

February 7, 2011

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, February 7, 2011 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Joyce Handley, Billy Mashburn, Carolyn Pattillo and Bob Scott were present. Alderman Jerry Evans was absent.

Board member absence

Motion was made by Handley, seconded by Curtis to excuse Alderman Jerry Evans from the meeting due to medical reasons. Motion carried. Vote: 5 to 0.

Public session

Howell Derrick – I have pictures of the holes in Wayah Street. The street needs to be repaired and repaved. Alderman Pattillo said the street would need to be redone with new curbing. Alderman Scott said the North Carolina Department of Transportation needs to take care of the current roads instead of doing new roads. Mayor Collins said we will pass this information on to the North Carolina Department of Transportation.

Public hearing for Fitch Development Apartment Complex

Mayor Collins opened the public hearing for the Fitch Development Apartment Complex at 7:05 P.M. The following persons spoke at the hearing.

Michael Grubermann – Land Use Administrator – Fitch Development has applied for a special use permit on land owned by G&V Development LLC. The new proposed affordable housing development is at the intersection of Allman Drive and Sawmill Village Lane. The plan is for 52 units in three buildings. On December 16, 2010 a neighborhood compatibility meeting was held. The Planning Board held a meeting on December 21, 2010 and their recommendation is that the special use permit be approved. The Planning Board did findings of fact for your consideration. Information copies are attached.

Paul Fitch – Fitch Development – This is a good location for this type of development. There will be three buildings on 5½ acres. There will be a community building and a playground. There will be a loop for fire truck access. There is a need for affordable housing in Macon County. We expect approval in August from the state. We will start construction in April 2012.

Bob Litten – I own property on Allman Drive adjoining this development. I have concerns about the water runoff onto my property. This development will need to be properly engineered.

Gary Murphy – G&V Development owner – We have three holding ponds on the property. This will be temporary.

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Paul Fitch – The temporary pond on the property will be improved. We will protect the neighbors from runoff.

Mayor Collins closed the public hearing at 7:20 P.M.

Special use permit for Fitch Development Apartment Complex

The Board made the following findings of fact:

- (a) The two parcels included in the application are all currently part of the Sawmill Village Development area. Parcel 1, PIN #6584837394, is about 1.48 acres and Parcel 2 is a part (approximately 4.09 acres) of parcel #6584835138 that was the original parcel that is the remaining portion of Sawmill Village Development area. The total acreage of the Fitch Development proposal is 5.57 acres of the original Sawmill Village Development area. The greater portion of the area involved is currently zoned Highway Commercial (C-3) and Parcel 1 is currently zoned Residential (R-1). Residential uses are allowed throughout all zoning categories in our UDO. Sufficient buffering is proposed between this development and neighboring single-family uses. The development proposes to have three buildings with five main entrances containing 52 residential units, with a community building/management office, a playground, tot lot and gazebo as amenities.
- (b) The use or development is located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare. The developer has indicated that the development will conform to the regulations of the State of North Carolina for affordable housing under the Low Income Housing Tax Credit (LIHTC) development program as administered by the North Carolina Housing Finance Agency (NCHFA).
- (c) There are or will be at the time they are required adequate public facilities to serve the use or development as specified in Section 4.11 of the UDO. The property is currently served by town utilities; adequate capacity is available for the small addition of the number of units in this development. Travel distances to Georgia Road are short and several choices for access to and from the development are available with the traffic signal at Siler Road and Allman Drive being very close.
- (d) The use or development complies with all required regulations and standards of the Unified Development Ordinance or with variances thereto, if any, granted pursuant to Section 4.4.14 of the UDO and with all other applicable regulations. No variances are required and the new development complies or will comply with the UDO with reference to special use and other zoning provisions.
- (e) The use or development is located, designed and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located. The proposed development will not cause disruption to the area surrounding the property. The proposed development will generally only be visible from Allman Drive and Sawmill Village Lane and a portion visible from Sunday Drive to the east of the development property.

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- (f) The use or development conforms with the general plans for the physical development of the Town as embodied in this Ordinance, the Principles of Growth, the Thoroughfare Plan and any other duly adopted plans of the Town. The Special Use as proposed is in compliance with the UDO. The land development permit when applied for will meet the UDO requirements before issuance.

The applicant in the opinion of the Board of Aldermen has met the burden of establishing these findings of fact. In addressing the issue of compatibility, as required in paragraph (e) above, the applicant has demonstrated compatibility with the particular neighborhood in which the development or use is to be located. The fact that a use is authorized as a special use within a zoning district classification has not given rise to a presumption that such special use is compatible with other uses authorized in the zoning district classification.

Motion was made by Mashburn, seconded by Curtis to approve the Special Use Permit for the Fitch Development Affordable Housing Complex. Motion carried. Vote: 5 to 0.

Approval of the minutes

Motion was made by Mashburn, seconded by Handley to approve the minutes for the January 3, 2011 meeting with the following addition: to turn down the request to add Hays Lane to the town's street maintenance system due to not meeting the Powell Bill requirements of width and to approve the minutes for the January 15, 2011 meeting as presented. Motion carried. Vote: 5 to 0.

Requirements for street closing for festivals

Linda Schlott, Main Street Coordinator, said we have guidelines for street closing for festivals. She said I met with Police Chief Terry Bradley, Alderman Handley, Alderman Pattillo and Michael Grubermann and came up with these guidelines. A copy of the draft is attached. Alderman Scott said how do you determine when to close Main Street? Ms. Schlott said we are only closing Main Street for the major festivals. A copy of the closing request is attached. She said they are closed on an individual basis. The Board did not take any action on the draft guidelines for street closing for festivals.

The closing of Iotla Street for April Fools' Trail Day

Linda Schlott said we are requesting that Iotla Street be closed on Saturday, April 2, 2011 from 8:00 A.M. to 5:00 P.M. for April Fools' Trail Day.

Motion was made by Curtis, seconded by Pattillo to approve closing Iotla Street on Saturday, April 2, 2011 from 8:00 A.M. to 5:00 P.M. for April Fools' Trail Day. Motion carried. Vote: 5 to 0.

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The closing of Phillips, Iotla and Main Street for the Scottish Tartans Festival

No one was present to discuss the closing of the streets for the Scottish Tartans Festival. The Board took no action and will request a representative come to the March meeting.

Presentation on watershed issues along the Little Tennessee

Jenny Sanders spoke briefly about the Little Tennessee Watershed Headwaters Initiative. She gave information on the following items: (1) municipal water at the former Fruit of the Loom Plant, (2) UV treatment has been installed, (3) IBT Resolution and (4) recommendation regarding Little Tennessee River Advisory Commission. Information copies are attached.

Resolution to protect water resources

Motion was made by Curtis, seconded by Mashburn to adopt the Resolution to Protect Water Resources. Motion carried. Vote: 5 to 0. A copy of the resolution is attached.

Sign ordinance revision

Michael Grubermann said the Planning Board is recommending the following changes to the sign ordinance: (1) to allow informational directional signage on outside fences (2) to allow a sliding square footage scale for free-standing signs based on the number of units, (3) to increase the allowable signage size in the industrial district and (4) to reduce the minimum time of the display on electronically controlled message signs. Information copies are attached.

Motion was made by Handley, seconded by Curtis to approve the sign ordinance revision as recommend by the Planning Board. Motion carried. Vote: 5 to 0. A copy of the ordinance is attached.

Annexation policy revision from the board retreat

John Henning, Jr. said it was my understanding from discussion at the board retreat that the Board wants to add the following paragraph to the annexation policy: The Town of Franklin will not consider voluntary annexation of noncontiguous property outside the defined ETJ when the property is used or intended to be used for a convenience store, package store, gas station or other similar business, such that the sole or primary purpose of the annexation is to allow sales of beer, wine, or spirits for off-premises consumption.

Motion was made by Curtis, seconded by Scott to approve the annexation policy revision as presented. Motion carried. Vote: 5 to 0. A copy of the revised policy is attached.

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Joe and Emma Jean Taylor annexation

Janet Anderson, Town Clerk, certified the sufficiency of the annexation petition from Joe and Emma Jean Taylor.

Motion was made by Handley, seconded by Pattillo to set the public hearing on the annexation petition from Joe and Emma Jean Taylor for Monday, March 7, 2011 at 7:00 P.M. Motion carried. Vote: 5 to 0. A copy is attached.

Ridgecrest Exxon annexation

Janet Anderson, Town Clerk, certified the sufficiency of the annexation petition from Ridgecrest Exxon.

Orville Coward, Jr., attorney for Ridgecrest Exxon, told the Board that the public hearing will need to be held on the petition. He said in the past you annexed other properties inside Town where the sole purpose was to sell alcohol. He said you cannot change the rules after the petition is received.

Motion was made by Pattillo, seconded by Mashburn to set the public hearing on the annexation petition from Ridgecrest Exxon for Monday, March 7, 2011 at 7:05 P.M. Motion carried. Vote: 5 to 0.

Audit contract

Janet Anderson said the audit contract with Martin Starnes is \$30,700.00 for 2010-2011. She said this is an increase of \$700.00.

Motion was made by Pattillo, seconded by Handley to approve the audit contract with Martin Starnes in the amount of \$30,700.00 for 2010-2011. Motion carried. Vote: 5 to 0.

Minimum housing standards

John Henning, Jr. said we will have to have a public hearing on the minimum housing standards ordinance before voting on it. He said do you want to exempt owner occupied dwellings from the minimum housing standards? Alderman Curtis said I do not want to exempt anybody. After further discussion, the Board decided to wait until the March meeting to discuss the standards further.

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Officially surplus old Town Hall building

Sam Greenwood said we need to surplus the old Town Hall property and the adjoining Sloan property. He said we have appraisals of the properties. He said we can advertise the properties together. Information copies are attached.

Motion was made by Scott, seconded by Handley to surplus the old Town Hall property and the Sloan property and start the process of selling the properties. Motion carried. Vote: 5 to 0.

Other business

Departmental reports are attached.

Adjournment

Motion was made by Scott, seconded by Curtis to adjourn the meeting at 8:40 P.M. Motion carried. Vote: 5 to 0.

Joe Collins, Mayor

Janet A. Anderson, Town Clerk