

Town of Franklin Board of Aldermen

Agenda

April 1, 2013

7:00 p.m.

1. Call to order- Mayor Collins
2. Approval of the February 28 and March 4 , 2013 board minutes
3. Public hearing 7:05 p.m. for re-zoning petition for section of Pauline Avenue
4. Public session

5. New business
 - A.) Board decision on re-zoning petition for section of Pauline Avenue
 - B.) Proclamation for Neuropathy Awareness Week
 - C.) Proclamation for Lyme Disease Awareness Month
 - D.) Application to amend text only of the Unified Development Ordinance for WNC Hospice House Foundation- Land Use Administrator Derek Roland
 - E.) Application to amend text only of the Unified Development Ordinance for D.A. Investment Group- Land Use Administrator Derek Roland
 - F.) Appointment of Cheryl Pullium to fill vacancy on Tourism Development Authority- Assistant to the Town Manger Summer Woodard

6. Legal
 - A.) Lease of Town property to Angel Medical Center- John Henning Jr
 - B.) Update on gun range questions- John Henning Jr
 - C.) Discussion on solicitors- John Henning Jr

7. Announcements
 - A. Annual Retreat April 13, 2013 9 AM Town Hall Boardroom

8. Adjourn

April 1, 2013

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday, April 1, 2013 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Joyce Handley, Farrell Jamison, Billy Mashburn, Carolyn Pattillo and Bob Scott were present.

Approval of the Minutes

Motion was made by Curtis, seconded by Scott to approve the minutes for the February 28, 2013 and March 4, 2013 meetings as presented. Motion carried. Vote: 6 to 0.

Public Session

Dan Williams – Dogwood Drive needs to be cleaned up. I am unable to clean it up.

Public Hearing – Rezoning Petition for Section of Pauline Avenue

Mayor Collins opened the public hearing on the rezoning petition for a section of Pauline Avenue at 7:05 P.M.

Derek Roland – Land Use Administrator – Gary and Edith Holland and Natasha Tallent are requesting consideration for the rezoning of Parcel #6594046658, Parcel #6594140868, and Parcel #6594141518. All three parcels front Pauline Avenue and are contiguous to one another. The aforementioned properties are 5.76 acres, 5.12 acres and 2.59 acres, respectively, totaling 13.47 acres. Currently each of these properties is located in the R-1 (Residential District). The properties lie at the terminus of Pauline Avenue with Gary and Edith Holland owning the northernmost 2 parcels and Natasha Tallent owning the southernmost parcel which is located in the ETJ. The entire corridor which makes up Pauline Avenue is currently zoned R-2 (Residential), with the exception of these three properties mentioned herein. Taken as a whole, the properties are bordered to the North by R-1 (Residential), the South by R-1 (Residential), the West by R-1 (Residential) and the East by R-1 (Residential). The Planning Board met on February 18, 2013 and made a recommendation to approve the rezoning as set forth in 152.163(A)(1) through (5) of the UDO. A protest petition was received from the neighbors. It was deemed sufficiency to require a majority vote of the town board to change the rezoning. Informational copies are attached.

Gary Holland – 123 Edgewood Avenue – I own the property requesting the rezoning. I want to put a double wide trailer on the property for my granddaughter. All of Pauline Avenue is zoned R-2 (Residential).

John Lathrop – 270 Pauline Avenue – All the houses on Pauline Avenue are constructed houses. There are no mobile homes. Land and house value will drop. If the properties are rezoned, they could have a mobile home park on the properties. There could be up to 88 mobile homes. There would be a huge increase of traffic. You need to help keep a quality neighborhood.

April 1, 2013 meeting continued,

Richard Brady – 435 Pauline Avenue and 534 Pauline Avenue – I am against rezoning of the properties. A number of mobile homes could be put there. It is a narrow road. Outside town it is a one lane road. It is not a good fit for the neighborhood. The value of the homes would decrease.

John White – 230 Pauline Avenue – This is my mother-in-law property. A mobile home park would be an eyesore to the area.

Audrey Cook - 346 Pauline Avenue – When I purchased my house in 1984 it was zoned residential. There were no trailers. R-2 zoning allows trailers. I ask you to think about the rest of the street. A trailer park would downgrade everything.

Mayor Collins closed the public hearing at 7:33 P.M.

New Business – Board Decision of Rezoning Petition for a Section of Pauline Avenue

After some discussion, motion was made by Scott, seconded by Handley to rezone the following three parcels: Parcel #6594046658, Parcel #6594140868 and Parcel #6594141518 to R-2 (Residential), Motion failed. Vote: 2 to 4. Voting yes: Handley and Scott. Voting no: Curtis, Jamison, Mashburn and Pattillo.

Recess

Mayor Collins recessed the meeting at 7:38 P.M.

Mayor Collins reconvened the meeting at 7:41 P.M.

New Business – Proclamation for Neuropathy Awareness Week

Motion was made by Curtis, seconded by Mashburn to proclaim May 13–17, 2013 as Neuropathy Awareness Week in Franklin. Motion carried. Vote: 6 to 0. A copy of the proclamation is attached.

New Business – Proclamation for Lyme Disease Awareness Week

Motion was made by Scott, seconded by Jamison to proclaim May 2013 as Lyme Disease Awareness month in Franklin. Motion carried. Vote: 6 to 0.

April 1, 2013 meeting continued,

New Business – Application to Amend Text only of the Unified Development Ordinance for WNC Hospice House Foundation

Motion was made by Handley, seconded by Mashburn to send the application to amend text only of the Unified Development Ordinance for the WNC Hospice House Foundation to the Planning Board for a recommendation. Motion carried. Vote: 6 to 0.

New Business – Application to Amend Text only of the Unified Development Ordinance for D.A. Investment Group

Motion was made by Pattillo, seconded by Curtis to deny the application to amend text only of the Unified Development Ordinance for D.A. Investment Group. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Handley, Jamison, Mashburn and Pattillo. Voting no: Scott.

New Business – Appointment of Cheryl Pullium to fill Vacancy on the Tourism Development Authority

Motion was made by Scott, seconded by Jamison to appoint Cheryl Pullium to fill the tourist related business vacancy on the Tourism Development Authority Board for a two year term. Motion carried. Vote: 6 to 0.

Legal – Lease of Town Property to Angel Medical Center

Motion was made by Handley, seconded by Pattillo to adopt the Resolution to Authorize the Execution of a Lease Agreement Leasing a Portion of Town Property to Angel Medical Center, Inc. and to approve the Lease Contract and Agreement with Angel Medical Center, Inc. Motion carried. Vote: 6 to 0. Copies are attached.

Legal – Update on Gun Range Questions

John Henning, Jr. – Town Attorney – The inside gun range may be permissible under the UDO as inside recreation. However, it is unlawful to discharge a gun inside town except for sworn officers.

Motion was made by Jamison, seconded by Pattillo for John Henning, Jr. to do the language for an ordinance allowing inside gun ranges for the Board's consideration. Motion carried. Vote: 6 to 0.

Legal – Solicitors

John Henning, Jr. – Town Attorney – You cannot ask the purpose of the solicitations. You can require a liability policy of \$2,000,000. You can permit them by ordinance.

April 1, 2013 meeting continued,

Motion was made by Jamison, seconded by Curtis for Mr. Henning to draw up an ordinance and permitting system policy regulating solicitors for the Board's consideration. Motion carried. Vote: 6 to 0.

Announcements

Warren Cabe – Town Manager – The annual retreat will be on April 13, 2013 at 9:00 A.M. in the Town Hall Boardroom.

Other Business

Departmental reports are attached.

Adjournment

Motion was made by Jamison, seconded by Pattillo to adjourn the meeting at 8:25 P.M. Motion carried. Vote: 6 to 0.

Joe Collins, Mayor

Janet A. Anderson, Town Clerk