

Town of Franklin Board of Aldermen
Regular Scheduled Meeting
Agenda Monday October 5, 2015 7:00 p.m.

1. Call to Order- Mayor Bob Scott
2. Pledge of Allegiance- Vice Mayor Verlin Curtis
3. Adoption of October 5, 2015 Proposed Agenda
4. Approval of the September 8 and September 21, 2015 Board Minutes
5. Public Hearing 7:05 p.m. for Indoor Gun Range
6. Public Hearing 7:10 p.m. for Mobile Food Trucks
7. Public Hearing 7:15 p.m. for Text Amendment to the UDO Regarding Citizen Comments
8. Public Hearing 7:20 p.m. for Initial Zoning Petition for 44 Lowery Lane.
9. Public Session
10. New Business
 - A.) Board Action on Indoor Gun Range
 - B.) Board Action on Mobile Food Trucks
 - C.) Board Action on Text Amendment to the UDO Regarding Citizen Comment
 - D.) Board Action on Initial Zoning Petition for 44 Lowery Lane
 - E.) Presentation by Read2Me for Story Walks- Brittney Parker
 - F.) Re-Appointment of Denton Higdon to the Town Planning Board- Land Use Administrator Justin Setser
 - G.) Re-Appointment of Tom Harris to the Town Planning Board- Land Use Administrator Justin Setser
 - H.) Permission to Advertise Vacancies on the Town Planning Board- Land Use Administrator Justin Setser
 - I.) Budget Amendments- Finance Officer Kyra Doster
 - J.) Competitive Bidding Purchasing Program for the Town of Franklin- Finance Officer Kyra Doster
 - K.) Resolution Authorizing the Town Clerk to Investigate the Sufficiency of a Voluntary Annexation Petition- Town Clerk Chad Simons & Land Use Administrator Justin Setser
 - L.) Re-Zoning Petition for 244 Porter Street- Land Use Administrator Justin Setser & Town Attorney John Henning Jr
 - M.) Set Public Hearing for Multi-Tenant Sign Amendment- Land Use Administrator Justin Setser
 - N.) Update on NCDOT 4.0 Prioritization List- Land Use Administrator Justin Setser

- O.) Sewer Allocation Request for Burnette Hill Road- Town Manager Summer Woodard
- P.) Designation of Voting Delegate for 2015 North Carolina League of Municipalities Conference- Mayor Bob Scott
- Q.) Street Closing Request for Taste of Scotland 2016- Doug Morton
- R.) Town Board Member Appointment to the Bike and Pedestrian Steering Committee- Land Use Administrator Justin Setser
- S.) Update on Town Crosswalk Project- Town Manager Summer Woodard

11. Announcements

- A.) Set Special Called Meeting for Tuesday October 20, 2015 at 5:30 p.m. for National Flood Insurance Question and Answer Session.
- B.) 19th Annual Pumpkin Fest will be Saturday October 24, 2015 from 9:00 a.m. to 4:00 p.m.

12. Adjourn

October 5, 2015 meeting

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday October 5, 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, Billy Mashburn, and Barbara McRae were present.

The Pledge of Allegiance was done.

Adoption of October 5, 2015 Proposed Agenda:

Motion was made by Mashburn, seconded by Jamison to adopt October 5, 2015 meeting Agenda with the addition of tax item that will be discussed under new business, Item T. Motion carried. Vote: 6 to 0.

Approval of the September 8 and 21, 2015 Board Minutes

Motion was made by Handley, seconded by McRae to approve the September 8 and 21, 2015 meeting minutes as presented. Motion carried. Vote: 6 to 0.

Public Hearing for Indoor Gun Range

John Henning Jr. – Town Attorney – Mr. Mayor, before we start the process I would like to remind the Board and the public what this is about. This is not for approval of any specific activity within the town or any specific business. The situation we are considering tonight is a permitted use for the Town. Currently, the Unified Development Ordinance does not deal with it as a land-use, and there is also a police power health and safety ordinance that makes it unlawful to discharge a firearm within the town limits. Had the Town simply repealed the health and safety ordinance, we would not have given any direction as to where that is as a possible land use. Where we are at now, we are considering land use regulations to make it clear where this activity will be allowed. It will still need to be repealed, the safety ordinance later on if you choose to allow this as a permitted use.

Angela Moore – I was going to address the same thing as far as the health and safety issue. While I fully support the right of people to build an indoor firing range on their property as a way to give back their property rights that our zoning codes tend to take away, I feel like we are putting the cart before the horse. We should address the code 130.04, the discharging of a firearm, and I would encourage the Board to not just allow this for indoor firing ranges, but to either repeal that code entirely or allow the use for private citizens to defend themselves in their homes from trespassers and nuisance animals, which will fully comply with North Carolina law. Another thing, under 152.123 Item Number 4, offside noise impacts wording is not particularly articulate, and does not quantify what noise level will be acceptable at the property boundaries to offer protection to adjacent property owners. More specifics should be added to what decibel levels would be acceptable at the property boundaries to better protect property rights of the adjoining property owners.

Fred Alexander – I believe an indoor range will be used by many people. For a few years in the 90s and early 2000s a local rifle and pistol club were able to use the local National Guard Armory, but 9/11 changed that. The proposal you anticipate for an indoor range will be more publically accessible, and I trust that you have reviewed the appropriate laws concerning health and safety to ensure that is so. Thank you.

October 5, 2015 meeting continued,

Cliff Cyphers – I'll just take a minute. I teach 4-H shooting sports, and I train young people to shoot rifles and pistols. We typically go on a Saturday to Dirty John to train, and mother's typically never come back. I train them with their rifles monthly right here in town, but they go to competitions where they are shooting pistols, shotguns and 22's. I'd just like to see an opportunity for them to get an opportunity to train with them instead of them having to travel for tournaments. I'm all for a range of some sort closer than what we have, and I know there are lots of laws and rules that need to be adjusted, but I want to be positive for it.

Derek Jones – Mr. Scott, Board it is a privilege to be here. Ms. Moore you brought up a good point as far as noise. But I've had the opportunity to witness firsthand the indoor gun range at the North Carolina Justice Academy, as well as Beaufort, Georgia's range. Most of these ranges can take up to the caliber of a 30/30 and 30. aut 6. You would be amazed at the size of the caliber of bullets that these ranges can take, and you can't hear any noise outside. When I went to a concealed carry class at the Justice Academy, you didn't know people were shooting, 30 some people, and you couldn't hear a thing. The size of Mr. Wong's range, I don't expect his to be 20 to 30 lanes. I know you have to consider safety concerns. At Dirty John, you have a higher chance of accidental discharge or someone going up there and assaulting the public. Unfortunately, I can't eliminate all crime in Franklin, but you have a higher chance of getting injured at Dirty John then you would with a range in town. People would spend their money here and we would be keeping people safe.

Aaron Garrett – I'd just like to echo what everybody else has said. I think it will be very beneficial for the young folks and for law enforcement. It will allow them to train in the winter time or in the event of rain. I just wanted to express that I am in favor of it.

Justin Setser – Land Use Administrator – You have the amendment to the Unified Development Ordinance in your packets. The Planning Board looked at this twice in July and August, and they recommended to add this as a permitted use to the Unified Development Ordinance, with a special use requirement starting in C-2 Commercial. With special use, it's not a by right use. They would have to go through a quasi-judicial hearing before the board to ensure they have met the requirements. The requirements are listed in the amendment as well, six of them. These requirements are tailored from other towns and counties that have indoor gun ranges. One deletion the planning board did recommend was to strike out the section that no shooting range will be within 250 feet of a residential zoning classification. Everything else went through.

John Henning Jr. – Town Attorney – The planning board did consider decibel regulations for noise level. There are some ordinances that do that. There are others that don't. Also the definition for an indoor shooting range is that it has to meet the National Rifle Association standards, and/or federal and state regulations – whichever are more stringent. My understanding is that those capture noise requirements. We have also moved away from a decibel based nuisance ordinance. As you recall, we repealed the noise portion of our nuisance ordinance with decibel readings, as we understood that is fairly difficult to measure and enforce. We can look at doing that, but we currently don't have the means to test it. But I do think the noise level is taken into account.

Mayor Scott closed the public hearing at 7:20 p.m.

October 5, 2015 meeting continued,

Public Hearing for Mobile Food Trucks:

Angela Moore – I got to be honest. I find this particular ordinance to be disappointing. I find most of the regulations to be redundant. You already have to get a business license. You already have regulations about trash and litter, and signs. And further, what's left is limiting the sale of non-food items and preferred power source for mobile food trucks. I find this to be redundant, and there are other organizations that regulate food trucks. I've talked with a couple of mobile food truck owners and it's my understanding that most of what this does is require them to jump through more hoops, and that doesn't promote small business growth. As far as I know I don't think there has been any complaints or problems against food trucks. I'd encourage the board to take a closer look at this to see what is actually being regulated. It's really just more administrative paperwork, more fees, more costs, more time – in addition to the staff here at the Town. I don't think it's going to improve the atmosphere for small businesses or the ambiance of the Town. I can definitely see food truck owners going elsewhere simply because elsewhere is not regulated. I thank you for your time and I hope you vote it down.

Justin Setser – Land Use Administrator – Before you tonight is a text amendment for mobile food vending and mobile food vendors. It defines what they are and where permitted uses will be. As of right now, this is not a permitted use. So by adopting this you are saying this is a conforming use. Anyone wanting to operate a mobile food truck will know they are welcome in the Town of Franklin. But if passed, the permitted uses would be in C-1 Commercial, which will allow it in higher zones; including (MICR) Medically, Institutional, Cultural and Residential and Neighborhood Mix Use. It's leaving out residential districts. Mobile food vendors are also able to sell their merchandise, but they can't operate a yard sale. The planning board voted to add Medical, Institutional, Cultural and Residential (MICR) and Neighborhood Mix Use. A food truck goes out at the college, so that will allow them to continue to go there.

Alderman McRae – Would an ice cream truck be considered a mobile food truck? If so, will that not be allowed to operate in residential zones?

Justin Setser – Land Use Administrator – By definition yes, so they wouldn't be able to operate in a residential area.

John Henning Jr. – Town Attorney – As a matter of enforcement, I don't think Mr. Setser is going to chase an ice cream truck.

Mayor Scott closed the public hearing at 7:29 p.m.

Public Hearing for Text Amendment to UDO regarding citizen comments:

No person spoke during the public session.

John Henning Jr. – Town Attorney – This will comply with state law. The legislature did away with protest petitions from an ex percentage of property owners next to a rezoning petition would trigger a super majority vote. We will still have comments, but a super majority vote will no longer be a requirement.

October 5, 2015 meeting continued,

Mayor Scott closed the public hearing at 7:30 p.m.

Public Hearing for Initial Zoning Petition for 44 Lowery Lane

Debbie Drake – Manager of Carolina Hotel – I have no problem with what is happening. I just want to know when we will be able to see the plans, and to make sure you are aware of the heavy traffic there. I am the manager of the Carolina Motel there, and people use that as a U-turn there all the time and a red light may be a good option.

Justin Setser – Land Use Administrator – We will notify you when plans are made available. They have not closed on the property yet. This is an initial zoning, and the planning board recommended C-3 Commercial, which would comply with other properties in the area.

Mayor Scott closed the public hearing at 7:32 p.m.

Public Session:

Lois Lathrop – In 1964 I built a house on 318 Pauline Avenue, and I paid town taxes. And I went in to pay my taxes one day, and Frances Collins – the town clerk then – told me I didn't have to pay town taxes on this property. She told me the only thing I would get if I chose to be in the town was garbage pickup and lower water and sewer rates. She said I could put it in or out, whatever I wanted. I chose out because I thought I could take out my own garbage. So she put it out and so it's been that way ever since. I thought I was grandfathered in. So in 1975 I bought a piece of property beside my house, and they told me to put it in with my house and land that I was on already, and just pay the taxes on the house and land. A year later I bought the other half of the property, and they told me to do the same. So I listed the town and land all in one, and I've paid my county taxes every year since then. I've paid what I was told to since then. I haven't had any other choice. Nobody has told me otherwise until now. So I will let John finish.

John Lathrop – I just wanted you to know our situation. We have lived on Pauline Avenue for years, and a portion of our property is in the town. I just want you to understand our situation about the letter we got from the Town concerning back taxes. In 2001 I married my wife, and we took a portion of the land there to build a new home. I noticed that the land was partly in the town limits, and I went to the town office to see what I could do about town taxes. I was sent to the Town Attorney and he wasn't sure what was best to do. He mentioned possibly dividing a portion of the taxes, but to go back to the town clerk to see what she thought. She said it was too complicated to divide the land and the house, and asked if anyone had been paying town taxes. Which we had not for years. She said she would keep us off the tax list until someone complained. Since the town considered us out of town and we never received any notices, never questioned or notified about the situation, how can you feel righteous to send us 10 years of back taxes without any mercy. I'm sure you would feel the same way. I'm not against paying town taxes. I don't think I'm responsible for back taxes and interest. I'm asking that you drop the ten years and non-payment penalties, and allow me to start paying taxes this year. Just treat us fairly. A friend of mine said, "Do unto others as you would have them do unto you." I thank you for your time, and we look forward to your answer.

October 5, 2015 meeting continued,

Ron Haven – Thank you Mayor Scott. I'd like to speak briefly about the Appalachian Trail. I think everyone here knows my connection. I started bringing hikers to Macon County about thirty years ago, and I've brought a lot of hikers and a million dollars' worth of revenue into the Town. I sit on the Tourism Development Commission Board, and I've noticed that there is an appeal for about \$13,700 to run a shuttle bus for hikers. It's been stated that hiker season runs from the first of February until the end of May. This isn't right. The hikers start coming into Georgia around the first of March, and they die down to almost nothing at about April 15. You have hikers year round that hike on that trail for a few days, section hikers and weekenders. Appealing for this money, I just feel like it's a scam to ask for this money to run this bus for this long. I was told there was 500 hikers brought in last year on the transit bus, well friends, I haul more people than that on my bus on a weekly basis. And I don't charge them anything. I've been asked to sit on the Appalachian Trail Board, but I'm not dealing with arguments and complaints. That's why I've stayed away from it. All of the money I've brought in to the town and all that I've done for the hikers, the Trail Board got a grant from the Tourism Development Commission to put brochures in, and I got the email saying they were going to take out all of my hiker services, which I don't care because I don't depend on that anyway. In May of this year I sold the Sapphire Inn, so the only motel I have is the Budget Inn with twelve rooms. So filling that every night with 100 hikers coming in per day is not that big of a deal. I've always tried to be a person to save taxpayer dollars, and that's gotten me into trouble as a lot of you know. I've tried to be honest and straight to help our county, and I use to every morning take a bus load of people out to local restaurants. Now the church up here is feeding them, and that is up to them. But a lot of that money, thousands of dollars, could be going to waitresses and cooks. I'm going to say this here. It does take about \$15,000 to \$16,000 to run these buses up and down the roads, other than having the passenger bus that I have – I also have several vans. I have a permit from the Forest Service, and I got the tag and the insurance to do it. They said they can only haul them Monday through Friday. I operate seven days per week. So if they are asking for this money, I'm asking for \$7,500. That's \$6,000 less than what they are asking. So if there is a consensus for these buses to run, I'm doing that anyway. If you think this will be fair, I will present this to the Tourism Development Authority. Thank you for your time.

Mayor Scott – If you want to present this to the Tourism Development Authority that is entirely within your rights to do so. The Tourism Development Commission is with the county, not the town. The transit you are talking about is also with the county. But you have the right to go before the Tourism Development Authority.

New Business: Board Action on Indoor Gun Range

Motion was made by Jamison, seconded by McRae to adopt the ordinance as presented. Motion carried. Vote: 6 to 0. A copy of the ordinance is attached.

New Business: Board Action on Mobile Food Trucks

Alderman Curtis – I have a question. Talking about the mix use neighborhood, I kind of look at that food truck as a drive in, and for a truck to park on those lots – I don't think it's fair. We denied that right to a donut shop because of a drive through, so I'm a little concerned about allowing them there.

Alderman Abel – They have to actually park somewhere, right? It's not a permanent structure?

October 5, 2015 meeting continued,

Alderman Mashburn – I'm worried about that too. They can just walk up and leave. I'm afraid we are giving mixed signals on this.

Mayor Scott – Let me weigh in on this. There was misconception that the Town was trying to outlaw food trucks. Actually, we're trying to be proactive to head off other problems that towns have had, and we are actually helping food trucks because it lets everyone know where everybody is.

Alderman Jamison – One thing it does is allow them to operate, and we are stating where they can be. If there is an issue we can go back and fix it.

Alderman Handley – I like the idea of food trucks.

Alderman Mashburn – The only question is neighborhood mix use. I'm not really happy about that.

Alderman Abel – Will that disallow the food truck from operating at the school?

Mayor Scott – The donut shop we denied was a permanent fixture, on land.

Justin Setser – Land Use Administrator – The College is Medical, Institutional, Cultural and Residential, so denying Neighborhood Mix Use won't disallow the food truck from operating at the school.

Motion was made by Curtis, seconded by Mashburn to approve the ordinance, with the edition of eliminating the removal of Neighborhood Mix Use as a permitted zone. Motion carried. Vote: 6 to 0. A copy of the ordinance is attached.

Alderman Abel – Just to clarify to cover some of the things that Ms. Moore brought up. We're not actually adding more restrictions on food trucks. We are making it a lot easier for them to come in. And secondly, we're not charging any fees are we?

Justin Setser – Land Use Administrator – Just the \$10.00 business registration fee that they already have to get.

John Henning Jr. – Town Attorney – I will bring back a streets and sidewalks ordinance next month for mobile food trucks. That's a separate matter and it needs to be addressed. I apologize. I have a draft ordinance, but I just didn't get it on the agenda tonight. It will cover food trucks during Town festivals.

Justin Setser – Land Use Administrator – I know we're not Asheville, but their food truck ordinance is pages long. Our ordinance is nothing like it. It doesn't even come close to imposing those types of restrictions. But they have more food trucks now than they have had before their ordinance was approved. It doesn't deter them, but welcomes them.

New Business: Board Action on Text Amendment to the Unified Development Ordinance regarding Citizen Comment

Motion was made by Mashburn, seconded by Jamison to adopt the ordinance as presented. Motion carried. Vote: 6 to 0. A copy of the ordinance is attached.

October 5, 2015 meeting continued,

New Business: Board Action on Initial Zoning Petition for 44 Lowery Lane

Motion was made by Handley, seconded by McRae to accept initial zoning petition for 44 Lowery Lane as submitted. Motion carried. Vote: 6 to 0. A copy of the zoning petition is attached.

New Business: Presentation by Read 2 Me for Story Walks

Brittney Raby presented upcoming projects concerning Read 2 Me story walks at Parker Meadows ball fields and the Macon County Greenway.

Mayor Scott – I think you may need to look at our sign ordinance. These will be permanent structures?

Alderman Handley – But they are in the county?

Mayor Scott – I understand that, but she’s talking about doing it in the corporate limits in the town?

Brittney Raby – Our first two structures will be on county property.

John Henning Jr. – Town Attorney – I will have to look, but I think there is a pretty broad exemption for non-commercial type structures.

Mayor Scott – I’m just curious to why you were coming to the town if all these are going to be on county property?

Brittney Raby – That’s the big picture. I’m just here to let you guys know what we are doing.

Alderman Abel – I also asked her to come. She didn’t say anything about signs on town property. I love the idea. It’s promoting literacy, family, and nature.

New Business: Re-Appointment of Denton Higdon to the Town Planning Board

Motion was made by Handley, seconded by Curtis to re-appoint Denton Higdon to the Town of Franklin Planning Board for a three year term beginning October 5, 2015 and ending October 5, 2018. Motion carried. Vote: 6 to 0.

New Business: Re-Appointment of Tom Harris to the Town Planning Board

Motion was made by McRae, seconded by Curtis to appoint Planning Board Chairman Tom Harris for a three year term to the Town of Franklin Planning Board beginning October 5, 2015 and ending October 5, 2018. Motion carried. Vote: 6 to 0.

New Business: Permission to Advertise Vacancies on the Town Planning Board

Mayor Scott – We just need to give Mr. Setser permission to fill vacancies on the Planning Board.

October 5, 2015 meeting continued,

Justin Setser – Land Use Administrator – One is David Rowland’s seat, and he no longer wants to serve. The other is an alternate on the Extra-territorial jurisdiction. He no longer wants to serve. This seat is held by Ken Stonebreaker

Motion was made by Curtis, seconded by Handley to grant permission to advertise vacancies on the Town Planning Board. Motion carried. Vote: 6 to 0.

New Business: Budget Amendments

Kyra Doster – Finance Officer – The first two you have will actually appropriate insurance settlement checks into vehicle line-items. The first one is for \$3,314.00 to go into the fire department for a pumper truck. The second one is to appropriate that into the police budget for a crown vehicle. These are insurance vehicle checks we received for vehicle repairs. The other budget amendment will appropriate the Federal Emergency Management Agency grant funds, and our match.

Motion was made by Curtis, seconded by Mashburn to approve budget amendments for \$3,314.00 for vehicle line-item in the fire department, \$3,096.00 for vehicle line-item in the police department, and to approve appropriation of FEMA grant funds and required match in the amount as presented. Motion carried. Vote: 6 to 0. A copy of all three budget amendments are attached.

New Business: Competitive Bidding Purchasing Program for the Town of Franklin

Kyra Doster – Finance Officer – The next thing we have is a competitive bidding group purchasing program called HGACBUY, which stands for Houston Galveston Area Council. It’s a program that is similar to what we know as purchasing off of state contract. This is just another resource we can use to purchase bid processes, and will help us streamline some things. We have attached the frequently asked questions that explains what this is and how it works. I did send this to our Town Attorney, and he has reviewed this. They specialize in public works and public safety and it might help us streamline purchases.

Alderman Mashburn – This is not required? What about the cost?

Kyra Doster – Finance Officer – No cost. The fees are passed to the contractor. And it is not required. We are not obligated to do anything.

New Business: Resolution authorizing the Town Clerk to investigate the sufficiency of an Annexation Petition.

Chad Simons – Town Clerk – We got a voluntary annexation petition for two parcels on the Georgia Road. All you are doing tonight is granting me permission to make sure that it meets the requirements. I would like to turn it over to Mr. Henning, because there is something you need to be aware of.

October 5, 2015 meeting continued,

John Henning Jr. – Town Attorney – It's not fatal. The application we got is on the form for a contiguous annexation. That's a simple matter, just two questions. We had this come up with the Te annexation when they tried to petition as a contiguous annexation, and we found that did not qualify and we had to treat it as a satellite annexation. The same happened here. All this means is that the resolution will have to meet the requirements of a satellite annexation.

Motion was made by Jamison, seconded by Curtis to adopt Resolution authorizing the Town Clerk to investigate the sufficiency of an annexation petition. Motion carried. Vote: 6 to 0. A copy of the Resolution and annexation petition is attached.

New Business: Re-Zoning Petition for 244 Porter Street

Justin Setser – Land Use Administrator – We received in August a petition to rezone a parcel at 244 Porter Street. The petition is in your packet. The planning board met and set a public hearing for it next month.

Alderman Jamison – Isn't this spot zoning? We don't do that.

John Henning Jr. – Town Attorney – There has been a recent Court of Appeals decision that deals with this. It may not be good planning to rezone this based on conformity, but it also may not be illegal spot zoning. This needs to be a legislative decision that the Board needs to make to decide not to schedule the public hearing, rejecting the proposed change.

Alderman Mashburn – The planning board recommended to deny this. Therefore I make a motion that we go with their recommendation.

Motion was made by Mashburn, seconded by Curtis to deny the rezoning petition for 244 Porter Street. Motion carried. Vote: 6 to 0. A copy of the re-zoning petition is attached.

New Business: Set Public Hearing Multi-Tenant Sign Amendment

Justin Setser – Land Use Administrator – This was just something that caught my attention. The planning board has discussed this for quite some time, longer than the gun range and food trucks. I think there are some flaws in our sign ordinance for multi-tenant facilities. Our sign ordinance is broken up into commercial and residential, broken down into single tenant and multi-tenant facilities. For single tenant commercial structures, they're allowed a 50 square foot free standing sign. For multi-tenant facilities, whether it's one or fifteen, they're allowed 70 square feet for all of the tenants. What this would do is a text amendment to the sign ordinance, changing this to setting the size of signs to be dictated by the zoning district. The Planning Board met and they recommended 70 square feet for C-1 Commercial, 90 square feet for C-2 Commercial and 150 square feet for C-3 Commercial. I think this is not too bold, but it will make a lot of nonconforming signs now conforming. And allow multi-tenant facilities set off the road a little more noticeable.

New Business: Update on North Carolina Department of Transportation 4.0 Prioritization List

October 5, 2015 meeting continued,

Land Use Administrator Justin Setser presented the state's list of project rankings. A copy of the packet presentation is attached.

Alderman Abel – Can you explain the Georgia Road project and the Wide Horizon one?

Justin Setser – Land Use Administrator – That's Highway 106, a county project – and one the county wanted to see ranked. The Wide Horizon project has been committed to already.

Summer Woodard – Town Manager – What was the total cost of Belden Circle and Wide Horizon proposal?

Justin Setser – Land Use Administrator – The estimate is \$66 million.

New Business: Sewer Allocation Request for Burnette Hill Road

Summer Woodard – Town Manager – Mr. Mayor and Town Board, this is a revised proposal. Back in 2013 you received a request from Mr. Vanderwoude requesting 9,360 gallons per day for Burnette Hill. It was contingent upon one year, so that expired in June 2014. He is here tonight to ask for the same sewer allocation. The project never came to fruition, so he's wanting to revisit it and he is asking for the same thing.

Motion was made by Jamison, seconded by Handley to approve the sewer request allocation of 9,360 gallons per day to Mr. Jim Vanderwoude. Motion carried. Vote: 6 to 0. A copy of the letter is attached.

New Business: Designation of Voting Delegate for 2015 North Carolina League of Municipalities Conference

Motion was made by Curtis, seconded by McRae to appoint Mayor Bob Scott as the voting delegate for the 2015 North Carolina League of Municipalities Conference. Motion carried. Vote: 6 to 0.

New Business: Street Closing Request for Taste of Scotland 2016

Doug Morton – Taste of Scotland Festival Director – I came here to update the Board and to make a request. We had a big crowd last year, and the last two years. People are coming into town on Friday and expect more things to be going on. So we are going to attempt to expand it, placing food and craft vendors on Iotla Street. We think it is time to do that. We are working to have a Scottish Harp Competition, and I think this alone would bring in 800 to 1,000 people. We also want to have entertainment at the Gazebo. We will have Scottish and Celtic bands playing, and we want to expand our children's games to Friday too. We think this will enhance the crowds coming in. Last year Asheville's festival had less than 500 people attend, compared to our estimated 3,000. We are proposing to close Iotla Street on Friday, and like I said, have our food vendors setting up their tents. And our craft vendors will come in Saturday. We also want to close Main Street on Saturday. We think we will have enough vendors to close both streets, but only Iotla on Friday. We feel this will be a big investment for the town.

Alderman Mashburn – What times? What are we talking about?

October 5, 2015 meeting continued,

Doug Morton – The Harp competition would start at 9 a.m.

Alderman Mashburn – Will it need to be closed overnight?

Doug Morton – No sir. The food vendors will just secure their tents.

Alderman Mashburn – But if their stuff is there you will still have to have the street closed all night.

Alderman Jamison – Can it just be the area between the courthouse and gazebo? We have businesses there that need to have access.

Doug Morton – Yes.

Alderman Mashburn – We normally do this in February, with all of our street closings. Let's take the recommendation and come back to it in February.

New Business: Town Board Member appointment to the Bike and Pedestrian Steering Committee

Motion was made by Handley, seconded by Curtis to appoint Alderman Patti Abel to the Bike and Pedestrian Steering Committee. Motion carried. Vote: 6 to 0.

New Business: Update on Town Crosswalk Project

Summer Woodard – Town Manager – We have hit a small hurdle. I do have some suggestions. The company that was going to do this for us came last Wednesday. They had two concerns. One was the age of the existing asphalt on Main Street, which is a Department of Transportation right of way. They believe the cracks in the asphalt will show through the pattern. The second concern is when the state has went through and remarked the crosswalks was not through regular paint, but thermoplastic. So the brick pattern would still show through the existing lines. They said we would need to have the crosswalks milled and re-asphalted, and the best option would be to have Main Street redone. Wesley Grindstaff with the state transportation department told me Main Street will not be repaved until six years. So option one got bleaker. Option two is this. Since the Town would be willing to take on responsibility to maintain new crosswalks, would they be willing to help mill and repave the crosswalks. He said no. He did tell me that it would cost about \$5,583 to mill and re-asphalt all seven existing crosswalks. The numbers are not concrete, but just a rough estimate. We have \$50,000 in the budget. So we can back up and see what we can do, or you can allow me to begin discussions with the state to mill and re-asphalt the crosswalks. Oliver Paving said time would be of the essence, because the temperature has to be sixty degrees or higher. That's where we have been.

Alderman McRae – How quickly can they do it?

Summer Woodard – Town Manager – Just as soon as we could get it milled and resurfaced. The state would serve as the liaison between the state approved paving contractor and the Town. The state has another crew repaving a few roads in Franklin, so they are here already.

Alderman Curtis – Suppose we mill it and pave it, and don't get the crosswalks down?

October 5, 2015 meeting continued,

Summer Woodard – Town Manager – Scheduling will be crucial now.

Alderman Jamison – I think we should look into it. It may be it doesn't fall together, but we could do it in the early spring. But we should go ahead. They were going to have to remove that stuff anyway. At least this will give us a chance to get it done.

John Henning Jr. – Town Attorney – The Board will need an appropriation to repave it. You would have to authorize the manager to put it out for an informal bid process.

Mayor Scott – I think we have a good negotiating company with the milling company too.

Alderman Jamison – They are already state contractors, under contract right now.

John Henning Jr. – That would be even better, we could do it as a line-item to draw it off of the contract.

Motion was made by Handley, seconded by McRae to talk with the state Department of Transportation and to allow the Town Manager to proceed with negotiations and to appropriate the money for the project. Motion carried. Vote: 6 to 0.

New Business: Tax Releases

John Henning Jr. – Town Attorney – This is the same matter that Mr. and Mrs. Lathrop discussed. If you remember we discussed this a few months ago, discovering that a handful of properties were not properly billed. It's fair to say that we went through a lot of head scratching, not being totally comfortable with making people pay ten years' worth of back taxes. At the same time we need to at least add these to our base. We consulted with the School of Government, and on the basis that all of these folks have paid their county taxes in the past decade and probably earlier, they probably would have paid every cent in town taxes if they were notified. I think it's a fundamental fairness problem.

Alderman Jamison – This is in line with what the Board had done in the past. My home off Baird Cove went through this. In 1979 I got a letter to pay back taxes, but those got released and I had to start paying going forward after I was notified.

Motion was made by Jamsion, seconded by Abel to release ten years of back taxes with principal and interest, and to add taxes beginning this year. Motion carried. Vote: 6 to 0. A copy of the releases are attached.

Announcements:

Set Special Called Meeting for Tuesday October 20, 2015 at 5:30 p.m. for National Flood Insurance Question and Answer Session.

The 19th Annual Pumpkin Fest will be Saturday October 24, 2015 from 9 a.m. until 4 p.m.

On October 8, 2015 the League of Women's Voters is having a meet the candidate's forum at 6:30 p.m.

October 5, 2015 meeting continued,

Alderman McRae – I think we need to recognize our planning board members. They do so much. We should show our appreciation.

Mayor Scott – That’s a great idea. Let’s begin inviting them to our town dinners.

Adjourn:

**Motion was made by Jamison, seconded by Abel to adjourn the meeting at approximately 9 p.m.
Motion carried. Vote: 6 to 0.**

Robert S. Scott, Mayor

Chad B. Simons, Town Clerk

