

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

1. Call to Order- Mayor Bob Scott
2. Pledge of Allegiance- Vice Mayor Verlin Curtis
3. Approval of the November 2, November 16 and December 1, 2015 Board Minutes
4. Recognition of Service for Vice Mayor Verlin Curtis, Alderman Joyce Handley and Alderman Farrell Jamison- Mayor Bob Scott
5. Oath of Office for Mayor and Alderman- Macon County Clerk of Court Vic Perry
6. Approval of the December 7, 2015 Town Board Agenda
7. Appointment of Mayor Pro Tempore
8. Public Session
9. New Business
  - A.) Message from Mayor Bob Scott
  - B.) Presentation of Appreciation Plaque for Buddy Huckabee- Mayor Bob Scott
  - C.) Presentation from the Macon Overdose Prevention Coalition- Stephanie Almeida
  - D.) Street Closing Request for the New Year's Eve Ruby Drop- Tim Crabtree
  - E.) Set Public Hearing for Special Use Application for Scenic Ridge Development- Land Use Administrator Justin Setser
  - F.) Appointment of Members to the Town Planning Board- Land Use Administrator Justin Setser
  - G.) Forward Text Amendment to the Unified Development Ordinance Regarding Tasting Rooms to the Town Planning Board- Land Use Administrator Justin Setser
  - H.) Budget Amendments- Finance Officer Kyra Doster
  - I.) Approval of the 2016 Town Board Regular Meeting Schedule- Town Manager Summer Woodard
  - J.) Approval of the 2016 Town of Franklin Holiday Schedule- Town Manager Summer Woodard
  - K.) Proposed Change to Town Personnel Policy Regarding the Accumulation of Compensation Time- Human Resource Officer Chad Simons
  - L.) Appointment of Donnie Bishop to the Tourism Development Authority Board- Town Manager Summer Woodard

M.) Appointment of Tim Crabtree to the Tourism Development Authority Board- Town Manager Summer Woodard

N.) Municipal Agreement for Transportation Improvement Project (TIP) B-5125- Town Manager Summer Woodard

#### 10. Legal

A.) Policy for Police Body Camera's- Police Chief David Adams, Town Manager Summer Woodard and Town Attorney John Henning Jr.

B.) Ordinance amending Chapter 130 of the ordinances to deal with possession of open containers on streets and sidewalks- Town Attorney John Henning Jr

#### 11. Announcements

A.) Town Employee Luncheon will be December 18, 2015 at 12:00 p.m. at the Boiler Room

B.) Town Offices will be closed December 23, 24 and 25 for Christmas

#### 12. Adjourn

## **December 7, 2015 meeting**

The regular meeting of the Town of Franklin Board of Aldermen was held on Monday December 7, 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.

### **Approval of the November 2, November 16 and December 1, 2015 Board Minutes**

**Motion was made by Handley, seconded by Curtis to approve the November 2, November 16 and December 1, 2015 Board Minutes as presented. Motion carried. Vote: 6 to 0.**

Mayor Scott recognized Vice Mayor Verlin Curtis, Alderman Joyce Handley and Alderman Farrell Jamison for their years of service on the Franklin Town Board of Aldermen.

### **Oath of Office for Mayor and Aldermen**

Macon County Clerk of Court Vic Perry administered the Oath of Office for Alderman Brandon McMahan, Alderman Adam Kimsey and Alderman Joe Collins. Copies of the oaths of office are attached.

Macon County Clerk of Court administered the Oath of Office for Mayor Robert S. Scott. A copy of the oath is attached.

Mayor Scott made an opening statement to the new Board of Aldermen. A copy of the speech is attached.

### **Adoption of December 7, 2015 Town Board Agenda**

**Motion was made by Mashburn, seconded by McRae to adopt the December 7, 2015 Town Board Agenda. Motion carried. Vote: 6 to 0.**

### **Appointment of Mayor Pro Tempore**

**Motion was made by McRae, seconded by Mashburn to appoint Alderman Patti Abel to serve as the Mayor Pro Tempore. Motion carried. Vote: 6 to 0.**

### **Public Session**

Joe Suminski – Volunteer Franklin Firefighter – Thanks to the Mayor for having me tonight, and for the new board members for your service. I thank you for that. On the December 1, 2015 special meeting an action was taken to instruct the Town Manager to seek a full-time Fire Chief. I'm standing up here today to express support and acknowledge and honor the service of Chief Warren Cabe. In my opinion he is the best Fire Chief in Western North Carolina. He has benefitted our community in many ways. The highlights are a reduced ISO rating, providing savings to residents and businesses. Upgrading our equipment, improving staffing so citizens can enjoy 24/7 coverage. Chief Cabe is well known and respected within the fire service and wider emergency services in our community, our county and throughout the state.

## **December 7, 2015 meeting continued,**

Joe Suminski – Under his leadership Franklin Fire Department has developed a level of teamwork and unit cohesion that is not achieved overnight. It takes dedicated firefighters willing to put in the time and hours of learning, training, communicating and developing. The men and women of Franklin Fire and Rescue are exemplary of such dedication. To take the dedicated efforts of individual firefighters and mold them into the most effective Fire Department takes trust and leadership. We are fully aware that a full time Chief may be in the best interest of the Town. But from the vantage point of the men and women at the end of the nozzle, we served under the best Fire Chief available. I look forward to continuing my service under the Fire Department under the leadership of the next chief. That being said, Chief Warren Cabe will always be my chief. A second point I'd like to address before you is communication. We understand how much time you already dedicate to the Town, and that each Board member has responsibilities that they take on. One of those is the Fire Department liaison. We would invite each member of the Board to come visit us at the Fire Department. Communication is a two way street, and we will make every effort on our part to communicate with you. A fire department comprised of paid and volunteer firefighters is known as a combination department. It's understood in the fire service and I'm sure by town administrators to present challenges not experienced by departments that are 100 percent volunteer or paid staff. The dedicated members of Franklin Fire Department are fully able and willing to work in conjunction with the administration of the Town of Franklin to move forward to serve the citizens of our district. We have a great community. Each one of us here loves to proudly declare, I'm from Franklin. Within our beloved community is another community of men and women that put their lives on the line for you. And that's the community of firefighters. And I love being a Franklin Firefighter.

Larry Davis – Congratulations to all the new members. I guess I want to bring up the fact that there is no noise ordinance in Franklin. I don't understand why that is. Maybe I just live in a bad neighborhood, but our Town police have no authority to do anything about it. I'm stuck and other residents are stuck living with the noise. What do I need to do about this, and I'm open for suggestions.

Mayor Scott – Larry, I appreciate your concern. Noise ordinances are the most subjective type of ordinances you can pass. One of the problems is getting a definition of noise. I think we can address this at our retreat meeting.

John Henning Jr. – Town Attorney – Several years ago we repealed our noise ordinance because it needed to be fully eliminated. I don't think we intended to leave it at that, but I think this is something our Ordinance Review Committee can look at.

Larry Davis – I live next door to a house that has put a trailer in there, which it doesn't have a right to according to the deed, but it's there. I have two or three families living in it, plus two or three families living in a house and they all like to party.

Mayor Scott – Mr. Setser, will you look into this trailer situation?

Justin Setser – Land Use Administrator – If it's a deed restriction then that's a civil matter, not a zoning issue.

**December 7, 2015 meeting continued,**

Mayor Scott – Larry, if you don't mind let us take this under advisement and we will place this on the January retreat Agenda.

**New Business: Presentation of Appreciation Plaque for Buddy Huckabee**

Mayor Scott presented an appreciation plaque for Buddy Huckabee, Franklin High School's Band Director, for their performance in the November 2015 Franklin Veterans Day Parade.

**New Business: Presentation from the Macon Overdose Prevention Coalition**

Stephanie Almeida presented information from the Macon Overdose Prevention Coalition. The organization received a \$100,000 federal grant award, one of 18 in the nation.

Alderman McRae – Do you know the size of the problem in Macon County?

Stephanie Almeida – It's difficult to get an exact number, but we know that in 2008 there was 115 emergency department visits for medicine and drug issues, and in 2013 there was 185. There was a dramatic increase.

**New Business: Street Closing Request for the New Year's Eve Ruby Drop**

Tim Crabtree – Motor Company Grill – Good evening Board. My father was here last month to request a street closing for New Year's. We are wanting this year to close down the street from the square to the next red-light, and to close Main Street to expand the event. We would really like to drop the Ruby in the middle of the square, where Main and Iolta Streets intersect. Our aim in that is to get more businesses involved. At midnight we can all converge together, so it's not exclusive to Motor Company Grill. I think we had about 1,000 people come up last year, but I think we can get even more people if it is right on the square.

Summer Woodard – Town Manager – One thing the Board needs to consider is our Main Street is set up a little different in that there are numerous entrances and exits. It makes it difficult at night, especially on New Year's Eve. It puts a burden on our police force to try to man those entrances and exits. Something we can look at during our retreat in January is to try and set some standards to help accommodate businesses for street closing requests. Quite frankly, I'm not sure we have the resources to do that, for the full street.

Tim Crabtree – That will be great. Please look at it because we want to expand it. We don't plan on stopping this.

**Motion was made by Abel, seconded by Mashburn to close the street from the traffic light at Gazebo to Bryant Funeral Home. Motion carried. Vote: 6 to 0.**

**New Business: Set Public Hearing for Special Use Permit Application for Scenic Ridge Development**

Justin Setser – Land Use Administrator – The Planning Board met in November to look this permit over. The permit application is attached. We just need to set a public hearing for January 4, 2015 at 7:05 p.m.

**December 7, 2015 meeting continued,**

**Motion was made by Mashburn, seconded by McRae to set a public hearing for a special use permit application for Scenic Ridge Development on January 4, 2015 at 7:05 p.m. in the Town Hall Board Room. Motion carried. Vote: 6 to 0.**

**New Business: Appointment of Members to the Town Planning Board**

Justin Setser – Land Use Administrator – In your packets you will see that the Planning Board recommended two regular members to join the Board, and an in-town alternate. We advertised in the paper and on the Town website.

**Motion was made by Collins, seconded by Abel to approve Susie Ledford as a regular member on the Town Planning Board and Board of Adjustment, and Andrew Raby as the in-town alternate on the Planning Board and Board of Adjustment for three year term beginning on December 7, 2015 and ending on December 7, 2015; and approved Todd Duvall to transition from an in-town alternate to a regular member on the Town Planning Board and board of Adjustment whose term will remain the same (August 2015 until August 2018). Motion carried. Vote: 6 to 0.**

**New Business: Forward Text Amendment to the Unified Development Ordinance Regarding Tasting Rooms to the Town Planning Board**

Justin Setser – Land Use Administrator – We have been approached and had some lengthy discussions for a potential text amendment for a tasting room to our Unified Development Ordinance as a use. We have drafted a sample ordinance to define a tasting room. It's in your packet, and I would like the Board to forward this to the Planning Board.

**Motion was made by McRae, seconded by McMahan to forward text amendment to the Unified Development Ordinance regarding Tasting Rooms to the Town Planning Board. Motion carried. Vote: 6 to 0. A copy of the draft ordinance is attached.**

**New Business Budget Amendments**

Kyra Doster – Finance Officer – The first three amendments are for the police department. One is to increase miscellaneous revenue by \$2,500 from Police Department Calendars and the expenditure supplies line item by \$2,500.

**Motion was made by Collins, seconded by Abel to approve the budget amendment as recommended. Motion carried. Vote: 6 to 0. A copy of the amendment is attached.**

Kyra Doster – Finance Officer – The second one is to appropriate funds that we received from selling two patrol vehicles on US Gov Deals. We would like to reallocate our vehicle maintenance line item by \$2,719.00 with these funds.

**Motion was made by McRae, seconded by Mashburn to approve the budget amendment as recommended. Vote: 6 to 0. A copy of the amendment is attached.**

**December 7, 2015 meeting continued,**

Kyra Doster – Finance Officer – The next one is for a 2008 Crown Victoria that was wrecked. We got an insurance settlement for \$5,820.00. We would like to put that into the expenditure line item for vehicle maintenance.

**Motion was made by Mashburn, seconded by Abel to approve the budget amendment as recommended. Motion carried. Vote: 6 to 0. A copy of the budget amendment is attached.**

Kyra Doster – Finance Officer – This one is for planning. The \$5,000 was appropriated in June of 2015, and went unexpended. We need to re-appropriate those in the 2015-2016 budget to help cover the expenditures for the Windy Gap road cell tower matter.

**Motion was made by Mashburn, seconded by McMahan to approve the budget amendment as recommended. Vote: 6 to 0. A copy of the budget amendment is attached.**

Kyra Doster – We have one more. This is for the police department, for the lease purchase proceeds for the police vehicles. In the November meeting the Board approved a credit application for the lease. We received the approval confirmation from Ford Motor, and this will appropriate the \$73,805.00 for the expense.

**Motion was made by Mashburn, seconded by Abel to approve the budget amendment as recommended. Vote: 6 to 0. A copy of the budget amendment is attached.**

**New Business: Approval of the 2016 Town Board Regular meeting Schedule**

Summer Woodard – Town Manager – This is something we need annually. This would set our regular meeting schedule for next year. It's always on the first Monday of the month, unless there is a Holiday – in which case the meeting will be on a Tuesday.

**Motion was made by McRae, seconded by Abel to approve the 2016 Town Board Regular meeting Schedule. Motion carried. Vote: 6 to 0. A copy of the schedule is attached.**

**New Business: Approval of the 2016 Town of Franklin Holiday Schedule**

Summer Woodard – Town Manager – This coincides with the 2016 state Holiday schedule.

**Motion was made by Kimsey, seconded by Mashburn to approve the 2016 Holiday Schedule as presented. Motion carried. Vote: 6 to 0. A copy of the schedule is attached.**

**New Business: Proposed Change to the Town of Franklin Personnel Policy**

Chad Simons – Town Clerk – When the personnel policy was adopted in 2010 there was a stipulation put in there that you had to use all of your comp time within 30 days. I'm not sure if that was ever adhered to or enforced. It's impractical. We're asking tonight for more discretion for the Town Manager and Department Heads to enforce when their employees can use comp time without adversely impacting their departments, and to cap it at 60 hours so it never gets out of hand.

**December 7, 2015 meeting continued,**

Alderman Joe Collins – Is this two separate issues.

Chad Simons – Yes. A sixty hour cap and a time limit.

Alderman Mashburn – And your recommendation is how many days?

Chad Simons – Town Clerk – Sixty hours.

Alderman Joe Collins – And the sixty hour cap came from where?

Chad Simons – Town Clerk – The MAPS Personnel Management Group reviewed our personnel policy, and that was their recommendation.

Alderman Joe Collins – Are you suggesting a longer cap?

Summer Woodard – Town Manager – Yes. Six months to a year. It would really depend on the department because fire and police may be different if there was an emergency situation, so this would allow the department head to have more discretion.

Alderman Joe Collins – But whatever cap we put on it that takes away the discretion from the department head. So you're not saying we want to do a six months to a year are you?

Summer Woodard – Mr. Simons?

Chad Simons – Town Clerk – The sixty hours is practical.

Alderman Joe Collins – Let's say that is. But what about a time cap?

Chad Simons – You could keep it open ended unless the Board decides differently.

Summer Woodard – Town Manager – Our recommendation would be a year.

Alderman Joe Collins – But then you're taking away the discretion from department heads. Alderman Kimsey you have human resource experience, what is this?

Alderman Adam Kimsey – I guess this is an opportunity here where some departments may need a different policy, and you want to leave it open so each department can determine when that is?

Chad Simons – Town Clerk – That's correct. So you don't have to use within thirty days, and if something were to come up in the case of an emergency, et cetera. What we have now isn't working. That much I can tell you.

Alderman Joe Collins – I want a cap. A year or something.



December 7, 2015 meeting continued,

**Motion was made by Mashburn, seconded by Collins to amend the Town of Franklin's Personnel Policy, Article III, Section 12. The revised verbiage now states that "Town of Franklin Employees can earn up to 60 hours of compensatory time, and compensatory time must be taken within a year of the date earned. Motion carried. Vote: 6 to 0.**

**New Business: Appointment of Donnie Bishop to the Tourism Development Authority Board**

Summer Woodard – Town Manager – At last month's meeting the Tourism Development Authority Board voted unanimously to recommend Donnie Bishop to serve a three year term. Mr. Bishop is the owner and manager of Frogtown Deli in downtown.

**Motion was made by McRae, seconded by Mashburn to appoint Donnie Bishop to the Tourism Development Authority Board to serve a three (3) year term beginning December 7, 2015 and ending December 7, 2018. Motion carried. Vote: 6 to 0.**

**New Business: Appointment of Tim Crabtree to the Tourism Development Authority Board**

Summer Woodard – Town Manager – At the November meeting the Tourism Development Authority Board voted to recommend Mr. Crabtree to serve a three year term as well. Mr. Crabtree is the manager of Motor Company Grill and most recently, the manager of Crabtree General Store, both in town.

**Motion was made by Abel, seconded by McRae to appoint Tim Crabtree to the Tourism Development Authority Board to serve a three (3) year term beginning December 7, 2015 and ending December 7, 2018. Motion carried. Vote: 6 to 0.**

**New Business: Municipal Agreement for Transportation Improvement Project (TIP) B-5125**

Summer Woodard – Town Manager – Back in 2013 the Town discussed moving forward with allocating \$36,000 for the new town bridge project, which has a start date of August 2016. The Attorney has looked at this agreement, and it reiterates all that has been discussed before, which that the Town will continue to adhere to the agreement of \$36,000 for the project that will start next August in 2016. We just need an authorization from the Board tonight if we still wish to continue with that.

John Henning Jr. – Town Attorney – I have reviewed this. This is a standard agreement when they begin a project with a municipality. It says they will be in charge of the project except for that one betterment that we are agreeing to pay for the bridge.

**Motion was made by McRae, seconded by Abel to authorize the Town of Franklin to sign the agreement to pay \$36,000 for the betterment of the Town Bridge Transportation Improvement Project (TIP) B-5125. Motion carried. Vote: 6 to 0.**

Mayor Scott appointed Patti Abel to serve as the Fire Department Liaison.

**December 7, 2015 meeting continued,**

**Legal – Policy for Police Body Camera’s**

John Henning Jr. – Town Attorney – Essentially this is a departmental policy, but one we thought the Board should look at and approve. Going forward we want the department to have a more concise departmental policy, and this one in particular lays out how body cameras will be managed. Again, I know the Board hasn’t had much time with this, and I’ll be happy to answer any questions about it.

Alderman Joe Collins – Can we look at this next month. What’s the downside? You’re comfortable with it, but we’re on the hook here.

John Henning Jr. – Town Attorney – Sure. I don’t think it will hurt to delay this a month.

**Legal: Ordinance amending Chapter 130 of the ordinances to deal with possession of open containers**

John Henning Jr. – Town Attorney – Under state law the purchase, consumption and possession of beer and wine is presumed to be legal. The exact opposite is true of public possession of fortified wine and liquor. For that reason our ordinance dealt with the public consumption of beer and wine. It’s presumably legal. The ordinance we have originally dealt with consumption of malt beverage and wine on public streets. This ordinance will add open containers of malt beverages, and I understand this has been an issue on occasion.

**Motion was made by Mashburn, seconded by McRae to adopt the Ordinance amending Chapter 130 of the ordinances to deal with possession of open containers on streets and sidewalks. Motion carried. Vote: 6 to 0. A copy of the amendment is attached.**

**Announcements**

The Town Employee Luncheon will be December 18, 2015 at 12 p.m. at the Boiler Room.

Town Offices will be closed December 23, 24 and 25 for Christmas.

Alderman McRae – I would like to say that I am pleased that people are applying to our Boards.

**Motion was made Collins, seconded by Abel to adjourn the meeting at approximately 8:10 p.m. Motion carried. Vote: 6 to 0.**

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Robert S. Scott, Mayor

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Chad B. Simons, Town Clerk

