

**MINUTES OF THE TOWN OF FRANKLIN TOWN COUNCIL
REGULAR MEETING
OCTOBER 2, 2023**

THE FRANKLIN TOWN COUNCIL held a regular meeting on Monday, October 2, 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, Rita Salain Adam Kimsey, Mike Lewis, Stacy Guffey and Council Member David Culpepper joined via zoom.

*Council Member Culpepper had to abstain from voting since the North Carolina COVID State of Emergency allowing for remote attendance was lifted on August 15, 2022 and attending via Zoom does not meet the definition of present for open meeting purposes.

2. PLEDGE OF ALLEGIANCE

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

3. ADOPTION OF THE OCTOBER 2, 2023 TOWN COUNCIL AGENDA

Council Member Mike Lewis made a motion, seconded by Council Member Adam Kimsey to adopt the Town Council Agenda for October 2, 2023 as presented. The motion carried unanimously. Vote: 5 – 0.

4. APPROVAL OF THE CONSENT AGENDA FOR OCTOBER 2, 2023

- A.) Approval of Minutes of September 5, 2023 Town Council Regular Meeting
- B.) Budget Amendments
- C.) Tax Release(s)
- D.) Policy Revisions
 - Drug and Alcohol Policy with Memorandum
 - Travel Policy

Vice Mayor Joe Collins made a motion, seconded by Council Member Rita Salain to approve the consent agenda as presented. The motion carried unanimously. Vote 5 – 0.

5. INTRODUCTION/RECOGNITIONS

- A.) Introduction Reagan Henry, Part-time Accounting Assistant- Ali Stamey, Budget and Fiscal Analyst
- B.) Introduction Kevin Cabe, Part-time Streets Maintenance Worker - Bill Deal, Public Works Director
- C.) Introduction Officer Peyton Arnold - Chief Devin Holland
- D.) Introduction Officer Taylor Carlton - Chief Devin Holland
- E.) Promotion - Sergeant Eli Kirkland - Chief Devin Holland
- F.) Quarterly recognition of Public Safety Employees- Bonnie Peggs, Danny Antonie & Davis Hooper presented Police Officer Garrett Hovis & Firefighters Mark Stanfield and

Joe Templeton (unable to attend) with a plaque and a gift certificate, as their quarterly Above and Beyond award recipients.

6. PUBLIC SESSION

Dave Linn, 80s Flashback organizer, spoke in favor of a social district.

Colin McGinnis, co-owner of Gracious Plates, spoke in favor of a social district and drawing folks to the downtown area.

Graham Norris, Head Brewer of Lazy Hiker, spoke in favor of a social district. They have a brewery in Sylva and have seen huge benefits in the Town of Sylva due to having a social district.

Dion Sena, owner of Slanted Window Tasting Station, encouraged Town Council to support a social district.

7. PUBLIC HEARING

A.) Public Hearing to receive public input on a rezoning of property located at 311 Golf View Drive from Residential R1 to Neighborhood Mixed Use (NMU) - Justin Setser, Town Planner
David Forkner, Kavod Community, applied for a petition for rezoning of 311 Golf View Drive. The Planning Board's recommendation was for approval with concerns due to the traffic and property use in the area.

Mayor Jack Horton called the public hearing on input on rezoning to order at 6:18 p.m.

Debbie Tallent, 469 Womack Street, would like for the area to remain residential. The Town needs housing. The property is surrounded by Residential except for the part near the Georgia Road. Womack Street cannot handle any more traffic. She would like for Council to consider keeping the property residential.

JD Williams, 502 Golf View Drive, objects to the rezoning. He said the existing infrastructure cannot handle any more traffic. He is also concerned about the stormwater runoff due to the topography of the land. He also noted Golf View Drive is a narrow road and there is a rush of traffic from the school and the golf course.

Michael Jenkins, 129 Golf View Drive, stated he had not been contacted by the developers. There is a major traffic issue on Golf View and is concerned about wrecks. He encouraged a Traffic Impact Assessment. He is also concerned about his water/sewer easement. He also noted the future use of the land if the property were to change hands in the future.

Town Clerk Nicole Bradley read letters sent in by Mike Edwards and Ruth Stillwell. Letters are attached as Exhibit A & Exhibit B.

Ken Champney, 295 N Womack Street, is concerned about the branch that runs through his property and needs to be looked into. He stated N Womack Street is very narrow and there are no sidewalks.

Christopher Evans, 279 Womack Street, spoke in favor of the rezoning. He spoke with a realtor who had previously showed the land and there was talk of putting apartments on the property and the apartments would add more traffic to the street. He spoke with Kavod members and supports the idea of youth and after school programs. He feels traffic on Womack Street has always been a problem.

Rhonda Tallent, 221 Womack Street, held a neighborhood meeting at her house. The Kavod community came and shared their ideas for the property. Her fear, either it's housing or mixed-use property, is the traffic on Womack Street and Golf View Drive. She is not against Kavod or what they are doing, but she is concerned about the traffic.

Travis Shook, owner Kavod Fitness, would like work with Town Council and look into Conditional Zoning. They want the add housing and playgrounds. They would like to work with the DOT to help the traffic issue. Their focus is family and community and they want to help do what they can to give back.

Danny Antoine, representing his karate academy, said they would like to enhance the family/home environment. The main concern of the neighborhood is traffic. Their plans are to have entrances on the corners and to enhance the neighborhood. Their vision is to restore families and alleviate issues from the beginning.

Travis Shook withdrew the Kavod request for rezoning at this time.

Mayor Jack Horton closed the public hearing on input on rezonings at 6:50 p.m. and allowed for a 5-minute recess.

Council returned to session at 6:57 p.m.

B.) Public Hearing to receive public input on a potential condemnation of property located at 981 East Main Street - Justin Setser, Town Planner and John Henning, Jr., Town Attorney
Town Planner Justin Setser stated nothing has changed with the property since the last meeting.

Mayor Jack Horton called the public hearing on input on rezonings to order at 6:59 p.m.

Ann Shower, DDM owns the property next to 981 East Main Street, she stated the property needs to go.

Mayor Jack Horton closed the public hearing on input on rezonings at 7:02 p.m.

Town Attorney John Henning, Jr. suggested Council adopt the Ordinance.

Council Member Mike Lewis asked Town Attorney John Henning, Jr., what the timeline would be if the ordinance passed. Mr. Henning stated this was an in-rem proceeding against the property giving the Town Planner permission to make sure demolition happens.

Council Member Stacy Guffey asked if there had been a response sent to the other owner, Mr. Duncan. Mayor Horton stated he had not responded to him.

Discussion was held about the timeline for demolition. The Wilkie Street property demolition was also discussed. Town Planner Justin Setser noted that the demolitions are hard to budget for and budget amendments will need to be brought to Council.

Council Member Lewis wants to look at every available option before taking someone's property. Council Member Rita Salain commented she takes it serious too. She stated that when the Town hired a Code Enforcement Officer to enforce the Ordinances of the Town that Council would recognize the seriousness of his recommendations on the properties. Vice Mayor Joe Collins commented that the Town is not taking the property, but marketing the property. Council Member Lewis commented the Town would be taking the property to sell and recoup the cost of the demolition and the owner would get what was left over. Town Planner Setser stated the Town is not in this to make money.

Council Member Stacy Guffey asked Council about movement on the other house demolition (Wilkie Street property). Town Attorney Henning stated the intent is to get them both priced for demolition at the same time.

Council Member Rita Salain made a motion, seconded by Vice Mayor Joe Collins to adopt the Ordinance, as presented. The motion carried unanimously. Vote 5 – 0.

Council Member Salain asked if the Duncan family will be notified. Town Attorney Henning stated we are required by law to notify the property owners.

8. CALL FOR PUBLIC HEARING

A.) Call for Public Hearing at 6:05 p.m. or as closely thereafter as possible on Monday, November 6, 2023 to receive public input on proposed rezoning of PZC6- Old Murphy Road changes - Justin Setser, Town Planner

Town Planner Setser gave an overview of the proposed rezoning changes to PZC6 and will discuss the specifics of the rezoning request at the Public Hearing. The hearing notice will be mailed to residents, signs will be placed in the area of the properties, and it will be advertised in the paper.

Council Member Rita Salain made a motion, seconded by Vice Mayor to set the public hearing for Monday, November 6, 2023, 2023 at 6:05 p.m. or as closely thereafter as possible to consider public input on the potential rezoning of PZC6. The motion carried unanimously. Vote 5 – 0.

9. NEW BUSINESS

A.) Request approval of Street Closures – Amie Owens, Town Manager

The request is for three (3) additional dates for the Phillips Street closure on Saturday, November 4, November 18, and December 16 from 9:00 a.m. to 4:30 p.m. for the Phillips Street Market

Vice Mayor Joe Collins made a motion, seconded by Council Member Adam Kimsey to approve the requested street closure as presented. The motion carried unanimously. Vote: 5 – 0.

B.) Request approval of ordinance changes Chapters 33, 52 and 92 - clarification of current processes and information -Amie Owens, Town Manager and John Henning, Jr., Town Attorney

The Ordinance Review Committee met on September 25, 2023 to discuss several amendments to existing Town Ordinances.

Chapter 33- Departments, Boards and Commissions hasn't been updated since the Town went to a Council-Mayor form of government. The proposed changes will clarify the Fire Chief's job duties and that the fire alarm systems are not maintained by the Town, but by the Fire Marshall's Office.

Chapter 92- Fire Prevention- clarifies who is responsible for fire hydrant maintenance and to clarify the burning permit process within the Town limits.

Vice Mayor Joe Collins made a motion, seconded by Council Stacy Guffey to adopt the Ordinance 2023-006 as presented. The motion carried unanimously. Vote: 5 – 0.

Chapter 52- Extensions to Main Service; Pipe Specifications will amend the ordinance to clarify the types of pipes specifications we are allowed to have in the Town. Legislation from the State no longer allows lead or copper pipes.

Council Member Mike Lewis made a motion, seconded by Council Adam Kimsey to adopt the Ordinance 2023-007 as presented. The motion carried unanimously. Vote: 5 – 0.

10. DEPARTMENTAL UPDATES

- A.) Finance - Sarah Bishop, Finance Director gave an update on the Audit report completion. The auditors will present the audit at the November 6th meeting. She went over quarterly sales tax revenues. Ali Stamey, Budget & Fiscal Analyst, will be working on financial analysis of services for the Town.
- B.) Planning - Justin Setser, Town Planner gave an update on the downtown Wi-Fi grant. The RFP was released on September 12, 2023 and the deadline for submittals is October 13, 2023. He gave an update on the NC DOT paved trail, sidewalks and side path feasibility grant to study Crawford Branch/greenway extension and an update on NCDEQ Tag grant for the study the traffic calming around the Nikwasi Mound. The Women's History Trail plans to hold the unveiling of the Sowing the Seeds of the Future statue in March 2024. On October 10th the State Preservation Office will hear about the Town's historic district proposal for the Scott Griffin Hotel project.
- C.) Police - Chief Devin Holland gave an update on the CareNet fill the Cop Car, Operation Ice Storm, homeless camp sites, new police equipment and the portable command station trailer.

11. ITEMS FOR DISCUSSION

A.) Conditional Zoning Districts - Justin Setser, Town Planner and John Henning, Jr., Town Attorney

Town Attorney John Henning, Jr. discussed the Town's current traditional zoning ordinance. He introduced Conditional Zoning to Town Council. Conditional Zoning is not Quasi-Judicial, but it is completely legislative. It will not be for everything, but for larger developments with more extensive uses. Conditional Zoning will allow Town Council to have more input and conditions can be put in place. The written agreement for the zoning will be recorded in the County Register of Deeds Office. Mr. Henning's recommendation is to refer to Planning Board for review.

Council Member Salain likes the idea of learning about the rezonings alongside the Planning Board.

Mayor Horton suggested to have a joint meeting with the Planning Board to discuss issues they are both faced with.

Council Member Stacy Guffey made a motion, seconded by Council Member Mike Lewis to refer Conditional Zoning to the Planning Board. The motion carried unanimously. Vote: 5 – 0.

12. ITEMS FROM COUNCIL

A.) Social District - Town Council, Town Manager and Town Attorney

Town Manager Owens discussed the potential for a Social District. She stated the current ordinance would need to be amended because alcohol is not allowed on public sidewalks, streets, etc. A Social District Ordinance would also need to be adopted. The Ordinance could exclude certain events. The Town currently leases the property at the Gazebo from Macon County. There is a clause in the current lease that states no alcohol on the property. Macon County Commissioners would have to be amenable to modifying the current lease.

Councilman Guffey asked if the sidewalks around the square were public sidewalks. Attorney Henning stated he didn't think there was a distinction in the lease.

Town Manager Owens explained the boundaries of the proposed Social District: Town Hall to Lazy Hiker, including Stewart Street, Clocktower square leaving out Rankin Square. Councilman Guffey asked who would enforce the boundaries. Manger Owens stated it would be up to the Police to enforce.

Mayor Horton suggested having a conversation with Macon County Commissioners. Manager Owens asked Council if she needed to have the Social District topic added to the County Commissioners meeting agenda.

Councilman Culpepper sent in a text that he is for Social Districts and he supports it. He would like for it to include all the way down to Town Hall.

Council Member Rita Salain made a motion, seconded by Council Member Stacy Guffey to move forward with the proposal to create a Social District downtown. The motion carried unanimously. Vote: 5 – 0.

B.) Nikwasi Initiative Update

Town Planner Justin Setser gave an update on the Nikwasi Initiative. The items they have been working on include: Kiosk completed at the Mound, The Apple Trail on the Greenway that was dedicated to Barbara McRae, signage at Hall Mountain- has been delivered and are waiting for installation, working on Blue Way Project, and created a Mound Committee.

13. ANNOUNCEMENTS

- A.) Next Town Council Meeting is November 6, 2023
- B.) Pumpkinfest- Saturday October 21, 2023 - downtown from 9:00 a.m. until 4:00 p.m.
- C.) Election Day, Tuesday, November 7, 2023

14. CLOSED SESSION

Council Member Mike Lewis made a motion, seconded by Vice Mayor Joe Collins to enter into Closed Session under NC General Statute § 143-318.11(a)(3) Attorney/Client Privilege. The motion carried unanimously. Vote: 5-0.

The Town Council entered Closed Session at 8:28 p.m.

The Town Council returned from Closed Session at 8:47 p.m.

15. ADJOURNMENT

Council Member Mike Lewis made a motion, seconded by Council Member Rita Salain to adjourn the meeting at 8:48 p.m. The motion carried unanimously. Vote: 5- 0.

C. Jack Horton, Mayor

Nicole Bradley, Town Clerk