

**June 2, 2014**

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, June 2, 2014 at 7:00 P.M. in the Town Hall Board Room. Mayor Robert S. Scott presided. Aldermen Patti Abel, Verlin Curtis, Joyce Handley, Farrell Jamison, Billy Mashburn and Barbara McRae were present.

**Pledge of Allegiance**

The Pledge of Allegiance was done.

**Adoption of June 2, 2014 Proposed Agenda**

**Motion was made by Curtis, seconded by Jamison to approve the June 2, 2014 agenda as proposed. Motion carried. Vote: 6 to 0.**

**Approval of the Minutes**

**Motion was made by McRae, seconded by Handley to approve the minutes for the May 1, 2014, May 5, 2014 and May 17, 2014 meetings as presented. Motion carried. Vote: 6 to 0.**

**Public Session**

Howell Derrick – This drug dog business in the budget. The town is only 3 ½ square miles. There are drugs in Franklin. You don't need to spend money on a drug dog. It will be expensive. The dog will have to be certified and trained by a certified person. You will have to have liability insurance. This will be expensive. There will have to be several officers involved due to sickness, vacations, etc. There are already drug dogs at the sheriff department. If you ask Sheriff Holland, he will work with the town. You need to look into this matter further.

**Public Hearing – Proposed Fiscal Year 2014-2015 Budget**

Mayor Scott opened the public hearing at 7:05 P.M. on the proposed fiscal year 2014-2015 budget.

Angela Moore – The tax increase of \$65,000.00 is a huge number for the citizens. The economy has taken a hit. You were building new facilities and going into debt. You need to make hard choices and cut the \$65,000.00 from this budget.

Mayor Scott closed the public hearing at 7:09 P.M.

**June 2, 2014 meeting continued,**

**Public Hearing – Rezoning Petition for Macon County and the Town of Franklin Properties**

Mayor Scott opened the public hearing at 7:10 P.M. on the rezoning petition for Macon County and the Town of Franklin properties.

Brenda Henry – 790 Lake Emory Road – I am opposed to the rezoning due to the decrease in the value of my property. I tried to rezone my property to commercial. It was not rezoned. The transit property owned by Macon County is next to me. There were trees between the two properties. The trees have been cut down. This change in the zoning will further diminish the value of my property.

Kenneth Pannell – Lake Emory Road - I have lived on my property for fifty-five years. The transit authority is next to me. There is no buffer. The new cell will be in front of my house. You need to find another location for this cell.

Derek Roland – Macon County Manager – On behalf of Macon County, I want to point out this property will not be used differently in the future. All permits for the landfill were given. When the ETJ was passed in 1989, a letter from Jim Williamson stated a landfill would be allowed in R-1 regulations. No new landfills have been permitted in the past ten years. This cell will add twenty years of life to the landfill.

Mayor Scott closed the public hearing at 7:25 P.M.

**Public Hearing – Application to Amend Text Only of the Unified Development Ordinance for Microbrewery and Brewpub**

Mayor Scott opened the public hearing on the application to amend text only of the Unified Development Ordinance for microbrewery and brewpub at 7:25 P.M.

No person spoke at the public hearing.

Mayor Scott closed the public hearing at 7:26 P.M.

**Public Session**

Tony Hernandez – There has been discussion on buying new trash cans for Main Street at a cost of \$600.00 per can. We are willing to repaint the trash cans at no cost to the town. We like the trash cans with the art work.

Summer Woodard – Interim Town Manager – There has been discussion about the trash cans at the Main Street meeting. At this time, we are looking at different options.

June 2, 2014 meeting continued,

**Public Session**

Mary Carolyn Scruggs – I understand that my brother who lives at 65 Ridgewood Drive has forty-five days to comply with the minimum housing code. I want to represent my brother in this matter since he is in the hospital.

Mayor Scott – This will be discussed later in the meeting.

**New Business – Board Decision on Proposed Fiscal Year 2014-2015 Budget**

Motion was made by Handley, seconded by McRae to approve the proposed fiscal year 2014-2015 budget as presented. Motion carried. Vote: 6 to 0. A copy of the budget is attached.

**New Business – Board Decision on Rezoning Petition for Macon County and the Town of Franklin Properties**

Motion was made by McRae, seconded by Jamison to adopt the rezoning petition for Macon County and the Town of Franklin properties and to adopt the Zoning Consistency Statement. Motion carried. Vote: 6 to 0. Information copies are attached.

**New Business – Board Decision on Application to Amend Text Only of the Unified Development Ordinance for Microbrewery and Brewpub**

Motion was made by Jamison, seconded by Abel to amend text only of the Unified Development Ordinance for microbrewery and brewpub and to adopt the Zoning Consistency Statement. Motion carried. Vote: 6 to 0. Information copies are attached.

**New Business – Presentation by R.E.A.C.H.**

Bonnie Peggs – President – R.E.A.C.H. – Our shelter is very old. We have been turning away families. We are building a new shelter with ten bedrooms. We are asking the town for funds. We are asking that you donate \$12,000.00 for the new shelter.

Summer Woodard – Interim Town Manager – R.E.A.C.H. will need to apply through the Town's non-profit funding pool for fiscal year 2014-2015.

**New Business – Proclamation for Independence Day for All**

Motion was made by Handley, seconded by Jamison to proclaim Friday, July 4, 2014 as Independence Day for All in Franklin. Motion carried. Vote: 6 to 0. A copy of the proclamation is attached.

**June 2, 2014 meeting continued,**

**New Business – Minimum Housing and Nuisance Code Violation at 65 Ridgewood Drive**

Justin Setser – Land Use Administrator – We are ready for the abatement process on the William Scruggs property located at 65 Ridgewood Drive. This property is in violation of the Minimum Housing and Nuisance Code. The estimated cost for the cleanup is \$1,130.00. It could be more. If the Town pays for the cleanup, a lien will be added to the property. Informational copies are attached.

Alderman Jamison – Does the owner have forty-five days to take care of the problem?

Mr. Setser – Yes.

Mary Carolyn Scruggs – I will be working on cleaning up the property before the deadline.

**Motion was made by Curtis, seconded by Handley to do an allocation of up to \$2,000.00 if needed for the contracted labor for the cleanup of the property located at 65 Ridgewood Drive and to amend the budget out of fund balance. Motion carried. Vote: 6 to 0.**

**New Business – Nuisance Code Violation at 415 Forest Avenue**

Justin Setser – Land Use Administrator – There is a Nuisance Code Violation at 415 Forest Avenue. The notice of violation was mailed to Lucille McCall. She is the administrator of the estate. She was given fifteen days to correct these violations. Informational copies are attached.

John Henning, Jr. – Town Attorney – My recommendation is not to consider this matter tonight.

**New Business – Budget Amendments**

**Motion was made by McRae, seconded by Handley to approve the budget amendments presented by Finance Officer Janet Anderson. Motion carried. Vote: 6 to 0. Copies of the budget amendments are attached.**

**New Business – Western North Carolina Hospice House**

Summer Woodard – Interim Town Manager – The Board agreed to proceed with a grant application for the Western North Carolina Hospice House if there would be no liability to the town.

John Henning, Jr. – Town Attorney – There would be a large investment of staff time and also potential liability to the town. We would be monitoring the employment requirements. The town could be sued and asked to pay back the grant of \$100,000.00 if there are any problems.

**June 2, 2014 meeting continued,**

Alderman Mashburn – This is not like anything that we have done in the past. The other grants were pass-thru grants without a lot of staff time.

**Motion was made by McRae, seconded by Curtis to table the request of the grant application for Western North Carolina Hospice House until the July meeting. Motion carried. Vote: 6 to 0.**

**Other Business**

Departmental reports are attached.

**Legal – Assignment of Town Attorney Contract**

**Motion was made by McRae, seconded by Handley to approve the assignment of the town attorney contract to Campbell Shatley, PLLC with an effective date of July 1, 2014. Motion carried. Vote: 6 to 0. A copy of the agreement is attached.**

**Legal – Closed Session**

**At 8:24 P.M., on motion made by Handley, seconded by Jamison the Board went into closed session pursuant to (1) N.C.G.S. 143-318.11(a)(5), “to establish, or to instruct the public body’s staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease,” concerning the term of acquisition of an easement for the installation of a sewer line located on Arthur Drake Road and pursuant to (2) N.C.G.S. 143-318.11(a)(6), “to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee”. Motion carried. Vote: 6 to 0.**

**The Board came out of closed session at 9:05 P.M., on motion made by Jamison, seconded by McRae. Motion carried. Vote: 6 to 0.**

**Open Session**

**Motion made by Mashburn, seconded by Curtis to adopt a resolution to pay the sum of \$4,500.00 from retained earnings to William V. Cansler for use of an easement, upon execution of a release in favor of the Town. Motion carried. Vote: 6 to 0. A copy of the resolution is attached.**

**June 2, 2014 meeting continued,**

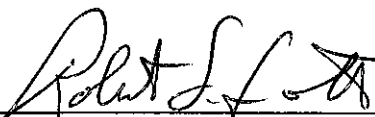
**Announcements**

Town of Franklin employee luncheon will be July 3, 2014 at 12:00 noon at Fat Buddies.

The Town offices will be closed on Friday, July 4, 2014 in observance of the 4<sup>th</sup> of July.

**Adjournment**

**Motion was made by Handley, seconded by Abel to adjourn the meeting at 9:10 P.M.  
Motion carried. Vote: 6 to 0.**

  
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Robert S. Scott, Mayor

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Janet A. Anderson, Town Clerk