

**MINUTES OF THE REGULAR MEETING
 BOARD OF MAYOR AND ALDERMEN
 FRANKLIN, TENNESSEE
 CITY HALL BOARDROOM
 TUESDAY, JUNE 12, 2012 – 7:00 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	
Vernon Gerth, ACA Community & Economic Development	P	Shirley Harmon, HR Director	
Russell Truell, ACA Finance & Administration		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		Joe York, Streets Director	P
David Rahinsky, Police Chief	P	Brad Wilson, Facilities Project Manager	
Fred Banner, MIT Director		Lanaii Benne, Assistant City Recorder	P
Chris Bridgewater, BNS Director		Linda Fulwider, Board Recording Secretary	P
Becky Caldwell, Solid Waste Director			

1. Call to Order

Mayor Ken Moore called the June 12, 2012, meeting to order at 7:38 p.m.

2. Invocation

The invocation was given by Alderman Clyde Barnhill.

3. Pledge of Allegiance

All present stood and pledged allegiance to the Flag of the United States of America

4. Grievances or Statements from Citizens: Citizen Comments (Open for Franklin citizens to be heard on items not included on this Agenda. As provided by law, the Board of Mayor and Aldermen shall make no decisions or consideration of action of citizen comments, except to refer the matter to the City Administrator for administrative consideration, or to schedule the matter for Board consideration at a later date. Those citizens addressing the Board of Mayor and Aldermen are requested to come to the microphone and identify themselves by name and address for the official record)

None

5. Communications from Williamson County Mayor and Williamson County Commission

County officials were not present.

6. Approval of Minutes

Alderman Burger moved to approve the May 22, 2012 Work Session and May 22, 2012 BOMA minutes as submitted. Seconded by Alderman Petersen. Motion carried unanimously.

7. **Recognitions**

- ✦ Mayor Moore proclaimed June 21, 2012 as the 7th annual National Dump the Pump Day. A day that encourages people to ride public transportation to save money, protect the environment, reduce dependence on foreign oil, and improve the quality of life for all Americans.
- ✦ Eric Stuckey announced that Mayor Moore was selected Chairman of the Middle Tennessee Mayor's Caucus.
- ✦ Mayor Moore received the Power of Ten Summit Regional Thinking and Action Award for his vision and actions.

8. **Miscellaneous Reports**

- ✦ The Work Session and Special Board meeting normally scheduled the 4th Tuesday in June rescheduled to Thursday, June 21, 2012 @ 5:00 and 7:00 p.m. respectively.
- ✦ The Budget & Finance Committee will meet on June 21, 2012 @4:00 p.m., the regularly scheduled date and time.
- ✦ Alderman Skinner announced the Stormwater Appeals Board would not meet on June 19 @ 5:30 p.m. as listed on tonight's agenda.
- ✦ Alderman Blanton announced the annual Juneteenth Celebration of Freedom at the McLemore House on Saturday, June 16, 2012.

9. **CONSENT AGENDA**

All items under the Consent Agenda are deemed non-controversial and routine in nature by the governing body. They will be approved as recommended by Committee or staff by one motion of the governing body. The items on the Consent Agenda will not be discussed. Any member of the governing body desiring to discuss an item on the Consent Agenda may request that it be removed from the Consent Agenda and be placed on the Regular Agenda. It will then be considered at that time. Staff recommends that Item Numbers ~~24-36~~ be placed on the Consent Agenda. Alderman Burger pulled items 27 and 28, and Alderman Martin pulled item 26.

Alderman Petersen moved to approve the Consent Agenda Items 24-36 with the exception of Items 26, 27, and 28. Seconded by Alderman Bransford. Motion carried unanimously.

OLD BUSINESS

10. **PUBLIC HEARING: Consideration of ORDINANCE 2012-23, An Ordinance of The City of Franklin, Tennessee, Adopting a Budget for the Fiscal Year 2012-2013; Providing an Effective Date**

[Second of Three Readings]

Eric Stuckey, City Administrator

Russ Truell, ACA Administration & Finance

With no one coming forward to speak, Mayor Moore declared the Public Hearing closed

Alderman Petersen moved to approve Ordinance 2012-23 on Second of Three Readings. Seconded by Alderman Barnhill. Motion carried unanimously.

11. **PUBLIC HEARING: Consideration of ORDINANCE 2012-24, An Ordinance of The City of Franklin, Tennessee, Establishing the Municipal Property Tax Levy for the Fiscal Year 2012-2013; Providing an Effective Date**

[Second of Three Readings]

Eric Stuckey, City Administrator

Russ Truell, ACA Administration & Finance

With no one coming forward to speak, Mayor Moore declared the Public Hearing closed

Eric Stuckey presented a brief PowerPoint overview of the Budget.

- General Fund Budget of \$55.1 million, an increase of 3.1%
- Total Operating Budget of \$81.6 million, an increase of 1.8%
- The Budget is structurally balanced with no planned draw on reserves
- In compliance with BOMA's debt and reserve policies
- All service levels maintained
- No staff layoffs
- New software for Human Resources and Development/Permitting
- Some vacant positions in public safety will be funded
- 2.5% cost of living increase for employees effective December 21, 2012
- New component \$125,000 to reward employees for performance
- Property Tax rate maintained
- Incorporated sustainability measures
- Revenues: Local Sales Tax 45.8%, Property Tax 12.2%, Other Local Taxes 6.6%, Licenses & Permits 7.7%, Intergovernmental 24.5%, Charges for Services 0.1%, Fines & Forfeitures 1.9%, Use of Money & Property 1.0%, and Other Revenue 0.2%
- Expenditures by Function: Public Safety 47%, Streets 10%, Parks 6%, Solid Waste 2%, Transit 1%, Other 34%
- 69% of the Budget goes to Personnel costs (including benefits) for approximately 700 employees
- Continue to deliver a high level of services to the citizens

Alderman Barnhill moved to approve Ordinance 2012-24 on Second of Three Readings. Seconded by Alderman Burger. Motion carried unanimously.

12. **Consideration of Re-Establishing the Public Hearing Date to July 10, 2012, for ORDINANCE 2012-07, An Ordinance to Amend the Character Area and Development Standard Overlays of The City of Franklin Zoning Map**

Alderman Ann Petersen, FMPC Board Representative

Alderman Barnhill moved to approve moving the Public Hearing Date for Ordinance 2012-07 to July 10, 2012. Seconded by Alderman Petersen. Motion carried unanimously.

13. **Consideration of Re-Establishing the Public Hearing Date to July 10, 2012, for ORDINANCE 2012-08, An Ordinance to Amend Chapter 3, Section 3.5, Subsections 4, 6 and 10 of The Franklin Zoning Ordinance, which Establishes Regulations for Character Area Overlay Districts and the Special Areas Therein**

Alderman Ann Petersen, FMPC Board Representative

Alderman Bransford moved to approve moving the Public Hearing Date for Ordinance 2012-08 to July 10, 2012. Seconded by Alderman Petersen. Motion carried unanimously.

14. **Consideration of Re-Establishing the Public Hearing Date to July 10, 2012, for ORDINANCE 2012-21, An Ordinance to Rezone ± 15.81 Acres From General Commercial District (GC) To Civic and Institutional District (CI) for the Property Located at 124 Lumber Drive**

Alderman Ann Petersen, FMPC Board Representative

Alderman Petersen moved to approve moving the Public Hearing Date for Ordinance 2012-21 to July 10, 2012. Seconded by Alderman Burger. Motion carried unanimously.

15. **Consideration of Re-Establishing the Public Hearing Date to July 10, 2012, for ORDINANCE 2012-34, An Ordinance Adopting FY 2012 Third Quarter Budget Amendments**

Mike Lowe, Comptroller

Alderman Petersen moved to approve moving the Public Hearing Date for Ordinance 2012-34 to July 10, 2012. Seconded by Alderman Barnhill. Motion carried unanimously.

NEW BUSINESS

16. **Consideration of Agreement with Friends of Franklin Parks, LLC (COF Contract 2012-0106)**

Lisa Clayton, Parks Director

Alderman Burger moved to defer this item to July 10, 2012. Seconded by Alderman Bransford. Motion carried unanimously.

17. **Consideration of Contract Award to HM Insurance Group of Charlotte, NC, in the Total Estimated Annual Amount of \$313,000.00 for Stop-Loss Insurance for Employee and Retiree Health and Pharmacy Programs, for Twelve (12) Months Effective July 1, 2012, for the Human Resources Department (Purchasing Office Procurement Solicitation No. 2012-027; Contract No. 2012-108)**

Shirley Harmon, Human Resources Director

Alderman Barnhill moved to approve contract award. Seconded by Alderman Petersen. Motion carried unanimously 7-0 with Alderman Martin recused.

▲ Item 21 taken following Item 17 with Alderman Martin recused for both items.

18. **Consideration of Event Permit Application for Battle of Franklin Criterium Cycling Event in Downtown Franklin on July 21, 2012**

David Rahinsky, Police Chief

Alderman McLendon moved to Table this item. Seconded by Alderman Barnhill. Motion carried unanimously.

19. **Consideration of Liquor License Retailer's Certificate (Renewal) for Case Selects Wine & Spirits, 3046 Columbia Avenue, Franklin, Tennessee 37064 (Thomas Klaritch)**

Lanaii Benne, Assistant City Recorder

Alderman Bransford moved to approve Renewal. Seconded by Alderman Skinner. Motion carried unanimously.

20. **Consideration of Professional Services Agreement (PSA) with Kimley Horn and Associates for Consultant Services for the Carothers Corridor Development Study Project in an Amount Not to Exceed \$36,500 (COF Contract No. 2012-0097)**

David Parker, City Engineer/CIP Executive

Alderman Burger moved to approve PSA. Seconded by Alderman Barnhill. Motion carried unanimously.

21. **Consideration of Professional Services Agreement with Smith Seckman Reid, Inc. (SSR) for Update of the South Prong of Spencer Creek Sanitary Sewer Basin Study (COF Contract No. 2012-0098)**

David Parker, City Engineer/CIP Executive

Alderman Barnhill moved to approve the PSA. Seconded by Alderman Petersen. Motion carried unanimously 7-0 with Alderman Martin recused.

22. Consideration of Award of Contract for General Demolition and Debris Removal of City of Franklin Properties (COF Contract 2012-0088)

David Parker, City Engineer/CIP Executive

Alderman Blanton moved to approve award of contract. Seconded by Alderman Bransford. Motion carried unanimously.

23. Consideration of Mayor's Reappointment to The Housing Commission

Mayor Ken Moore

Alderman Bransford moved to approve the Mayor's Reappointment of Daniel Woods, member-at-large, to The Housing Commission for a three-year term. Seconded by Alderman Barnhill. Motion carried unanimously.

CONSENT AGENDA

24. Consideration of ORDINANCE 2012-17, An Ordinance to Rezone ± 2.85 Acres from Low Residential District (R-1) to High Residential District (R-3) for the Property Located at 3150 Boyd Mill Avenue

[Third and Final Reading]

Alderman Ann Petersen, FMPC Board Representative

Ordinance 2012-17 approved unanimously on Third and Final Reading.

25. Consideration of ORDINANCE 2012-18, An Ordinance to Rezone ± 3.83 Acres from Heavy Industrial District (HI) to Light Industrial District (LI) for the Property Located at 104 Southeast Parkway

[Third and Final Reading]

Alderman Ann Petersen, FMPC Board Representative

Ordinance 2012-18 approved unanimously on Third and Final Reading.

26. Consideration of ORDINANCE 2012-26, 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

[First of Two Readings]

Vernon Gerth, ACA Community/Economic Development

Alderman Blanton moved to approve Ordinance 2012-26 on First of Two Readings. Seconded by Alderman Bransford.

Alderman Martin asked who would monitor adherence to these rules. Alderman Skinner commented that part of the issue is allowing businesses to use City property. He would hope the businesses would monitor it on their own and City time and dollars would not be spent policing downtown for infractions.

Eric Stuckey said as designed the vision is self-enforcement by the merchants who helped develop these standards. As in any Code Ordinance, BNS would respond to complaints. The Ordinance is consistent with code issues throughout the community.

Alderman Barnhill wanted assurance the City is not in some legal situation by giving part of the sidewalk away and possibly be sued by some ADA person or persons. He requested those questions be answered by the next BOMA meeting. Also, research other cities that have tried to do the same the same thing and see if they had to rescind ordinances. Shauna Billingsley agreed to provide the information by next meeting.

Motion to approve Ordinance 2012-26 on First of Two Readings carried unanimously.

27. **Consideration of 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**
[First of Two Readings] Shauna Billingsley, City Attorney
Alderman Blanton moved to approve Ordinance 2012-30 on First of Two Readings. Seconded by Alderman Burger.

Alderman Burger questioned the hours for loading and unloading – 6:00 a.m. to 9 p.m. She expressed concern about the 6:00 a.m. time on Saturdays and Sundays.

Motion to approve Ordinance 2012-30 on First of Two Readings carried unanimously.

28. **Consideration of ORDINANCE 2012-31, An Ordinance to Establish a Two-Way Stop Sign Control at the Intersection of McEwen Drive and Oxford Glen Drive**
[Second and Final Reading] David Parker, City Engineer/CIP Executive
Alderman Barnhill moved to approve Ordinance 2012-31. Seconded by Alderman Burger.

David Parker explained the ordinance was pulled because some of the landscaping along the roadway must be removed for site distance. Details need to be worked out; however, staff would like the ordinance passed and allow them to make the necessary changes. Otherwise it is a safety issue.

Alderman Burger said she talked to Eric Stuckey, looked at the site, and called the HOA. The HOA wants further discussion. She believes 200 ft. is excessive. Mr. Parker explained the site distance is approximately 200 ft. Alderman Burger doesn't want to see too many well-established bushes removed and wanted him to look at it again. Mr. Parker responded that staff looked at it and measured it based on all conditions at the site.

Motion to approve Ordinance 2012-31 with changes carried unanimously.

29. **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**
[Second and Final Reading] David Parker, City Engineer/CIP Executive
Ordinance 2012-32 carried unanimously on Second and Final Reading.

30. **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 (COF Contract 2012-0073)**

Motion carried unanimously **Vernon Gerth, ACA Community/Economic Development**

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

Motion carried unanimously **David Rahinsky, Police Chief**

32. **Consideration of Event Permit Application from Franklin Lions Club for Franklin On The Fourth at Harlinsdale on July 4, 2012**

Motion carried unanimously **Lisa Clayton, Parks Director**

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

Motion carried unanimously **David Rahinsky, Police Chief**

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

Motion carried unanimously **David Rahinsky, Police Chief**

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

Motion carried unanimously **David Rahinsky, Police Chief**

36. **Items Approved by the City Administrator on Behalf of the Board of Mayor & Aldermen**

- West Main Water and Sewer Bid Award
- Consideration of Professional Services Agreement with Patriot Engineering for the Hayes House at Harlinsdale (\$2,300)
- Agreement with CSX Transportation Construction Agreement for McEwen Drive Bridge Reconstruction/Widening

Motion carried unanimously

ADJOURN

Alderman Bransford moved to adjourn. Seconded by Alderman Barnhill. Motion carried unanimously.

Meeting adjourned @ 8:18 p.m.

Dr. Ken Moore, Mayor