



Town of Franklin Board of Aldermen

Agenda

April 6, 2015

7:00 p.m.

1. Call to Order- Mayor Bob Scott
2. Pledge of Allegiance- Vice Mayor Verlin Curtis
3. Adoption of April 6, 2015 Proposed Agenda
4. Approval of the March 2, 2015 Board Minutes
5. Public Hearing 7:05 p.m. for Re-Zoning Petition for Three (3) Parcels on Siler Road
6. Public Session
7. New Business
 - A.) Board Action on Re-Zoning Petition for Three (3) Parcels on Siler Road
 - B.) Proclamation for Public Health Month- Mayor Bob Scott
 - C.) Proclamation for Neuropathy Awareness Week-Mayor Bob Scott
 - D.) Proclamation for Appalachian Trail Celebration Period 2015- Mayor Bob Scott
 - E.) Proclamation for Appalachian Trail Community Partnership Renewal- Bill Vanhorn
 - F.) Presentation from Duke Energy Regarding Hydrilla- Duke District Manager Lisa Leatherman
 - G.) Discussion on Banners- Larry Hollified
 - H.) Set Public Hearing for Special Use Permit Application- Land Use Administrator Justin Setser
 - I.) Forward Re-Zoning Petition for Watauga Street and Dan Street to Town Planning Board- Land Use Administrator Justin Setser
 - J.) Re-Appointment of Peter Mosco to the Town Planning Board- Land Use Administrator Justin Setser
 - K.) Tax Releases- Tax Collector Jessie Wilkins
 - L.) Town of Franklin Audit Contract with Martin-Starnes- Town Manager Summer Woodard
 - M.) Budget Amendment- Town Manager Summer Woodard
 - N.) Agreement for Engineering Services for Water Plant Upgrade and Expansion- Town Manager Summer Woodard
 - O.) Franklin Main Street Program- Town Manager Summer Woodard
 - P.) Water Line Easement for Industrial Park Road- Town Manager Summer Woodard
 - Q.) Application for Wireless Telecommunications Facilities Special Use Permit at 90 Cunningham Road- Land Use Administrator Justin Setser
8. Legal
 - A.) North Carolina Department of Transportation Deed for Highway Right of Way- Town Manager Summer Woodard and Town Attorney John Henning Jr.
9. Adjourn

April 6, 2015 meeting,

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday April 6, 2015 at 7 p.m. in the Town Hall Board Room. Mayor Robert S. Scott presided. Aldermen Patti Abel, Verlin Curtis, Joyce Handley, Farrell Jamison and Barbara McRae were present.

The Pledge of Allegiance was done.

Motion was made by Curtis, seconded by McRae to excuse Alderman Billy Mashburn from the meeting. Motion carried. Vote: 5 to 0.

Adoption of the April 6, 2015 Proposed Agenda

Motion was made by Curtis, seconded by Jamison to approve the April 6, 2015 Proposed Agenda as presented. Motion carried. Vote: 5 to 0.

Approval of the March 2, 2015 Board Minutes

Motion was made by Curtis, seconded by Jamison to approve the March 2, 2015 Board minutes as presented. Motion carried. Vote: 5 to 0.

Public Hearing: 7:05 p.m. for Re-Zoning Petition for Three (3) parcels on Siler Road:

Narelle Kirkland – Thank you Mr. Mayor and honorable Town Aldermen. I will come right to the point. There is a very flat area on the right side of Siler Road, and I urge you to go out and look at it. Please realize that a restaurant located there with large windows would be one of the most attractive facilities the Town has to offer. That should be something that should be saved for the future. Another aspect is safety. Please be aware of the exit off Highway 441.

Mayor Scott – Are we getting away from what the public hearing is about?

Narelle Kirkland – There is a large area of mud there, and I have contacted the state to widen the road and update the road. On the opposite end going into the Southwestern Community College Campus, there is a driveway going into a house that is now gone. I've talked to the county commissioners about six (6) months ago, so they have probably forgotten. But if we had the ingress via that driveway, and just had the egress on the current two way road that would help safety substantially. That right hand turning lane is dangerous. On the last point, and this map is too far. There is a very sharp curve, about eighty (80) degrees, and I would urge you to consider to petition the state to straighten that curve.

April 6, 2015 meeting continued,

Larry Stenger – Thank you for letting me speak. My company owns two (2) parcels of land very near the entrance to the college. In fact my property line abuts up to the property line of the college. We have been there seven (7) years now. Ever since the state widened the road, the amount of traffic has increased extremely to the point where it is somewhat dangerous for the students. You will see a lot of students walking at different times of the day, and there is no bike lanes or sidewalks, and it is dangerous. Many of them are walking and texting. It makes me nervous. The thirty-five (35) mile speed limit is never observed, and I know that's not under your control. Something else to consider for the Town, Siler Road could be many things. There is a beautiful early college and library, and a community garden on the Greenway. One of the gems that Franklin has in its possession is the greenway. Most people don't know that you can park at the library and attain access to the Greenway, and go out for a beautiful walk. How many towns have that benefit? Very few. It's a beautiful place for people to go. This is one of the sales pitches I have for people wanting to rent my building. I think when you develop and do the rezoning, and I know it is going to be special use, and I like that because you get a chance to talk to the developer and have them put in sidewalks. And you can talk to the state and ask them to conduct a traffic study based on projections. It's underdeveloped land back there, and this is a chance to control signage, and make it look attractive. I'm all for the change, keeping in mind those issues. I don't think there is a sewer line there, except for the four (4) inch line going into the school. You need to look into that.

David Stiles – Siler Road Property Owner – Good evening. I appreciate you having this meeting. As you know, I've owned land out there since 1993, and I've moved up to Tennessee during the last six (6) years. I agree with this rezoning. One thing we should consider is widening the road, and to not let them develop into that road. That impacts every one of us, and that will benefit us in the long run. That area calls for commercial and high density use. I do worry about erosion and water. The storm water effect will be tremendous in there, because there is no flat land. So we need to figure out how to protect it. But I'm for it.

Mayor Scott closed the public hearing.

Public Session:

W.H. Derrick – Good evening Mayor, Aldermen and Ms. Manager. I would like to ask the Town a question. How do you determine which roads will be paved?

Mayor Scott – By a points system.

W.H. Derrick – Do you visit the roads? I want to bring up Forrest Avenue. It's about a mile long, and you got a lot of houses, an elderly community and it is a well-traveled road. There is one place where the water main goes across the road. Every time I cross it on my moped I have to stand up. You have places where people have made their own sidewalks too. I was told years ago that money was allocated for this, and then Maple Street ran into it.

Summer Woodard – Town Manager – Mr. Setser and I went out there recently, and it is in terrible condition. It's on the prioritization list this year, and we looked at possibly moving that up to number one or two on our priority list.

April 6, 2015 meeting continued,

W.H. Derrick – When do you think that will be done?

Summer Woodard – Town Manager – The asphalt plants are opened back up, hopefully this fall if not sooner.

Debby Boots – My name is Debby Boots and I'm a member of the hiking club and I'm excited about the proclamations tonight and where the Town is going. I think we should bring in more wildlife and green space in town. Creating wildlife habitat, you can see that Warren Wilson did it. The garden club at the clock tower created a wildlife habitat, and I would love for the Town to honor them for doing that. They have done a great job at making Franklin more interesting and promoting biodiversity. I would like to go to different businesses and create these habitats, and we could immerse Franklin in these habitats. It would take a committee authorized by the Town to make it possible. They did this in Weaverville and now they have all this green space. If the Town has beautification to give to the Garden Club, and perhaps work on wildlife habitat then that would be great. The second thing is tree planting. You are so busy, you can't read everything. That's why I think committees are a great idea. I also have vision plans for the Town. Thirdly, I would like to suggest that Franklin have a historic preservation committee, and I think there are buildings being torn down that can be used for preservation. Last thing, the snow flakes. The Franklin Press said you were going to LED lights to make those snowflakes shiny. I think they are ugly and it's a waste of money. It's a waste of money and energy. Put red ribbons or something simple out there.

New Business: Board Action on Re-Zoning Petition for Three (3) Parcels on Siler Road:

Motion was made by McRae, seconded by Curtis to rezone three (3) parcels on Siler Road from Residential (R-1) and Medical, Institutional, Cultural and Residential (MICR) to C-2SU Commercial. Motion carried. Vote: 5 to 0. A copy of the petition is attached.

New Business: Proclamation for Public Health Month

Motion was made by McRae, seconded by Jamison to declare April 6, 2015 through April 12, 2015 Public Health Week and the month of April 2015 as Public Health Month in Franklin. Motion carried. Vote: 5 to 0. A copy of the Proclamation is attached.

New Business: Proclamation for Neuropathy Awareness Week

Motion was made by Jamison, seconded by McRae to declare May 11-15, 2015 Neuropathy Awareness Week in Franklin. Motion carried. Vote: 5 to 0. A copy of the Proclamation is attached.

New Business: Proclamation for Appalachian Trail Celebration Period 2015

Bill Van Horn – Chairman of Appalachian Trail Committee – As you know, the Franklin Appalachian Trail Council decided this year to spread the event out, with a number of nonprofits and businesses, to take advantage of the trail and the popularity of the trail. A month long celebration period will give several different organizations their pitch.

April 6, 2015 meeting continued,

Mayor Scott – You and other volunteers work hard, rain or shine, to maintain about sixty-seven (67) miles of the Appalachian Trail, and on behalf of the Town we really do appreciate it.

Motion was made by Handley, seconded by Jamison to approve the Proclamation for the Appalachian Trail Celebration Period. Motion carried. Vote: 5 to 0. A copy of the Proclamation is attached.

New Business: Proclamation for Appalachian Trail Community Partnership Renewal

Bill Van Horn – AT Trail Committee – I would just like to say a couple things. We were the first community designated, now out of thirty-seven (37) total communities in the March of 2010. The council worked on submitting the form, and we are looking for formal renewal of that partnership at the banquet during biz week of this month.

Motion was made by Curtis, seconded by McRae to approve the proclamation for Appalachian Trail Community Partnership Renewal. Motion carried. Vote: 5 to 0. A copy of the Proclamation is attached.

New Business: Presentation from Duke Energy Regarding Hydrilla

Lisa Leatherman – Duke Energy District Manager – A copy of the presentation is attached.

New Business: Discussion on Banners

Larry Hollifield – Good evening. As we discussed last month banners are already in the sign ordinance. We would like to set this up as a special events process, because that would not require a permit. Special events are exempt. To address Mr. Henning's concern with the Town having to sign off on every special event banner, I recommend having Mr. Setser approve each one so you don't have to. You can create the process. If there is ever a time that someone doesn't agree with Mr. Setser's decision, they can appeal to the Board of Adjustment. Basically, what you would do is create an item for a special events banner, and only not-for-profits and groups of businesses can apply – like the St. Patrick's Day event we had in March. No single business will be able to apply. Two (2) weeks before the event the banner can go up, and it should come down no more than three (3) days after the event has taken place. That's plenty of time. It also alleviates the problem of events falling on the same day, which will happen. The location will be a single location closer to the second crosswalk on Main Street. We have to go to the state to get permission to do that. A height of about twenty (20) feet should clear all traffic. It should be made out of the fabric discussed previously, out of light weight windproof material.

Mayor Scott – Thank you for your hard work. Council I believe you have a motion to bring before the board?

John Henning Jr. – Town Attorney – I certainly can. I think the next step would be to draft something up and bring it back next month, a sign ordinance regulation along the lines that has been presented tonight.

April 6, 2015 meeting continued,

Mayor Scott – Folks I'm not sure this really needs an ordinance. I think a simple policy presented by the banner committee will suffice, and it will give us the ability to decide on a case by case basis. They can appeal to the Board of Adjustment, and can even go to the Town Board. I would hate to see us go another month, especially since several events are coming up. We have battled the banner wars long enough. How does the Board feel about this?

Alderman Jamison – They haven't picked a location yet. How can we approve something if we don't know the location?

Larry Hollifield – We did not want to get the cart before the horse. Because we still don't know if you are going to approve it.

John Henning Jr. – An action to commit and move forward can be done tonight, so they will know.

Alderman Jamison – I think we all agree that this should move forward. But we need something specific to vote on.

Alderman Handley – I think we should move forward.

Alderman Curtis – I think personally it should go through the sign ordinance. That way they don't have to go to the Town Board every time for approval. And it will be up to the individual wanting the banner to do the work.

Alderman Handley – How long will this take?

John Henning Jr. – Town Attorney – It will be like anything else under the sign ordinance. It's an application process. If they have everything in order, the Town Planner can sign off on it. Also, to take it out of the Board's approval it needs to go through the sign ordinance. And we need to repeal the banner ban that we have on the books now.

Mayor Scott – I think that is what Mr. Hollifield suggested, to go through the sign ordinance. I would like to see this on the agenda no later than the next regularly scheduled meeting of this board.

Larry Hollifield – And that will be fine. That will give the Taste of Scotland enough time to get their artwork compiled, and for us to get permission from the Department of Transportation as well. And then we will pick a place and be done with it

Alderman Handley – Do we need a motion?

John Henning Jr. – I would suggest to entertain a motion to thank the banner committee, approve a policy based on the committee's outlined recommendations tonight instruct me to bring an ordinance back to you to put this into effect.

Motion was made by Abel, seconded by Handley to thank the banner committee for their work, to approve the outlined recommendations made by the committee, and to instruct the Town Attorney to bring back an ordinance to put recommendations into effect next month. Motion carried. Vote: 5 to 0.

April 6, 2015 meeting continued,

New Business: Set Public Hearing for Special Use Permit Application

Justin Setser – Land Use Administrator – In your packets you will find a special use permit application for Siler Road, the sixty (60) unit housing development. The Planning Board met and now we need to set a Quasi-Judicial Hearing for May.

Motion was made by McRae, seconded by Curtis to set a public hearing (Quasi-Judicial) for a special use permit application for a sixty (60) unit housing development on Siler Road for May 4, 2015 at 7:05 p.m. in the Town Hall Board Room. Motion carried. Vote: 5 to 0.

John Henning Jr. – Again this is a Quasi-Judicial matter. You will sit as judge and jury to decide whether or not that permit gets granted. You can't go out and investigate. It all has to happen during that hearing.

Justin Setser – Land Use Administrator – I will have that information for you before the meeting to help.

New Business: Forward Re-Zoning Petition for Watauga Street and Dan Street to Town Planning Board

Justin Setser – Land Use Administrator – I have a few more things I didn't put in your packet. You will see the petition to rezone approximately six (6) parcels. On the map it only shows five (5). One of the properties have since been split, but the county has not updated their map. This is a rezoning to change a portion of those parcels, the parcels on Watauga Street under Williamson, Waldroop, Jerry Hock and the top portion of the Samuel and Christina Womack one. That's actually Joe Sanders as you see in the split; The Sanders property would go to one zoning district, and the other four would go to neighborhood mix use. A couple of residents in the area approached me, and they want to expand on their renting. They would like to expand to businesses, doctors' offices for example. Lower-end commercial is the only thing allowed, nothing major like a car-lot. That's what the petition is.

Motion was made by Curtis, seconded by Jamison to forward Re-Zoning Petition for Watauga and Dan Street to Town Planning Board. Motion carried. Vote: 5 to 0. A copy of the petition is attached.

New Business: Reappointment of Peter Mosco to the Town Planning Board and Board of Adjustment

Justin Setser – Land Use Administrator – Mr. Peter Mosco is on our planning board. His term has expired, and he has expressed a desire to continue his term on both boards. You should see a memo with more details.

Motion was made by Curtis, seconded by Abel to reappoint Peter Mosco to the Town Planning Board and Board of Adjustment for a three (3) year term beginning April 6, 2015 and ending April 6, 2018. Motion carried. Vote: 5 to 0.

April 6, 2015 meeting continued,

New Business: Tax Releases

Jessie Wilkins – Tax Collector – Good evening Board. I actually have three (3) tax releases for board approval. One is for Mitchell Hopkins. He had a change in use and the county has asked us to release \$12,850.00 of value on his parcel. It changed from an apartment to a storage space. That decreased the value of the property.

Motion was made by Handley, seconded by Abel to release the \$12,850.00 of value on the property. Motion carried. Vote: 5 to 0. Attached is a copy of the release.

Jessie Wilkins – Tax Collector – Black Bear Construction, LLC. They are located in Highlands, but they were billed in error. The amount was \$63,728.00 of value, equivalent for \$172.07 of taxes. I ask that you please release that.

Motion was made by McRae, seconded by Abel to release the \$172.07 of taxes for Black Bear Construction LLC of Highlands. Motion carried. Vote: 5 to 0. A copy of the release is attached.

Jessie Wilkins – Tax Collector – The last one is Cartronics USA. This went out as a double taxation. The county accidentally sent out two tax bills to the same company.

Motion was made by Abel, seconded by McRae to release the double taxation bill for Cartronics, USA. Motion carried. Vote: 5 to 0. A copy of the tax release is attached.

New Business: Town of Franklin Audit Contract with Martin-Starnes

Summer Woodard – Town Manager – What you have in your agenda packet tonight is our audit contract for the upcoming year with Martin-Starnes. The total is \$35,700. That's an increase of \$600 from the previous year. However, the Tourism Development Authority pays \$3,000 separately. The difference in the amount would be a total of \$32,700. We are just asking for you to consider approval as presented.

Motion was made by Jamison, seconded by Curtis to approve the Town of Franklin's audit contract with Martin-Starnes as presented. Motion carried. Vote: 5 to 0.

New Business: Budget Amendment

Summer Woodard – Town Manager – The budget amendment is from the Police Department. What we are requesting to do is remove in general fund in revenue Alcohol Beverage Control Law Enforcement funds into an expense account for Alcohol Beverage Control Law Enforcement, and the justification for this is the appropriation of accumulated Alcohol Beverage Control funds dedicated for Law Enforcement. That total is \$8,133, and that would allow our Police Department to buy holsters and tasers.

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Motion was made by Handley, seconded by Jamison to approve the budget amendment to move \$8,133.00 from the Alcohol Beverage Control Law Enforcement Revenue Fund into an expense account for Alcohol Beverage Control Funds dedicated for Law Enforcement to purchase holsters and Tasers. Motion carried. Vote: 5 to 0. A copy of the Budget Amendment is attached.

New Business: Agreement for Engineering Services for Water Plant Upgrade and Expansion

Summer Woodard – Town Manager – I have passed out a revised version of this. What we have requested for McGill and Associates to do is to delete section 2.4 and 2.5. That's reflected in the revised edition that we passed out. This takes away the \$217,000 that McGill is requesting up front for the engineering scope of work. That will be better left until we get to the project phase and then we can look more into price negotiations. What we are asking for tonight is to move forward with the first engineering report that is due May 1, 2015 for the Water Plant Upgrade. Once construction begins, we will look at more effective cost negotiations.

John Henning Jr. – There are a few things I want to discuss with them. There are some technical changes we need. For example, they omitted a pre-audit statement. We can't have a binding agreement without it. There are other things we need to get clarification on. I would suggest pre-approval subject to technical corrections. Anything material we will come back to.

Motion was made by Curtis, seconded by Jamison to generally approve the contract, subject to technical corrections, and to instruct the Town Attorney to renegotiate aspects of the contract. Motion carried. Vote: 5 to 0.

New Business: Water Line Easement for Industrial Park Road

Summer Woodard – Town Manager – What you have before you tonight is an individual requesting that the Town take over the maintenance and supervision of the presently existing fire hydrant and existing water line from its connections from the water distribution section on Industrial Park Road. We have looked at this with Mr. Jay Gibson, our Public Works Director, and Board Members on the Water and Sewer Committee, for about two months now. We think this is best for the Town in the long run.

John Henning Jr. – This is also a hydrant that our fire department uses. It's really in our best interest to do this. This is also a practice we are trying to get into to clarify easements about extensions. We have an extension policy, but we need something to clarify that the Town has the last say when we accept an easement.

Motion was made by Jamison, seconded by Handley to approve the Water Line Easement Request on Industrial Park Road. Motion carried. Vote: 5 to 0. A copy of the easement is attached.

New Business: Franklin Main Street Program

Motion was made by Handley, seconded by McRae to acknowledge the inactive status of the Franklin Main Street Program. Motion carried. Vote: 5 to 0.

April 6, 2015 meeting continued,

New Business: Application for Wireless Telecommunications Facilities Special Use Permit at 90 Cunningham Road

Justin Setser – Land Use Administrator – You will see the special use permit for Verizon Wireless and Crown Plaza. This is for an eligible facilities request per our Telecommunications Ordinance. It's not a new tower, but an upgrade and modification to Verizon and Crown Castle. They submitted the permit, fee and all of the plans required in our ordinance. It looks to be perfectly in order. They are basically putting up a new antenna.

Motion was made by Curtis, seconded by Jamison to approve the special use permit Application at 90 Cunningham Road. Motion carried. Vote: 5 to 0. A copy of the permit is attached.

Legal: North Carolina Department of Transportation Deed for Highway Right of Way

Summer Woodard – Town Manager – Mr. Henning and I have been working to see if the North Carolina Department of Transportation would acquire the pump house, since construction on the new Town Bridge is upcoming. Unfortunately at this time it does not look like they are interested in purchasing the pump house.

John Henning Jr. – We have also explored the notion of doing the swap, where they are taking all of the property. They are purchasing it and they will need it all for the construction easement apparently. They may not when the construction project is completed need all of it. That might be a time to talk about acquiring easement property we no longer need. I would hope you could get a good deal from them at that point, for property they don't need anymore. We can explore that in the future. For now, we need to pass a motion to approve the deed and resolution.

Motion was made by Jamison, seconded by McRae to approve the Resolution and deed agreement with the North Carolina Department of Transportation. Motion carried. Vote: 5 to 0. A copy of the Resolution and Deed Agreement are attached.

Announcements:

Mayor Scott – Mr. Curtis and I attended a North Carolina League of Municipalities meeting last week in Sylva, and Franklin and Macon County stand to lose a lot of money with proposed changes to sales tax allocation. Interestingly, there are seven counties in Region A and we are the only county that are scheduled to lose money. The county will lose about \$1.5 million, and the Town will lose about \$45,000. Henderson County will get a huge increase. It's unfair. Traditionally, sales tax monies stayed in the area in which they are generated. For some reason, Raleigh thinks they can improve on that.

Alderman Jamison – This was supposed to help rural counties. How are we losing out?

John Henning Jr. – They are looking at a different formula, changing from a point of sale to a per capita distribution. We have a lot of tourists. That's where we get hurt.

April 6, 2015 meeting continued,

Mayor Scott – Henderson County isn't a tier one county, but we are. But they have a powerful Senator that we won't go in about.

Alderman Curtis – Evidently, people in Henderson County go to Asheville to spend their money, so they are trying to figure out a way to get it back.

Mayor Scott – It's not a good time to try to manage a town. Another thing they are trying to do is implement partisan elections for municipal elections. I don't know how the Board feels, but I don't think we need to run as a Democrat or a Republican. I know the vast majority of other people at the meeting felt the same way as I do about this.

Alderman Jamison – Can we not pass a resolution and write a letter so Senator Davis and Rep. West know we are against this. If we don't say something, how do they know if we like it or not.

Motion was made by McRae, seconded by Jamison to pass a Resolution to oppose the North Carolina State Legislature's consideration of partisan municipal elections and the redistribution of sales taxes to a per capita basis. Motion carried. Vote: 5 to 0.

Alderman McRae – What will that translate to in terms of taxes?

Mayor Scott – I don't know about that. Maybe Ms. Woodard might know?

Summer Woodard – Town Manager – Well a two (2) cent increase raised \$120,000. So a one penny, maybe a half cent.

Alderman Jamison – So here we go again.

Mayor Scott – And we have lost the privilege license recently. It's just not a good time to run a town right now.

Adjourn:

Motion was made by Jamison, seconded by Handley to adjourn the meeting at approximately 8:20 p.m. Motion carried. Vote: 5 to 0.

Robert S. Scott, Mayor

Chad B. Simons, Town Clerk

