

**August 6, 2012**

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, August 6, 2012 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Joyce Handley, Farrell Jamison, Billy Mashburn, Carolyn Pattillo and Bob Scott were present.

**Approval of the Minutes**

**Motion was made by Handley, seconded by Jamison to approve the minutes for the July 2, 2012 minutes with the following addition that was requested by Town Attorney John Henning, Jr. to the public hearing opening paragraph: (1) the Town Hall property, (2) the public safety building and (3) the public works property and to approve the minutes for the July 26, 2012 meeting as presented. Motion carried. Vote: 6 to 0.**

**Public Session**

Dan Williams – The Indians were on a war path at the last meeting. Nobody was impolite to them. You have been very rude to me. In December I went to the emergency room. I was sent to Asheville. They said that I had two days to live. I had open heart surgery. It was a ten hour operation. I was in a coma. I am very sick still. This is the eighth time I am asking the town to clean up Dogwood Drive. Mayor Collins said Alderman Handley and Alderman Pattillo will look into your request.

**Public Hearing on Amendment to the Unified Development Ordinance**

Mayor Collins opened the public hearing at 7:10 P.M. on the public hearing on the amendment to the Unified Development Ordinance.

John Henning, Jr. – Town Attorney – There is some ambiguity in the appointment of the Board of Adjustment for the Town of Franklin to sit as its Planning Board. This amendment should affirm the appointment and ratify, confirm and adopt the acts of the Board of Adjustment when sitting as the Planning Board.

Mayor Collins closed the public hearing at 7:12 P.M.

**Legal: Board Action on Amendment to the Unified Development Ordinance**

**Motion was made by Mashburn, seconded by Jamison to adopt the Ordinance Adopting Several Amendments to the Unified Development Ordinance for the Town of Franklin, And Clarifying the Appointment of the Board of Adjustment as the Planning Board. Motion carried. Vote: 6 to 0. A copy of the ordinance is attached.**

**August 6, 2012 meeting continued,**

**Legal: Resolution Authorizing Refinancing the Debts on Town Properties**

**Motion was made by Curtis, seconded by Pattillo to adopt the Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Handley, Jamison, Mashburn and Pattillo. Voting no: Scott. A copy of the resolution is attached.**

**Legal: Ordinance Concerning Trespassing on the Nikwasi Mound**

John Henning, Jr. – Town Attorney – I have drafted an ordinance concerning trespassing on the Nikwasi Mound for your consideration. No action needs to be taken at this time.

**New Business: Discussion on Nuisance and Related Ordinances for the Town**

Alderman Scott - Since Police Chief Adams could not attend the meeting I suggest that we postpone any discussion on the Nuisance and Related Ordinances until the September meeting.

**Motion was made by Scott, seconded by Jamison to table discussion of the Nuisance and Related Ordinances until the September meeting. Motion carried. Vote: 6 to 0.**

**New Business: Enough is Enough**

Alderman Pattillo – I have a letter to the editor that I want to read. The contents of the letter are as follows:

**Enough is Enough**

Recently I had the opportunity to sit down with the DOT and the sidewalks committee to discuss a sidewalk project. It was so nice to be able to sit down with the group; discuss a joint project and come to a consensus without the project being torn apart.

The past 6 – 7 months the Town Board has been consumed with three issues that have kept them from moving forward as it should have been doing.

All of us have opinions and we may have differences of opinions which is fine. However, I do have a problem when we do not have the same facts, so I took it on myself to find out my own information and I would like to discuss the three issues.

## **August 6, 2012 meeting continued,**

### **The Rumble**

When this event was approved by the TDA immediately there was opposition before any facts were presented. Granted the Rumble has had its “bumps in the road” but fortunately those bumps or issues have been resolved and there will be a motorcycle rally.

Until we have gone through one rally how else would we know the economic impact on our community or the success of the rally?!

### **The Mound**

Yes, the mound was sprayed. When the Town Board was made aware that the mound had indeed been sprayed, it was the Town Board’s obligation to see that the mound would be reseeded. This is being taken care of.

I still contend it was not done maliciously and we did not owe an apology. I have problems with anyone or any group who demands an apology.

The mound is not ours – it belongs to the people of the Town of Franklin and it is not for sale.

Let’s stop stirring the pot. Enough is Enough.

### **The Proposed ABC Store**

The ABC Board has been looking to build or buy a site for years.

Across the state many towns/counties are going into public/private ventures with real estate. It was at this point the ABC Board came to the town to see if the board would be interested in a venture of this type.

At the same time the town was also looking at refinancing some larger loans to lower interest and could possibly include this project.

A committee of ABC members and Town Board members was appointed to come up with a site. After looking at several locations and visiting stores throughout the region, the committee decided on the site at the Bright Myers Complex. This complex is also the site of the new Wal-Mart. When ABC stores were being compared across the region costs of the stores ran between 1 million and 1.2 million dollars to build or buy.

1. The Wal-Mart location would cost 1.2 million dollars to buy. (Yes, that is a lot of money.) The town would combine the ABC loan with their refinancing to hopefully get a better rate for the ABC Board.

## **August 6, 2012 meeting continued,**

Initially the town would borrow the 1.2 million dollars to pay the Bright Myers Developers and the ABC Board would pay the town monthly installments from the alcohol sales. NO TAX MONIES WOULD BE USED.

The monthly installments had been budgeted in the ABC Store's monthly expenses and no monies would be going out of town.

2. At our July meeting, in our public session, apples to oranges were being compared not apples to apples. None of the gentlemen who spoke had gone to the ABC store and asked for a budget, a daily finance sheet or a comparison to all the stores in our western area. Our store is being compared to a store that had never paid rent. They have owned their store since 1964 and just happened to be the only ABC store west of Waynesville for many years.

When you take the \$70,000 our store is paying to the town, and the \$74,400 paid in rent – that is a chunk of money. Our store will never come close to the profit margin our neighbor has as long as our store leases.

I take issue with the gentlemen saying the store is poorly managed. I strongly recommend these gentlemen go to the ABC Board and find out for themselves – not on the internet.

3. As we all know this did not work out and the store will remain at its present location. A lease has been signed with the developer and these monies will continue to go out of town. The monthly rent will be \$6,820 per month or \$81,840 yearly. This amount includes the 10% raise which was never negotiable as stated in the media.

I urge everyone to put these issues to rest and move forward for the benefit of our community.

Enough is Enough.

### **Other Business**

Alderman Jamison – We will be getting a purchase order to do the asbestos removal at the Whitmire property.

Alderman Patillo – We are working on doing a sidewalk on Depot Street.

Alderman Scott - The Police Department has software that can be used for searching for stolen items.

Mayor Collins – Mowing is not being done in some areas.

**August 6, 2012 meeting continued,**

Sam Greenwood – The crew is working through the maintenance list. They are doing no private property.

Alderman Handley – The list needs to be updated.

Departmental reports are attached.

**Adjournment**

**Motion was made by Curtis, seconded by Handley to adjourn the meeting at 7:45 P.M.  
Motion carried. Vote: 6 to 0.**

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Joe Collins, Mayor

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Janet A. Anderson, Town Clerk