

Town of Franklin Board of Aldermen  
Agenda  
June 7, 2010  
7 p.m.

1. Call to order – Mayor Collins
2. Approval of the May 3, 2010 minutes
3. Public session
4. 7:10 - (A) Public hearing on the proposed Fiscal Year 2010-11 budget  
(B) Consideration of adoption of the FY 2010-11 budget
5. 7:15 - (A) Public hearing on the special use application/rezoning for Carolina Mountain Drive Development  
(B) Consideration of special use application/rezoning application
6. Consideration of voluntary annexation petitions  
(A) Lawrence A. and Tammy L. Gay  
(B) Benjamin H. Rich
7. Certification of sufficiency for voluntary annexation requests (Tentative)  
(A) Joseph G. Moretti  
(B) Nellie Ruth Owens Sanders  
(C) Philip C. and Sharon J. Drake  
(D) G&V Development
8. Forward Super Wal-Mart special use application to the planning board for a recommendation
9. Town Attorney  
(A) Consideration of economic development grant guidelines  
(B) Animal control resolution
10. Finance department - transfers (Tentative)
11. Closed session -- personnel
12. Continue the meeting until Monday, June 21 at 5:30 p.m. (Tentative)

**June 7, 2010**

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, June 7, 2010 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 Handley, seconded by Evans to approve the minutes for the May 3, 2010 meeting as presented. Motion carried. Vote: 6 to 0.**

**Public session**

Joshua Fouts said my house at 54 Wilson Avenue had a backup of raw sewer. He said he had been remodeling his house. He said the Town needs to clean up this spill. Sam Greenwood said our insurance denied the claim. He said they disclaimed any liability. Mr. Fouts said the Town has been called a lot in the past from sewer problems. Mayor Collins said we thank you for the information.

Don Swanson said we need to close Iotla Street on Friday, July 2, 2010 from 11:00 A.M. to 1:00 P.M. for the Freedom Works event scheduled instead of July 3, 2010. A copy of the information is attached. **Motion was made by Handley, seconded by Evans to close Iotla Street as requested on July 2, 2010. Motion carried. Vote: 6 to 0.**

**Public hearing on the proposed Fiscal Year 2010-2011 budget**

Mayor Collins opened the public hearing on the proposed Fiscal Year 2010-2011 budget at 7:10 P.M. No persons were present to speak at the hearing. Mayor Collins closed the public hearing at 7:11 P.M.

**Consideration of adoption of the Fiscal Year 2010-2011 budget**

Alderman Scott said I think we need to wait on the adoption of the budget. Alderman Pattillo said there is no reason to wait.

**Motion was made by Scott, seconded by Evans to hold off on adopting the Fiscal Year 2010-2011 budget until June 21, 2010. Motion failed. Vote: 1 to 5. Voting yes: Scott. Voting no: Curtis, Evans, Handley, Mashburn and Pattillo.**

**Motion was made by Curtis, seconded by Pattillo to adopt the Fiscal Year 2010-2011 budget as presented. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Evans, Handley, Mashburn and Pattillo. Voting no: Scott. A copy of the budget is attached.**

**June 7, 2010 meeting continued,**

**Public hearing on the special use application/rezoning for Carolina Mountain Drive Development**

Mayor Collins opened the public hearing on the special use application/rezoning for Carolina Mountain Drive Development at 7:15 P.M.

Michael Grubermann – Providence Builders has applied for a special use on 11.69 acres of land owned by Phillip and Sharon Drake that is located at the corner of Phillips Street and Carolina Mountain Drive. The proposed development is to be a five phase Planned Commercial Development with a potential total of 156,000 square feet of mixed use office/retail/residential in nine buildings. The Planning Board met on April 20, 2010 and their recommendation is that the applications be approved. Also, the required neighborhood meeting was held on April 13, 2010. Informational copies are attached.

Neil Enloe – Phillip Drake wants to maximize his investment. The master plan has five phases. There will be office space as well as an exercise area for Mr. Drake's employees. Also, there will be storage for the performing arts center. There will be a tree border. The property has been raised four feet with fill.

Mayor Collins closed the public hearing at 7:22 P.M.

**Consideration of special use application/rezoning application**

The Board approved the following Findings of Fact:

- (a) The parcel included in the application is currently zoned Downtown Commercial (C-1) and the application presented requests special use approval and a zoning change to Planned Commercial Development for the development of 11.69 acres to include the phased development of an office/retail/residential development. This development includes as the first phase a 45,000 square foot building that will be office/storage and four additional phases that include the total mixed use development of 150,600 square feet of buildings.
- (b) 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. The developer has indicated that the development will conform to the regulations of the UDO and will not negatively impact the surrounding area. Landscape buffering, lighting, storm water management and other aspects of the development will be in compliance with the UDO requirements.

**June 7, 2010 meeting continued,**

- (c) There are or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 4.11 of the UDO. The property is currently served by town utilities. Adequate capacity is available for the addition of the number of buildings/units in this development. North Carolina Department of Transportation will be the approving body of the access to and from this development as it is fronted by Department of Transportation roads.
- (d) The use or development complies with all required regulations and standards of the Unified Development Ordinance or with variances thereto, if any, granted pursuant to Section 4.4.14 of the UDO and with all other applicable regulations. No variances are required and the new development complies or will comply with the UDO with reference to special uses and other zoning provisions before permits are issued.
- (e) 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. The proposed development has an apartment building at the same grade level to the east and the homes to the south have an existing treed landscape buffer and an elevation change from this development. The proposed development will not cause disruption to the area surrounding the property.

The use or development conforms with the general plans for the physical development of the Town as embodied in this Ordinance, the Principles of Growth, the Thoroughfare Plan and any other duly adopted plans of the Town. The Special Use and Planned Commercial Development as proposed are and will be in compliance with the UDO. The Land Development Permits when applied for will meet the UDO requirements before issuance. The applicant, in the opinion of the Board of Aldermen has met the burden of establishing these findings of fact. In addressing the issue of compatibility, as required in paragraph (e), above the applicant has demonstrated compatibility with the particular neighborhood in which the development or use is to be located. The fact that a use is authorized as a special use within a zoning district classification has not given rise to a presumption that such special use is compatible with other uses authorized in the zoning district classification.

**Motion was made Pattillo, seconded by Evans to approve the Special Use for Carolina Mountain Drive Development and to rezone the property to Planned Commercial Development as requested. Motion carried. Vote: 6 to 0.**

**Public Session continued**

Brenda Perry said I am speaking for the owner of the Heritage Inn in Heritage Hollow. She said there is an association formed to maintain the streets inside the area. She said large trucks are using these roads as a pass thru. She said this property is privately owned. Ms. Perry said the association has spent \$16,000.00 in the past three years in road repairs. Mayor Collins thanked her for the information.

June 7, 2010 meeting continued,

**Consideration of voluntary annexation petitions**

Motion was made by Curtis, seconded by Evans to annex the Lawrence A. and Tammy L. Gay property located at 1942 Georgia Road conditional on the UDO being met and on there being no private club. Motion carried. Vote: 5 to 0. Copies are attached. Alderman Mashburn was rescued from voting on this petition since he works for the law firm that did the petition.

Motion was made by Scott, seconded by Evans to annex the Benjamin H. Rich property located at 3078 Georgia Road conditional on the UDO being met and on there being no private club. Motion carried. Vote: 5 to 0. Copies are attached. Alderman Mashburn was rescued from voting on this petition since he works for the law firm that did the petition.

**Recess**

Mayor Collins recessed the meeting at 8:02 P.M.

Mayor Collins reconvened the meeting at 8:10 P.M.

**Certification of sufficiency for voluntary annexation requests**

Janet Anderson certified the sufficiency of the G&V Development voluntary annexation request. A copy of the certificate of sufficiency is attached.

Janet Anderson said the voluntary annexation requests from Joseph G. Moretti, Nellie Ruth Owens Sanders and Phillip C and Sharon J. Drake would need to be corrected before they could be certified.

Motion was made by Evans, seconded by Curtis to set the public hearing on the G&V Development voluntary annexation request for July 6, 2010 at 7:10 P.M. Motion carried. Vote: 6 to 0.

**Forward Wal-Mart Superstore special use application to the Planning Board for a recommendation.**

Motion was made by Pattillo, seconded by Evans to forward the Wal-Mart Superstore special use application to the Planning Board for a recommendation. Motion carried. Vote: 6 to 0.

**June 7, 2010 meeting continued,**

**Consideration of economic development grant guidelines**

John Henning, Jr. recommended that the Board approve the economic development grant guidelines.

**Motion was made by Handley, seconded by Curtis to approve the economic development grant guidelines. Motion carried. Vote: 6 to 0. A copy is attached.**

**Animal control resolution**

John Henning, Jr. said the Town was not included in the original Macon County Animal Control Ordinance. He said the final verizon was limited. He said you need to take no action tonight.

**Resolution**

**Motion was made by Mashburn, seconded by Evans to approve the Bank of America Financing Resolution as presented. Motion carried. Vote: 6 to 0. A copy of the resolution is attached.**

**Meeting change**

**Motion was made by Curtis, seconded by Scott to change the July meeting to July 6, 2010 at 7:00 P.M. due to the 4<sup>th</sup> of July holiday. Motion carried. Vote: 6 to 0.**

**Other business**

Departmental reports are attached.

Alderman Pattillo said burned out structures inside Town need to be addressed.

Alderman Handley asked what the status of the Flood Plain information? Sam Greenwood said it is in the state's hands.

**Closed session**

**The Board went into closed session at 8:30 P.M., on motion made by Pattillo, seconded by Curtis to discuss personnel and possible ligation. Motion carried. Vote: 6 to 0.**

**The Board came out of closed session at 9:45 P.M., on motion made by Evans, seconded by Curtis. Motion carried. Vote: 6 to 0.**

**June 7, 2010 meeting continued,**

**Continuation of meeting**

**At 9:50 P.M., motion was made by Handley, seconded by Mashburn to continue the June 7, 2010 meeting until Monday, June 21, 2010 at 5:30 P.M. Motion carried. Vote: 6 to 0.**

**Call to order of the June 7, 2010 continuation meeting**

The regular June 7, 2010 meeting of the Town of Franklin Board of Aldermen was continued at 5:30 P.M., Monday, June 21, 2010 in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Jerry Evans, Billy Mashburn, Carolyn Pattillo and Bob Scott were present. Alderman Joyce Handley was absent.

**Board member absence**

**Motion was made by Evans, seconded by Mashburn to excuse Alderman Joyce Handley from the meeting due to being out of town. Motion carried. Vote: 5 to 0.**

**Certification of sufficiency for voluntary annexation requests**

Janet Anderson certified the sufficiency for the following voluntary annexation requests:

Scenic Ridge Properties, LLC  
Joseph G. Moretti  
Nellie Ruth Owens Sanders.

Copies of the Certificates of Sufficiency are attached.

**Motion was made by Evans, seconded by Mashburn to set the public hearings as follows on the voluntary annexation requests: Scenic Ridge Properties at 7:05 P.M., Joseph G. Moretti at 7:15 P.M. and Nellie Ruth Owens Sanders at 7:20 P.M. Motion carried. Vote: 5 to 0.**

**Budget amendments**

Janet Anderson explained the proposed budget amendments. She said several revenues were down due to the economy. Copies are attached.

**Motion was made by Curtis, seconded by Evans to approve the budget amendments as proposed. Motion carried. Vote: 5 to 0.**

**June 7, 2010 meeting continued,**

**Consideration of resolution regarding enforcement of the Macon County Animal Control Ordinance within the town**

John Henning, Jr. said the draft resolution regarding enforcement of the Macon County Animal Control Ordinance is to authorize and permit Macon County to enforce its animal control ordinance within the corporate limits.

**Motion was made by Pattillo, seconded by Curtis to authorize Mayor Collins to sign the Resolution Requesting, Authorizing and Permitting Macon County to Enforce within the Town of Franklin the Macon County Animal Control Ordinance as Amended. Motion carried. Vote: 5 to 0.**

**Consideration of agreement with the North Carolina Rural Center regarding the North Carolina STEP Implementation Investment Grant Project**

Michael Grubermann said this is the implementation stage of the STEP grant. He said this money will be used for the individual projects. He said the amount is \$100,000.00.

**Motion was made by Evans, seconded by Curtis to agree to the terms of the contract with the North Carolina Rural Center and to authorize Mayor Collins to sign it. Motion carried. Vote: 5 to 0. A copy is attached.**

**Discussion regarding development proposals for town property**

Michael Grubermann said I have requested proposals from two firms regarding future development of the Whitmire property. Copies of the proposals are attached. Mayor Collins said we may need to have a representative from each firm come to a meeting. He said the cost for the plan is around \$28,000.00. Alderman Scott said we don't have the money. He said we don't have money to give to nonprofit organizations. He said I am totally against selling the Whitmire property. Mayor Collins said we can keep it, sell it or coordinate with the surrounding property owners on its use. Alderman Curtis said we already voted to get this information. Alderman Evans said I agree that there is no money. Alderman Pattillo said if we have information we can reach a better decision. Alderman Evans said we need to keep it for now until the market improves. Alderman Mashburn said I agree we need to wait on spending the money because of the market. Mayor Collins said we may need to have a select group of the aldermen meet and discuss this matter. Alderman Scott said the public needs to be able to come. Alderman Pattillo said all the board members need to be involved in the discussion and decision. Alderman Curtis said we can do it as an agenda item. Sam Greenwood said we will do a July meeting at a separate time.

**June 7, 2010 meeting continued,**

**North Carolina Department of Transportation request to rescind 35 MPH speed limit on NC 28/Riverview Street and increase it to 45 MPH**

Michael Grubermann said the North Carolina Department of Transportation is requesting that the 35 MPH speed limit be rescinded on NC 28/Riverview Street and to increase it to 45 MPH. Information copies are attached. Alderman Scott said why increase it? Mayor Collins said for traffic flow. Alderman Scott said the traffic is too fast on 441 South at restaurant row. Alderman Curtis said the Department of Transportation is planning to have no left turns. Mr. Grubermann said they would put in controlled U-turns.

**Motion was made by Evans, seconded by Scott to increase the speed on NC 28/Riverview Street to 45 miles per hour. Motion carried. Vote: 5 to 0.**

**Request by Macon Program for Progress to name a town representative to a new nonprofit corporation to oversee the Orchard View housing project.**

**Motion was made by Pattillo, seconded by Evans to appoint Alderman Joyce Handley to serve on the nonprofit corporation to oversee the Orchard View housing project. Motion carried. Vote: 5 to 0.**

**The Arts Council request**

Mayor Collins said Bobbie Contino with The Arts Council is requesting permission to block off Iotla Street from Main Street to Church Street at 6:30 P.M., Friday, July 2, 2010 for the "Freedom Rocks the Square". He said the event will end by 10:00 P.M. Information copies are attached.

**Motion was made Scott, seconded by Evans to approve The Arts Council request. Motion carried. Vote: 5 to 0.**

**Other business**

Janet Anderson said the annual 4<sup>th</sup> of July luncheon will be at Fat Buddies on Friday, July 2, 2010 at 12:00 Noon.

Mike Decker said the joint meeting with Macon County and the Town of Highlands will be at Mill Creek on July 15, 2010 at 6:00 P.M.

Alderman Curtis said what is the status of Duke Energy? John Henning, Jr. said they are fast tracking this part of the relicensing. He said they are doing some cleanup at Lake Emory Dam. Alderman Curtis said Duke has been asked to do dredging.

**June 7, 2010**

**Adjournment**

**Motion was made by Curtis, seconded by Evans to adjourn the meeting at 6:00 P.M.  
Motion carried. Vote: 5 to 0.**

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Joe Collins, Mayor

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Janet A. Anderson, Town Clerk