

Town of Franklin Board of Aldermen

Agenda

March 3, 2014

7:00 p.m.

1. Call to order- Mayor Bob Scott
2. Adoption of March 3, 2014 Proposed Agenda
3. Approval of February 3, 2014 Board Minutes
4. Public hearing 7:05 p.m. for Macon Program for Progress Annexation Petition Parcel 6584638089
5. Public hearing 7:10 p.m. for Macon Program for Progress Annexation Petition Parcel 6584638553
6. Public hearing 7: 15 p.m. for Application to Amend Text only of the Unified Development Ordinance to include Additional Permitted Uses in Commercial (C-2) and Commercial Special Use (C-2SU) Zones
7. Public session
8. New business
  - A.) Board action on Macon Program for Progress Annexation Petition Parcel 6584638089
  - B.) Board action on Macon Program for Progress Annexation Petition Parcel 6584638553
  - C.) Board action on Application to Amend Text only of the Unified Development Ordinance to include Additional Permitted Uses in Commercial (C-2) and Commercial Special Use (C-2SU) Zones
  - D.) Presentation by Principal Chief Michell Hicks- Eastern Band of Cherokee Indians
  - E.) Update from North Carolina Rural Water Association- Daniel Wilson
  - F.) Presentation by the Scottish Tartans Museum- Chuck Coburn
  - G.) Proclamation for National Kids to Parks Day- Mayor Bob Scott
  - H.) Letter of Support for New Outpatient Services Building for Angel Medical Center- Don Capaforte
  - I.) Ratification of Vote for Letter of Support for New Domestic Violence Shelter for R.E.A.C.H.- Mayor Bob Scott
  - J.) Water Bill Discrepancy- Emmanuel Baptist Church
  - K.) Forward Rezoning Petition for Six (6) Parcels on East Palmer Street and Porter Street to Town Planning Board- Land Use Administrator Justin Setser
  - L.) Discussion on Gazebo- Town Manager Warren Cabe
  - M.) Set Fiscal Year 2014-2015 Town Budget Schedule- Town Manager Warren Cabe
  - N.) Audit Contract with Martin Starnes & Associates- Finance Officer Janet Anderson
9. Legal
  - A.) Closed session pursuant to N.C.G.S. 143-318.11(a) (3), “to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged”, the matter of an inverse condemnation claim, John W. Mitchell Trust v. Town of Franklin, file no. 12-CVS-228 in the files of the Clerk of Superior Court for Macon County.
10. Adjourn

**March 3, 2014**

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, March 3, 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.

**Adoption of March 3, 2014 Proposed Agenda**

**Motion was made by Curtis, seconded by Handley to add to the agenda: the Pledge of Allegiance. Motion carried. Vote: 6 to 0.**

The Pledge of Allegiance was done.

**Approval of the Minutes**

**Motion was made by Curtis, seconded by Handley to approve the minutes for the February 3, 2014 meeting with the following correction: Kay Coriell – I am co-chair of the Friends of the Greenway (FROGS). Motion carried. Vote: 6 to 0.**

**Public Hearing - Macon Program for Progress Annexation Petition – Parcel #6584638089**

Mayor Scott opened the public hearing at 7:03 P.M. on the Macon Program for Progress annexation petition (Parcel #6584638089).

Chuck Sutton – Macon Program for Progress – We appreciate you considering this property for annexation.

Mayor Scott closed the public hearing at 7:04 P.M.

**Public Hearing – Macon Program for Progress Annexation Petition – Parcel #6584638553**

Mayor Scott opened the public hearing at 7:05 P.M. on the Macon Program for Progress annexation petition (Parcel #6584638553).

No persons spoke at the public hearing.

Mayor Scott closed the public hearing at 7:06 P.M.

March 3, 2014 meeting continued,

**Public Hearing – Application to Amend Text Only of the Unified Development Ordinance to include Additional Permitted Uses in Commercial (C-2) and Commercial Special Use (C-2SU) Zones**

Mayor Scott opened the public hearing at 7:07 P.M. on the application to amend text only of the Unified Development Ordinance to include Additional Permitted Uses in Commercial (C-2) and Commercial Special Use (C-2SU) Zones.

No person spoke at the public hearing.

Mayor Scott closed the public hearing at 7:08 P.M.

**Public Session**

Dewey Elliott – I attend Emmanuel Baptist Church. The church had a leak where the leak was going into an old well. We got a bill for \$1,232.00. We have made arrangements to pay \$100.00 per month. We asking for any help you can give us.

Angela Moore – The citizens have organized a meeting for you to attend. The community meeting is being sponsored by Venture Local and the Women’s League of Voters. The meeting is scheduled for March 31, 2014 at Tartan Hall from 6:00 P.M. to 8:00 P.M.

John Henning, Jr. – If the Board has a called meeting it will need to be advertised as required by the open meeting law.

Ben Brown – The Opt In Opportunity Initiative meeting in Macon County had over sixty persons. There will be a tourism conference on April 11, 2014 at Western Carolina University.

**New Business – Board Action on Macon Program for Progress Annexation Petition - Parcel #6584638089**

**Motion was made by Handley, seconded by McRae to annex the Macon Program for Progress (Parcel #6584638089) as requested. Motion carried. Vote: 6 to 0. Copies are attached.**

**New Business – Board Action on Macon Program for Progress Annexation Petition – Parcel #6584638553**

**Motion was made by Handley, seconded by McRae to annex the Macon Program for Progress (Parcel #6584638553) as requested. Motion carried. Vote: 6 to 0. Copies are attached.**

March 3, 2014 meeting continued,

**New Business – Board Action on Application to Amend Text only of the Unified Development Ordinance to include Additional Permitted Uses in Commercial (C-2) and Commercial Special Use (C-2SU) Zones**

Motion was made by Jamison, seconded by McRae to amend text only of the Unified Development Ordinance to include additional permitted uses in Commercial (C-2) and Commercial Special (C-2SU) Zones and to adopt the Zoning Consistency Statement. Motion carried. Vote: 6 to 0. Copies are attached.

**New Business – Presentation by Principal Chief Michell Hicks – Eastern Band of Cherokee Indians**

Principal Chief Michell Hicks – Eastern Band of Cherokee Indians – I have a simple request concerning the Nikwasi Indian Mound. We want to be part of the process of protecting these lands. We would be willing to help with the maintenance of this mound.

Vice-Mayor Curtis – Town Manager Warren Cabe can work on this issue with Chief Hicks.

Matthew Tooni – We want to have stewardship of this land. As Cherokees we still have that responsibility. There is a historical value.

Tom Belt – I work at Western Carolina University. Thank you for your consideration on this issue. This site is more than historical. It has spiritual value for the Cherokee people.

**Recess**

Mayor Scott recessed the meeting at 7:42 P.M.

Mayor Scott reconvened the meeting at 7:48 P.M.

**New Business - Water Bill Discrepancy – Emmanuel Baptist Church**

Warren Cabe – Town Manager – The water was turned off by the Town when a leak was detected at Emmanuel Baptist Church. We were unable to get in touch with anybody with the church. The church turned the water back on and the water was leaking into an abandoned well. There is no sewer to adjust on this account. We can offer them a payment plan. The Board needs to use caution on doing adjustments. You would be setting a precedent.

After some discussion, the Board agreed that no adjustment would be done on this water bill.

**March 3, 2014 meeting continued,**

**New Business – Update from North Carolina Rural Water Association**

Daniel Wilson – North Carolina Rural Water Association – You have been a member for over thirty years in our association. The association was formed in 1976. We offer technical assistance and also training. Thank you for allowing Jay Gibson, Public Works Director, to serve on our Board of Directors.

**New Business – Presentation by the Scottish Tartans Museum**

Chuck Coburn – The Burrell Building was built in 1994 to serve as the Scottish Tartans Museum. We moved to our present location in 1999. We are one of three museums inside Franklin. Our attendance has been decreasing in the last several years. We will be asking for your help in the future.

**New Business – Proclamation for National Kids to Parks Day**

**Motion was made by Abel, seconded by Curtis to proclaim May 17<sup>th</sup>, 2014 as National Kids to Parks Day in Franklin. Motion carried. Vote: 6 to 0. A copy of the proclamation is attached.**

**New Business – Letter of Support for New Outpatient Services Building for Angel Medical Center**

**Motion was made by Jamison, seconded by McRae to authorize Mayor Robert S. Scott to sign a letter of support for the new outpatient building for Angel Medical Center. Motion carried. Vote: 6 to 0. A copy of the letter is attached.**

**New Business – Ratification of Vote for Letter of Support for New Domestic Violence Shelter for R.E.A.C.H.**

**Motion was made by Mashburn, seconded by Jamison to ratify the vote on the letter of support for the new domestic violence shelter for R.E.A.C.H. Motion carried. Vote: 6 to 0. A copy is attached.**

**New Business – Rezoning Petition for Six Parcels on East Palmer Street and Porter Street**

**Motion was made by Handley, seconded by Curtis to pass on the rezoning petition for six parcels on East Palmer Street and Porter Street with the addition of the Wells Fargo parcel to the Planning Board for a recommendation. Motion carried. Vote: 6 to 0. Information copies are attached.**

**March 3, 2014 meeting continued,**

**New Business – Discussion on Gazebo**

Warren Cabe – Town Manager – Draft drawings are coming in for the gazebo design.

The Board agreed for Mayor Scott and Alderman Abel to serve on a committee to review the gazebo designs.

**New Business – Set Fiscal Year 2014-2015 Budget Schedule**

Warren Cabe – Town Manager – The Fiscal Year 2014-2015 budget schedule is as follows.

- (1) March 21, 2014 – Budget details presented to Department Heads
- (2) April 11, 2014 – Department budget submitted to manager’s office
- (3) April 14-17, 2014 – Budget review meetings with departments
- (4) May 5, 2014 – Present proposed budget to the Board
- (5) May 17, 2014 – Budget work session with the Board
- (6) June 2, 2014 – Public hearing on proposed budget and adoption

**New Business – Audit Contract with Martin Starnes & Associates**

Janet Anderson – Finance Officer – The audit contract for Fiscal Year 2013-2014 will be \$32,100.00 with Martin Starnes & Associates. That is an increase of \$600.00 from last year.

**Motion was made by Mashburn, seconded by Jamison to approve the audit contract for Fiscal Year 2013-2014 in the amount of \$32,100.00 with Martin Starnes & Associates. Motion carried. Vote: 6 to 0.**

**Other Business**

Departmental reports are attached.

**Legal – Closed Session**

**At 8:30 P.M., on motion made by Handley, seconded by McRae the Board went into closed session pursuant to N.C.G.S. 143-318.11(a)(3), “to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, with privilege is hereby acknowledged”, the matter of an inverse condemnation claim, John W. Mitchell Trust vs. Town of Franklin, file no. 12-CVS-228 in the files of the Clerk of Superior Clerk for Macon County. Motion carried. Vote: 6 to 0.**

**The Board came out of closed session at 8:49 P.M., on motion made by Handley, seconded by McRae. Motion carried. Vote: 6 to 0.**

**March 3, 2014 meeting continued,**

**Open Session**

No action was taken.

**Adjournment**

**Motion was made by Jamison, seconded by Handley to adjourn the meeting at 8:55 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