

Town of Franklin Board of Aldermen  
Regular Scheduled Meeting  
Agenda Monday April 4, 2016 7:00 p.m.

1. Call to Order- Mayor Bob Scott
2. Pledge of Allegiance- Vice Mayor Patti Abel
3. Adoption of the April 4, 2016 Town Board Agenda
4. Approval of the March 7, 2016 Town Board minutes
5. Public Session
6. New Business
  - A.) Proclamation for Tartan Day 2016- Mayor Bob Scott
  - B.) Recreational Concept Involving the Whitmire Property- Jim Ledford
  - C.) Consideration of Proposed Rate Increase for J&B Disposal- Bonita Hamstra
  - D.) Street Closing Request for the Taste of Scotland- Doug Morton
  - E.) Set Public Hearing for Text Amendment Regarding Neighborhood Mixed Use Zoning- Land Use Administrator Justin Setser
  - F.) Recommendation to the Macon County Board of Commissioners to Re-Appoint Dave Jones to the Town of Franklin Planning Board as the ETJ Representative- Land Use Administrator Justin Setser
  - G.) Forward Proposed Flood Ordinance to Town Planning Board- Land Use Administrator Justin Setser and Town Attorney John Henning Jr
  - H.) Budget Amendment- Town Manager Summer Woodard
  - I.) Engagement Letter for Martin Starnes LGERS Pension Attest Audit for 2015- Town Manager Summer Woodard
  - J.) Permission to Advertise Vacancy on Alcohol Beverage Control Board- Town Manager Summer Woodard
7. Announcements
  - A.) Budget Work Session Monday April 18, 2016 at 5:30 p.m. in Town Hall Boardroom
8. Adjourn

#### **April 4, 2016 meeting,**

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday April 4, 2016 at 7 p.m. in the Town Hall Board Room. Mayor Robert S. Scott presided. Vice-Mayor Patti Abel, Aldermen Joe Collins, Adam Kimsey, Billy Mashburn, Brandon McMahan and Barbara McRae were present.

The Pledge of Allegiance was done.

#### **Adoption of the April 4, 2016 Town Board Agenda**

Summer Woodard – Town Manager – Council and I would like to add a closed session.

John Henning Jr. – Town Attorney – I believe we want to add this to discuss a real estate matter in pursuant to General Statutes §143-318.11.

**Motion was made by Collins, seconded by McRae to adopt the April 4, 2016 agenda with the addition of a closed session. Motion carried. Vote: 6 to 0.**

#### **Approval of the March 7, 2016 Town Board minutes**

**Motion was made by Kimsey, seconded by Abel to approve the March 7, 2016 Town Board minutes. Motion carried. Vote: 6 to 0.**

#### **Public Session**

No person spoke during the public session.

#### **New Business: Proclamation for Tartan Day 2016**

Mayor Scott read the proclamation.

**Motion was made by Collins, seconded by McRae to approve the Proclamation to designate April 6, 2016 as Tartan Day in Franklin. Motion carried. Vote: 6 to 0.**

#### **New Business: Recreational Concept Involving the Whitmre Property**

Jim Ledford presented a recreational concept for the Whitmre Property. A copy of the PowerPoint presentation is attached.

Mayor Scott – Alright. We do have a Recreation Committee, with Alderman Collins serving on it. What would the Board like to do? Where are we?

Alderman Mashburn – I think it's premature.

Alderman Collins – Alderman Mashburn and I have been here the longest I guess, and it's been a hard struggle because of the acquisition and ownership of the Whitmire Property. It is our ace in the hole, and I think our Board's atmosphere and politics are such that decisions can be made that could not have been in years past. So I think it is a new day. That said, this certainly is one concept that looks good. But the Board is really going to have sit down and figure out what the best use is. And other Board's were not in the position to do it. I do appreciate the presentation.

**April 4, 2016 meeting continued,**

Alderman Mashburn – I still don't think we are in the position to act right now.

Alderman Collins – I agree.

Alderman Kimsey – I would like to ask Alderman Collins, can this be pushed through the committee? What's going on with this committee now?

Mayor Scott – I guess we need to appoint a committee. We might even have some work sessions to get the majority of the Board.

Alderman Abel – I love the idea. But it was just presented to us. I do think it's something we need to digest and look at everything and go from there.

Alderman McRae – I think it is time to start talking about it. It's been sitting there for a long time. You can't make more land and if we are farsighted we will have space set aside for parks. We only have the one little park in town, and the Greenway, so the idea appeals to me. There may be a better use but I think this will open doors, so I'm delighted that you have done this work.

Alderman McMahan – Thank you for the work that you have put into this. I love the idea. If there ever was a committee, I'd like to volunteer for that. You just don't want us to turn this into a parking lot, right?

Jim Ledford – We just don't want to put any more work and effort into this if there are other plans for it. Can we start talking about? Are there plans to discuss this further?

Alderman McMahan – I would love to discuss this more.

Alderman Kimsey – I second that sentiment.

Mayor Scott – I think the consensus is to explore this and move on to some degree to meet with folks. This is a prime example to look at some public/private partnerships. I don't think we need a motion.

Alderman Mashburn – Let's just take this under advisement.

Jim Ledford – What would the Town like from us going further?

Alderman McRae – One of our problems is that we don't have a recreation department. If this happens who will run it?

Alderman Kimsey – Maybe very soon we can go ahead and structure that committee.

Alderman McRae – And look for funding sources.

Mayor Scott – Between now and the May meeting let's all start exploring the possibility of grants and what we could do. Maybe we could have a special meeting, or set aside an agenda item to discuss it further. I think we need more time than an agenda item.

**April 4, 2016 meeting minutes,**

Alderman Collins – We need more time to figure out what we want to do with the property. We need to really figure out where this Board is.

Alderman Mashburn – And I don't want to promise anyone anything because there are different options out there.

John Henning Jr. – Town Attorney – We still have planning materials that we went through a great deal to get. Those plans explore a lot of options.

Alderman Mashburn – I don't want to push it. I realize these guys have put forth a lot of effort, but there are other things that we need to be aware of before we start down a particular path.

Mayor Scott – That's why we should look at options soon.

Alderman McMahan – How long have we owned the property?

Mayor Scott – Since 2004.

Alderman McMahan – I guess my question is how much longer do we want to hold onto the property to wait for other options to arise?

Alderman Kimsey – I definitely want to start looking at all of the options.

Alderman McMahan – I'm not in any way suggesting we vote on this tonight. But we need to start some forward movement, or it will continue to sit there for another twelve years.

Alderman Collins – Yeah. You are right.

Mayor Scott – It is time.

**New Business: Consideration of Proposed Rate Increase for J&B Disposal**

Bonita Hamstra – J&B Disposal – Thanks for having me again. I have attached some figures for you to look at, quarterly operations. Please let me know if you have any questions. I do want to say that the service is not mandatory. I don't feel my rates are putting anyone in a position of not being able to afford it.

**Motion was made by Collins, seconded by Kimsey to approve the J&B Disposal rate increase as requested. Motion carried. Vote: 6 to 0.**

**New Business: Street Closing Request for the Taste of Scotland**

Doug Morton – Taste of Scotland – We know closing down Friday will impact businesses. So instead what we would like to do is to have entertainment at the Gazebo.

**April 4, 2016 meeting continued,**

**Motion was made by Mashburn, seconded by Collins to close down Iotla and Phillips Streets on Friday June 17, 2016 from 6 p.m. through Saturday, June 18 until 6 p.m. and to close Main Street on Saturday June 18, 2016 from 6 a.m. to 6 p.m. Motion carried. Vote: 6 to 0.**

**New Business: Set Public Hearing for Text Amendment Regarding Neighborhood Mix Use Zoning**

Justin Setser- Land Use Administrator – Back at our Planning Board meeting in March we discussed a potential text amendment to our Unified Development Ordinance. This would change the maximum footprint in the Neighborhood Mix Use (NMU) to maximum gross floor area of 10,000 square feet. You will see that they voted against the recommendation because it would apply to the entire (NMU) Neighborhood Mix Use district.

John Henning Jr. – Town Attorney – If you go through a zoning amendment you can't consider the proposed use. You have to look at how the Town will develop overall.

Alderman Mashburn – I think we should go with the Planning Board's recommendation and deny it. There is no need for a public hearing.

**Motion was made by Mashburn, seconded by McRae to deny the request to set a public hearing for a text amendment regarding (NMU) Neighborhood Mix Use Zoning. Motion carried. Vote: 4 to 2. Voting Yes: Alderman Abel, Collins, Mashburn and McRae. Voting No: Aldermen Kimsey and McMahan. A copy of the text amendment is attached.**

Alderman McRae – It seems like a special use permit process would be the better route for this application.

**New Business: Recommendation to the Macon County Board of Commissioners to Re-Appoint Dave Jones to the Town of Franklin Planning Board as the ETJ Representative**

Justin Setser – Land Use Administrator – Dave Jones has served his term and he still wishes to serve.

**Motion was made by McRae, seconded by McMahan to recommend to the Macon County Board of Commissioners to re-appoint Dave Jones to the Town of Franklin Planning Board as the extra-territorial jurisdiction representative for a three (3) year term beginning April 4, 2016 and ending April 4, 2018.**

**New Business: Forward Proposed Flood Ordinance to Town Planning Board**

Justin Setser – Land Use Administrator – This will enable the Planning Board to review the draft ordinance. This is also required.

John Henning Jr. – Town Attorney – The ordinance is based on the suggested model. The other thing I wanted to mention that this requires a public hearing before it is adopted, so I'm asking you to set a public hearing on this for next month at 7:05 p.m.

**April 4, 2016 meeting continued,**

**Motion was made by Kimsey, seconded by McMahan to forward proposed Flood Ordinance to the Town Planning Board, and to set a public hearing on the proposed Flood Plain Ordinance for May 2, 2016 at 7:05 p.m. in the Town Hall Board Room. Motion carried. Vote: 6 to 0.**

**New Business: Budget Amendment**

Summer Woodard – Town Manager – This is a budget amendment for legal. It's in the agenda packet. This was an administration mistake. We need to increase Professional Services Legal by \$20,500.00.

**New Business: Engagement Letter for Martin Starnes LGERS Pension Attest Audit for 2015**

Summer Woodard – Town Manager – The Town of Franklin out of 41 towns and counties were chosen by the State for an audit of the retirement system. We don't have a choice in the matter. I think this is poor planning on their end. It will cost us \$5,000 to do this.

**Motion was made by McMahan, seconded by Abel to approve the engagement letter for Martin Starnes LGERS Pension attest audit for 2015, and to authorize Mayor Bob Scott to send a letter to Senator Jim Davis and Representative Roger West to voice the Town's disapproval of the unanticipated audit expense. Motion carried. Vote: 6 to 0. A copy of the letter is attached.**

**New Business: Permission to Advertise Vacancy on Alcohol Beverage Control Board**

Summer Woodard – Town Manager – This will allow us to advertise the vacancy on the Alcohol Beverage Control Board. Applications will be due Monday, April 25 by 5 p.m. Applications will be available on the town website and in the newspaper.

**Motion was made by Kimsey, seconded by Abel to grant permission to Town Manager to advertise vacancy on Alcohol Beverage Control Board in local newspaper and on the Town's website. Motion carried. Vote: 6 to 0.**

**Legal: Closed Session**

**Motion was made by Abel, seconded by Kimsey to go into closed session to discuss the real estate acquisition of 517 Industrial Park Road pursuant to §G.S. 143-318.11. Motion carried. Vote: 6 to 0.**

**April 4, 2016 meeting continued,**

**Motion was made by Collins, seconded by Kimsey to come out of closed session. Motion carried. Vote: 6 to 0.**

No action was taken.

**Motion was made by Abel, seconded by Kimsey to adjourn the meeting at approximately 8:20 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