
**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, MAY 22, 2012 – 5:00 P.M.**

Board Members

Mayor Ken Moore	P		
Alderman Clyde Barnhill	P	Alderman Margaret Martin	P
Alderman Brandy Blanton	P	Alderman Dana McLendon	P
Alderman Pearl Bransford	P	Alderman Ann Petersen	P
Alderman Beverly Burger	P	Alderman Michael Skinner, Vice Mayor	P

Department Directors/Staff

Eric Stuckey, City Administrator	P	Lisa Clayton, Parks Director	P
Vernon Gerth, ACA Community/Economic Development	P	Shirley Harmon, HR Director	P
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
David Parker, City Engineer/CIP Executive	P	Paul Holzen, Engineering Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning & Sustainability Director	P
Rocky Garzarek, Fire Chief	P	Joe York, Streets Director	P
David Rahinsky, Police Chief	P	Brad Wilson, Facilities Project Manager	P
Fred Banner, MIT Director	P	Lanaii Benne, Assistant City Recorder	
Chris Bridgewater, Interim BNS Director	P	Linda Fulwider, Board Recording Secretary	P
Becky Caldwell, Solid Waste Director	P		

1. Call to Order

Mayor Ken Moore called the BOMA Work Session to order at 5:00 p.m. on Tuesday, May 22, 2012 in the City Hall Boardroom.

2. Citizen Comments

None

WORK SESSION DISCUSSION ITEMS

3. Presentation Regarding Sustainability Commission

Sustainability Commission

Andrew Orr, Sustainability/Grant Coordinator, and Ken Scalf, Chairman of the Sustainability Commission gave a presentation.

SUSTAINABILITY COMMISSION MEMBERS – 10, INCLUDING:

- TVA/MTEMC
- Business Owner
- Engineers
- Architect
- Subject Matter Experts

COMMISSION'S ROLE & PRIORITIES

Role:

- Ensure initiatives are moving forward
- Support existing efforts
- Provide expertise
- Information sharing on technology & emerging trends
- Initiate value added & cost effective proposal

Priorities:

- Methods of Incentivizing infill and low impact development
- Adopting an Irrigation Ordinance
- Implement Greenways and Open Space Plan
- Re-Engage the Public
- Update the 2009 Action Plan

2009 SUSTAINABILITY COMMUNITY ACTION PLAN

Total Of 26 Actions/Goals In The Plan

- 12 in Progress
- 9 are Completed
- 3 have not Begun
- 2 were Eliminated

*Of the Actions not begun, two pertain to encouraging low impact development. The Design Professionals Group is beginning to look at alternatives for how this might work.

WHAT'S NEXT?

Update Community Action Plan

Components:

- Administer a 15-20 question survey
- Host 2 Open House meetings
- Public Awareness/Media Campaign
- Sustainability Commission Meetings
- Timeline – Start in July, finish late fall

Goals:

- Obtain as much feedback as possible from the entire community
- Develop new goals based on consensus

Alderman Martin suggested the commission personally contact developers and builders about the program. Mr. Scalf responded that they do engage the design community and that a developer serves on the commission. Alderman Petersen suggested that at least one of the planned public meetings be after the start of the next school year as many are not as available during the summer. Mr. Scalf noted they planned to do that.

4. Consideration of Event Permit Application from Ragnar Events for Ragnar Relay Tennessee on November 10, 2012

David Rahinsky, Police Chief

5.* Consideration of Event Permit Application for Harpeth River Bike Ride to be Held on June 2, 2012

David Rahinsky, Police Chief

Alderman Martin asked if the designated streets would be closed all day. Monique McCullough replied the streets would not be closed all day, just periodically for short intervals.

The applicant said there would be no street closures. The ride begins at 7:15 a.m. with a police escort. This is the 16th year for the ride. She assured there would be traffic control at major intersections. Mayor Moore was invited to speak a few words at the beginning of the event. The Mayor endorsed the event and mentioned lagging a bit behind Lance Armstrong during the race last year.

6. Consideration of Event Permit Application from Franklin Lions Club for Franklin on the Fourth at Harlinsdale on July 4, 2012

Lisa Clayton, Parks Director

Scott Ducaj spoke about the event that moves from downtown to Harlinsdale. The festivities begin at 11:00 a.m. New to the event is a hot dog eating contest at 6:00 p.m. The Mr. Jack Daniel's Silver Cornet Band takes the stage at 8:30 p.m. and they will accompany the fireworks as well. The Lions were somewhat concerned there would be too few police officers in some areas of the park. Eric Stuckey assured that City staff would help with parking and in other areas and along with the police would meet their needs.

7. Consideration of Event Permit for Bluegrass Festival to be Held July 27-28, 2012 in Downtown Franklin

David Rahinsky, Police Chief

8. Consideration of Event Permit for Best Buddies 5K to be Held on August 25, 2012 in Cool Springs

David Rahinsky, Police Chief

9. Consideration of Event Permit for YWCA Viva la Diva Run to be Held on November 17, 2012 in the Cool Springs Area

David Rahinsky, Police Chief

Alderman Barnhill asked if the applicants in items 4, 7, 8 & 9 had submitted all applicable paperwork, including a 501(c)(3) if a non-profit organization and had sent letters to all the businesses. Ms. McCullough stated they are working with the entities to acquire all documentation.

10.* Consideration of RESOLUTION 2012-29, A Resolution to Authorize the City Administrator to Execute COF Contract No. 2012-0080, for the ARRA 2009 Clean Water Projects, Department of Environment and Conservation Number CGA 2009-250 to the Lowest Bidder on Behalf of the City Without First Seeking Approval from the Board of Mayor and Aldermen

Paul Holzen, Engineering Director

Eric Stuckey welcomed Engineering Director Paul Holzen to the table, emphasizing that Mr. Holzen is no longer interim director. Mr. Holzen received a round of applause.

Mr. Stuckey said this is an opportunity to allocate stimulus funds for existing system improvements in older neighborhoods of the City. The major stipulation for this funding is that the project has to be "substantially complete" by September 30, 2012. To achieve this, City staff must bid the project and issue a Notice to Proceed (NTP) as soon as possible to meet the deadline. The eligible sewer work qualifies for 40% loan forgiveness, providing a cost savings to the City of approximately \$240,000.

The consensus was to expedite this project by approving Resolution 2012-29 at the 7:00 p.m. meeting. Mr. Stuckey said he would bring the contract to BOMA to explain what was done and to enter into the record.

11.* Consideration of ORDINANCE 2012-16, An Ordinance to Amend Franklin Municipal Code Title 9, Chapter 10 to Regulate Carriages on City Streets

Eric Stuckey, City Administrator

Alderman Burger said she did some additional research on the subject as she thought the Board did not have all the facts. She gave the results of a focus survey she did, recommended a resolution for a trial period instead of an ordinance, and provided other

information from the research. She asked if the Board was interested in pursuing her recommendations.

There was dialogue about the differences between an ordinance and a resolution that concluded with the fact Ordinance 2012-16 is on the voting agenda for second and final reading. Shauna Billingsley said if the ordinance is approved, BOMA could revise it at the end of a trial period if they did not wish to continue to service.

- Alderman Bransford said the whole idea was nice, but with the reality of the traffic and the many residents she talked with being against the service, she would not support the ordinance; although, she thought the carriage service was okay at special events when the streets are closed.
- Alderman Blanton spoke to merchants and received e-mails from those against the service. Some would go elsewhere to shop and eat rather than get in the mix of carriages and cars. Franklin has a downtown area that functions everyday with or without tourists. It is a want and not a need.
- Alderman Barnhill was against the service as well.

★ Alderman McLendon joined the meeting at 5:42 p.m.

Johnny Smith, Sugar Creek Carriages, disputed some of the research Alderman Burger presented. He again spoke about his trained horses, their care, and his experiences. He said Franklin is the perfect town for a horse and carriage service.

Alderman Martin wanted to go on record that she did not think horses used for carriage services counted as animal abuse. After all, horses have been used for work since time immemorial. No one says anything about the Steeplechase, or some of the other events that include horses. She believes the carriages are a safety hazard during festivals when the streets are closed and people are on the streets with them; therefore, she is against the horse and carriage service during festivals as well.

12.* Consideration of 2012 Pension Cost-of-Living Adjustment (COLA)
Russ Truell, ACA Finance & Administration
Shirley Harmon, Human Resources Director

Alderman Martin was recused and left the room.

Both the Budget & Finance and Pension Committees recommended the adjustment by unanimous vote. Core CPI for all items, excluding food & energy was used and the 2.3% increase will be implemented by July 1, 2012.

Alderman Martin rejoined the meeting.

13.* Consideration of RESOLUTION 2012-31, An Initial Resolution Authorizing the City of Franklin, Tennessee to Issue its General Obligation Bonds in the Aggregate Principal Amount of Not to Exceed Ten Million Six Hundred Thousand Dollars (\$10,600,000)

Russ Truell, ACA Finance & Administration

14. Discussion of Refunding Plan for Variable Rate Bonds

Russ Truell, ACA Finance & Administration

Items 13 and 14 taken together. A memo in the packet explained Bond issue actions that will be on upcoming agendas as well as defining a Reimbursement Resolution, a Refunding Resolution, and an Initial Bond Resolution.

Resolution 2012-31 is an Initial Bond Resolution. Having adopted the CIP projects and funding plan, will need to decide when to issue debt for the projects.

Interest rates on municipal bonds have been extremely low. In consultation with Public Financial Management, Inc. (PFM), it is felt it is time to work on a refunding plan. It will take approximately 60 days to get permission from the State Comptroller. It would then come back to the Board.

While doing refunding, it makes sense to borrow money now that might have been borrowed later to cover the CIP plan that was just approved. Some money can be saved by selling the bonds together. To do that for the new money, two resolutions are required, the initial resolution at this meeting (it is not binding, but puts it into action). It will be published in the newspaper with time given for objections. The final resolution is about maturities, when they can sell, etc. There is an advantage to taking this route, low percentage rate on fixed rate and the possibility of shortening the length of maturity.

15. Consideration of ORDINANCE 2011-12, An Ordinance to Establish Title 24 Special Assessment Districts

David Parker, City Engineer/CIP Executive

Shauna Billingsley, City Attorney

A matrix comparing the various items included or excluded in the various approved assessment districts in the City with proposed Ordinance 2011-12 reviewed. The ordinance is divided into four chapters with the first chapter to provide the purpose, authority of the City of Franklin to establish such Special Assessment Districts and definitions of terms used throughout the proposed Title 24. The other three chapters are to provide for the three different type assessment districts found in the Tennessee Code Annotated – the State enabling acts. It recommends all costs be assigned to the assessment.

Discussion:

- Some concern expressed about Streetscape type items being included. Mr. Parker noted the Tennessee Code Annotated indicates streetscape type items can be included.
- It would be up to the Board to select what is included.
- Costs must be allocated somewhere. Want to make assessment districts as self-supporting as possible
- Alderman Petersen asked for an overview and said she had many questions. She suggested a special meeting.
- Each of the three assessment types is set up a little different in how it is controlled and managed
- Alderman Barnhill thought all costs should be included in the assessment because current ratepayers shouldn't be paying for it.
- Alderman Bransford asked about residents within the City limits that aren't on the sewer

system. Mr. Parker said there are two types, for some sanitary sewer is not available, for others it is available but they haven't chosen to hook on. These are case-by-case when a septic system fails. Single properties are not done by assessment district.

- Mr. Stuckey encouraged the aldermen to submit their questions to him or to Mr. Parker prior to the next discussion
- Assessment Districts are not just for sanitary sewer. They can be for streetscape, street lighting or any public infrastructure.

16. Consideration of Proposed ORDINANCE 2012-30, An Ordinance to Amend the City of Franklin Municipal Code, Title 11, Chapter 4 Offenses Against the Peace and Quiet Relative to Loading and Unloading and Special Event Permits

Shauna Billingsley, City Attorney

This was discussed a month ago. After reviewing research, staff recommends the following amendments to the ordinance:

1. Change the permitted hours for dumpster pick-up ("loading and unloading" as stated in the ordinance) from 6 a.m. until 6 p.m. from 6 a.m. to 9 p.m.
2. Grant the City Administrator authority to permit dumpster collection in certain areas and to specific operators outside of the designated hours in defined locations. This permission could be revoked by the City Administrator based on complaints from residents or other concerns.

In addition to these amendments, staff recommends the following amendment regarding amplification at approved special events:

- In the event that a special event permit has been obtained from the City of Franklin, no other amplification of sound will be permitted within the area of the special event except that which has been applied for and authorized by the City pursuant to the permit application.

17. Consideration of ORDINANCE 2012-26 To Be Entitled: "An Ordinance to Amend Title 16 of the City of Franklin Municipal Code by Creating Chapter 7 Relating to the Display of Merchandise, Decorative Fixtures, and Sandwich Board Signs on the Public Sidewalk Within Franklin's Historic Overlay District"

Vernon Gerth, ACA Community & Economic Development

This topic was discussed previously as well. Several people wished to be heard on aspects of the ordinance.

- Nancy Williams and Sheri Gramer of the Downtown Franklin Association spoke about the differences between the Zoning Ordinance and this ordinance in relation to the physical location requirements and pedestrian clearance. This ordinance specifies (1) Except as provided, Outdoor Merchandise Displays, Private Decorative Fixtures, and approved Sandwich Board Signs may be placed immediately adjacent to and extend no further than 36 inches from the face of the building on the public sidewalk or 36 inches from the edge of the public sidewalk beginning at the point where the public sidewalk and private property meet provided a minimum of 4 feet is maintained between any fixed or temporary display, merchandise, fixture, sign, or other obstruction for unobstructed pedestrian access and movement. (2) Outdoor Merchandise Displays and Private Decorative Fixtures shall not exceed 50% of the lineal footage of the front property line. Nancy Williams asked that three words be stricken - small private and decorative items.

(The sentence reads "Outdoor Merchandise Displays and ~~Private Decorative Fixtures~~ shall not exceed fifty (50) percent of the lineal footage of the front property line."

- Alderman Barnhill asked who would enforce these rules to which Vernon Gerth responded it would be up to Building and Neighborhood Services to enforce.
- Alderman Skinner commented between the poles, tables and planters it is hard to maneuver the sidewalks now. He doesn't want a sidewalk Nazi.
- Nancy Williams said it is the customers that move the chairs around
- Sheri Gramer said that the merchants don't have things in the way and they police that themselves. She mentioned the raised grates around the trees are a hazard as well.
- Mr. Stuckey related the City would enforce what the merchants want enforced. Nothing is on the books now. There is self-policing and follow-up if they see problems.
- Nancy Williams said if something isn't agreed upon now every bench and flowerpot would disappear.
- Mary Pearce, Heritage Foundation, said she appreciated Mr. Gerth and the City trying to get citations and make things official. There are handicapped people on the streets everyday downtown. Streetscape has made things accessible.
- Ann Little, 916 Fair Street, said she understood the dilemma for the merchants. Her main concern is accessibility, especially for people with disabilities. She mentioned Five-Points with the signal poles and tables in front of Starbucks. Starbucks should monitor those tables. Other examples cited as well.
- Doug Langston, Franklin, said he loves downtown Franklin and wants to see it succeed. The overriding problem is ADA and people who come to visit. If the Board sees fit to do the ordinance then they need to look at enforcement. He doesn't want a Nazi either, but the merchants have to understand what will happen if they violate the law. Procedure needs to be looked at if the ordinance is passed.
- Mr. Gerth related regarding the "fixtures may be placed within the area beginning at the face of the curb extending toward the building no further than thirty-six (36) inches provided a minimum of four (4) feet is maintained....." The 4 feet is in the middle of the sidewalk and 4 feet from any obstruction. In partnership with the merchants this can be done. It is important as a growing community to listen to residents and merchants and come to middle ground. Staff needs to look at the outdoor dining ordinance and talk to the restaurant operators.

18. Consideration of an Agreement Between the City of Franklin, Tennessee, and GAP Community Development Resources, Inc. for Fair Housing and Home Ownership Counseling CDBG Programing

Vernon Gerth, ACA Community & Economic Development

No comments or questions

19. Consideration of ORDINANCE 2012-32, An Ordinance to Increase the Speed Limit on East McEwen Drive from West of Turning Wheel Lane to the Roundabout at Cool Springs Boulevard and Oxford Glen Drive to be Forty Miles Per Hour (40 MPH) in Both Directions

David Parker, City Engineer/CIP Executive

Eric Stuckey noted the Board could set a more consistent speed limit in this area if they so choose. Alderman Skinner noted staff recommends 35 mph for safety. It is a very limited area and they are the experts. Alderman Burger said the road goes from 40 mph to 35 mph

to 40 mph and is a straight road with no differences. David Parker responded there is a difference because of a vertical curve that dictates 35 mph. The City is exposed to more liability if the speed limit is not set to standards.

ADJOURN

Work Session adjourned @ 6:53 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 6/13/2012 1:26 PM