

January 3, 2005 meeting,

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, January 3, 2005 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Edwin Hall, Billy Mashburn, Charles Roper, Bob Scott and Jim Williamson were present.

Approval of the minutes

Motion was made by Curtis, seconded by Williamson to approve the minutes for the December 7, 2004 meeting as presented. Motion carried. Vote: 6 to 0.

Public hearing on petition for rezoning – Derrick and Rosemary Wong

Mayor Collins opened the public hearing on Derrick and Rosemary Wong's rezoning request at 7:02 P.M. Mike Decker said Mr. Wong has requested the back portion of his property be rezoned from residential to business. He said the front portion is zoned business. He said this property is located across the highway from the Macon Plaza Shopping Center. A copy of the parcel is attached. He said the Planning Board recommended that the property be rezoned from residential to business. No other persons were present to speak at the hearing. **Motion was made by Williamson, seconded by Hall to close the public hearing at 7:05 P.M. Motion carried. Vote: 6 to 0.**

Consideration of rezoning petition

Motion was made by Williamson, seconded by Roper to rezone the Derrick and Rosemary Wong property from residential to business as was requested. Motion carried. Vote: 6 to 0. A copy is attached.

Persons to be heard

Ron Slagle said the county is putting in water taps on Lake Emory Road to replace my well. He said at 991 Lake Emory they are putting in two, one-inch water lines. He said I would like to have one, two-inch water line to the property. Mr. Slagle said I will have to maintain this line in the future and it will be easier to maintain only one line instead of two lines. Mayor Collins asked Jay Gibson what he knew about this matter. Jay Gibson said since the county is paying for the water taps we will need to talk to them. The Water/Sewer Committee and Jay Gibson agreed to look into this request.

Departmental reports

Fire Chief Pete Haithcock gave the fire department report. A copy of the report is attached. He said the recent fire truck accident resulted in damages of \$4,800.00. Chief Haithcock said the annual oyster dinner will be on January 27, 2005 at 7:00 P.M. at the fire department.

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Public Works Director Jay Gibson reported the following: (1) the town crew has been fixing water leaks due to the cold weather, (2) Panorama Drive is almost completed and (3) the Town Mountain sewer line has been completed and the punch list has been done.

Police Chief Terry Bradley gave the police department report. A copy is attached. He said the holidays were uneventful.

Town Planner Rebecca Crawford gave a report. A copy is attached. She reported the following: (1) doing sign permits, (2) worked on the database design, (3) worked on the website, (4) worked on the LEG-UP project, (5) talked to Brenda Dillard about community service workers and (6) GIS has been set up. Alderman Scott said can we tax billboard signs? Ms. Crawford said I will check into this matter.

Issues regarding right-of-way on Panorama Drive – Marie Jennings

Marie Jennings said the Town is almost ready to pave Panorama Drive. She said I was never notified about the widening of the road. She said I did not know the Town was surveying my property until I saw right-of-way signs in my driveway. She said the road is very narrow. She said the new road does not follow the existing road. Ms. Jennings said the road should follow the old road bed which was established in the 1950s. She said they are going possibly twenty to twenty-five feet into my yard. She said you need to take nine feet from the existing road way on both sides. She said this would save the Town money. She said during a recent meeting with Mr. Decker, Mr. Roper and Mr. Williamson I could not talk. Mayor Collins said I thought we needed thirty feet of right-of way. Alderman Curtis said we have a thirty foot right-of-way. Alderman Williamson said we are trying to move back into the established right-of-way we have that is shown on the subdivision plat. Mayor Collins said we have to rely on our lines established by our surveyor. He said it is not up to us to negotiate with your neighbors. Ms. Jennings said I do not think the survey is correct. She said will you pay the cost of my shrubbery if it dies? Mayor Collins said you plant at your own peril if you plant in the right-of-way. Mayor Collins asked Danny Coates if he would be willing to go further with the road on his side. Mr. Coates said we need to stand by the easement that is there. Alderman Curtis said I attempted to call Marie the first of December about the widening of the road, but she told me that she did not want to talk about it. He said the survey shows the right-of-way is at least fifteen feet across Ms. Jennings' fence. He said I thought it was in the best interests of the town to do the survey. Ms. Jennings said will you replace the shrubbery? Mayor Collins said we have to go by the survey and utilize the thirty feet shown. He said we will replant the shrubbery for you but we will not pay any damages if they die.

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Update on proposed Dowdle Mountain Road sewer line – Joel Storrow, McGill Associates

Jeff Bishop said we have two alternatives to put sewer service to Dowdle Mountain Road. He said the first alternative would be to cross the creek at Southern Concrete and run the line parallel to the road at a cost of around \$142,000.00. He said this would allow you to pick up the businesses along Wells Grove Road. He said the second alternative would be to do an aerial crossing at Dowdle Mountain Road at a cost of \$71,995.00. He said it would be on piers. Mr. Bishop said construction starts on January 10th on the Macon Middle School sewer line project. He said both alternatives would provide service to Dowdle Mountain Road. He said alternative #1 includes boring of the road. Mayor Collins said we need to see if we can get other contributions. Joel Storrow said we could go under the river and do a manhole on the opposite side. Alderman Curtis said we need to look at this in more depth before reaching a decision.

Vanderwoude sewer line

Joel Storrow said you can do a larger project that would help serve the new library and Southwestern Community College with sewer. He said you have a few alternatives. He said you can do a gravity line for around \$150,000.00. He said Mr. Vanderwoude is willing to contribute \$50,000.00 towards this project. Mr. Storrow said you can apply for \$75,000.00 of ARC money. He said the remaining \$25,000.00 can be split between the Town and Macon County. He said sewer would then be in place to serve the new library and Southwestern Community College. He said it would be an eligible project and it would improve the Town's infrastructure. Alderman Scott said who will this benefit besides Mr. Vanderwoude? Mr. Storrow said it would later help serve the new library and SCC. **Motion was made by Curtis, seconded by Williamson to apply for the ARC grant if the Town is eligible. Motion carried. Vote: 6 to 0.**

Report on enforcement of soil erosion and sedimentation control ordinance – Josh Ward

Josh Ward said in June 2002 we started enforcing the soil erosion ordinance for the Town. He said the purpose of the ordinance is to prevent off-site sedimentation. He said permitting is required if more than one-half acre of property is disturbed. He said an application and plan must be submitted. He said graders who attend required classes can disturb up to one acre before having to be permitted. He said over one hundred persons have taken the courses. Mr. Ward said we have no jurisdiction over logging, agriculture, in-stream activities, mining, etc. He said ten permits have been given inside town over the last several months. He said at this time inside town there is a permit on Ulco Street and Wilkie Street and in the ETJ there are permits at the Chevrolet dealership, the property across from the City Restaurant and at the Wong site on the Highlands Road. Mayor Collins said how can we help you with enforcement? Mr. Ward said the town employees can call me if they see any type of disturbance. Alderman Scott said no soil is supposed to leave the site regardless of the size. He said just silt fencing is being used. He said no matting is being used. Mr. Ward said at this time ground cover is not required. Alderman Scott said there is not enough help with the amount of development to do the job. Mr. Ward said at this time there are around ten large subdivisions in the county ongoing.

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Update on US 23-441 North sewer line project – Bronce Pesterfield, Pesterfield Engineering

Mike Decker said Bronce Pesterfield has indicated that he plans to respond in writing to the Town concerning the US 23-441 North sewer line project.

Request by Macon Program for Progress to use the Jaycee Building for an after-school care program – Kathy Cassidy

Kathy Cassidy said we have been using a room at the old Union School for our SOS program. She said we can no longer use this building. She said we get funds from the state. Ms. Cassidy said we keep the children after school from 3 to 6 pm. She said we have twenty-five children during the school year and have sixty children in the summer. She said we are asking for permission to use the Jaycee Building. Information copies are attached. Mayor Collins said what are your other options? She said we have certain requirements and we have been checking into various places. Alderman Scott said we may need to look at the rules for the property since this property was donated to the Town. Alderman Mashburn said I might consider the request if it was short term. Mayor Collins said we need to do some investigation. He said we will try to work with you.

Update on Macon County Public Library plans – Randolph Bulgin and Karen Wallace

Randolph Bulgin said we need \$1.5 million for the furniture, furnishings and equipment for the new library. He said we are asking the Town to donate an additional \$100,000.00 for our capital needs by April 2006. Mayor Collins said we will take this request under advisement.

Recess

Mayor Collins recessed the meeting at 8:20 P.M.

Mayor Collins called the meeting back to order at 8:31 P.M.

Update on Duke Power relicensing intervention

Mike Decker said our late intervention with Duke Power was filed electronically on December 30, 2004. A copy is attached.

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Consideration of final approval of Elkhorn Ridge subdivision water allocation

Mike Decker said in June of 2003 the Board gave tentative approval to Orville Coward of 36,000 gallons per day for the Elkhorn Ridge subdivision located off Blaine Branch Road. He said the allocation was not final until the Town received proper engineering plans. He said Jay Gibson has reviewed the plans and they are fine. He said we are planning to have a preconstruction meeting with the contractor and have an inspector of our choice oversee the project with the developer paying the cost. **Motion was made by Mashburn, seconded by Williamson to approve the allocation of 36,000 gallons per day to the Elkhorn Ridge subdivision. Motion carried. Vote: 6 to 0.**

Consideration of policy regarding payment of water/sewer tap and availability fees

Mike Decker said Jay Gibson and I have been discussing adopting a policy that tap fees and availability fees be paid before a building permit can be issued from Macon County. He said Jay Gibson has discussed this with Jack Morgan, the county building inspector, and he has no problems with us doing this. Jay Gibson said I could better schedule the work. After some discussion, the Board agreed for Mr. Decker and Mr. Gibson to get with Bobby Key (town attorney) to draw up a written document for the February meeting.

Appointment of committee for new municipal complex – Mayor Collins

Mayor Collins said I would like for Alderman Roper and Alderman Scott to work on a committee with me to do the planning of the new municipal complex.

Consideration of staff work plans for 2005

Mike Decker said I have a revised work plan for the upcoming year. A copy is attached. Mayor Collins said I would like you to come to us with fresh ideas. Alderman Curtis said I would like to see you address any item from the board meetings on the next day when possible.

Update on status of Prince property acquisition

Mike Decker said we have received a letter from Ms. Prince refusing our offer for her property on Wilkie Street. A copy of the letter is attached. **Motion was made by Curtis, seconded by Scott to start condemnation proceedings on Ms. Prince's property. Motion carried. Vote: 6 to 0.**

Presentation of new web site pages

Mike Decker said we have an example on how the Town's revised web site will look. Copies are attached. Mayor Collins and the Board praised the revised web site.

January 3, 2005 meeting was continued,

Additional departmental and committee reports

Alderman Hall said Keith Vinson has requested a street light on Baird Cove. Alderman Roper said we have talked to the power company about putting a street light at that location and we decided to wait until the new church has decided on their lighting.

Alderman Scott said I suggest we consider moving the podium to the front of the room where the press now sits since any person who speaks has their back to the audience.

Alderman Scott said there was an editorial in the newspaper telling about the trash in Crawford Branch and the parking lot at the Dollar General Store. Mayor Collins said I have been trying to get a steady flow of community workers to pick up trash. Alderman Scott said we need to outlaw drive thru windows at restaurants since all the trash ends up on the street.

Alderman Scott said we need to be look into storm water runoffs. Mike Decker said there is continuing regulations from the state. Bobby Key said the storm water regulations are not being enforced since the state is not sure what they are yet.

Alderman Scott said I want to look at doing a personnel policy in the next year.

Alderman Scott said for your information I gave you a copy of an email from Larry Stenger telling about a public meeting at the court house on January 13, 2005. A copy is attached.

Alderman Williamson said the Street Committee is still looking at putting hand rails at the steps on Main Street. He said I do not think we have any right of way beyond the fork on Tennessee View Street. Alderman Roper said it will be a big project. Alderman Williamson said if we put in a drain tile the water will be in somebody's back yard. Mayor Collins said they are taxpayers. He said I do not use the road, but we need to help them out. Alderman Roper said according to the map the street is outside town.

Motion was made by Curtis, seconded by Scott to approve the revised website. Motion carried. Vote: 6 to 0.

Alderman Curtis said I have a letter from Sam Greenwood stating the town employees are authorized to work on any facility covered by the LBJ Project interlocal agreement. The letter is attached. Alderman Curtis said the letter does not have anything about paying us for these services. He said we need to go over the list of problems with these lift stations with Jeff Bishop so that they can be fixed by the county. He said Mr. Bishop will be in Franklin two days per week in McGill's new offices.

Mike Decker said we have received the check from Auto-Owners Insurance Company in the amount of \$3,302.00 for the damages caused when the vehicle crashed into our railing at the town hall parking lot. He said I will contact Ronnie Beale about doing the repairs.

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Mike Decker said Brian Sellers will be repainting the Burrell Building sign next week.

Mike Decker said the small claims case filed by Dan Williams has been rescheduled for Wednesday, January 19, 2005 at 2 pm.

Mike Decker said I will be scheduling a meeting next week with the committee that is developing the sexually oriented business ordinance.

Mike Decker said I have a revised capital projects list from Jeff Bishop. He said I will schedule a meeting with the Water/Sewer Committee to discuss this list.

Water adjustments and payment of the bills

Water adjustments for December and payment of the bills were approved on motion made by Williamson, seconded by Roper. Motion carried. Vote: 6 to 0. A copy is attached.

Closed session

The Board went into closed session at 9:30 P.M., on motion made by Curtis, seconded by Hall to discuss easement acquisition. Motion carried. Vote: 6 to 0.

The Board came out of closed session at 9:43 P.M., on motion made by Scott, seconded by Curtis. Motion carried. Vote: 6 to 0.

Open session

Motion was made by Curtis, seconded by Mashburn to approve the purchase of an easement from Gary Owens with the terms to be under a separate contract. Motion carried. Vote: 6 to 0.

Adjournment

Mayor Collins adjourned the meeting at 9:45 P.M.

Joe Collins, Mayor

Janet A. Anderson, Town Clerk

