

**MINUTES OF THE TOWN OF FRANKLIN TOWN COUNCIL  
REGULAR MEETING  
February 6, 2023**

**THE FRANKLIN TOWN COUNCIL** held a regular meeting on Tuesday, February 6, 2023, at 6:00 p.m. in the Town Hall Board Room located at 95 East Main Street Franklin, NC.

**1. CALL TO ORDER**

**Mayor Jack Horton called the meeting to order at 6:00 p.m. with the following members present:** Vice Mayor Joe Collins, Council Members David Culpepper, Stacy Guffey, Adam Kimsey, and Rita Salain.

Council Member Mike Lewis was absent due to personal matters.

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice Mayor Joe Collins.

**3. ADOPTION OF THE FEBRUARY 6, 2023 TOWN COUNCIL AGENDA**

*Council Member Rita Salain made a motion, seconded by Council Member Adam Kimsey to adopt the Town Council Agenda for February 6, 2023 as presented. The motion carried unanimously. Vote: 5 – 0.*

*Vice Mayor Joe Collins made a motion, seconded by Council Member Stacy Guffey to excuse Council Member Mike Lewis from the February 6, 2023 meeting. The motion carried unanimously. Vote: 5 – 0.*

**4. APPROVAL OF THE CONSENT AGENDA FOR FEBRUARY 6, 2023**

- A.) Approval of January 3, 2023 Town Council regular meeting minutes.
- B.) Budget Amendments- Water/Sewer Fund and Fire Fund
- C.) Request for advertisement of delinquent taxes mid-April 2023

*Council Member Adam Kimsey made a motion, seconded by Council Member Stacy Guffey to approve the consent agenda as presented. The motion carried unanimously. Vote 5 – 0.*

**5. PROJECT, COMMITTEE, DEPARTMENTAL UPDATES**

- A.) Feasibility Study of former Angel Medical Center building- Teresa Stephens and Andrew Crosson, Given Communities

Teresa Stephens and Andrew Crosson went over the Feasibility Study Report from the former Angel Medical Center. The Town received a \$267,500 grant from Dogwood Health Trust for Givens Communities to conduct the study. The initial market analysis study determined there is a need for affordable senior housing. The estimated cost to renovate the facility for independent living senior apartments would be between \$50,800,000 and \$63,500,000. There are funding sources to help pay for the renovations, but there would still be a \$23.2 million to \$28.8 million gap. Therefore, the facility is not feasible for affordable senior housing at this time without significant capital investment.

Ms. Stephens also stated that neither Macon County nor Givens can receive the property as a donation, as they are deemed a potential referral source by HCA. They would have to purchase the facility at market value (approximate value is \$1.4 million). The Town is not a referral source, so the property can be given to the Town by HCA.

Vice Mayor Collins asked about the demolition cost. Ms. Stephens stated that was not part of their study.

Council Member Guffey stated there is a need for affordable housing as well as mental health services in our region.

Ms. Stephens stated that Givens was still looking to do something in Franklin. She said that the Feasibility Study has allowed the Town to see other potential uses of the old Angel Medical Center facility.

Council Member Culpepper said that someone already in the healthcare business could buy the facility and provide the services needed. Town Attorney John Henning, Jr. noted that the covenants included by HCA may not allow it even if purchased at fair market value.

Mayor Horton stated the Town would not be able to afford taking ownership of the facility. He thanked everyone for their work on this project and for the information provided.

#### B) Departmental Updates

1. Public Works- Bill Deal, Public Works Director, presented information and updates on water/sewer and Water Treatment Departments.
2. Streets- Chris Waldroop, Streets Supervisor, presented a recap on projects from 2022 and on current/future projects for 2023.
3. Wastewater Treatment, Jason Hopkins, WWTP Supervisor, presented information on the happenings at the WWTP.

### 6. CALL FOR PUBLIC HEARING

A.) Town Planner Justin Setser made a request to call for Public Hearing to be held at the next regular Town Council meeting on March 6, 2023 at 6:05 p.m. or as closely thereafter to receive public input on a text amendment to the Sign Ordinance.

The text amendment allows for the Town ordinance to reflect items directly from state statute related to signs and their posting. The Planning Board has reviewed the text amendment and submits their recommended language to the Town Council for consideration.

***Council Member David Culpepper made a motion, seconded by Council Member Stacy Guffey to call for a public hearing to be held on Monday, March 6, 2023 at 6:05 p.m. or as closely thereafter to receive input on a text amendment to the Sign Ordinance. The motion carried unanimously. Vote: 5 - 0.***

### 7. PUBLIC SESSION

Gary Murphy, Owner of Root and Barrell, wanted to know when open containers would be allowed on the streets in Downtown. He wondered what was happening with allowing it? He is requesting it to be

looked at again. He also had an OPEN flag sign out in front of his restaurant for the past year and the “police” came and told him it must be taken down immediately. He provided a photo. (See exhibit A incorporated into these minutes) He’s looking for support from Town Board. He didn’t know there was a law against it and felt it was grandfathered in.

Tim Shaw, Sk828 Representative, is excited about the upcoming Whitmire Property information sessions on February 23. He thanked Town Council for all the work on taking over The Walk Skatepark. He would like to hold safe skateboarding techniques for kids on Saturday mornings. He would like to try to incorporate skateboarding into local schools. He updated Town Council on the 2022 fundraising efforts. Sk828 and other contributors have raised \$101,674 for the new skatepark at Whitmire in 2022.

Betty McMillen, 243 Hiland Terrace, spoke in opposition of the Plantation Drive rezoning. She provided the letter she read. (See exhibit B incorporated into these minutes)

Stephen Baldwin, 7 Plantation Drive, stated he had been paying commercial taxes on the split zoned parcel (6594964768) since he acquired the property in 2015. He checked with Macon County and he should have obtained a permit for the type of building he has installed on the property. He was told her could file for permit and have it inspected. He stated several of the neighbors have personal property on his property (fences, decks, brush piles, bird houses, etc). The reason he would like to have rezoned is to connect with the other properties zoned commercial. He feels it’s not ideal for the property to be residential that close to Hwy 441. Rezoning the property would allow for safer access from the current blind entrance.

Ute Andrews, Hiland Park, stated that Plantation Drive is a very narrow/scary road. She would like Town Council to consider not rezoning the property to Commercial. She feels it will take away from Franklin. She would like their opinions taken into consideration.

## **8. CONTINUED DISCUSSION**

### **A.) Rezoning request for 7 Plantation Drive from Residential R-1 to Commercial C-2**

The public hearing was held on Tuesday, January 3, 2023, to receive public input on a rezoning request for 7 Plantation Drive from Residential R-1 to Commercial C-2. The Planning Board recommended approval of the request at their December meeting. There were multiple requests from neighbors at the public hearing to deny the request for rezoning. The public hearing was closed on January 3, 2023 and the Town Council voted to table its discussion and resume discussion at the February 6, 2023 meeting.

At the January 3, 2023 meeting, Council had asked Town Planner Setser to find out when the one parcel was split; Currently one-half of the parcel is zoned commercial and the other half residential). Mr. Setser looked at old zoning maps and he found that the parcel had been commercial since 1990. Since that time the property has had surveys, property was reacquired, and merged.

Town Attorney John Henning, Jr. stated there is no legality of the one parcel being one-half commercial and half residential. He stated that when individuals purchase property, they need to be careful when they buy property and how the whole parcel is zoned.

Town Planner Setser said there were 3 options that Council would need to consider: 1) Rezone property as requested/recommended by Planning Board. 2) Deny the request/recommendation by the Planning Board. 3) Modify the rezoning request

Council Member Guffey asked Town Planner Setser what the Comprehensive Plan was for the parcels.

Town Attorney John Henning Jr. stated that you can make changes to the Comprehensive Plan.

Council Member Culpepper did some digging and the 1.95 acres is listed as Commercial with the County. He said it seems like due diligence was done since county GIS and property card show as commercial.

Vice Mayor Joe Collins suggested to rezone the balance, the smaller parcel, commercial and to deny request of the rezoning of the wrap around parcel, the former Katherine Blanton property.

Council Member Salain said it's outside of our Comprehensive Plan. She thanked the Planning Board for all their work.

Mayor Horton thanked the Planning Board for all their work.

***Vice Mayor Joe Collins made a motion, seconded by Council Member Rita Salain to rezone the Residential R-1 part of parcel #6594964768 to Commercial C-2. Council Members Adam Kimsey, David Culpepper and Stacy Guffey voted against the motion. The motion failed. Vote: 2-3.***

***Council Member Adam Kimsey made a motion, seconded by Council Member Stacy Guffey to rezone the property as requested/recommended by the Planning Board. Council Members Joe Collins and Rita Salain voted agist the motion. The motion carried. Vote: 3-2.***

## **9. NEW BUSINESS**

### **A.) Appointments to Planning Board**

Town Planner Justin Setser stated there were three (3) individuals on the Planning Board whose terms were ending: Dave Jones (ETJ), Denton Higdon (Town), and Susie Ledford (Town).

All three individuals for consideration are currently serving and have indicated that they would be willing to serve another three (3) year term, if reappointed. The vacancies were advertised beginning on January 18, 2023 until January 30, 2023. There were five (5) inquiries for these positions; however, some did not meet the residency requirement in either Town or ETJ and another did not wish to potentially unseat any of the incumbents and did not submit an application.

Council Member Culpepper commented that it's great that three individuals want to serve and that there were others interested.

***Council Member Rita Salain made a motion, seconded by Council Member David Culpepper to approve the reappointment of the three (3) current members who are eligible to continue serving. The motion carried unanimously. Vote: 5 - 0.***

B.) Request approval of contract with Artisan Skateparks for the design build construction of the new skatepark

Town Manager Amie Owens requested approval for the contract with Artisan Skateparks to construct the skatepark at the Whitmire Property. As this is a design-build contract, the proposed contract from Artisan becomes an exhibit to the contract. The initial amount of the project was quoted as \$294,750; however, town crews will do the site grading which will defer \$32,500 of the costs bringing it to a total of \$262,250. Donations have been received in the amount of \$101,674 towards this project. There is also a \$50,000 reimbursement grant secured by the Town once construction commences. The total amount left to fund the project is \$110,575.

Town Attorney John Henning Jr., added that Artisan Skateparks would like to remove the liquidated damages verbiage from the contract. By removing this section Artisan Skateparks would not have to pay the Town if the project isn't complete by the set completion date.

***Council Member David Culpepper made a motion, seconded by Council Member Stacy Guffey to approve the contract with Artisan Skateparks with the removal of liquidation damages verbiage in the contract. The motion carried unanimously. Vote: 5 - 0.***

## **10. FOR INFORMATION ONLY**

A.) Grant Application to Governors Crime Commission for Body Armor (new officers and replacement vest)

Town Manager Amie Owens announced that the Police Department has applied for a grant for new body armor. The grant funding request is within the threshold for Town Manager Owens approval, however there is potential that the grant may will be awarded in June 2023, but the funds will not be received until the next fiscal year.

Manager Owens just wanted to let Town Council know that there will be a budgeted amount in the FY 2023/2024 budget in the event that the grant is not received. If the grant is received and payment is in the next fiscal year, a budget amendment would be done to allocate these funds. This is just information only and no action is needed at this time.

## **11. ITEMS FROM COUNCIL**

Mayor Jack Horton would like to plan a dinner between Council Members and Planning Board Members.

Council Member Stacy Guffey stated that we need facilities to address mental health needs. He would like to partner with other counties in our region to solve the problem.

Council Member Rita Salain agreed with Councilmen Guffey related to the need for mental health resources. She added that the Women's History Trail Project – Sowing the Seeds of the Future- is moving forward with an unveiling ceremony in September or October.

## **12. CLOSED SESSION**

***Vice Mayor Joe Collins made a motion, seconded by Council Member Adam Kimsey to enter into Closed Session under NC General Statute § 143-318.11(a)(5) to discuss acquisition of real property by purchase, option, or lease. The motion carried unanimously. Vote: 5-0.***

**The Town Council entered Closed Session at 7:51 p.m.**

**The Town Council returned from Closed Session at 8:34 p.m.**

**13. ANNOUNCEMENTS**

- A.) Special Called Meeting of the Town Council for the Council Retreat- Friday, February 17 at 6:00 p.m. (location TBD) and Saturday, February 18 at 8:30 a.m. in the Town Hall Board Room.
- B.) Next Town Council Meeting is Monday March 6, 2023 at 6:00 p.m. in the Town Hall Board Room

**14. ADJOURNMENT**

***Vice Mayor Joe Collins made a motion, seconded by Council Member Stacy Guffey to adjourn the meeting at 8:35 p.m. The motion carried unanimously. Vote: 5- 0.***

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C. Jack Horton, Mayor

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Nicole Bradley, Town Clerk