Saturday November 28, 2015 from 5:00 p.m. until 8:00 p.m.

10. Adjourn

November 2, 2015 meeting

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday November 2, 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 November 2, 2015 Proposed Agenda

Motion was made by Curtis, seconded by Jamison to add line item Animal Control Ordinance labeled 8 D. to the proposed agenda. Motion carried. Vote: 6 to 0.

Motion was made by Handley, seconded by Abel to adopt the November 2, 2015 Agenda with amendment. Motion carried. Vote: 6 to 0.

Approval of October 5 and October 20, 2015 meeting minutes

Motion was made by McRae, seconded by Curtis to adopt the minutes as presented. Motion carried. Vote: 6 to 0.

Public Hearing 7:05 p.m. for Multi-Tenant Sign Amendment

Justin Setser – Land Use Administrator – The planning board discussed this issue for several months, and finally reached a compromise. The text amendment if approved, would change our multi-tenant sign ordinance regulations. In C-1 Commercial, 70 square feet would still be the maximum. C-2 Commercial would go up to 90 square feet, and C-3 Commercial and Industrial would be 150 square feet. This is all just for free standing signs, not attached signs. That goes off of street frontage. You will also see pictures of the sign examples in your packets.

Angela Moore – Good evening. I would like to address two issues with this. First, there are multiple violations of our sign ordinance all throughout our commercial districts in town. It seems silly to be amending while we have several unenforced violations. It's my understanding that the Town has said they will only enforce regulations when they receive complaints are complained about, but is it really reasonable for the population of Franklin to complain about the minutia of violations within the commercial districts, which is something across the board. It's important that the rules we enforce are enforced across the board, and if they're not enforced, we change them. I'd also like to point out that there is a difference between a non-conforming sign and conforming signs. Non-conforming signs are grandfathered in before the sign ordinance, and if that sign was built afterward, it is a violation and needs to be treated as such. Secondly, I wanted to remind the board. That this issue is already addressed in the Code of Ordinances. We allow special use permits to get larger signs. It's been done before. The idea of modifying our zoning codes to have less non-conforming signs, it comes across as special treatment for certain businesses, and I would discourage the Board from making decisions like this. Thank you.

November 2, 2015 meeting minutes continued,

Public Session

Steve Crabtree – We are here again to ask for a street closure for our second annual Ruby Drop on the square. We appreciate what you did for us last year. There are a few changes. This year, we could like to close the entire street instead of the section in front of Motor Company Grill. The hopes are that we have more businesses involved. Last year, we didn't have the Bowery or the Lazy Hiker. This year, we have the entire street. That is our request. If you don't decide to let us close the street, we would at least ask you to close the same section that you did last year. We want to drop the Ruby on town square at the Gazebo, in the middle of town.

Mayor Scott – We will take this under consideration, and we will have a firm answer for you in December.

Susie Nicholson – Franklin Chamber of Commerce – I'm here to ask the Board if they will allow for us to close down one side of the street for the Christmas Parade later this month. We closed down one side of Main Street last year, so we wanted to be fair and ask for both sides this year. It will only be the left hand side of Main Street for parking, leaving open the right side of Main Street for the parade and spectators. We've been to all merchants on Main Street that this will impact. It will be for parking only, to close down Main Street.

Mayor Scott – Chief Adams, will this cause a problem?

David Adams – Franklin Police Chief – It wouldn't create a traffic problem on our part.

Mayor Scott – Do we need to vote on this following public session?

Summer Woodard – Town Manager – One thing we can do, and have done in the past, is this falls under the police power. If the police chief deems it to be a safety hazard, at his discretion he can take care of the situation.

Suzie Nicholson – If I may interject too, merchants have asked us as we went through - they asked us why we didn't want to close off both sides to traffic. The Bowery felt like it could hurt their parking area, because the staging area for the parade will impact them. They did say one of the busiest days they have had is when Main Street was blocked off.

Angela Moore – Thank you. I wanted to address two issues. The Flood Plain Ordinance is on the agenda tonight. Please look at the possibility of de-annexing property in the flood plain ordinance, so they will be under the county's jurisdiction and will get access to subsidized insurance without impacting the value of other properties. Even if it left us with a few holes, it would be worth it. With residential properties, it would be a revenue neutral change with water and sewer rates going up, while property taxes were eliminated. Secondly, as far as discharging firearms inside the city limits. I know you are looking at allowing that in a shooting range. In the same spirit of that, I think more allowances need to be made for people to discharge firearms in town. Please look at also adding the discharging firearms in the defense of one's self or another person against a reasonably perceived threat of imminent and unlawful infliction of bodily injury. In defense of one's home or property.

November 2, 2015 meeting minutes continued,

Angela Moore - In the shooting or killing of any destructive or dangerous animals as necessary to protect life or property. And in the slaughtering and euthanizing of livestock.

Please keep in mind that any of those changes will not alleviate any laws that might be broken by people at the state level, but it will keep people that are defending their homes and property from facing any additional charge for firing a weapon inside the town, and currently, those are not given any exception.

New Business: Board Action on Multi-Tenant Sign Amendment

Motion was made by Handley, seconded by Curtis to adopt the ordinance and zoning consistency statement as presented. Motion carried. Vote: 6 to 0. A copy of the consistency statement and text amendment to the multi-tenant sign ordinance is attached. Motion carried. Vote: 6 to 0.

New Business: Proclamation for National Hunger and Homelessness Awareness Week

Mayor Scott read the proclamation for national hunger and homelessness awareness week.

Motion was made by Mashburn, seconded by Jamison to approve the Proclamation to designate November 14, 2015 through November 22, 2015 as hunger and homelessness awareness week. Motion carried. Vote: 6 to 0. A copy of the proclamation is attached.

New Business: Sanitary Sewer Request for 940 Lake Emory Road

Lowell Monteith – Owner of Father’s House – Good evening. I’m here on behalf of the Father’s House, a homeless outreach ministry here in Franklin. Tom Ritter is here representing us as our architect on this project. We have purchased a home at 940 Lake Emory Road, and your sanitary sewer line runs on that road and we have spoken to Jay Gibson, and he said we should not tap on. So I’m coming to the board to seek permission to tap onto the sewer line there. We have an engineer that is willing to lead the project for us. We just need your permission to do that. I’ll ask Tom to come and present some other stuff to you. We have attached letters from the County Building Department and the Macon County Sheriff’s Department to support this project.

Tom Ritter – More specifically, the property used to be an 18 bedroom apartment building. It’s two stories, about 4,300 square feet per floor. The facility is in an extreme state of disrepair. Mr. Monteith’s plan is to take that facility and upgrade it. Well, currently there are three septic systems on that site, two of which were installed legally. The other was not. We can’t use that because it was done improperly. Another existing one is actually under the building. So our fear is that we won’t have any options of putting in a septic system. We are going to repair the upstairs portion to its previous condition. Like I said it is in disrepair, so he will be doing the county a favor in refurbishing this building. He will also be using a portion of this building to live in with his family. We are working with Sewer Solutions Inc. to do all the taps, and Mr. Higdon is working with Mr. Jay Gibson and McGill Engineers. Larry Lackey will be working with us as well, so all of the engineering criteria will be met. We don’t have a building code issue. Mr. Jimmy Teem said we could work around that. This is a water and sewer issue. We can get the well that is there, but there has been discussion of connecting that well with city water. But it’s all been filled, so that will not be an acceptable location. The site is only .88 acres.

November 2, 2015 meeting continued,

John Henning Jr. – Town Attorney – The primary problem with this request is that the line available to people there is a force main. Summer and I had a meeting with Jay Gibson, public works director, today on a separate matter, but he led us through the whole reason why the town has a policy against this. For each successive one you allow to be tied onto a force main, it causes the pressure of that line to increase. It causes much more hydraulic problems down the line. There is no engineering fix for this that would not impact the entire line.

Summer Woodard – Town Manager – Mr. Mayor and Board, we have discussed this with our public works director, the town attorney and our water and sewer committee. The town has a policy in place given that we spent \$5.3 million in the past five years to update our sanitary sewer plant. The town does have a policy in place to prevent people from tapping on to the force main because of the problems it could cause.

Tom Ritter – We are talking about 1,700 gallons per day. I'm not a sewer engineer, but it's my understanding that this is very minuscule. I can assure you that if there is a way to do it properly, that's what we will do.

Alderman Jamison – Is there another line they can hook into there? Is anyone else attached onto the force main?

Summer Woodard – Town Manager – The county garage is, but that predates our updates and modifications.

Alderman Handley – Is there any other option?

Summer Woodard – Town Manager – I'm not sure.

Tom Ritter – One of the options we are looking at is utilizing the two septic systems. They would need to be pumped quarterly, but the problem is that one of them is under the house. So the second floor system is the only piece of that puzzle, and the criteria has changed since 1975. If the force main is there and there is a way, I'm not sure how else anyone can do anything with this property. I've spoken to people in the county and town, and we do have a need for this in town. It is a vast need. Whether it is this facility or some other facility, there is a frightening need for this. Hotels are short term options here. We think this will not need fire sprinklers. You are aware of the past problems there. The cosmetic changes are essentially what we need. And that's doable.

Lowell Monteith – Having a septic tank more often, the actual health department would not allow that. They call it a pump and carry. So that's not an option. Other options will not work. Right now it is approved in the county for five bedrooms. So what we are asking, if we can work with the Town's engineer, we can come up with something plausible. At this point, we don't have any other options. We are trying to achieve something and provide for a need that is huge in this county.

November 2, 2015 meeting continued,

Alderman Curtis – Have you considered the option of pumping over to the pump station at the county garage? That seems to be a simpler solution.

Lowell Monteith – That would require easements on multiple people's property, and an easement on county property. So that will not be easy to do. My concern is that if we can pump it into the county's pump station, it shouldn't cause any more problems if we tap in.

Alderman Curtis – Oh yes it does because you have a different situation that you probably don't understand. These pump stations have to pump a certain pressure going up. When you pump into that line, you have to overcome that pressure that is already existing there. The more people we let on that line along the way, each one of them has to overcome another pressure and another pressure and another pressure. And we have to overcome all of that. It's a large and complicated problem. That's why we haven't been allowing it to happen. If we allow you to do it, we will have to allow everyone else to do it. That's our problem on the Town Board. We recognize the need you are talking about. We also have to look into our own potential problems that we might be faced with. So I think you need to look at getting the easements for their pump stations. A two inch force main line will get you there.

Alderman Mashburn – All of us up here are sympathetic to your cause. But other people have asked us to hook onto the line there, and we have denied their request because of the same problems. As a member of water and sewer committee, I have to say that I recommend for the Board to deny this request. We will be glad to continue to help you look into other options, but tapping onto the force main is off the table.

Alderman Curtis – I feel the same way.

Tom Ritter – We are running out of time temperature wise. Can we present it to you before the December meeting if we find something else?

Alderman Mashburn – Sure. That wouldn't be against town policy to do that. But can you clear up one thing for me? The paperwork I've looked at, when Mr. Lackey sent us his engineering information, what in the dickens is that? How many gallons a day are you asking for?

Tom Ritter – 120 gallons per day for the bedroom. I had a different number.

Alderman Mashburn – What is the 9,360 gallons above that?

Lowell Monteith – We have not employed Larry Lackey for this. He quickly wrote that letter before he went out of town. He did say he would be willing to work with us on this project.

Alderman Mashburn – Well that is way off base.

Lowell Monteith – Would us not tapping into the pump system not

Summer Woodard – Town Manager – Yes. I'll be glad to meet with you tomorrow if you would like.

November 2, 2015 meeting continued,

New Business: Police Financing Application for New Police Vehicles

Kyra Doster – Finance Officer – Mr. Mayor in your packet you will see a quote from Ford Motor Company for a two year term lease purchase agreement. It's similar to what we've done in previous years for replacing the aging police vehicle fleet. This financing will continue to stay on that rotation schedule, rotating out two vehicles every year. We're just requesting tonight to submit this application for the two year lease purchase agreement.

Motion was made by Abel, seconded by McRae to approve the submission of the application to Ford Motor Company to lease purchase two vehicles for the police department. Motion carried. Vote: 6 to 0. A copy of the quotes and application materials are attached.

New Business: Presentation of Sufficiency Notification for 2235 Georgia Road

Chad Simons – Town Clerk – Mr. Mayor, Board, I don't foresee any issues with this particular annexation petition, but we did run into a slight setback. One of the principal owners of Joseph Moretti, Inc. recently passes away. They have lost their corporate status in North Carolina, according to the Secretary of State's Office. They are working to get it back, but it may take a few days. I have to hold off on certifying the petition until they get their corporate status in North Carolina back.

New Business: Tax Refund

Jessie Wilkins – Tax Collector – Good evening. I've submitted two request for partial tax refunds, made due to clerical error. I discovered these during the revaluation process. They come in as full amounts, and we had nothing to indicate that they were partials. We can only go back five years as statutes.

Motion was made McRae, seconded by Handley to approve the tax refunds due to clerical error as presented. Motion carried. Vote: 6 to 0. A copy of the refunds are attached.

New Business: Utility Agreement for West End Mobile Home Park

Summer Woodard – Town Manager – Myself, our attorney, Mr. Jay Gibson, and our water and sewer committee have been working on this for a while. Mr. Glen Hedden is the owner of the mobile home park. Currently Mr. Hedden services the homes by reading the meters himself, and gets charged the full water rates of outside commercial. This agreement would allow the Town to begin the process of reading the meters.

John Henning Jr. – Town Attorney – This is part of a broader effort to keep the Board informed of extensions into our system. We will install new meters to town standards, and in addition, it walks through and puts in a contractual from of our existing policy.

Alderman Jamison – Are the renters aware of the change?

Summer Woodard – Town Manager – Yes. They currently get billed already.

November 2, 2015 meeting continued,

Motion was made by Jamison, seconded by Curtis to approve the utility agreement for West End Mobile Home Park. Motion carried. Vote: 6 to 0. A copy of the contractual agreement is attached.

New Business: Discussion on National Flood Insurance Program

Summer Woodard – Town Manager – As we are all aware at our October 20, 2015 meeting we had a rather productive question and answer session. We brought back some findings that our Town Attorney has researched following the meeting, to see where we can go from here.

John Henning Jr. – Town Attorney – The bad news is that the county ordinance is not something by simple resolution we can ask them to enforce for the Town and Extra-Territorial Jurisdiction. We would have to amend their existing ordinance, or we will have to adopt our own. We also got a lot more paperwork to look through as well. The good news is this. You were here and heard it. The National Flood Insurance Program is not some big and bad program that kills property values. It doesn't prohibit growth. What it is tremendous savings for flood insurance for businesses and residents, and would also mean significant federal assistance for water and sewer infrastructure. For that reason, I would wholeheartedly recommend resolve as a board that the Town is going to rejoin the National Flood Insurance Program, and to allow us to execute documents that we can on our own, and bring back to the Board whatever is necessary to make it happen.

Alderman Jamison – I think it's a good idea. We've heard all kinds of rumors for years, but the county has been involved in the program for a long time. It doesn't take away anything from homeowners.

Alderman McRae – And I got the feeling the other night that even people who were opposed to it left the meeting with the understanding of what the program is all about. And they saw the need to participate.

Alderman Mashburn – Did I understand you correctly that a lot of additional information has come in since the last meeting?

John Henning Jr. – Town Attorney – It's not new information. I know nothing new that would change my mind. It's more paper work and procedural matters.

Alderman Curtis – I have the map that was amended, and at Porter and Palmer Street Circle, that map was changed to reflect a 3 foot difference in the original maps. To give you an example, the flood plain reached the step at Ace Hardware. With the three foot lowered at Porter and Palmer Street Circle, and that's quite a change. That's information that I found in my file.

Motion was made by Curtis, seconded by Jamison to rejoin the National Flood Insurance Program, and to proceed with the necessary steps and procedures to adopt the flood plain maps and ordinance. Motion carried. Vote: 6 to 0.

November 2, 2015 meeting continued,

New Business: Town of Franklin Pay Plan Implementation

Summer Woodard – Town Manager – What you have is that if you recall, we have worked with the MAPS Personnel Management Group – recommended to us by the North Carolina League of Municipalities. They developed a salary schedule for Town employees, and also position classifications for Town employees. We did budget for this implementation in the existing fiscal year budget. I would ask the board to allow the Town Manager to implement the pay plan at her discretion.

Motion was made by Handley, seconded by Abel to allow Town Manager Summer Woodard to administer and implement the pay plan at her discretion, and to move \$19,000 from the pay plan contingency. Motion carried. Vote: 6 to 0.

New Business: Discussion on Bartram Trail Heritage Sign Placement

Mayor Bob Scott – The signs have suddenly appeared today on the Town Square. Several years ago the signs were approved. A grant was written by somebody and approved. Apparently, no records were ever kept. But the Blue Ridge Heritage Foundation did keep the records. They are on the clock towers. It's very nice. There's another sign on the Gem and Mineral Museum placed out there. It's also very nice. There's another one on the Greenway too.

New Business: Update on North Carolina Department of Transportation Project

Summer Woodard – Town Manager – Last Thursday I got a call from Kevin Moore from the state. The proposed bridge construction, if you recall, the path was originally going to be 10 feet. Now they have come back to increase the path to 12.5 feet. I called him back tonight and confirmed that we did not have to allot any more money for the project. As far as the construction timeframe, August 2016 the bridge process will begin. Construction will begin in October 2016, maybe early 2017. It will still take 20 to 24 months for completion.

New Business: Update on Memorial Park Stream Restoration Project

Summer Woodard – Town Manager – As you will recall, Duke awarded the Town \$20,000 to start a stream restoration project at Memorial Park. Some issues emerged with fish and wildlife, so we missed the March and April season. So we met last week to see when we could start, and weather permitting, we will start the project November 9, 2015. It will take up to two to three weeks for completion. This will be a good time to do it, since it is not heavily utilized.

Legal: Draft Ordinance for the Limited Repeal of the Prohibition on Firearms Discharge

John Henning Jr. – Town Attorney – As the Aldermen are aware, through a long process we have allowed for the discharging of firearms at a gun range. I'm willing to work with you on any other amendments you would like to see. If someone engages in self-defense, there is such a thing called prosecutorial discretion. The first time someone gets charged with discharging a firearms in the city limits while defending themselves will be the first time.

Mayor Scott – All of that has trickled down to the state.

November 2, 2015 meeting minutes continued,

Alderman Jamison – Was the air gun and slingshot always in there?

John Henning Jr. – Town Attorney – Yes.

Motion was made by Handley, seconded by McRae to adopt the ordinance for the limited repeal of the prohibition on firearms discharge in the Town of Franklin. Motion carried. Vote: 6 to 0. A copy of the ordinance is attached.

Legal: Draft Ordinance for the Streets and Sidewalks Version of the Mobile Food Vending Ordinance

John Henning Jr. – Town Attorney – This will also clean up our code after passing the mobile food vending. As a land use matter, we have to address mobile food vending in our streets and sidewalks since it is a separate authority. That's what this does. This will allow us to prevent food trucks from blocking sidewalks.

Alderman Mashburn – That's up to the land-use administrator to make that determination?

John Henning Jr. – Town Attorney – Yes.

Alderman Mashburn – Would that go along with permitting process, and if they didn't want to park where the land-use administrator advised them to park, he could not provide the permit?

John Henning Jr. – Town Attorney – Yes and Yes.

Motion was made by Curtis, seconded by Jamison to approve the ordinance for the streets and sidewalks version of the mobile food vending ordinance. Motion carried. Vote: 6 to 0. A copy of the ordinance is attached.

Legal: Macon County Leachate Agreement

Several months ago you may recall we presented you some information about an agreement that had been in place for several years to treat leachate from the county. The Town provides this service to the county, and in return, the county allows us to use their landfill and they take on all of the liability. This keeps that in place, and this allows for a twenty year period instead of the sixty year timeframe.

Alderman Mashburn – At one point we did discuss having the opportunity, should we ever need it, to expand that space upon sometime of notification to the county. Anything like that in there? Also, is the extension automatic?

John Henning Jr. – Town Attorney – There is a 180 day termination notice. And it would renew unless we say otherwise, with a termination notice.

Motion was made by Handley, seconded by Abel to approve the contract and to execute the agreement as authorized. Motion carried. Vote: 6 to 0. A copy of the contract is attached.

November 2, 2015 meeting minutes continued,

Legal: Animal Control Ordinance

John Henning Jr. – Town Attorney – The County adopted an animal control ordinance several years ago, and we adopted a resolution to ask them to enforce that ordinance in town. They have made some changes at their October meeting, restructured and reorganized the animal control unit. This will ensure that they keep enforcing the amended ordinance.

Motion was made by Handley, seconded by Curtis to approve the animal control resolution. Motion carried. Vote: 6 to 0. A copy of the resolution is attached.

November 2, 2015 meeting continued,

Adjourn

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

Robert S. Scott, Mayor

Chad B. Simons, Town Clerk

