

**MINUTES OF THE TOWN OF FRANKLIN TOWN COUNCIL
REGULAR MEETING
MAY 5, 2025**

THE FRANKLIN TOWN COUNCIL held a regular meeting on Monday, May 5, 2025, at 6:00 p.m. in the Town Hall Board Room located at 95 East Main Street Franklin, NC.

1. CALL TO ORDER

Mayor Jack Horton called the meeting to order at 6:00 p.m. with the following members present: Vice Mayor Stacy Guffey and Council Members: Joe Collins, David Culpepper, Mike Lewis, Rita Salain, and Robbie Tompa.

Mayor Horton thanked Vice Mayor Guffey for filling in for him during his recent absence.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Stacy Guffey.

3. ADOPTION OF THE MAY 5, 2025 TOWN COUNCIL AGENDA

Council Member Rita Salain made a motion, seconded by Council Member Robbie Tompa to adopt the Town Council Agenda for May 5, 2025 as presented. The motion carried unanimously. Vote: 6 – 0.

4. APPROVAL OF THE CONSENT AGENDA MAY 5, 2025

- A.) Approval of the Town Council Minutes for the April 7, 2025 Regular Meeting
- B.) Budget Amendment
- C.) Tax Release
- ~~D.) Approval of Fireworks Display on July 4, 2025~~
- ~~E.) Reappointment of Planning Board Members~~
- F.) Request to refund availability fee for sewer

Vice Mayor Guffey requested to pull item “D” for further discussion. Councilman Culpepper requested to pull item “E” for further discussion.

Council Member Mike Lewis made a motion, seconded by Council Member David Culpepper to approve the consent agenda for the April 7, 2025 meeting with the exception of items “D” and “E”. The motion carried unanimously. Vote: 6 – 0.

Vice Mayor Guffey asked for clarification on funding of the Fireworks Display. He asked if the Town was funding the entire cost of the fireworks display that will be held at the Macon County Recreation Park. Town Manager Owens said the Town has paid the down payment, approximately \$12,000, the TDC grant is for \$10,000, and the remaining \$2,000 will need to be paid in the next fiscal year. Councilman Collins asked if Macon County was contributing to the payment. Town Manager Owens stated that the funds from the TDC are County funds. She also stated that the Town already had to contract with Munnerlynn Pyrotechnics and there was a request from Macon County Commissioners to move the fireworks back to the Rec Park.

Vice Mayor Guffey said he felt that if the fireworks are moved to a county facility, the bulk of the cost should be on the County. He also noted there is no direct benefit to the Town or Downtown Merchants if the fireworks display is down at the Rec Park. Councilman Lewis agreed with Vice Mayor Guffey and stated that the Town only took them over during Covid. There was further discussion that the Town will cover the majority of the cost this year, but will look at making changes next year. Councilwoman Salain recommended Macon County or the Chamber of Commerce pay the remaining \$2,000 balance.

Council Member David Culpepper made a motion, seconded by Council Member Mike Lewis to approve item D on the consent agenda, for the April 7, 2025 meeting as presented. The motion carried unanimously. Vote: 6 – 0.

Councilman Culpepper asked about the policy in regards to expiring terms on the Planning Board. Town Manager Owens commented that the vacancies are advertised and the positions are opened up. Town Attorney John Henning, Jr. stated that it's hard to get applications for Planning Boards.

Council Member David Culpepper made a motion, seconded by Vice Mayor Guffey to approve item E on the consent agenda, for the April 7, 2025 meeting as presented. The motion carried unanimously. Vote: 6 – 0.

5. PROCLAMATIONS

- A.) Municipal Clerk's Week-May 4- 10, 2025
- B.) National Police Week - Peace Officers Memorial Day-May 11-17, 2025
- C.) Public Works Week -May 19 -25, 2025
- D.) Councilman Michael Lewis – Advance Municipal Leadership Certification
- E.) Resolution for Town Council of the Town of Franklin – Commit to Civility

6. PUBLIC SESSION

Christie Worl, Cat Creek Ridge Community resident, spoke on the deterioration of the property located at 7 Cat Creek Estates. She supports the request for condemnation.

Danielle Thompson spoke on the condemnation on the Cat Creek Estates property. She mentioned the home not meeting code, the lack of power, the trash piles, animals, raw sewage, needles and squatters. She said the neighbors are in fear of their safety.

Tom Que, Cat Creek Estates neighbor, spoke about the gun fire that takes place a 7 Cat Creek Estates, the smell and the fires that are started and left.

7. PUBLIC HEARINGS

- A.) Public Hearing on Monday, May 5, 2025 at 6:05 p.m. or as closely thereafter as possible to gain public input related to a proposed annexation of 8.846 acres PIN 6595638556 off of Old Cat Creek Road into the Town of Franklin Corporate Limits- Town Planner Justin Setser

The voluntary annexation of 8.846 acres off Old Cat Creek Road has been certified by the Town Clerk. Doug Carroll with Em Alhour of NC, LLC was on zoom for questions.

Mayor Horton opened the Public Hearing at 6:39 p.m.

No one signed up to speak.

Mayor Horton closed the Public Hearing at 6:40 p.m.

Council Member David Culpepper made a motion, seconded by Council Member Joe Collins to approve the voluntary annexation ordinance of 8.846 acres PIN 6595638556 off Old Cat Creek Road into the Town of Franklin Corporate Limits as presented. The motion carried unanimously. Vote: 6 – 0.

- B.) Public Hearing on Monday, May 5, 2025 at 6:08 p.m. or as closely thereafter as possible to gain public input related to a request for conditional rezoning for C-1 to C-2 CZ for property located at 87 Frogtown Lane PIN 6594191247 - Town Planner Justin Setser

Braham Edwards, property owner of 87 Frogtown Lane submitted an application for conditional rezoning from C-1 to C-2 CZ of .42 acres for a medical clinic. The Planning Board reviewed the request and recommends approval of the conditional rezoning. The condition of this rezoning is to allow for C-1 setbacks.

Mayor Horton opened the Public Hearing at 6:43 p.m.

No one signed up to speak.

Mayor Horton closed the Public Hearing at 6:44 p.m.

Council Member David Culpepper made a motion, seconded by Council Member Rita Salain to approve the conditional rezoning request of 87 Frogtown Lane from C-1 to C-2 CZ as presented. The motion carried unanimously. Vote: 6 – 0.

8. NEW BUSINESS

- A.) Request approval of Resolution Supporting Application and Funding Commitment for NCDOT Bicycle and Pedestrian Planning Grant- Town Planner Justin Setser

Town Planner Setser stated the current Bicycle and Pedestrian Plan is almost 10 years old and this grant will allow for an update of the Bike Walk Franklin Plan from 2017. The 10% Town match for the grant would be \$4,500. The deadline for the grant application is May 12, 2025.

Council Member David Culpepper made a motion, seconded by Council Member Rita Salain to approve the Resolution Supporting Application of Funding for NCDOT Bicycle and Pedestrian Planning Grant as presented. The motion carried unanimously. Vote: 6 – 0.

- B.) Request approval to move forward with condemnation order for property located at 7 Cat Creek Estates for violation of minimum housing requirements- Town Attorney John Henning, Jr.

Town Attorney John Henning, Jr. gave an overview of the ongoing case of compliance with the property owner. The Town's Code Enforcement Officer, Angela Green, started the process for the Minimum Housing Case with hopes of voluntary compliance in August 2024. Town Attorney Henning stated he was sympathetic with the neighboring property owners, but there are laws

that protect private property owners' rights. If the property can't be rehabilitated for less than half the value of the property then the property can be demolished. If it can be rehabilitated, then it needs to be fixed. If the property owner doesn't comply, the Town can adopt an Ordinance that will allow the Code Enforcement Officer to hire someone to fix the property (since the property can be rehabilitated for less than 50% of the value), place a lien on the property and foreclose on the property. This property is located in the ETJ, which is out of the Town's law enforcement jurisdiction.

Vice Mayor Guffey inquired about working with the Sherriff's Department on vacating the property. Police Chief Devin Holland said he's not had any experience with working with Sherriff's department in this situation, but will reach out to them.

There was additional discussion on the property, the cost to rehabilitate the home, boarding up the property and hiring someone to clean-up the property.

Council Member Mike Lewis made a motion, seconded by Council Member David Culpepper to approve the Ordinance to Vacate and Close the property located at 7 Cat Creek Estates. The motion carried unanimously. Vote 6 – 0.

C.) Request approval of bid for paving of Trimont Trail from Wilkie Street to Harrison Ave and the budget amendment to appropriate cost form Powell Bill Funds

Bryson Enterprises Ltd was the lowest, responsive, responsible bidder on the paving project. The total cost for the project is \$143,190.

Council Member Joe Collins made a motion, seconded by Council Member Mike Lewis to approve the bid for \$143,190 for Bryson Enterprises Ltd and approve the budget amendment to move funds from Powell Bill fund balance as presented. The motion carried unanimously. Vote 6 – 0.

D.) Request approval of bid award for the Clearwell and High Service Pump Station project to Heren Construction- Town Manager Amie Owens

The Clearwell and High Service Pump Station was approved by NCDEQ. The bids were received on March 27, 2025. The lowest, responsive, responsible bidder at that time was Buchanan and Sons. However, after the review of their submission they were found not to be the most responsible bidder. They were missing part of the bid package information. The next lowest, responsive, responsible bid is \$6,195,000. This includes the base bid plus the two (2) alternatives, concrete basin and road paving. The recommendation is to approve Heren Construction for the project.

Vice Mayor Guffey inquired if there was an updated on Federal assistance for this project. Town Manager Owens said she had resubmitted a request to Congressman Chuck Edwards office asking for the \$2 million that was mentioned to the Town in August 2024. Town Manager Owens also noted that the FEMA BRIC Grant application for \$3.7 million was no longer valid program. She did receive information that the Town can reapply for another grant as long as the project had to do with hazard mitigation.

Council Member Mike Lewis made a motion, seconded by Council Member Robbie Tompa to approve the bid for \$6,195,000 for Heren Construction and direct the Town Manager and Town Attorney to bring contract negotiations as presented. The motion carried unanimously. Vote 6 – 0.

E.) Request approval of Street Closures- Town Manager Amie Owens

- 1.) Church Street Closure - requested by the Churches on Church Street for a Block Party - Saturday, July 26, 2025 from 8:00 a.m. until 5:00 p.m.
- 2.) Main Street, Iotla Street, Phillips Street Closures - requested by 80's Flashback Weekend for the annual celebration
- 3.) Main Street and Iotla Street closures – requested by Taste of Scotland Society for parade and Ceidlih celebration – Friday, June 13, 2025 from 5:00 p.m. until 9:30 p.m.
- 4.) Main Street, Iotla Street and Phillips Street Closures – requested by the Town of Franklin for July 4, 2025 celebration – 8:30 a.m. until 2:30 p.m.

Council Member Joe Collins made a motion, seconded by Council Member David Culpepper to approve the street closure requests as presented. The motion carried unanimously. Vote 6 – 0.

F.) Delivery of Proposed FY 2025/2026 Budget and Call for Public Hearing on Monday, June 2, 2025 at 6:05 p.m. or as closely thereof as possible to allow for public input on the Fiscal Year 2025-2026 Budget - Town Manager Amie Owens

Council Member David Culpepper made a motion, seconded by Council Member Robbie Tompa to Call for Public Hearing on Monday, June 2, 2025 at 6:05 p.m. or as closely thereof as possible to allow for public input on the Fiscal Year 2025-2026 Budget. The motion carried unanimously. Vote 6 – 0.

9. DEPARTMENTAL UPDATES

- A.) Public Works – Bill Deal, Public Works Director gave an update from Public Works on pump station renovations, tree removal on Town Mountain, gate installation at Town Mountain water tank, new water line installs, water taps, sewer taps, meter swaps and 811 locate request.
- B.) Water Treatment – Kyle Pocquette, Water Treatment Plant Supervisor/ORC on the Water Plant: tours to contractors/schools, plant maintenance by the operators lead & copper samples, and the 2024 Consumer Confidence Report.
- C.) Wastewater Treatment – Jason Hopkins, Wastewater Treatment Plant Supervisor/ORC gave an update on the Wastewater Plant: camera system installation, in-house maintenance on aerators, Operator Cody Cabe obtained is Grade 2 Certification and Lab Supervisor Bill Allen has returned from leave.
- D.) Streets – Chris Waldroop, Streets Supervisor gave an update on the Street Department projects: alley way improvements, mowing/trimming, RFP for sidewalks, and setting up gazebo tent.

10. ITEMS FROM COUNCIL

A.) Resolution Opposing Changes to Local Planning and Zoning Statutes by the NC General Assembly- Vice Mayor Stacy Guffey

Vice Mayor Guffey said there have been multiple bills introduced in the NC General Assembly that could impact local government authority. Mr. Guffey stated he was not opposed to all the language in the proposed bills, but he wants citizens to be able to come to a Town Council meeting with their issues and he wants the Board to be able to take action on these issues.

Councilman Culpepper said he feels like some of these bills are bad, but some are good and the State is trying to address some of the overreach of Boards. He stated he is uncomfortable passing the opposing resolution without knowing the emphasis behind the bills.

Mayor Horton stated that those closest to the people should be able to address their concerns.

Council Member Rita Salain made a motion, seconded by Council Member Robbie Tompa to Resolution Opposing Changes to Local Planning and Zoning Statutes by the NC General Assembly. The motion carried. Vote 5-1. (Council Member David Culpepper voted in opposition).

Councilman Tompa commented to take these ideas and implement them locally.

B.) Appointment of members to the ABC Board- Town Council

Town Council voted via ballot to appoint William "Bill" Duffel, Donald Wills and Rocky Patillo as new ABC Board members.

Councilman Collins brought up the idea of two-way traffic on Main Street.

Councilman Culpepper wanted to encourage FEMA and the Army Corp of Engineers to do the right thing and not to cut down live trees in the rivers.

Councilwoman Salain thanked the Garden Club on their work.

Councilman Tompa inquired on Planning Board procedures update on the order of Public Hearings. Town Planner Justin Setser stated this would need to be done by text amendment to the UDO. Town Attorney John Henning, Jr. is going to look into adding a step of a Public Hearing into the Planning Board's bylaws.

Vice Mayor Guffey thanked Sarah Bishop for volunteering to work on the Main Street Program and for developing the benchmarks for the Main Street Coordinator.

Vice Mayor Guffey would like to have a meeting set up with Police Chief and District NC DOT representative to discuss speeding on Main Street. There was discussion about potentially using portable speed bumps.

11. ANNOUNCEMENTS

- A.) Next Town Council Regular Meeting is Monday, June 2, 2025.
- B.) Town Offices will be closed on Monday, May 26 in observance of Memorial Day in accordance with the NC State Holiday Schedule
- C.) Pickin' on the Square - Saturday May 10 and Saturday May 24, 2025
- D.) Fallen Officers Memorial Service - Friday, May 16, 2025 at Noon at the Gazebo

12. CLOSED SESSION

- A.) Enter into Closed Session under NC General Statute § 143-318.11(a)(5) to discuss acquisition of real property by purchase, option, exchange, or lease.

Council Member David Culpepper made a motion, seconded by Council Member Joe Collins to enter into Closed Session under NC General Statute § 143-318.11(a)(5) to discuss acquisition of real property by purchase, option, exchange, or lease. The motion carried unanimously. Vote: 6-0.

The Town Council entered closed session at 7:52 p.m.

The Town Council returned to open session at 8:35 p.m.

14. ADJOURNMENT

Council Member Rita Salain made a motion, seconded by Vice Mayor Guffey to adjourn the meeting at 8:35 p.m. The motion carried unanimously. Vote: 6-0.

C. Jack Horton, Mayor

Nicole Bradley, Town Clerk