

**MINUTES OF THE TOWN OF FRANKLIN TOWN COUNCIL
REGULAR MEETING
JULY 3, 2023**

THE FRANKLIN TOWN COUNCIL held a regular meeting on Monday, July 3, 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 Mike Lewis and Rita Salain.

2. PLEDGE OF ALLEGIANCE

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

3. ADOPTION OF THE JULY 3, 2023 TOWN COUNCIL AGENDA

Council Member Rita Salain made a motion, seconded by Council Member Stacy Guffey to adopt the Town Council Agenda for July 3, 2023 as presented. The motion carried unanimously. Vote: 6 – 0.

Vice Mayor Joe Collins made the recommendation to move item #6 on the agenda after item #7 and item #8. There were no objections from Council Members.

4. APPROVAL OF THE CONSENT AGENDA FOR JULY, 3 2023

- A.) Approval of Minutes
 - a. June 5, 2023 Town Council Regular Meeting
 - b. June 15, 2023 Town Council Special Called Meeting
- B.) Budget Amendment- ARPA Funds and Fire Department Fund
- C.) Tax Release - \$24.28 due to entered in wrong taxing district

Vice Mayor Joe Collins made a motion, seconded by Council Member Stacy Guffey to approve the consent agenda as presented. The motion carried unanimously. Vote 6 – 0.

5. INTRODUCTION/RECOGNITIONS

- A.) Travis Waldroop – Water Treatment Plant Operator – Class C Certification- Bill Deal, Public Works Director
- B.) Chris Green – Pump Maintenance Mechanic- Class A Distribution Certification -Bill Deal, Public Works Director
- C.) Jason Hopkins Wastewater Treatment Supervisor – Grade 2 Pre-treatment Certification -Bill Deal, Public Works Director
- D.) Recognition of Jim and Kathie Akins, Scottish Tartans Museum and Heritage Center- Mayor Jack Horton presented Jim and Kathie Akins with a Certificate of Appreciation.

6. PUBLIC HEARING

A.) Public Hearing to consider public input on rezonings- Justin Setser, Town Planner

Town Planner, Justin Setser recapped the proposed rezoning presentation of three hundred fifty-four (354) parcels inside the city limits and the ETJ. The purpose behind the rezoning is to bring all the parcels into compliance with the Comprehensive Land Use Plan. Town Planner Setser went over the proposed rezoning change maps.

Town Attorney John Henning, Jr., stated that the provided Consistency Statement could be used to adopt all the changes at one time as long as it includes fifty (50) parcels or more. Otherwise, a Consistency Statement would need to be prepared individually.

Town Planner Setser mailed out two hundred seventy (270) letters to property owners about the Public Hearing. The Public Hearing was also advertised in the paper, on the Town's website and on Facebook.

Mayor Jack Horton called the public hearing on input on rezonings to order at 6:30 p.m.

Ray Adams, 98 Randolph Street, came to the meeting just to understand what was going on and thought the hearing was about building buildings and cutting down trees.

Carson D. Green, 181 Nelson Waldroop Road, stated that "if it ain't broke, then don't fix it." His property is currently zoned commercial. He needs to do more discovery on his property.

Connie Stiles, 65 Sloan Street, stated that the proposed rezoning is a good solid step in the right direction. She would like a little tweak made on Sloan Street (PZC4). She would like to extend R-1 to Cherry Street, Hillside Drive, and Second Street. She requested to include her proposed changes or to table the passing of the rezoning amendment until these areas can be discussed.

Tim Cochran, Laid Back Lane, owns property is PZC6. He purchased the property as commercial and stores trucks, trailers and equipment for his business on the property. He would like his property taken out of residential rezoning and left alone.

Johnny Ammons, his property is off Old Murphy Road. He planned to put storage units on the property and has already done the grading. If the property is rezoned residential only then the lot will be useless. He already has \$80,000 in the lot.

Donald Jayqua, 118 Randolph St, purchased the property to fix up the duplex. He asked why not change the definition of R-2 and remove the mobile homes out of R-2. He is concerned as to what the next steps might be. He prefers his property remain R-2.

Tom Tyre has a building on Wayah Street. He would like to keep it zoned as it is which includes commercial since that is what it has always been.

Town Planner Setser noted that Council could make changes to the maps or they could send it back to the Planning Board to look at further.

Mayor Horton stated there were several issues that came up that need to be investigated further.

Vice Mayor Collins noted he was sympathetic to the fact that if someone can't get sewer due to the situation of the sewer lines being pressurized then it's troubling for residential zoning.

Council Member Culpepper questioned if there was zoning that allows higher density housing, but disallows manufactured homes. Town Planner Setser stated that would be a Traditional Neighborhood Overlay.

Council Member Salain would like to have PZC4 map reviewed as it was brought up by Connie Stiles. Town Planner Setser stated that since those parcels weren't included in this rezoning project there would need to be another Public Hearing for those.

Council Member Lewis asked about spot zoning concerns. Town Planner Setser stated he would have to check. Town Attorney John Henning, Jr. said it would have to be looked at on a case-by-case basis.

Council Member Culpepper stated it doesn't seem fair to make large financial decisions on the lots when the Town isn't the landowner. He requested to proceed slowly.

Mayor Jack Horton closed the public hearing on input on rezonings at 6:54 p.m.

7. PUBLIC SESSION

No one signed up to speak at Public Session.

8. PRESENTATIONS

A.) Whitmire Property Recreation Plan- Kurtis Durrant and Jim Ford, McGill Associates, PA
McGill Associates performed a recreation study for the Whitmire Property beginning in January 2023. They held two public input sessions (1026 individuals participated) along with an online survey (538 surveys were completed) to gain input related to the potential uses for the property.

Kurtis Durrant and Jim Ford presented the Whitmire Property Master Plan. They went over the results of the public input and discussed the top requested amenities. The top five requested amenities were: Amphitheater, Accessible Playground, Restroom Facility, Pickleball, and Farmer's Market. They put together concept plans based on the input they received. There were two (2) concept plans presented for input and then a final concept plan drafted based on final public comments. They also discussed the project implementation plans. The anticipated cost of the project is approximately \$7,534,320. The project can be completed in multiple phases.

Mayor Horton asked if any environmental/historical studies would be necessary prior to moving forward with the project. Mr. Durrant said that depending on certain grants a study may be required, but since the use had been for a homesite and recreation previously, not likely.

Council Member Lewis asked about the availability of a PARTF grant. Mr. Durrant said that the maximum amount you could receive since it's a dollar-for-dollar match is \$500,000. PARTF grants can be applied for several years in a row. LWCF grant money can be used as the match money for a PARTF grant.

Mayor Horton asked how long would it take to develop the project, if funds became available. Mr. Durrant said we would be looking at a 3-to-5-year time frame.

Council Member Guffey noted that the inclusive playground was the biggest need. Mr. Ford noted there are also playground grants available.

Council Member Guffey commented that it important to look at the traffic and crosswalks, on the Highlands Road and Main Street, as part of this project.

Mr. Durrant added that having an approved plan is viewed as a positive on various grant applications as it shows that a plan is in place and requested that the Town Council consider adopting the plan.

Council Member Stacy Guffey made a motion, seconded by Council Member David Culpepper to approve and adopt the Whitmire Property Master Plan Document as presented. The motion carried unanimously. Vote 6 – 0.

9. NEW BUSINESS

A.) Request approval of a Resolution Opposing Senate Bill 675- Mayor Jack Horton

The bill passed in the Senate with modifications to include the elimination of ETJ in counties of less than 50,000 by October 1, 2025. The bill is currently in the House and has passed its first reading and has been sent to committee for review and could be added to the calendar soon.

Mayor Horton stated if we don't do something to help and control the growth and development of the perimeter of the Town by zoning in the ETJ, those areas that abut the Town may have uses that are not consistent with the area that they are located.

Council Member Lewis said it was penalizing municipalities that abuse that authority the least.

Town Attorney John Henning, Jr. said the proposed bill acts like the Town is a corporation that goes around trying to benefit the Town to the exclusion of the people who live in the Town and that is not true. The Town is trying to preserve the values of the Town and the resources that the Town has for residence. The proposed bill strips away one little bit of protection that the Town has for its residence.

Council Member Culpepper said he finds it ironic that people came to the meeting tonight to tell Council that they wanted to be able to control the property that they own and we are writing the State to let them know we want the right to be able to control the properties adjacent to our Town.

Council Member Guffey said the proposed bill doesn't make any sense. This is the level of government closest to the people. This is how the Country is supposed to function. The people came in and had an issue with something that the Town had proposed and we sat and listened to them, and now we are going to go back and make some changes.

Council Member Lewis said it was also a public safety issue.

Council Member Rita Salain made a motion, seconded by Council Member Stacy Guffey to approve the Resolution in Opposition to Senate Bill 675 and send it to legislators representing out area. The motion carried unanimously. Vote 6 – 0.

- B.) Request approval of a Resolution Approving Buckeye Bridge, LLC as the contractor for the Clyde Street Waterline Replacement Project- Amie Owens, Town Manager

Town Council unanimously voted to award the contract for construction to Buckeye Bridge, LLC at the April 3, 2023 meeting. Due to the fact that the contract had modification after the bid was approved and this project was awarded ARP funds from the State, a formal resolution is required as part of the funding approval.

Council Member Mike Lewis made a motion, seconded by Council Rita Salain to approve the Resolution of Tentative Award to Buckeye Bridge, LLC for the Clyde Street Waterline Improvement Project as presented. The motion carried unanimously. Vote 6 – 0.

- C.) Request approval of Task Order for surveying and engineering design for the Wilkie Street Sewer Project by McGill Associates- Amie Owens, Town Manager

The Town has an existing gravity sanitary sewer collection system on Wilkie Street that has cost the Town money in years past. This line replacement has been in the capital improvement plan for three (3) years. There is a Task Order with one of the on-call engineering firms, McGill Associates who can have the project designed and engineered by August 15, 2023. This will be a project that can be completed in house.

Council Member Stacy Guffey made a motion, seconded by Vice Mayor Joe Collins to approve the Task Order for the Wilkie Street Sewer Project in the amount of \$37,500 as presented. The motion carried unanimously. Vote 6 – 0.

- D.) Request appointment of Sabrina Scruggs as Tax Collector- Mayor Jack Horton

Mayor Jack Horton read the Resolution to appoint Sabrina Scruggs as Tax Collector. He stated that Town Council must annually appoint a tax collector, and to fix the term and amount of the bond to be furnished for the said tax collector, as required by NCGS § 105-349.

Council Member Rita Salain made a motion, seconded by Council Member David Culpepper to approve the Resolution of the re-appointment of Sabrina Scruggs as Tax Collector for the Town of Franklin. The motion carried unanimously. Vote 6 – 0.

Mayor Jack Horton administered the Oath of Office to Mrs. Scruggs.

10. DEPARTMENTAL UPDATES

- A.) Finance Department - Sarah Bishop, Finance Director updated Council on fiscal year end. She said the Department Heads did a fantastic job at balancing their budgets. She bragged on Alison Stamey, Budget & Fiscal Analyst, for a great job on the quarterly meetings with Department Directors. There were more than 25% reductions in budget amendments this year and that was due in part to these quarterly meetings. She noted that overall, it's been a good year and it is now time for the annual audit.

- B.) Planning Department - Justin Setser, Town Planner updated Council on grants. The NC DEQ TAG grant for \$20,000, for the traffic study, has been received. We have also received the grant funds from Dogwood Trust for the downtown WIFI, but we are still waiting on the \$30,000 match funds from ARC. Opportunity Appalachia has wrapped up; we are now waiting on investors for the hotel project. Building permits in Town have increased. We are still waiting on the NC DOT to begin the crosswalk project on East and West Main Street and Palmer Street.
- C.) Police Department – Captain Matt Pellicer updated Council on the last quarter statistics. The department has two (2) officer vacancies and there are two (2) new hires who just completed BLET. They have partnered with the Neighbors App via Ring which will allow for citizens to share camera data with police if there is a need for it. American Legion Auxiliary donated two (2) FLIR scopes and Nantahala Bike Shop donated a new e-bike to the department.

11. ITEMS FROM COUNCIL

A.) Appoint Councilman Adam Kimsey to the Franklin Appalachian Trail Community Council- replacing Councilman Lewis- Mayor Horton

This is an appointment that the Mayor makes; however, Mayor Horton asked if there were any objections to the changing of representatives. There was none and Mayor Horton appointed Councilman Kimsey to replace Councilman Lewis on the Franklin Appalachian Trail Community Council.

12. ANNOUNCEMENTS

- A.) Next Town Council Meeting is Monday, August 7, 2023
- B.) Town offices will be closed on Tuesday, July 4, 2023 in observation of the Independence Day holiday in accordance with the NC State Holiday Schedule
- C.) July 4th celebration - downtown from 10:00 a.m. until 3:00 p.m. with fireworks beginning at 9:30 p.m. from the Whitmire Property

13. ADJOURNMENT

Vice Mayor Joe Collins made a motion, seconded by Council Member David Culpepper to adjourn the meeting at 8:06 p.m. The motion carried unanimously. Vote: 6- 0.

C. Jack Horton, Mayor

Nicole Bradley, Town Clerk