

Town of Franklin Board of Aldermen
Agenda
Tuesday, September 8, 2009
7 p.m.

1. Call to order – Mayor Collins
2. Approval of the August 3, 2009 minutes
3. Public session
4. Request for non-profit funding – Macon County Historical Society
5. Discussion/consideration of revised funding summary for Little Tennessee River/Cartoogechaye Creek Sewer Line
6. Discussion/consideration of an ordinance “Adopting Certain Regulations For The Use Of Memorial Park” – Town Attorney
7. Discussion/consideration of an ordinance “Banning Tobacco Use In Town Buildings And Vehicles” – Town Attorney
8. Discussion/consideration of a resolution authorizing the exchange of property with Ricky and Linda Hannah – Town Attorney
9. Discussion/consideration of a resolution from the Southwestern Commission Regional Planning Organization – Michael Grubermann
10. Consideration of request by Macon County for partial waiver of tap fee for former public library building
11. Consideration of appointment to the Tourism Development Authority
12. Consideration of letter of support for the Veteran’s Memorial Committee
13. Update from the Nikwasi committee – Mayor Collins
14. Adjourn

September 8, 2009

The regular meeting of the Town of Franklin Board of Aldermen was held on Tuesday, September 8, 2009 at 7:00 P.M. in the Town Hall Board Room. Mayor Joe Collins presided. Aldermen Verlin Curtis, Jerry Evans, Joyce Handley, Billy Mashburn, Carolyn Pattillo and Bob Scott were present.

Approval of the minutes

Motion was made by Handley, seconded by Evans to approve the minutes for the August 3, 2009 meeting as presented. Motion carried. Vote: 6 to 0.

Public session

Howell Derrick – In the fall election don't dwell on the past. Tell us what you plan to do for the town and its people. You need to have a meeting at Sam's place where the candidates answer questions from the audience. Mr. Greenwood could be the moderator.

Rebecca Carson – I would like Anderson Avenue to remain as it is now. Information copy is attached.

Request from non-profit funding – Macon County Historical Society

Steve Rice said we are asking for \$5,000.00 for the Macon County Historical Society. Beverly Moore said I am currently serving as President of the Macon County Historical Society. She said we have books for sale and we are doing a membership drive. She said we are preserving the history of Macon County. Information copies are attached.

Motion was made by Evans, seconded by Pattillo to give \$5,000.00 to the Macon County Historical Society out of the non-profit funding. Motion carried. Vote: 6 to 0.

Discussion/consideration of revised funding summary for Little Tennessee River/Cartoogechaye Creek Sewer Line

Sam Greenwood said the bid on the Little Tennessee Rive/Cartoogechaye Creek sewer line is now set at \$5,543,250.00. He said Macon County has committed to finance the entire loan amount of \$2,043,250.00. He said the Town can pay their share in installments to the county. He said the Town's share of the loan would increase from \$471,000.00 to \$543,250.00.

Motion was made by Evans, seconded by Handley to approve raising the Town's share of the loan from \$471,000.00 to \$543,250.00 and to authorize the town manager and the town attorney to work out a memorandum of agreement between the Town and Macon County on the payment schedule of the loan. Motion carried. Vote: 6 to 0.

September 8, 2009 meeting continued,

Discussion/consideration of an ordinance “Adopting Certain Regulations for the Use of the Memorial Park”

John Henning, Jr. said this ordinance is proposed for regulations for the use of the Memorial Park. A copy is attached. Mayor Collins said I don't think Section 2 and Section 3 is necessary. Alderman Scott said there are no penalties in this ordinance. Mr. Henning said this ordinance was modeled after Asheville's ordinance.

Motion was made by Scott, seconded by Curtis to adopt the ordinance Adopting Certain Regulations for the Use of the Memorial Park as written. Motion failed. Vote: 3 to 4. Voting yes: Curtis, Evans and Scott. Voting no: Handley, Mashburn, Pattillo and Collins.

Discussion/consideration of an ordinance “Banning Tobacco Use in Town Buildings and Vehicles” – Town Attorney

Alderman Evans said I am against the ordinance due to principle. Alderman Scott said the penalty of \$200.00 per violation is not consistent. He said a violation was not put in the Memorial Park ordinance.

Motion was made by Pattillo, seconded by Handley to adopt the Ordinance Banning Tobacco Use in Town Buildings and Vehicles with the removal of Section 4. Penalty. Motion carried. Vote: 5 to 1. Voting yes: Curtis, Handley, Mashburn, Pattillo and Scott. Voting no: Evans. A copy of the ordinance is attached.

Discussion/consideration of resolution authorizing the exchange of property with Ricky and Linda Hannah – Town Attorney

John Henning, Jr. said we need a construction easement from the Hannahs so that the police building can be constructed. He said this will clear up easements. Alderman Evans said did we know about these easements before the building was started. Sam Greenwood said we had a verbal agreement with Ricky Hannah.

Motion was made by Evans, seconded by Handley to adopt the resolution authorizing the exchange of property with Ricky and Linda Hannah. Motion carried. Vote: 6 to 0. A copy of the resolution is attached.

September 8, 2009 meeting continued,

Discussion/consideration of a resolution authorizing the Southwestern Commission Regional Planning Organization

Motion was made Curtis, seconded by Mashburn to adopt the Resolution Requesting the North Carolina General Assembly to Exclude the Appalachian Development Highway System Funding from the NCDOT Equity Formula. Motion carried. Vote: 6 to 0. A copy of the resolution is attached.

Consideration of request by Macon County for partial waiver of tap fee for former public library building

Sam Greenwood said County Manager Jack Horton has requested the non-materials and labor part of the tap fee be waived at the former public library building. He said that would be one half of the \$3,300.00 tap fee. Alderman Evans said what does the county do for us?

Motion was made by Evans, seconded by Mashburn to waive \$1,650.00 of the \$3,300.00 tap fee. Motion carried. Vote: 6 to 0.

Consideration of appointment to the Tourism Development Authority

Sam Greenwood said the TDA is recommending Pam Forshee be appointed to their board.

Motion was made by Mashburn, seconded by Evans to appoint Pam Forshee to the Tourism Development Authority. Motion carried. Vote: 6 to 0.

Consideration of letter of support for the Veteran's Memorial Committee

Motion was made by Scott, seconded by Handley to send a letter of support to the North Carolina Department of Transportation that directional signs to be erected for the Veteran's Memorial site. Motion carried. Vote: 6 to 0.

Update from the Nikwasi committee

Mayor Collins said talk about doing a park at the Nikwasi mound started last May. He said I then asked Alderman Curtis and Alderman Handley to serve on this committee with me. He said we are still exploring purchasing the property east of the mound. He said there are environmental issues. Alderman Curtis said the next step will be to get an appraisal of the property.

September 8, 2009 meeting continued,

Other business

Alderman Scott said I would like the Board to give public notice about any board appointments in the future.

Motion was made by Scott, seconded by Evans to advertise all positions on committees in the future. Motion carried. Vote: 4 to 2. Voting yes: Curtis, Evans, Mashburn and Scott. Voting no: Handley and Pattillo.

Alderman Scott said what is the status on the prices of the generator? Sam Greenwood said we are working on getting prices. He said we are going to have double valves so that we can either use natural gas or propane.

Alderman Scott said we need to participate as a board at the Region A meetings.

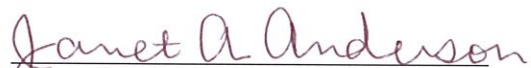
Department reports are attached.

Adjournment

Mayor Collins adjourned the meeting at 8:12 P.M.



Joe Collins, Mayor



Janet A. Anderson, Town Clerk

I WOULD LIKE TO SAY THAT SEVERAL YEARS AGO, I AND OTHERS WANTED THE TOWN NOT TO RECOGNIZE THIS STRIP OF LAND AS A STREET. AFTER THINKING ABOUT IT, AND GIVEN THE GROWTH OUR TOWN HAS EXPERIENCED AND SEEMS TO STILL BE EXPERIENCING, IT MIGHT HAVE BEEN SHORT-SITED TO EVEN MENTION IT. THERE MIGHT COME A TIME WHEN SOME OF THE VACANT LAND BEHIND THE RESIDENCES ON BIDWELL STREET WOULD NEED TO BE USED FOR HOUSING AND A ROAD TO THOSE HOUSES WOULD HAVE TO BE THERE BECAUSE THE HOUSES ARE SO CLOSE TOGETHER ON BIDWELL STREET THAT NO ROAD COULD PROBABLY COME OFF OF BIDWELL STREET. I GUESS WHAT I AM SAYING IS THAT AS LONG AS IT IS NOT HURTING ANYTHING FOR THE ROAD TO BE ON THE MAP, WHY MESS WITH IT AT THIS TIME. THANK YOU FOR YOUR TIME AND CONSIDERATION IN THIS MATTER.

REBECCA M. CARSON
343 LYLE STREET
FRANKLIN, NC 28734



Town of Franklin

P.O. Box 1479
Franklin, North Carolina 28744
(828) 524-2516

Agenda Item – Board of Aldermen

Meeting Date: September 8, 2009

Agenda Item #: 4

Department/Agency: Macon County Historical Society

Subject Matter: Request for non-profit funding

Department Head's Comments/Recommendations: Please see the attached documentation from Steven Rice, the executive director of the historical society, requesting \$5,000 from non-profit funding pool.

Town Manager's Comments/Recommendation: At this time, there is a total of \$16,200 left in the pool for FY 2009-10.

Attachments: Yes No

Action Taken: _____

Macon County Historical Society

36 West Main Street • Franklin, North Carolina 28734 • (828) 524-9758
Email: historical@smnet.net

Sam Greenwood, Town Manager
Town of Franklin
188 West Main Street
Franklin, NC 28734

September 2, 2009

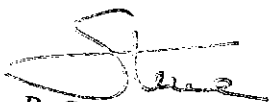
Dear Mr. Greenwood,

Macon County Historical Society is requesting a recurring grant of \$5,000.00 to be used to make much needed repairs to our building. We are not unlike other area non-profits, we have a million needs for under a million dollars.

Our 12 member Board (see enclosed roster) meets 11 times each year. I have enclosed a copy of the June minutes to serve as our Annual Meeting. This years Annual Meeting was not a business meeting but a social event, therefore, no minutes were taken.

As you are aware MCHS is a 501-(c)-(3) non-profit as determined by the IRS code. We strive to promote and protect the history and historical assets of Macon County. Our work would not be possible with out the kindness and support of the Town of Franklin and others who value the important contributions made by our founding fathers.

Again thank you for your commitment and support of our organization.
Sincerely,



R. Steven Rice
Executive Director, MCHS



The Macon County Historical Museum

Located in the Pendergrass Building, 36 West Main Street, Franklin, NC

The Rev. J.R. Pendergrass came to Franklin in 1880 as pastor of the First Baptist Church and engaged in the dry goods business. In 1904, he built the handsome, two-story brick store and office building that the Society now operates as a museum of local history. One of the oldest buildings in downtown Franklin, it has many unusual features, including a suspended balcony and massive heart-of-pine counters.

Funding Request for the Town of Franklin
Amount Requested \$5,000.00
To be used to make minor repairs to the Museum

The Macon County Historical Museum is requesting \$5,000.00 to assist with the repair and maintenance of the Museum. Our building was constructed in 1904 of native grown woods and locally made mud bricks. The bricks were made from mud hauled from the Little Tennessee River and pressed and dried in a brick yard located on the banks of the river. As all things wear out so does wood and brick. Our floors are becoming weak at the doors, and we can currently see rays of light coming under a window. If repairs are made in the coming months, they can be corrected for a minimal amount of money. However if delayed, they will certainly compromise the integrity of the structure. Buildings of all ages require updating and maintenance. We are requesting that the town of Franklin continue to assist the Museum with a \$5,000.00 annually reoccurring grant. The Macon County Historical Museum is one of only a few local buildings to be placed on the National Historic Register and needs to be protected and should be a source of pride for the local community.

The Macon County Historical Society is the parent organization of the Museum. The historical society is active in the Franklin Street scape. 2008 – 2009 brought many efforts to expand the footprint and outreach programs of the society. Among the activities offered are tours provided free for school children, book signings for local and regional writers, educational efforts at the County Fair, as well as, the Chamber of Commerce and the County Court House. We open our resources for local groups and guilds. MCHS has hosted the Macon County Quilters Guild, The Macon County Genealogical Society, United Daughters of Confederacy, Sons of Confederate Veterans, Sons of the American Revelation, Nikwasi Dulcimer Players, NC 32nd Infantry Reenact ors, as well as, numerous emerging artists and crafts people. We make our main street windows available to assist and promote these and other organizations.

Franklin's festivals are also an area of major concern for us. We actively participate in all of Franklin's street festivals including Pumpkifest, Window Wonderland, Easter Parade, Taste of Scotland, Heritage Day and various holiday events. We fill our garden during each festival with emerging craftspeople.

Located on our grounds is Memory Garden, a living memorial to those who have passed on. The path is lined with memorial bricks and is used daily by people who work in town for lunch breaks and casual meetings. Our garden also serves as additional space for teaching, story telling and music. Recently a tuffa workshop was held to teach mastery skills to interested participants.

Our efforts for sustainable revenues include major fund raising events such as the Diamonds & Denim Gala and a DVD docudrama titled "Civil War Letters of Macon County" scheduled for a fall 2009 release.

MCHS consistently works to cultivate, and promote Macon County, its communities and its businesses, to visitors. On many occasions staff and volunteers offer directions and recommendations to area attractions and points of interest. Not only does the Museum host visitors, but we provide valuable research assistance to local citizens who are researching items of historical concern.

Application for Non-profit Funding
Town of Franklin
Fiscal Year 2008-2009

Name of Agency/Organization: Mason County Historical Soc.
Mailing Address: 36 West Main St, Franklin NC 28734
Contact Person (with telephone number): Steve Rice, 524-9758
Amount Requested (cannot exceed \$5,000): \$5,000²⁰ recurring

Please see the attached list of criteria, and attach documentation as required to support the application, including:

- ✓ A written demonstration of how the granting of the funding will meet the "public purpose" requirement.
- ✓ A written description of how the agency will spend the money to benefit the town taxpayer, particularly the activity of the agency within the town.
- ✓ A statement as to whether the funding is for a one-time or recurring basis; and if the request is on a recurring basis, show how the agency plans to seek a declining amount of funding in future years.
- ✓ A copy of the agency's most recent annual budget, which must show a matching requirement for the amount of funds being requested.
- ✓ A willingness to enter into a contractual agreement to receive the funding.
- ✓ An obligation to submit an annual audit or financial report verifying that the funds were expended for the intended purpose.
- ✓ A copy of the agency's Internal Revenue Service (IRS) determination letter.
- ✓ A list of the agency's current board of directors.
- ✓ The number of times the board of directors met in the past year (must be at least three).
- ✓ A copy of the minutes of the agency's annual board meeting.

Complete application packages should be submitted to:

Mr. Sam Greenwood, Town Manager
Town of Franklin
188 West Main Street
Franklin, NC 28734

Applications will be considered by the board of aldermen on a first-come, first-serve basis.

Town of Franklin Board of Aldermen

Criteria for non-profit funding

Adopted November 3, 2008

1. The Board of Aldermen of the Town of Franklin has established a funding pool, with an initial annual allocation of \$25,000, to support public, non-profit agencies during Fiscal Year 2008-2009.
2. Such agencies may apply for the funding on a first-come, first-serve basis.
3. The agency must demonstrate how the granting of any funds will meet the "public purpose" requirements placed upon the town as found in Article V, Section 2(I) of the North Carolina Constitution.
4. No agency may receive more than \$5,000 during any given fiscal year.
5. The application will require a written description, along with any supporting documentation, of how the agency will spend the money to the benefit of the town taxpayer, describing in sufficient detail the activity of the agency within the town.
6. The application will require an explanation as to whether the request is for a one-time-only purpose or will be on a recurring basis.
7. If the request is to be on a recurring basis, then an explanation and/or documentation must be provided that shows how the agency plans to seek a declining amount of funding in future years.
8. Funding cannot be used for day-to-day operations.
9. The agency must show a matching requirement for the funds requested, and must do so within the context of an annual budget, a copy of which must be submitted with the application.
10. In order to receive the funding, the agency must enter into a contractual agreement with the town, to be prepared by the town attorney.
11. At the end of the agency's fiscal year, or (if applicable) at the end of the project, the agency must provide the town with an annual audit or financial report/statement verifying that the funds were expended for the intended purpose.
12. The town reserves the right to modify these criteria from time to time and to fund the non-profit pool to a greater or lesser amount than the initial total.
13. The town reserves the right to reject any or all applications.

MACON COUNTY HISTORICAL SOCIETY

Board of Director's Meeting

June 23, 2009

The meeting was called to order at 6:05 PM by Heather Shields, Vice President.

Members present were Shirley Reynolds, Susie Ledford, Louise Henry, Mary Lou Rollins, Heather Shields, Vickie Tallent, Beverly Moore, Bob Poindexter, Stevie Henson, and Steve Rice, Director. Guest/member in attendance was Hannah Gillespie.

Shirley Reynolds made the motion and Mary Lou Rollins seconded for the minutes from the May meeting to be approved as presented. The motion carried.

Vickie Tallent presented the Treasurer's Report for May and June. The physical year ends on June 30th, so an annual report was also presented. Louise Henry made the motion and Stevie Henson seconded for the Treasurer's Report to be approved. The motion carried.

DIRECTOR'S REPORT - Steve Rice

- Community Foundation of Macon County has given MCHS \$1,000 for the CD project.
- Possibility of getting \$10,000 from the Town of Franklin - No funds yet allocated from the County.
- \$1,000 is pending from TDA for the printing of a brochure - possibly with two other museums.
- CDF Grant is in progress for \$5,000 for Civil War book and \$5,000 for operating expenses.
- Possibility of MCHS and the Arts Council sponsoring a Masquerade Ball at Halloween. Louise Henry made the motion and Beverly Moore seconded for Steve to pursue details and report back to the Board. The motion carried.
- The Museum will be closed June 27th for the annual meeting and July 4th for activities being held at the Recreation Park.
- Judy Ives is collecting recipes, photos, and a few lines explaining the origin of the recipe for the upcoming cookbook to be published by MCHS. Possible names for the book are "From Mama's Table" or "From the Family Table."

SPECIAL EVENTS COMMITTEE - Beverly Moore

- The annual meeting will be held on Saturday, June 27th from 2:00 to 5:00 PM. MCHS will provide ham, drinks, and paper products.

- Denim and Diamonds is to be held at Mill Creek on August 22nd. Board Members are asked to sell ten tickets @ \$35 per ticket. Donated auction items will be on display before the auction and Louise Henry will be the auctioneer. Program cards, containing a list of event sponsors, will be displayed on the tables.

NOMINATING/BY-LAWS COMMITTEE - Mary Lou Rollins

- The nominating committee is composed of Mary Lou Rollins, Reed Henson, and Shirley Reynolds. The committee presented the following slate of officers: President - Beverly Moore, 1st Vice President - Vic Greene, 2nd Vice President - Heather Shields, Secretary - Stevie Henson, and Treasurer - Vickie Tallent. Susie Ledford made the motion and Bob Poindexter seconded for the slate of officers to be approved for presentation at the Annual Meeting. The motion carried.
- The committee proposed changes to Article Five-Sections One and Five and Article Six-Sections Three and Four. (See attached.) The Board amended one change (Article Six, Section 4) to read: A regular meeting of the Board of Directors shall be held on the 4th Tuesday of each month. Beverly Moore made the motion and Bob Poindexter seconded for the By-Law changes to be approved as read and must include the additional change made to Article Six, Section 4. The motion carried.

The meeting was adjourned at 7:25 PM.

Submitted by:
Stevie Henson, Secretary

Macon County Historical Society
Board Of Directors
2009 - 2010

Officers

President – Beverly Moore

Vice-President – Heather Shields

Treasurer – Vicky Tallent

Secretary – Stevie Henson

Ex- Officeo – Vic Green

Members at Large

Shirley Reynolds

Janet Green

Louise Henry

Reed Henson

Richard Melvin

Mary Lou Rollins

Bob Poindexter

Staff

Director – Steve Rice

State of Franklin

Jane Laughter

Guy Bartell

	Actual 2007-2008	Projected 2008-2009	To Date 02/28/09
Income:			
Donations	\$ 2,053.00	2,500.00	1701
Gift Shop Sales	\$ 15,839.00	18,000.00	6720
Grants	\$ 42,137.00	125,000.00	41575
Interest	\$ 22.00	40.00	20
Membership Dues	\$ 6,490.00	7,000.00	5210
Special Events	\$ 1,258.00		464
		50	
Total Income	\$ 67,799.00	152,540.00	\$ 55,740.00
Cost of Goods Sold:			
Purchases	\$ 18,583.00	12,600.00	2065
Gross Profit on Sales, etc:	\$ 49,216.00		
Expenses:			
Nikwasi Celebration	\$ 5,660.00		2525
Advertising	\$ 770.00	1,000.00	1072
Civil War Letters Book/DVD			21000
Consulting	\$ 1,000.00		80
Dues	\$ 85.00	100.00	2156
Comm Insurance	\$ 1,725.00	1,800.00	308
Interest Expense	\$ 1,558.00	1,500.00	
Inventory Variance	\$ 1,836.00		451
Echoes Printing	\$ 1,832.00	2,000.00	660
Milage	\$ 390.00		144
Monitoring	\$ 216.00	216.00	210
WebServer	\$ 90.00	90.00	1560
Office Expense & Supplies	\$ 976.00	1,200.00	9
Paypal Fees	\$ 155.00	200.00	563
Payroll Expenses	\$ 1,573.00	3,978.00	501
Postage	\$ 655.00	700.00	652
Repairs & Maintenance	\$ 952.00	1,500.00	7354
Restoration	\$ 7,329.00	50,000.00	143
Salaries & Wages	\$ 21,566.00	52,000.00	76
Special Events	\$ 1,116.00	2,500.00	477
Subscriptions	\$ 23.00	100.00	777
supplies	\$ 81.00		1683
Telephone	\$ 713.00	800.00	183
Electricity	\$ 1,183.00	1,800.00	
Heating Fuel	\$ 2,122.00	3,500.00	
Water & Sewer	\$ 292.00	300.00	
Total Expenses	\$ 53,898.00	125,284.00	42584
Net Income/Loss	\$ (4,682.00)	14,656.00	\$ 11,091.00

Internal Revenue Service
District Director

Department of the Treasury

Date: AUG 23 1983

Macon County Historical Society,
Incorporated
45 Wajah Street
Franklin, North Carolina 28734

Employer Identification Number
03 1474323
Applies to the calendar year
1983
Form 990 required Yes No

Person to Contact
B. Nickborn/et
Contact Telephone Number
(404) 241-4001

File Form No.
5010C83M

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 501(c)(3)(A)(i).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. Also, you should inform us of all changes in your name or address.

Generally, you are not liable for social security (FICA) taxes unless you file a waiver of exemption certificate as provided in the Federal Insurance Contributions Act. If you have paid FICA taxes without filing the waiver, you should contact us. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 41 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

The box checked in the heading of this letter shows whether you must file Form 990, Return of Organization Exempt from Income Tax. If Yes is checked, you are required to file Form 990 only if your gross receipts each year are normally more than \$10,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law imposes a penalty of \$10 a day, up to a maximum of \$5,000, when a return is filed late, unless there is reasonable cause for the delay.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 514 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter, we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 514 of the Code.

You need an employer-identification number even if you have no employees.

If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are on the reverse of this letter.

Sincerely yours,


District Director

Enclosures:
Form 990

See attached.

Checklist
Application for Non-profit Funding
Town of Franklin
Fiscal Year 2009-2010

Name of Agency/Organization: Macon County Historical Society

Mailing Address: 36 West Main Street, Franklin, NC 28734

Contact Person (with telephone number): Steven Rice (524-9758)

Amount Requested (cannot exceed \$5,000): \$5,000

Please see the attached list of criteria, and attach documentation as required to support the application, including:

- ✓ A written demonstration of how the granting of the funding will meet the "public purpose" requirement.

See attached document entitled "Funding Request for the Town of Franklin"

- ✓ A written description of how the agency will spend the money to benefit the town taxpayer, particularly the activity of the agency within the town.

"To assist with the repair and maintenance of the Museum."

- ✓ A statement as to whether the funding is for a one-time or recurring basis; and if the request is on a recurring basis, show how the agency plans to seek a declining amount of funding in future years.

Recurring.

- ✓ A copy of the agency's most recent annual budget, which must show a matching requirement for the amount of funds being requested.

Attached to the application.

- ✓ A willingness to enter into a contractual agreement to receive the funding. Y

- ✓ An obligation to submit an annual audit or financial report verifying that the funds were expended for the intended purpose.

Per the contract with the town.

- ✓ A copy of the agency's Internal Revenue Service (IRS) determination letter.

Attached to the application.

- ✓ A list of the agency's current board of directors.

Attached to the application.

- ✓ The number of times the board of directors met in the past year (must be at least three).

11 times, per the attached letter from Mr. Rice.

- ✓ A copy of the minutes of the agency's annual board meeting.

Minutes of the June 29, 2009 Board of Director's meeting are attached.

Complete application packages should be submitted to:

Mr. Sam Greenwood, Town Manager
Town of Franklin
188 West Main Street
Franklin, NC 28734

Applications will be considered by the board of aldermen on a first-come, first-serve basis.



Town of Franklin

P.O. Box 1479
Franklin, North Carolina 28744
(828) 524-2516

Agenda Item – Board of Aldermen

Meeting Date: September 8, 2009

Agenda Item #: 5

Department/Agency: N/A

Subject Matter: Discussion/consideration of revised funding summary for Little Tennessee River/Cartoogechaye Creek Sewer Line

Department Head's Comments/Recommendations: Please see the attached budget for additional information. Total budget expenditure is now set at \$5,543,250 by action of the Macon County Board of Commissioners. The county has committed to finance the entire loan amount of \$2,043,250. The town will be able to pay its share of the loan amount to the county in installments.

Town Manager's Comments/Recommendation: Approve raising the town's share of the loan from \$471,000 (the original commitment) to \$543,250 and authorize the town manager and town attorney to work out a memorandum of agreement between the town and Macon County to set out the payment schedule and the town's yearly contribution for debt service.

Attachments: Yes X No

Action Taken: _____

**MACON COUNTY
LITTLE TENNESSEE RIVER / CARTOOGECAYE CREEK SEWER PROJECT**

**REVISED BUDGET BASED ON NEGOTIATED PRICE WITH
GARY'S GRADING AND PIPELINE
JULY 22, 2009**

Available Project Funding

NCDWQ High Unit Cost Grant	\$3,000,000
N.C. State Revolving Loan	\$1,500,000
Town of Franklin	\$ 471,000
N.C. Rural Center Grant	<u>\$ 500,000</u> (Pending)
 TOTAL	 \$5,471,000

Project Expenditures

Negotiated Construction Cost (Total)	\$4,410,000 (lowered from \$4,859,169)
5% Construction Contingency	\$ 220,000
Planning and Engineering	\$ 353,963
Additional Engineering Services	\$ 133,400
Engineering for Revised Reuse System	\$ 15,000
N.C. Rural Center Application and PER	\$ 7,500
Easement Acquisition	\$ 185,000
Legal/Administrative	\$ 5,000
Construction Administration	<u>\$ 200,000</u>
 TOTAL	 \$5,529,863 <i>Now 5,543,250.</i>

Project Expenditures with Reduced Contingency

Negotiated Construction Cost (Total)	\$4,410,000 (lowered from \$4,859,169)
Construction Contingency (3.65%)	\$ 161,137
Planning and Engineering	\$ 353,963
Additional Engineering Services	\$ 133,400
Engineering for Revised Reuse System	\$ 15,000
N.C. Rural Center Application and PER	\$ 7,500
Easement Acquisition	\$ 185,000
Legal/Administrative	\$ 5,000
Construction Administration	<u>\$ 200,000</u>
 TOTAL	 \$5,471,000



Town of Franklin

P.O. Box 1479
Franklin, North Carolina 28744
(828) 524-2516

Agenda Item – Board of Aldermen

Meeting Date: September 8, 2009

Agenda Item #: 6

Department/Agency: Town Attorney

Subject Matter: Ordinance “Adopting Certain Regulations For The Use Of Memorial Park”

Department Head's Comments/Recommendations: Please see the attached draft ordinance from the town attorney.

Town Manager's Comments/Recommendation: Approval.

Attachments: Yes No

Action Taken: _____

AN ORDINANCE

ADOPTING CERTAIN REGULATIONS FOR THE USE OF MEMORIAL PARK

WHEREAS, the Town of Franklin is the owner of certain property within the Town known as Memorial Park; and

WHEREAS, the Town of Franklin wishes to provide for the orderly use of the said Memorial Park, to preserve and protect the park and the amenities constructed thereon, and to help ensure the safe and productive use thereof for its Citizens;

WHEREAS, the Town of Franklin is authorized and empowered to make ordinances pursuant to N.C.G.S. §160A-174 *et seq.*;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Franklin that the following regulations shall apply to the Memorial Park:

Section 1. Closing time. The Memorial Park shall be closed to the general public between the hours of 10:00 p.m. and 6:00 a.m. daily, and it shall be unlawful for any person to remain in or to enter the Park between such hours, provided that the provisions of this section shall not apply to the following:

- (1) Employees or those employed by the Town of Franklin to maintain, protect or conserve the Park in regular performance of their duties.
- (2) Where prior permission has been obtained from the Town Manager for an activity to extend beyond 10:00 p.m.

Section 2. Damaging property. It shall be unlawful for any person to write on, cut, deface, injure or break any part of any building, grandstand or other structure, or any chair, seat or bench, or any fence, railing or support of any kind in or around the Park.

Section 3. Damaging vegetation. It shall be unlawful for any person to pick, break, walk or step on or in any way injure or destroy any shrub, flower or bush in the Park.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the Board of Aldermen and the Clerk of the Town of Franklin is hereby authorized and ordered to file a copy of said ordinance in the Office of the Town Clerk.

Section 5. Said ordinance shall be in full force and effect immediately on the date of its publication and filing thereof in the Office of the Clerk, and said ordinance shall be presumptive evidence in all courts and places of the ordinances and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested recorded and approved and that any public hearings and notices thereof as required by law have been given.

ADOPTED: This ____ day of _____, 2009.

TOWN OF FRANKLIN

By: _____
Mayor

ATTEST:

Clerk



Town of Franklin

P.O. Box 1479
Franklin, North Carolina 28744
(828) 524-2516

Agenda Item – Board of Aldermen

Meeting Date: September 8, 2009

Agenda Item #: 7

Department/Agency: Town Attorney

Subject Matter: Ordinance “Banning Tobacco Use In Town Buildings And Vehicles”

Department Head’s Comments/Recommendations: Please see the attached draft ordinance prepared by John Henning, Jr.

Town Manager’s Comments/Recommendation: A start for discussion.

Attachments: Yes X No

Action Taken: _____

**AN ORDINANCE
BANNING TOBACCO USE IN TOWN BUILDINGS AND VEHICLES**

WHEREAS, the Town of Franklin is the owner of several public buildings within the Town, as well as vehicles that are for use by its employees; and

WHEREAS, the Town of Franklin wishes to provide a healthy environment in its buildings and vehicles, to ensure the safe and productive use thereof for its Citizens and its employees;

WHEREAS, the Town of Franklin is authorized and empowered to make ordinances pursuant to N.C.G.S. §160A-174 *et seq.*;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Franklin, the following:

Section 1. Tobacco use prohibited in municipal buildings. It shall be unlawful for any person to use tobacco, of any kind or description, in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the Town.

Section 2. Tobacco use prohibited in municipal vehicles. It shall be unlawful for any person to use tobacco, of any kind or description, in any vehicle now owned or leased, or hereafter owned or leased by the Town.

Section 3. Notice required. Clear and conspicuous signs shall be posted in every municipal building or facility, in a position clearly visible on entry to said building. “No Smoking” or other signs stating this policy shall be used and shall have letters of not less than one inch in height, or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it).

Section 4. Penalty. Any person who violates any provision of this article shall be guilty of a misdemeanor, punishable by a fine not to exceed \$200.00 per violation.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the Board of Aldermen and the Clerk of the Town of Franklin is hereby authorized and ordered to file a copy of said ordinance in the Office of the Town Clerk.

Section 6. Said ordinance shall be in full force and effect immediately on the date of its publication and filing thereof in the Office of the Clerk, and said ordinance shall be presumptive evidence in all courts and places of the ordinances and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested recorded and approved and that any public hearings and notices thereof as required by law have been given.

ADOPTED: This ____ day of _____, 2009.

TOWN OF FRANKLIN

By: _____
Mayor

ATTEST:

Clerk

**AN ORDINANCE
BANNING TOBACCO USE IN TOWN BUILDINGS AND VEHICLES**

WHEREAS, the Town of Franklin is the owner of several public buildings within the Town, as well as vehicles that are for use by its employees; and

WHEREAS, the Town of Franklin wishes to provide a healthy environment in its buildings and vehicles, to ensure the safe and productive use thereof for its Citizens and its employees;

WHEREAS, the Town of Franklin is authorized and empowered to make ordinances pursuant to N.C.G.S. §160A-174 *et seq.*;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Franklin, the following:

Section 1. Tobacco use prohibited in municipal buildings. It shall be unlawful for any person to use tobacco, of any kind or description, in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the Town.

Section 2. Tobacco use prohibited in municipal vehicles. It shall be unlawful for any person to use tobacco, of any kind or description, in any vehicle now owned or leased, or hereafter owned or leased by the Town.

Section 3. Notice required. Clear and conspicuous signs shall be posted in every municipal building or facility, in a position clearly visible on entry to said building. "No Smoking" or other signs stating this policy shall be used and shall have letters of not less than one inch in height, or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it).

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Section 5. Said ordinance shall be in full force and effect immediately on the date of its publication and filing thereof in the Office of the Clerk, and said ordinance shall be presumptive evidence in all courts and places of the ordinances and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested recorded and approved and that any public hearings and notices thereof as required by law have been given.

ADOPTED: This 8th day of Sept., 2009.

TOWN OF FRANKLIN

By: Joe Collins
Mayor

ATTEST:

Janet A Anderson
Clerk



Town of Franklin

P.O. Box 1479
Franklin, North Carolina 28744
(828) 524-2516

Agenda Item – Board of Aldermen

Meeting Date: September 8, 2009

Agenda Item #: 8

Department/Agency: Town Attorney

Subject Matter: Resolution authorizing the exchange of property with the Hannahs

Department Head's Comments/Recommendations: Please see the attached items from John Henning, Jr. regarding this matter, including: (1) a letter from Henning to Chester Jones, (2) the notice of intent to exchange public property, (3) a draft resolution authorizing the exchange of that property, and (4) a road construction easement agreement.

Town Manager's Comments/Recommendation: Approval.

Attachments: Yes No

Action Taken: _____

HENNING & HENNING, P.A.
139 Iotia Street, Franklin, NC, 28734
Telephone (828) 369-6797
Telefax (828) 369-2488

John F. Henning
John F. Henning, Jr.
Attorneys at Law

August 21, 2009

Mr. Chester Jones, Esq.
122 West Blvd.
Franklin, NC 28734
Via facsimile

Re: Hannah/Town of Franklin

Dear Chester,

As we discussed by phone the other day, the Board of Aldermen have put the subject of an exchange of property with your clients on the agenda for this meeting on September 8th. We will be using the procedure for property disposition set out in G.S. § 160A-271.

As you know, we'll need ten days' published notice of the intent to exchange, and to that end I have prepared the attached notice. Please review it and let me know if you think it needs any changes. In order to meet the ten day requirement, it will have to run no later than Friday, August 28th, so I'll need to get it to the Franklin Press as soon as possible. I'm also attaching a proposed resolution of the Board for that meeting; please review it as well.

I see several places where we'll need to adjust the proposed agreement as well, to reflect the fact of the exchange, and I'll be in touch with you about those.

Sincerely,


John F. Henning, Jr.

CC: Mr. Sam Greenwood

**NORTH CAROLINA
MACON COUNTY**

NOTICE OF INTENT TO EXCHANGE PUBLIC PROPERTY

TAKE NOTICE THAT: Pursuant to N.C.G.S. §160A-271, the Board of Aldermen for the Town of Franklin proposes to exchange certain easements and other consideration, in, for, and crossing the following two parcels of property, to wit: Being the property described in that deed from David A. Culpepper and wife Barbara A. Culpepper to The Town of Franklin, dated August 22, 1996, and being recorded in the Registry for Macon County in Book P-21 at Page 128, to which deed reference is hereby made for a more complete description; and being the property described in that deed from Optical Illusions of Franklin, Inc. to Ricky R. Hannah and wife Linda F. Hannah, dated May 1, 2003, and being recorded in the Registry for Macon County in Book U-26 at Page 478, to which deed reference is hereby made for a more complete description.

The property to be exchanged consists of certain utility, construction, and access easements which are thought to be of nominal value. Other consideration to be exchanged is to be embodied in an agreement between the Town and Hannah, and consists of the following: the Town's promises 1) to limit its interference with the Hannah's use and enjoyment of their property during construction, 2) to repair any damage done to the Hannah property during construction, 3) repair the eastern portion of the parking lot serving the Hannah property, and 4) to install and maintain, at the Town's expense, a storm water drainage system to serve both properties.

The Board of Aldermen intends to authorize the exchange of property at its next regular meeting, which will be held on Tuesday, September 8th, 2009, beginning at 7 p.m., in the Town Hall boardroom.

This the ____ day of August, 2009.

**RESOLUTION OF THE BOARD OF ALDERMEN FOR THE TOWN OF
FRANKLIN
AUTHORIZING THE EXCHANGE OF CERTAIN PROPERTY, AND TO
ENTER INTO AN AGREEMENT WITH A PRIVATE LANDOWNER
TO SECURE A CONSTRUCTION EASEMENT**

WHEREAS the Board of Aldermen is constructing a new public safety building; AND

WHEREAS that project makes it necessary to secure a construction easement and other agreements from Ricky R. Hannah and wife Linda F. Hannah (“Hannah”), neighboring landowner; AND

WHEREAS the Town is authorized by N.C.G.S. §160A-271 to exchange real property by private negotiation; AND

WHEREAS the Board has been presented with a description of the easements in question, and an agreement which embodies the exchange of said easements and other promises and agreements between the Town and Hannah that are to be further consideration for the said exchange; AND

WHEREAS the Town of Franklin, by and through its Board of Aldermen, has determined and does hereby declare as surplus property the easement to be conveyed by the Town of Franklin to Ricky R. Hannah and wife Linda F. Hannah as part of said exchange of real property by private negotiation and said easements are not in governmental use or necessary for governmental use.

WHEREAS the Town has considered the matter after duly published public notice.

THEREFORE, BE IT RESOLVED THAT:

- 1) The Town hereby authorizes the exchanges of easements, as presented to the board and as described and attached to this resolution, and made a part hereof.
- 2) That the Town of Franklin, by and through its Board of Aldermen, have determined and do hereby declare as surplus property the easement to be conveyed by the Town of Franklin to Ricky R. Hannah and wife Linda F. Hannah as part of said exchange of real property by private negotiation and said easements are not in governmental use or necessary for governmental use.
- 3) The Town shall enter into an agreement with Hannah in the same form as the agreement that is attached hereto and made a part hereof, and to be bound by contract to do the things it promises to do therein.
- 4) The Town finds that the easements offered, and the promises of the parties contained in the proposed agreement and offered as further consideration, are full and fair consideration for the easements that the Town will exchange for them.

5) The Town Attorney is directed to draft documents accomplishing the above matters, and the Town Manager is authorized to sign the same, as well as the document referenced herein, on behalf of and as the act of the Town of Franklin.

Joe Collins, Mayor

Attest
Janet Anderson, Clerk

Date

**RESOLUTION OF THE BOARD OF ALDERMEN FOR THE TOWN OF FRANKLIN
AUTHORIZING THE EXCHANGE OF CERTAIN PROPERTY, AND TO
ENTER INTO AN AGREEMENT WITH A PRIVATE LANDOWNER
TO SECURE A CONSTRUCTION EASEMENT**

WHEREAS the Board of Aldermen is constructing a new public safety building; AND

WHEREAS that project makes it necessary to secure a construction easement and other agreements from Ricky R. Hannah and wife Linda F. Hannah (“Hannah”), neighboring landowner; AND

WHEREAS the Town is authorized by N.C.G.S. §160A-271 to exchange real property by private negotiation; AND

WHEREAS the Board has been presented with a description of the easements in question, and an agreement which embodies the exchange of said easements and other promises and agreements between the Town and Hannah that are to be further consideration for the said exchange; AND

WHEREAS the Town of Franklin, by and through its Board of Aldermen, has determined and does hereby declare as surplus property the easement to be conveyed by the Town of Franklin to Ricky R. Hannah and wife Linda F. Hannah as part of said exchange of real property by private negotiation and said easements are not in governmental use or necessary for governmental use.

WHEREAS the Town has considered the matter after duly published public notice.

THEREFORE, BE IT RESOLVED THAT:

- 1) The Town hereby authorizes the exchanges of easements, as presented to the board and as described and attached to this resolution, and made a part hereof.
- 2) That the Town of Franklin, by and through its Board of Aldermen, have determined and do hereby declare as surplus property the easements to be conveyed by the Town of Franklin to Ricky R. Hannah and wife Linda F. Hannah as part of said exchange of real property by private negotiation and said easements are not in governmental use or necessary for governmental use.
- 3) The Town shall enter into an agreement with Hannah in the same form as the agreement that is attached hereto and made a part hereof, and to be bound by contract to do the things it promises to do therein.
- 4) The Town finds that the easements offered, and the promises of the parties contained in the proposed agreement and offered as further consideration, are full and fair consideration for the easements that the Town will exchange for them.

- 5) The Town Attorney is directed to draft documents accomplishing the above matters, and the Town Manager is authorized to sign the same, as well as the documents referenced herein, on behalf of and as the act of the Town of Franklin.

Joe M Collins Mayor
Joe Collins, Mayor

Janet A Anderson
Attest
Janet Anderson, Clerk

09-08-09
Date



Town of Franklin

P.O. Box 1479
Franklin, North Carolina 28744
(828) 524-2516

Agenda Item – Board of Aldermen

Meeting Date: September 8, 2009

Agenda Item #: 9

Department/Agency: Southwestern Commission

Subject Matter: Resolution from the Transportation Advisory Committee

Department Head's Comments/Recommendations: Please see the attached resolution and a memo on this matter from Land Use Administrator Michael Grubermann.

Town Manager's Comments/Recommendation: Approval.

Attachments: Yes No

Action Taken: _____

SOUTHWESTERN COMMISSION: REGIONAL TRANSPORTATION PLANNING ORGANIZATION

125 Bonnie Lane Sylva, NC 28713

TELEPHONE: (828) 586-1962x214
E-MAIL: ryan@regiona.org

FAX: (828) 524-1968
WEBSITE: www.regiona.org



Cherokee County

Andrews
Murphy

Clay County

Hayesville

Graham County

Robbinsville
Lake Santeetlah

Jackson County

Dillsboro
Forest Hills
Sylva
Webster

Macon County

Franklin
Highlands

Swain County

Bryson City

A RESOLUTION

of the Southwestern Commission Regional Planning Organization Transportation Advisory Committee Requesting the North Carolina General Assembly to Exclude the Appalachian Development Highway System Funding From the NCDOT Equity Formula

- Whereas** In 1964, the President's Appalachian Regional Commission (ARC) reported to Congress that economic growth in Appalachia would not be possible until the Region's isolation had been overcome
- Whereas** Congress authorized the construction of the Appalachian Development Highway System (ADHS) in the Appalachian Development Act of 1965
- Whereas** The cost of building highways through Appalachia's mountainous terrain is very high, so the Region has never been served by adequate roads
- Whereas** The nation's interstate highway system has largely bypassed the Appalachian Region, going through or around the Region's rugged terrain as cost-effectively as possible
- Whereas** The seven county service area (Cherokee, Clay, Graham, Haywood, Jackson, Macon and Swain) of the Southwestern Commission, is in the heart of the Southern Appalachian Region and has been isolated by geographical barriers
- Whereas** The ARC report and the Appalachian governors have placed top priority on a modern highway system as the key to economic development
- Whereas** The ADHS was designed to generate economic development in previously isolated areas, supplement the interstate system, connect Appalachia to the interstate system, and provide access to areas within the Region as well as to markets in the rest of the nation
- Whereas** The ADHS program was designed to channel additional funding into the Appalachian Region, not to supplant existing funding
- Whereas** In 1998 the Federal Transportation Act known as TEA21 and subsequent acts began including ADHS funding in North Carolina's minimum guarantee for transportation funding essentially supplanting existing funding

SOUTHWESTERN COMMISSION: REGIONAL TRANSPORTATION PLANNING ORGANIZATION

125 Bonnie Lane Sylva, NC 28713

TELEPHONE: (828) 586-1962x214
E-MAIL: ryan@regiona.org

FAX: (828) 524-1968
WEBSITE: www.regiona.org



Cherokee County

Andrews
Murphy

Whereas Because ADHS funding is no longer considered additional money for North Carolina, it must, by law, be included in the state's equity distribution for highway improvements

Clay County

Hayesville

Whereas Completion of the ADHS remains a top priority for the Appalachian Regional Commission

Graham County

Robbinsville
Lake Santeetlah

Whereas Southwestern North Carolina, as a region, is more economically tied to its neighboring states versus the balance of North Carolina

Jackson County

Dillsboro
Forest Hills
Sylva
Webster

Whereas Under current funding policies, Division 14's allocation of ADHS money counts toward our division's allotment through the equity formula and, as a result, decreases the availability of other funds to our region.

Macon County

Franklin
Highlands

Now, Therefore, Be It Resolved by the Southwestern Commission Rural Planning Organization's (RPO) Transportation Advisory Committee (TAC), that the

Swain County

Bryson City

- 1) RPO concludes that counting the ADHS funding against North Carolina's minimum guarantee and counting the funding received by North Carolina against this region's equity "fair share" violate the spirit and intent of the ADHS legislation
- 2) RPO respectfully requests the North Carolina General Assembly to exclude the ADHS funding from the NCDOT equity formula in order to complete these remaining corridors to benefit the people of Southern Appalachia and Southwestern North Carolina.
- 3) RPO respectfully requests the United States Congress to exclude the ADHS funding from the minimum return of transportation funding to the State of North Carolina.
- 4) RPO requests that all funding of ADHS projects from 1992 to present not count against "equity adjustments" and adjustments be made to current equity calculations to correct the violation of the spirit of the ADHS program.


ADOPTED the 28th day of September 2009.

Attest:

Chairman, Glenn Jones RPO TAC

Secretary, Ryan Sherby RPO Planner

To: Mayor Joe Collins
Town of Franklin Board of Aldermen
Sam Greenwood, Town Manager

From: Michael Grubermann, Land Use Administrator 

Date: September 1, 2009

Subject: Resolution for Restoration of Appalachian Development Highway System
Funding

The Southwestern Commission through the Region A RPO is asking towns and counties in their area to consider and approve a resolution asking the General assembly to exclude the ARC transportation funding from the NCDOT Equity Funding formula. As the resolution explains in 1964 & 65 the US Congress approved a program and funding for an Appalachian Development Highway System to serve as a means to fund road projects to serve the area. Seven North Carolina counties are in the designated area. Over the years starting in 1998 and since this funding has been diverted from its original purpose to becoming included in the states equity distribution for highway improvements. This allowed the funding to be used throughout the state and made the seven western counties fall behind in road improvements that the plan was intended to cause to happen. We must now compete with other more populous areas for the funding and as a result our road improvement efforts have faltered. The resolution requests restoration of the dedicated funding to Appalachian area for road purposes.

The resolution once approved and signed should be forwarded to Ryan Sherby at the Region A office.



Town of Franklin

P.O. Box 1479
Franklin, North Carolina 28744
(828) 524-2516

Agenda Item – Board of Aldermen

Meeting Date: September 8, 2009

Agenda Item #: 10

Department/Agency: Macon County

Subject Matter: Request for partial wavier of tap fee for former public library building

Department Head's Comments/Recommendations: Please see the attached invoice that was sent to Macon County in connection with this matter. The tap is part of the county having to install a fire sprinkler system

Town Manager's Comments/Recommendation: County Manager Jack Horton requested the non-materials and labor part of the tap fee (\$3,300) be waived. We will have that figure by the meeting time.

Attachments: Yes No

Action Taken: _____



Town of Franklin
Post Office Box 1479
Franklin, North Carolina 28744
(828) 524-2516

July22, 2009

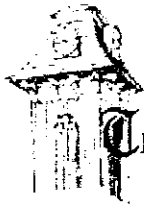
Macon County
5 West Main Street
Franklin, NC 28734

Old Public Library

Tapping Sleeve	550.00
Tapping Valve	575.00
Valve Box	50.00
6 inch Water Tap	3,300.00
Tax	<u>88.13</u>
Total	4,563.13

Please make check payable to the Town of Franklin.

Thank you.



Town of Franklin

P.O. Box 1479
Franklin, North Carolina 28744
(828) 524-2516

Agenda Item – Board of Aldermen

Meeting Date: September 8, 2009

Agenda Item #: 12

Department/Agency: Veteran's Memorial Committee

Subject Matter: Letter of support

Department Head's Comments/Recommendations: Mayor Collins will provide information at the meeting.

Town Manager's Comments/Recommendation: For discussion.

Attachments: Yes ___ No X

Action Taken: _____



Town of Franklin

P.O. Box 1479
Franklin, North Carolina 28744
(828) 524-2516

Agenda Item – Board of Aldermen

Meeting Date: September 8, 2009

Agenda Item #: 11

Department/Agency: Tourism Development Authority

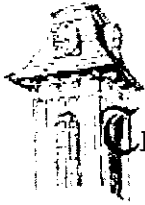
Subject Matter: Appointment

Department Head's Comments/Recommendations: Candy Arvey, the chairman of the TDA, said the authority is recommending that Pam Forshee be appointed to the board. Forshee and her husband have their business, Smoky Mountain Bicycles, on the Highlands Road.

Town Manager's Comments/Recommendation: N/A

Attachments: Yes ___ No X

Action Taken: _____



Town of Franklin

P.O. Box 1479
Franklin, North Carolina 28744
(828) 524-2516

Agenda Item – Board of Aldermen

Meeting Date: September 8, 2009

Agenda Item #: 13

Department/Agency: Mayor

Subject Matter: Update from the Nikwasi committee

Department Head's Comments/Recommendations: The mayor and aldermen serving as committee members will provide an update from the Nikwasi meeting held on Tuesday, September 1 regarding plans for a possible park at the mound site.

Town Manager's Comments/Recommendation: For information/discussion.

Attachments: Yes ___ No X

Action Taken: _____

ADJUSTMENTS IN AUGUST, 2009

DATE	ACCOUNT NUMBER	NAME	REASON GIVEN	AMOUNT
Aug 5	9024	Tom Duke	Wrong Serial # Contractor Error	-115.77
Aug 5	3805	Mofitt Real Estate	Over Read Contractor Error	-220.09
Aug 5	8531	Jerry Hauer	Billed Sewer Not on Sewer Contractor Error	-123.61
Aug 6	3520	R. J. Trafford	Contractor Broke Water Line on Customer's Side	-493.80
Aug 12	9312	Robert Clark	Over Read	-5.85
Aug 12	3860	Stewarts Jewelry	Wrong Serial # Contractor Error	-160.42
Aug 17	3197	C. E. Tisdale	Wrong Serial # Contractor Error	-18.46
Aug 17	8535	C. J. Ramey	Additional Reading Contractor Error	15.57
Aug 20	8816	Richard Woodruff	Contractor Left Water on Flooded Basement	-35.50
Aug 25	9405	New Mt. Ventures	New Meter Leaking	-105.96
Aug 25	3290	Doyle Smith	Contractor Broke Water Line on Customer's Side	-28.94
Aug 25	4021	Loretta Matthews	Over Read	-34.51
Aug 25	4758	Darrell Crawford	Over Read	-20.12
Aug 25	8455	Ronald Winecoff	Over Read Contractor Error	-19.36
Aug 25	3458	Roy Mashburn	Muddy Water Contractor Run Water	-15.82
Aug 27	4519	Cartoogechaye School	Wrong Serial # Did Not Bill-Contractor Error	800.95
Aug 27	9507	Simitrio Rios	Additional Reading	43.10
				-538.59



FRANKLIN POLICE DEPARTMENT

188 West Main Street, Franklin, NC 28734
Phone: (828)-524-2864
(828) 524-2255
Fax: (828) 524-2495

T.W. Bradley
Chief of Police

Chiefs Report

The Police Department responded to 704 calls for service during the month of August 2009.

Reports Filed

Accident	45
Arrest	33
Incident / Investigation	38

Enforcement Actions

Arrest	33
Citations	116
Criminal Papers Obtained	19
Warning Citations	46

Notable Activity

1. Officers conducted 7 (License / DWI) checkpoints.
2. Officers assisted with multi agency drug eradication.

Franklin Fire and Rescue
49 Maple Street
Franklin, North Carolina 28734

Town Board Meeting
September 8, 2009

August Report

Fire Calls

1	Structure Fires
	House/Trailer – Tommy Crane owner, 137 Bailey Hills Rd
8	Vehicle Accidents
5	False unintentional
1	False malfunction
1	Hazardous Condition
2	Good Intent
<u>60</u>	Medical First Responder
78	Total Calls

DEPARTMENT ACTIVITIES

1. WNC Area Fire School,(Middle Grades School)- 5 Registered

To: Sam Greenwood, Town Manager
From: Michael Grubermann, Land Use Administrator
Date: September 1, 2009
Subject: Monthly Report – August 2009



Since my last report, we have issued nine sign permits and five land development permits. Remodeling and additions seems to continue to be the main thrust of permits. Most of the signs are for relocating companies or companies replacing existing old signage.

The efforts of the Macon County Planning Board are still being reported very well, so I will not repeat the previously published information.

The Franklin Community Step Forward meeting was on August 24, 2009 and we settled on and prioritized five strategies for the future of Franklin. Paul Combs our Rural Center coach will be finalizing the outline of the strategies for the September STEP meeting. Once the committee establishes and approves the priorities, there will be meetings with the Main Street Board and once they approve the strategies they will be brought to the Town Board for their approval for implementation. This presentation should be scheduled for the October 5, 2009 regular Town Board meeting.

At the last Region A Technical Coordinating Committee meeting on September 31, 2009, the committee discussed the ranking of the top 25 road improvement projects for the region. The DOT limited the priority list to 25 projects because of fiscal constraints and the five-year time frame. There were nine Macon County Projects in the mix, six were not yet scheduled and three were far enough along that they are scheduled and proceeding to be started within five years. The three are the Siler Road river crossing, Needmore Road improvements, and truck information stations and turnarounds on 64/28 between Franklin and Highlands. Four of the remaining six Macon projects were prioritized into the top 25 for the area. The priority system was designed to treat all projects fairly for the six counties in the RPO for Region A. They are, in the order in which they appear in the ranking, (7) Wells Grove Road access improvements to the new school, (10) Buck Creek road improvements from Highlands to Gneiss, (15) 441 South Implement Access Management Strategy, and (22) Iotla Church Road upgrade for new school. The two remaining projects, while not rating in the top 25, are still listed for future work consideration, they are truck climbing lanes on 64 West of Winding Stair Gap, and Lakeside Drive sidewalk improvements. I have also asked Ryan Sherby to include Wayah Road from Porter to Depot Street for widening, paving, and curb and gutter on the non prioritized list and to check the progress of the new Route 28 truck route through town and add it to the list if road improvements for it need to be scheduled. The one negative note is that the Main Street Bridge Replacement will be delayed per Joel Setzer because of state funding issues, he does not now have a date. It was delayed some time ago but the TIP list has not been updated.

Franklin Main Street Program

September Town Report

In our monthly NCSTEP meetings we discuss keeping our local small business vital, job retention and creating new jobs. I called Southwestern Community College Small Business Center and set up a meeting with the director. We met and what came out of that meeting was the creation of a small business forum. The object was to ask the question of small business owners. "What do you need that the town of Franklin or Southwestern can help with?" It was open to all small business owners. We also extended an invitation to the Macon County commissioners, EDC, Franklin Board of Alderman, Southwestern Community College and of course small business owners. We had over 35 attendees and some of each of the groups attended. A small business survey was passed out to the group. We had good discussion and I will be meeting next week with SCC to go over the information gathered from this forum.

Franklin has a unique opportunity to have a nationally known speaker come to talk to small business owners. Tom Shay will be here on September 18th, during the day he will meet with business owners in their business. These businesses have previously signed up and paid a small fee for this unique consultation. That night Tom will speak to the Franklin business community on "Strategies to Win in 2010" this is free to the public. The Main Street Program is very excited the Tom will be coming to Franklin .He is a Main street supporter and speaks all over the country to other Main Street communities.

The NC STEP committees has been meeting monthly for over a year and are close to choosing projects that we want to see implemented to create new jobs and retain our small business community. This committee will soon be presenting these projects to the town board.

September 21, 2009 meeting,

The Town of Franklin Board of Aldermen had a special meeting on Monday, September 21, 2009 at 5:30 P.M. in the Town Hall Board Room. The purpose of the meeting was to consider the transfer of property to Macon County as part of the Little Tennessee/Cartoogechaye Creek sewer line project. Mayor Joe Collins presided. Aldermen Verlin Curtis, Jerry Evans, Joyce Handley, Billy Mashburn, Carolyn Pattillo and Bob Scott were present.

Transfer of property

Sam Greenwood said when the Little Tennessee/Cartoogechaye Creek sewer line is put on line the Belden pump station will become unnecessary and will be removed. He said there is one tenth of an acre of property that the pump station sits on now. He said Macon County needs the Town to transfer this property so that they can transfer it later to Jim VanderWoude. A copy of the plat is attached.

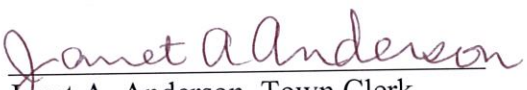
Motion was made by Evans, seconded by Handley to declare the one tenth of an acre of property designated Town of Franklin #0116457 as surplus and to deed it to Macon County. Motion carried. Vote: 6 to 0.

Adjournment

Mayor Collins adjourned the meeting at 5:33 P.M.

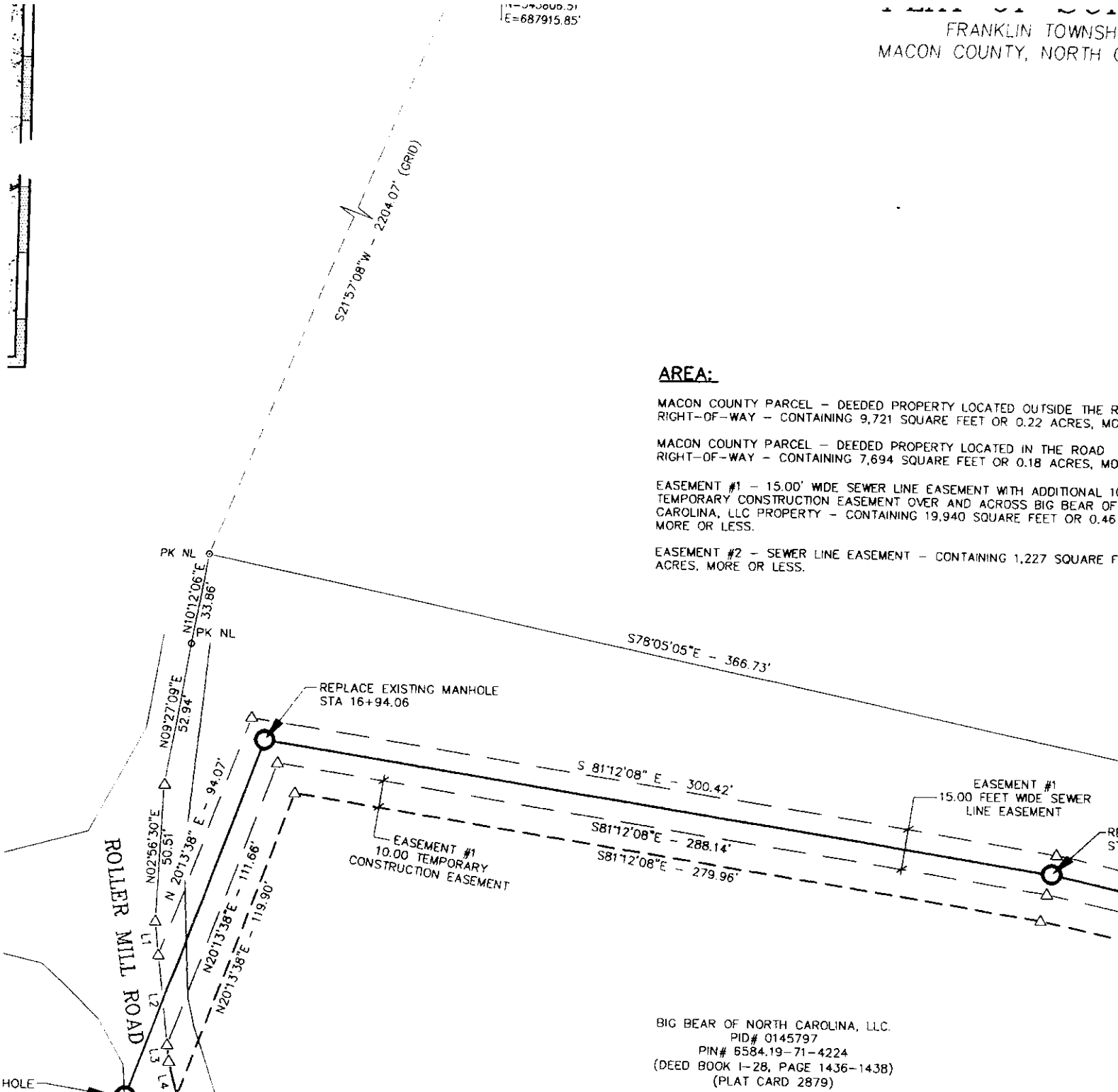


Joe Collins, Mayor



Janet A. Anderson, Town Clerk

E=687915.85'



AREA:

MACON COUNTY PARCEL - DEEDED PROPERTY LOCATED OUTSIDE THE RIGHT-OF-WAY - CONTAINING 9,721 SQUARE FEET OR 0.22 ACRES, MO

MACON COUNTY PARCEL - DEEDED PROPERTY LOCATED IN THE ROAD RIGHT-OF-WAY - CONTAINING 7,694 SQUARE FEET OR 0.18 ACRES, MO

EASEMENT #1 - 15.00' WIDE SEWER LINE EASEMENT WITH ADDITIONAL 10' TEMPORARY CONSTRUCTION EASEMENT OVER AND ACROSS BIG BEAR OF CAROLINA, LLC PROPERTY - CONTAINING 19,940 SQUARE FEET OR 0.46 MORE OR LESS.

EASEMENT #2 - SEWER LINE EASEMENT - CONTAINING 1,227 SQUARE FEET OR 0.028 ACRES, MORE OR LESS.

BIG BEAR OF NORTH CAROLINA, LLC
 PID# 0145797
 PIN# 6584.19-71-4224
 (DEED BOOK I-28, PAGE 1436-1438)
 (PLAT CARD 2879)

Zoning Certificate of Approval

The proposed <boundary line adjustment> <subdivision> depicted herein is in conformance with the requirements of the Unified Development Ordinance of the Town of Franklin and is hereby approved for recording in the Office of the Registrar of Deeds of Macon County.

[Signature]

Land Use Administrator

8/19/09

Date

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N06°26'49"W	12.61
L2	S06°26'49"E	33.41
L3	S06°26'49"E	6.09
L4	S13°15'37"E	13.17
L5	N03°21'40"E	14.47
L6	N10°17'43"W	4.79
L7	S74°59'09"E	7.90
L8	N02°08'18"E	27.53
L9	N77°37'09"W	7.54