



Town of Franklin Council

Agenda

May 7, 2018

6:00 p.m.

1. **Call to Order-** Mayor Bob Scott
2. **Pledge of Allegiance-** Vice Mayor Barbara McRae
3. **Approval of the April 2 and April 16, 2018 Town Council Minutes**
4. **Adoption of the May 7, 2018 Town Board Agenda**
5. **Public Hearing 6:05 p.m. for Special Use Permit for Verbena Development**
6. **Public Session**
7. **New Business**
 - A.) Board Action on Special Use Permit for Verbena Development- Town Council
 - B.) Street Closing Request for Franklin in Bloom- Town Manager Summer Woodard
 - C.) Water and Sewer Allocation for Verbena Development- Town Manager Summer Woodard
 - D.) Update on Watch for Me Program- Chief David Adams and Land Use Administrator Justin Setser
 - E.) Appropriation Request from Tourism Development Authority- Town Manager Summer Woodard
 - F.) Update on Minimum Housing Code Violations on Pauline Ave. and Hillcrest- Land Use Administration Justin Setser
 - G.) Discussion on Town Council Committee Appointments- Mayor Bob Scott & Town Council
 - H.) Discussion on Main Street Parking and Municipal Parking Lots- Mayor Bob Scott
 - I.) Discussion on Mowing Schedule for Whitmire Property- Council Member David Culpepper
 - J.) Discussion on Re-Appointments to Town Boards- Town Manager Summer Woodard and Town Attorney John Henning Jr.
 - K.) Proposed Fiscal Year 2018-2019 Town of Franklin Budget- Town Manager Summer Woodard
 - 1.) Presentation of Proposed Fiscal Year 2018-2019 Town of Franklin Budget
 - 2.) Set Budget Work Session for Tuesday May 15, 2018 at 5:30 p.m. in the Town Hall Boardroom
 - 3.) Set Public Hearing for Fiscal Year 2018-2019 Town of Franklin Budget for Monday June 4, 2018 at 6:05 p.m.
8. **Legal**
 - A.) Set Public Hearing Regarding Placement of Utilities- Town Attorney John Henning Jr.
 - B.) Discussion on Water and Sewer Annexation Policy- Town Attorney John Henning Jr.
 - C.) Discussion on Water and Sewer Extension Policy- Town Attorney John Henning Jr.
9. **Announcements**
 - A.) Town Council Budget Work Session Tuesday May 15, 2018 at 5:30 p.m.
 - B.) Town Hall Offices will be closed Monday May 28, 2018 in observance of Memorial Day
10. **Adjourn**

May 7, 2018 meeting,

The regular meeting of the Franklin Town Council was held on Monday May 7, 2018 at 6 p.m. in the Town Hall Board Room. Mayor Robert S. Scott presided. Vice Mayor Barbara McRae, Council Members Joe Collins, David Culpepper, Adam Kimsey, Dinah Mashburn and Brandon McMahan were present.

The Pledge of Allegiance was done by Lili Vitale.

Approval of the April 2 and April 16, 2018 Town Council minutes

Motion was made by McMahan, seconded by McRae to approve the April 2 and April 16, 2018 meeting minutes. Motion carried. Vote: 6 to 0.

Adoption of the April 2, 2018 Town Council Agenda

Motion made by Collins, seconded by Kimsey to approve the agenda as presented. Motion carried. Vote: 6 to 0.

Public Session

Gwen Taylor and Roland Mock requested that the board consider action that would limit shop owners on Main Street to parking off of Main Street.

Public Hearing 6:05 p.m. for Special Use Permit for Verbena Development

Land Use Administrator Justin Setser, Town Engineer Nathanael Moore, and Verbena representative Jim Yamin were sworn in.

Justin Setser – Land Use Administrator – We’re here tonight because Workforce Homestead, Inc. out of Chapel Hill has requested to build a 60 unit 55+ affordable housing complex off of Siler Road. The application was filed on February 26. The neighborhood compatibility meeting which is a requirement was held on March 23 at Town Hall. The Planning Board also held a hearing at their regular scheduled meeting on April 16 to review the application and to make changes and recommendations. There were two couples who came to the neighborhood compatibility meeting since certified mail was sent to residents within 400 feet. The only real issue that came from that hearing was that one of the neighbors wanted a buffer along their property line. It was brought to the planning board and the developer has added that in. The Planning Board recommended some changes that has been added in as well by the developer. One was adding a sidewalk on the road. Another is a right turning lane into the property when you are coming from the west and traveling east. They also added in the screen buffer. Our ordinance requires one and a half spaces per unit and Mr. Yamin requested one per unit which would be 60 spaces. I’ll let him get a little more into the details of that. The Planning Board went through the Findings of Fact which you will see in your packet. They recommended approval.

May 7, 2018 meeting continued,

Jim Yamin – I would like to request the Town Board approve my request for a Special Use Permit for Verbena. The example that we have is Indigo if you want to look at the kind of product and performance to expect from me. I understand that the residents at Indigo seem to be pretty happy and I have gathered that there is a demand for additional affordable units and in particular with Verbena we are targeting a senior population. One thing in particular that I want to address is the parking issue. The NC Housing Finance Agency and the official rules and guidelines of their application that govern how the federal tax credit program is administered and the way we developers need to design our proposals. When they posted all of their details and policies they have hundreds of developments and proposals from the last 30 years to look at. In particular with regard to the parking policy for 2018 in regards to senior complexes they are allowing one space per unit as opposed to the one and ¾ requirement that they have for families. Not all of the residents will have cars. With Indigo we have been fortunate enough to be included on the established route for public transport. I'm sure we will be able to extend that to Verbena if it is approved for financing. That would be another incentive for residents if there ever comes a point where they have to decide if they should or shouldn't get a car.

Council Member Collins – Is the request based on not having asphalt or is the request based on not having room for more parking spaces?

Yamin – It is always possible to expand the area that we are planning to build on. It would mean cutting steeper slopes, having to include retaining walls. It would mean increasing the budget so yeah space can be made if absolutely necessary.

Council Member Collins – It is a financial issue as opposed to an environmental issue in this case?

Yamin – I would say it's both. A component of it is financial though when you consider that it is an affordable housing development so we are limited in terms of the budget that I have available to me. One of the things we have to look at is keeping our costs reasonable.

Council Member Collins – Would you not allow somebody to have two cars?

Yamin – In our leasing agreement, off the top of our head I don't remember having wordings specifically saying you can't.

Council Member Culpepper – Do you prefer to be annexed?

Yamin – I haven't crunched numbers both ways. I know that for example with Indigo we chose not to go that route so we did the same with Verbena.

Council Member Culpepper – I'm just concerned that the town isn't growing. The town is but the population isn't. We providing services that doesn't benefit the general fund. While we are being compensated for providing water and sewer, we are limited with what we can do with that revenue.

May 7, 2018 meeting continued,

Nathanael Moore – Town Engineer – I have given you the elevations from Indigo and the tie in at manhole number two. Where the project is located is basically a swamp. From our side we would have so much trouble providing the service to that manhole that we feel like an item to consider is if part of Verbena's permit would be to add an all-weather utility road so that we could get to the line for Indigo and the line for Verbena.

Yamin – I'm a little surprised. This is the first time I've heard about this. We at Indigo went through the formal plan process and it was approved by the Town. When we installed the line it was inspected and approved by the Town. My question is, why are we only hearing about it now? I'm just about done with the final cost certification with the Housing Finance Agency. I have a concern about coming back on the Indigo project. Verbena is a totally separate project. We could look at providing for provisions to add access to the line for Verbena but including Indigo seems a little inappropriate at this stage.

Nathanael Moore – Town Engineer – This is the first project I've worked on. This work is going to have to be completed before we can take it over anyway.

Yamin – So for clarification, you are looking for an access road to manhole one?

Nathanael Moore – Town Engineer – Yes manhole number one. From there it is 300 feet to manhole three and at that point we can use our sewer truck to reach every other manhole.

Yamin – If \$4,000 is the cost I would be okay with the Town Board considering that but anything beyond that I think it is inappropriate at this time.

John Henning Jr. – Town Attorney – Mr. Moore, do you think that a cap of \$4,000 would be reasonable?

Nathanael Moore – Town Engineer – Once the initial work is done too and then the \$4,000 on top, I think is a good compromise and will benefit the Town. Ultimately we want the same thing.

Yamin – I could agree to that.

Drawings and maps of the property and complex is attached.

New Business: Board Action on Special Use Permit for Verbena Development

Council Member Collins – I'm just wondering what happens with the spillover when you have more than 60 cars.

Council Member Mashburn – I agree with Mr. Collins but where I back up is that I feel like this has been vetted by the Planning Board.

Vice-Mayor McRae – The recommendation is based on so much data, it is hard to argue with that.

May 7, 2018 meeting continued,

Council Member Culpepper – At the end of the day, the developer has an interest in this working. If he is comfortable with 60 parking spaces then I'm okay with it.

John Henning Jr. – Town Attorney – We need to look at the Findings of Fact.

Findings of Fact;

1. 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. **Yes; Designed to address the lack of senior affordable housing in Franklin.**
2. There are, or will be at the time they are required, adequate public facilities to serve the use or development of specified in 152.060. **Yes; water and sewer and other town offered services will be available to this property.**
3. 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. **Yes; Complies with all UDO requirements.**
4. 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. **Yes; The development is designed to blend in with the neighborhood and have a small impact.**
5. The use or development conforms with the general plans for the physical development of the town as embodied in this chapter, the *Principles of Growth*, the *Thoroughfare Plan*, and any other duly adopted plans of the town. **Yes; The development will address the need for affordable housing laid out in principle 3.**

Motion was made by McRae, seconded by Mashburn to approve special use permit with deeded road access to Verbena sewer outfall and accept the Findings of Fact for the Verbena Development. Motion carried. Vote: 6 to 0.

New Business: Street Closing Request for Franklin in Bloom

Town Manager Summer Woodard presented this item.

Motion was made by McMahan, seconded by Kimsey to approve the Franklin in Bloom's request to close Phillips Street on June 2, 2018 from 8 a.m. until 4 p.m. Motion carried. Vote: 6 to 0.

New Business: Water and Sewer Allocation for Verbena Development

Town Manager Summer Woodard presented this item.

Motion was made by McRae, seconded by McMahan to approve a water and sewer allocation for Verbena Development of 10,800 gallon per day. Motion carried. Vote: 6 to 0.

May 7, 2018 meeting continued,

New Business: Update on Watch for Me

Land Use Administrator Justin Setser and Franklin Police Chief David Adams presented this item.

New Business: Appropriation Request from Tourism Development Authority

Town Manager Summer Woodard presented this item.

Motion by McMahan, seconded by Mashburn to approve TDA appropriation request of \$5,000 from the TDA's reserve account. Motion carried. Vote: 6 to 0.

New Business: Update on Minimum Housing Code Violations on Pauline Ave. and Hillcrest Avenue

Land Use Administrator Justin Setser presented this item.

New Business: Discussion on Town Council Committee Appointments

Mayor Scott – I am asking the board whether there is any reason to keep these appointments. This was something that came about before the Town was a Council-Manager form of government.

Council Member Collins – Why don't we keep our appointments?

Mayor Scott – As it is right now any board member can attend various meetings with these organizations or meetings. It is important that everything come and go through the Town Manager since we are a Council-Manager form of government. I think there was a perception of council members coming in and telling employees what to do and those days have passed.

Council Member Culpepper – I always had my eye on stealing Joe's job at recreation.

Mayor Scott – If you all want to keep it then it's okay.

Summer Woodard – Town Manager – Currently, we have a vacancy on the fire department, one in the police department, also water and sewer. The streets department is currently Ms. McRae, sidewalks is Mr. McMahan, ordinance review is Mr. Kimsey, recreation is Mr. Collins, then Macon Program for Progress is Mr. Scott, and the Board's EDC appointment is Ms. McRae.

Vice-Mayor McRae – I think we should change the word to liaison instead of committee and keep it the way it is.

Council Member McMahan was appointed to be liaison to the Franklin Fire Department, Council Member Culpepper was appointed liaison to water, and Council Member Mashburn was appointed to police and sewer.

May 7, 2018 meeting continued,

New Business: Main Street Parking and Municipal Parking Lots

Mayor Scott presented this item.

Mayor Scott and Council Member McMahan were directed to work on signage for the public parking lot beside Town Hall.

New Business: Discussion on Mowing Schedule for Whitmire Property

Council Member David Culpepper presented this item.

New Business: Discussion on Re-Appointments to Town Boards

Town Manager Summer Woodard and Town Attorney John Henning Jr. presented this item.

Summer Woodard – Town Manager – I took your ideas about changing the way that re-appointments are done to the TDA. I told them about possibly treating all reappointments as open vacancies. They were not in favor of that. They felt that it could make it a little political in that it would be more like an election process. Mr. Setser also approached the Planning Board with the same question. They expressed a similar concern. I reached out to the ABC store manager and he reached out to the members who expressed a similar concern as well.

John Henning Jr. – Town Attorney – From a legal standpoint I can't tell you that you can't change the rules but from a practical standpoint I can't recommend it. I worry about the message that the folks are taking home that are willing to give their time.

Council Member Culpepper – I understand your fears but I would like to point out that we had three applicants for the planning board's alternate position.

Summer Woodard – Town Manager- If I may, it took eight months to get those applications.

John Henning Jr. – Town Attorney – I think he had to beat the bushes to make that happen too. Justin has also done a great job with that board. I remember a time when you had to wait and wait and wait on members just to show up. I would just hate to do anything that would reverse that.

Town Manager Summer Woodard and Town Attorney John Henning Jr. will return to board with outline of how vacancies are approached and information concerning planning board term limits.

New Business: Hillcrest Avenue demolition update

Land Use Administrator Justin Setser updated the Town Council on the demolition at 76 Hillcrest Avenue.

May 7, 2018 meeting continued,

New Business: Proposed Fiscal Year 2018-2019 Town of Franklin Budget

A.) Presentation of Proposed Fiscal Year 2018-2019 Town of Franklin Budget

Motion made by Collins, seconded by McRae to acknowledge receipt of the Proposed Fiscal Year 2018-2019 Town of Franklin Budget. Motion carried. Vote: 6 to 0.

B.) Set Budget Work Session for Tuesday May 15, 2018 at 5:30 p.m. in Town Hall Boardroom

Motion made by McMahan, seconded by Mashburn to set the budget work session for Tuesday May 15, 2018 at 5:30 p.m. in the Town Hall Boardroom. Motion carried. Vote: 6 to 0.

C.) Set Public Hearing for Fiscal Year 2018-2019 Town of Franklin Budget for Monday June 4, 2018 at 6:05 p.m.

Motion by McMahan, seconded by Mashburn to set public hearing for Fiscal Year 2018-2019 Town of Franklin Budget for Monday June 4, 2018 at 6:05 p.m.

Legal: Set Public Hearing Regarding Placement of Utilities

Town Attorney John Henning Jr. presented this item.

Motion made by Collins, seconded by McMahan to set public hearing regarding placement of utilities for 6:10 p.m. on June 4, 2018. Motion carried. Vote: 6 to 0.

Legal: Discussion on Water and Sewer Annexation Policy

Town Attorney John Henning Jr. presented this item.

Legal: Discussion on Water and Sewer Extension Policy

Town Attorney John Henning Jr. presented this item.

Items from the Board

Vice-Mayor McRae – The movie night was great. It seemed like everybody was really having a great time.

Announcements

Town Council Budget Work Session Tuesday May 15, 2018 at 5:30 p.m.

Town Hall Offices will be closed on Monday 28, 2018 in observance of Memorial Day.

May 7, 2018 meeting continued,

Adjournment

**Motion made by McMahan, seconded by Kimsey to adjourn the Town Council meeting at 8:00 p.m.
Motion carried. Vote: 6 to 0.**

Robert S. Scott, Mayor

Travis Tallent, Town Clerk