

January 7, 2008

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, January 7, 2008 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Jerry Evans, Joyce Handley, Billy Mashburn, Carolyn Pattillo and Bob Scott were present.

Approval of the minutes

Motion was made by Mashburn, seconded by Evans to approve the minutes for the December 3, 2007 meeting as presented. Motion carried. Vote: 6 to 0.

Public hearing on the petition for rezoning by Jewel Roper

Mayor Collins opened the public hearing on the Jewel Roper rezoning at 7:02 P.M. Michael Grubermann said Jewel Roper has requested her property located at 170 Iotla Street be rezoned from Medical, Institutional, Cultural, Residential (MICR) to Commercial (C-1). He said the Planning Board recommended that this property be rezoned as requested. Information copies are attached. No other persons were present to speak at the public hearing. Mayor Collins closed the public hearing at 7:05 P.M.

Public hearing on the petition for rezoning by the Michael Vale Trust

Mayor Collins opened the public hearing on the Michael Vale Trust rezoning at 7:06 P.M. Michael Grubermann said Brenda Vale has requested this property located at the intersection of Wayah Street and Depot Street be rezoned from Residential (R-2) to Commercial (C-2). He said the Planning Board recommended that this property be rezoned as requested. Information copies are attached. No other persons were present to speak at the public hearing. Mayor Collins closed the public hearing at 7:09 P.M.

Consideration of petitions for rezoning

Motion was made by Pattillo, seconded by Handley to rezone the Jewel Roper property from Medical, Institutional, Cultural, Residential (MICR) to Commercial (C-2). Motion carried. Vote: 6 to 0. A copy of the rezoning request is attached.

Motion was made by Scott, seconded by Curtis to rezone the Michael Vale Trust property from Residential (R-2) to Commercial (C-2). Motion carried. Vote: 6 to 0. A copy of the rezoning request is attached.

January 7, 2008 meeting continued,

Persons to be heard

Orson Finch said I live at 149C Randolph Street. He said changing Watauga Street to one way is a huge problem. He said no consideration was given to the residents. He said a simple solution is to have it one way for a few hours in the morning and in the afternoon. Mr. Finch said the police would have to enforce it. Mayor Collins said the reason for the change is the construction at the school. He said there will be cars parking on the street which leaves a width of the street to go only one way. Mr. Finch said the vehicles are actually blocking Randolph Street. He said is there a possibility of changing the street back to two way after school hours? He said it is very inconvenient. He said you need to put up a new sign stating “do not block street”.

Mark Ellis said I live on Randolph Street. He said this will continue to be a problem. He said the residents have to deal with this situation everyday. He said you need to consider all the residents and not just the school.

Presentation by Land Design regarding the Franklin Main Street Program

Tony Angel said the Main Street Program has had a great year in 2007. He said Linda Schlott is a great addition. He said we have decided to contract with Land Design out of Asheville to do our plan. He said the work has begun. Mr. Angel said we have had several private donations for this work. He said we have Stephanie Pankiewicz, Jason Gilliland and Kimberly Walker with Land Design at the meeting to talk to you about their services. Ms. Pankiewicz said we are doing the goals of Main Street and have a schedule of the events. Mr. Gilliland said we will be able to complete Phase I in the next six months. He said we plan to have a public hearing in the latter part of January. He said the branding work has begun. He said we will be working on the master plan through March. Mr. Gilliland said we will be doing a traffic study. He said the total unified master plan consists of ten phases. He said the total cost will be \$196,000.00. Mayor Collins said are you looking at getting grants? Tony Angel said there are several grant possibilities. He said to get these grants we need the support of the town and county. Alderman Pattillo said several businesses are waiting to see what the Town does before they give a commitment. She said this is not just today but twenty years down the road. Alderman Handley said this is a good idea and it has been thought through. Alderman Pattillo said the Town needs to make a financial step of support. Tony Angel said we need \$40,000.00 from the Town. Alderman Scott said the same request needs to be made to Macon County. Alderman Mashburn said this money is not in our budget this year. He said we can put it in the budget for next year. Mayor Collins said we can put \$20,000.00 in this year's budget and \$20,000.00 in next year's budget. Bonnie Pickartz said we decided to make a commitment. She said we are waiting on a response from the Town and Macon County. **Motion was made by Handley, seconded by Curtis to give \$20,000.00 in this year's budget and to give \$20,000.00 in next year's budget and amend this year's budget for the \$20,000.00. Motion carried. Vote: 6 to 0.**

January 7, 2008 meeting continued,

Consideration of moving town hall to the W. C. Burrell Building

Mayor Collins said we need to talk about moving town hall to the Burrell Building. Alderman Scott said I have not heard one word against this move. He said the support is there. Alderman Pattillo said I agree with Alderman Scott. Alderman Handley said the public supports the move. Alderman Curtis said the move is not worth the expenditures required. He said we will have to put in an elevator. He said there will be problems with people parking in front of the stores. He said there is little or no parking. Alderman Curtis said we have never looked into the cost of doing a complex at the Whitmire property. He said the cost of doing a public works facility will be around one and half million. He said we will not have much more room at the Burrell Building. Alderman Evans said I was not on the Board when the Whitmire property was bought. He said moving town hall to the Burrell Building will not be an improvement. He said there will be problems with parking. He said the cost of remodeling will be a million dollars. Mayor Collins said there should be no parking problems. Alderman Scott said the elevator shaft is in place. He said we can use the back of the building for parking. Alderman Mashburn said what is in the budget for this move? Janet Anderson said \$250,000.00. Alderman Masbourn said I am not voting to write a blank check for this move. **Motion was made by Scott, seconded by Handley to move town hall to the Burrell Building. Motion carried. Vote: 4 to 2. Voting yes: Handley, Mashburn, Pattillo and Scott. Voting no: Curtis and Evans.**

Recess

Mayor Collins recessed the meeting at 8:04 P.M.

Mayor Collins reconvened the meeting at 8:09 P.M.

Request for water and sewer allocations – James Norton

James Norton said I have property on Prentiss Bridge Road. He said I am planning to do a restaurant and a strip mall. He said I need a water allocation of 2,000 gallons per day and a sewer allocation of 1,920 gallons per day. A copy of his letter is attached. **Motion was made by Evans, seconded by Curtis to give a 2,000 gallons per day water allocation and a 1,920 gallons per day sewer allocation. Motion carried. Vote: 6 to 0.**

Departmental reports

Fire Chief Pete Haithcock gave the fire department report. A copy of the report is attached. He said the cost of doing the fire wall and the ADA changes are not in the contract with Kenneth Swanson. He said we will have to pay more for this work. He said we received the grant money in December for the exhaust system. He said it has not been installed.

January 7, 2008 meeting continued,

Public Works Director Jay Gibson said the work on the Ulco Drive sewer line has been started. He said we are having a preconstruction meeting on the Highlands Road water work. He said we are waiting on the pump on the Raw Water Intake project.

Police Chief Terry Bradley gave the police department report. A copy of the report is attached. He said we have arrested the persons stealing the manhole covers.

Town Planner Michael Grubermann said I issued fifty-seven zoning permits in 2007 and one hundred six sign permits in 2007. He said I attended the meeting concerning the dog pound. He said Macon County is building a dog pound. He said the Town can request that the county enforce the ordinance in the next few months. He said I attended the meeting on the Occupancy Tax.

Main Street Coordinator Linda Schlott said thank you all for your support this past year. She said the festivals are done. She said I want to thank the town crew for their help on doing the Christmas decorations.

Update on contested case vs. the North Carolina Department of Environment and Natural Resources

Alderman Curtis said around three years ago the Town asked for more mitigation in Duke Energy's relicensing case. He said we joined Jackson County in their lawsuit. He said Duke Energy offered Macon County \$40,000.00. He said the attorneys asked for documents from DWQ who issued the 401 Permit. He said questions were raised about the hearing officer. He said a hearing was granted and will be held on March 31, 2008. John Henning, Jr. said I would recommend continuing the contested case with Jackson County. Alderman Curtis said our total cost has been only \$1,500.00. Fred Alexander said the dam at Dillsboro is not the only factor. He said we can open up the stream for endangered species. Information copies are attached.

Consideration of proposed water and sewer system revenue bond calendar

Mike Decker explained the water and sewer system revenue bond calendar. A copy is attached. **Motion was made by Masbhurn, seconded by Handley to approve the calendar as presented. Motion carried. Vote: 6 to 0.**

Consideration of resolution regarding reimbursement from revenue bonds

Motion was made by Mashburn, seconded by Evans to adopt the Resolution Designating the Town Clerk and Finance Officer of the Town of Franklin to Declare the Official Intent on Behalf of the Town of Franklin to Reimburse Expenditures Under United States Department of Treasury Regulations. Motion carried. Vote: 6 to 0. A copy is attached.

January 7, 2008 meeting continued,

Motion was made by Mashburn, seconded by Evans to adopt an Ordinance Adopting a Capital Project Fund for the Installation of Sewer Lines on Ulco Drive. Motion carried. Vote: 6 to 0. A copy is attached.

Motion was made by Mashburn, seconded by Evans to adopt an Ordinance Adopting a Capital Project Fund for the Installation of Water Lines in the Highlands Road Area. Motion carried. Vote: 6 to 0. A copy is attached.

Consideration of construction administration agreements with McGill Associates for the Ulco Drive sewer and Highlands Road water projects

Motion was made by Mashburn, seconded by Evans to approve an increase in the engineering fees to McGill Associates for the Construction Administration and Observation for the following projects: (1) Highlands Road Water Line Improvements - \$29,000.00 and (2) Ulco Drive Sewer Improvements - \$27,000.00. Motion carried. Vote: 6 to 0. Copies are attached.

Consideration of change order for AGRR Corporation on the raw water intake project

Mike Decker said AGRR Corporation has asked for an extension of thirty days on the Raw Water Intake Project. **Motion was made by Evans, seconded by Curtis to extend the contract thirty days to one hundred eighty days. Motion carried. Vote: 6 to 0. A copy is attached.**

Consideration of street sweeper bids

Mike Decker said we received the following bids on the street sweeper:

1 -	Public Works Equipment and Supply	\$159,000.00
2 -	Virginia Public Works Equipment	\$159,248.00
3 -	Sansom Equipment Co., Inc.	\$159,900.00

Mr. Decker said two of the bidders offered a trade-in option for the Town's old sweeper. He said Public Works Equipment and Supply's purchase price with trade in would be \$147,000.00. He said Virginia Public Works Equipment's purchase price with trade in would be \$151,748.00. He said Jay Gibson and I are recommending that you take the Public Works Equipment and Supply bid of \$147,000.00 with the trade in. He said if you want to we can finance the vehicle. **Motion was made by Scott, seconded by Mashburn to purchase the street sweeper from Public Works Equipment and Supply with the trade in option at \$147,000.00 without leasing. Motion carried. Vote: 6 to 0.**

January 7, 2008 meeting continued,

Discussion/consideration of Planning Board/Board of Adjustment members

Mike Decker said Cathy Ellis has volunteered to serve on our Planning Board/ Board of Adjustment. A copy of the letter is attached. **Motion was made by Scott, seconded by Curtis to appoint Cathy Ellis as a member of the Planning Board/Board of Adjustment for a two year term. Motion carried. Vote: 6 to 0.**

Motion was made by Handley, seconded by Pattillo to reappoint Denton Higdon, Larry Hollifield, David Rowland and Dick Wallace as members to the Planning Board/Board of Adjustment for a term not to exceed three years. Motion carried. Vote: 6 to 0.

Motion was made by Handley, seconded by Scott to recommend to Macon County that Janet Greene and Lloyd Swift be reappointed to the Planning Board/Board of Adjustment for a term not to exceed three years. Motion carried. Vote: 6 to 0.

Alderman Scott said I suggest that we pay the members of the Planning Board/Board of Adjustment \$50.00 per meeting. A copy is attached. After some discussion, a motion was made by Scott, seconded by Mashburn to pay the members of the Planning Board/Board of Adjustment \$50.00 per month. Motion carried. Vote: 6 to 0.

Water adjustments, tax releases/discoveries/refunds and payment of bills

Motion was made by Curtis, seconded by Scott to approve the water adjustments for December, the tax releases and refunds and to approve payment of the bills. Motion carried. Vote: 6 to 0. Copies are attached.

Continuation of meeting

At 9:55 P.M., Mayor Collins continued the meeting until Monday, January 14, 2008 at 5:15 P.M.

Call to order

The regular January 7, 2008 meeting of the Town of Franklin Board of Aldermen was continued at 5:15 P.M., Monday, January 14, 2008 in the Town Hall Board Room. Mayor Joe Collins presided. Alderman Verlin Curtis, Jerry Evans, Joyce Handley, Billy Mashburn, Carolyn Pattillo and Bob Scott were present.

January 7, 2008 meeting continued,

Discussion regarding master plan for Whitmire property as part of Southwestern Commission's Mountain Landscapes Initiative – Mayor Collins and Vicki Greene

Vicki Greene with Southwestern Commission said we have been working on the Mountain Landscapes Initiative. She said in June of 2007 Southwestern Commission had a workshop for over fifty local officials about growth management in the area. She said from this workshop the Mountain Landscapes Tool Box Initiative was started. She said during a conservation with Mayor Collins I suggested that the Whitmire property could be used for a master plan. Information copy is attached. She said we have received funding from several sources. A copy is attached. Mayor Collins said what is your deadline? Mrs. Greene said in the next six weeks. The Board took no action.

Discussion regarding sidewalk extension on Church Street – Michael Grubermann

Michael Grubermann said Alderman Handley, Alderman Pattillo and I met with Larry Buchanan about doing a sidewalk on Church Street at his new business. He said we can get funding from the North Carolina Department of Transportation for the sidewalk along Iotla Street. Alderman Pattillo said Wesley Grindstaff told us since we have a plan we can get the funds. Mr. Grubermann said we need to do a retaining wall along Church Street to support the sidewalk. He said the quote to do this wall is \$3,200.00. Information copies are attached. Alderman Evans said we need an easement before using Powell Bill funds. Alderman Mashburn said I am not in favor of doing a sidewalk along Church Street. Alderman Pattillo said it will tie in well. Mayor Collins said this is the perfect opportunity to do this work. Alderman Scott said who will pay for the railing? Alderman Evans the retaining wall will be a problem and this is on private property. Alderman Scott said we need to look at water runoff. Michael Grubermann said it runs down the street. Alderman Scott said it is my understanding that the First Baptist Church is having problems with water runoff into their elevator shaft. He said we do not want to add to this problem. Larry Buchanan said I thought this would be a good opportunity for the Town to do a nice walkway. Alderman Scott said we could do striping to indicate a sidewalk. Alderman Mashburn said there is a section on Iotla Street between the courthouse and the corner that needs work. Larry Buchanan said my lawyer will do an easement. Alderman Scott said we need to be held harmless. Alderman Mashburn said the retaining wall will be against the building. Larry Buchanan said I can do a hold harmless agreement if I need to do one. **Motion was made by Handley, seconded by Pattillo to do a sidewalk and retaining wall along Church Street subject to getting an easement from Larry Buchanan. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Handley, Mashburn, Pattillo and Scott. Voting no: Evans.**

January 7, 2008 meeting continued,

Discussion regarding use of the Jaycee Building – Alderman Scott

Alderman Scott said we need a policy on the use of the Jaycee Building. He said the quilters have withdrawn their request for additional use of the building. Alderman Evans said it is not fair to other persons for the quilters to get the building. Alderman Scott said the name needs to be changed. He said the Little Tennessee Watershed Association wants to do some work on the stream banks. He said also they want to do signs.

Additional departmental and committee reports

Mike Decker said Macon County has transferred the 12 acres to the Town for the future expansion of the wastewater treatment plant. A copy of the letter is attached. He said we need to reimburse the county \$1500.00 cost of modifying its solid waste facility plan and to do a survey and a deed. **Motion was made by Evans, seconded by Masbourn to acknowledge the transfer of the property and to authorize the expenditures necessary to get a deed for the property. Motion carried. Vote: 6 to 0.**

Mike Decker said Chris Stahl with Macon County is requesting that the town transfer one acre of property to the county. A copy is attached. Alderman Mashburn said no formal request was made in the past. He said there is a bank between the county's property and the sewer plant property. He said I will be glad to look at the maps and come back to the Town with a recommendation.

Mike Decker said we need to decide whether the Town wants to contract with McGill to do the expansion of the Wastewater Treatment Plant. He said the estimated cost of the project is \$2,412,500.00. Alderman Mashburn said we are in the middle of doing the trunk sewer line. He said I would like to stay with McGill. **Motion was made by Curtis, seconded by Scott to go with McGill for the wastewater treatment plant expansion. Motion carried. Vote: 6 to 0.**

Mike Decker said we had a pre-construction conference on the Ulco Drive Sewer improvements project on December 18, 2007. He said the work began on January 2, 2008.

Mike Decker said the pre-construction conference on the Highlands Road Area Water Line Improvements project was held on January 10, 2008. He said the work is scheduled to start on February 1, 2008. He said Carolina Specialties has asked us to provide them with a storage yard for their material. The Board agreed to let them use the lower piece of the Whitmire property off of Crane Circle.

January 7, 2008 meeting continued,

Mike Decker said we have received two invoices from Lamar Sprinkle for surveying services on the proposed big trunk sewer line. He said it is my understanding that the Town had agreed to pay for the surveys inside the town limits. **Motion was made by Curtis, seconded by Handley to pay these invoices in the amount of \$26,100.00 to Lamar Sprinkle. Motion carried. Vote: 6 to 0.**

Mike Decker said we received a letter from Charles Gorgoglionie thanking us for our help with the traffic problems on Forest Hills Drive. A copy of the letter is attached.

Mike Decker said I will be attending a meeting on January 9, 2008 in Asheville about a planned water allocation study being done by the Environmental Review Commission.

Mike Decker said the Essentials of Municipal Government will be held in Asheville at the Grove Park Inn on March 5 – 7, 2008. He said we need to decide who is going. He said the NCLM Regional meeting will be held at the end of the Essentials workshop.

Mike Decker said Dennis Stamey has asked for 460 gallons per day sewer allocation for his property located at Old Prentiss Bridge Road. A copy of the letter is attached. **Motion was made by Curtis, seconded by Handley to give Dennis Stamey a sewer allocation of 460 gallons per day. Motion carried. Vote: 6 to 0.**

Mike Decker said the State Transportation Improvement Program public meeting will be in Murphy on Tuesday, January 15, 2008. He said do you want to make any comments on the Siler Road Extension proposal? Alderman Masbourn said I am not happy with what they are purposing. Alderman Scott said I will be going to speak for the Little Tennessee Water Shed Association. He said we are against all of the proposals. The Board took no action.

Mike Decker said we got a letter from the Macon County Human Relations Council regarding the Martin Luther King, Jr. holiday activities. A copy is attached.

Alderman Scott said I want to commend the First Methodist Church for their stand on using cloth bags instead of plastic bags. **Motion was made by Scott, seconded by Handley to send a letter to the First Methodist Church commending them for their ban on using plastic bags. Motion carried. Vote: 6 to 0.**

Alderman Handley said I will be working on the needs at the Jaycee Building.

Alderman Pattillo said Main Street is moving along.

January 7, meeting continued,

Closed session - personnel

At 7:15 P.M., a motion was made by Scott, seconded by Curtis to go into closed session to discuss personnel. Motion carried. Vote: 6 to 0.

At 7:50 P.M., a motion was made by Scott, seconded by Handley to come out of closed session. Motion carried. Vote: 6 to 0.

Open session

The Board took no action.

Adjournment

Mayor Collins adjourned the meeting at 8:00 P.M.

Joe Collins, Mayor

Janet A. Anderson, Town Clerk