

**MINUTES OF THE SPECIAL MEETING  
 BOARD OF MAYOR AND ALDERMEN  
 FRANKLIN, TENNESSEE  
 CITY HALL BOARDROOM  
 TUESDAY, JULY 24, 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	P
Vernon Gerth, ACA Community & Economic Development	P	Shirley Harmon, HR Director	
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		Joe York, Streets Director	P
David Rahinsky, Police Chief		Brad Wilson, Facilities Project Manager	P
Fred Banner, MIT Director		Lanaii Benne, Assistant City Recorder	P
Chris Bridgewater, BNS Director	P	Linda Fulwider, Board Recording Secretary	P
Becky Caldwell, Solid Waste Director			

**1. Call to Order**

Mayor Ken Moore called the July 24, 2012, meeting to order at 7:15 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)

- ★ Cecilia Melo-Romie, Franklin, announced the annual before-school backpack giveaway would be held at Liberty Elementary on Saturday, August 4, 2012 from 4:00-6:00 p.m.
- ★ The next O-More College/Sister Cities Passport to the World program will be Sunday, August 5, 2012 with Ms. Melo-Romie and friends presenting a program on Chili.

**5. Communications from Williamson County Mayor and Williamson County Commission**

County officials were not present

**6. Approval of Minutes**

*The July 10, 2012 Work Session and July 10, 2012 BOMA meeting minutes were not available.*

**7. Recognitions**

None

**8. Miscellaneous Reports**

- ★ Eric Stuckey announced a dam-breaking ceremony would take place at 11:00 a.m., Wednesday, July 25, 2012, for removal of the low head dam. The City worked with several entities on this project for the City to continue to withdraw water from the Harpeth River, improve river flow and improve water quality. The dam location is adjacent to the water plant on Lewisburg Pike.
- ★ Mr. Stuckey related Requests for Proposals (RFP) for utilization of the Five Points Post Office (while preserving the history and character of the building) had gone out. A pre-bid conference was held and bids are due August 16, 2012. The document is on the City Website.
- ★ Vice Mayor Skinner announced the next Civil War Roundtable is scheduled Sunday, August 12, 2012 @ 3:00 p.m. in the Community Room at Police Headquarters. Jim Ogden will speak on the Battle of Chickamauga.

**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 26-42 be placed on the Consent Agenda.

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*Alderman Martin pulled Item 34. Alderman Barnhill moved to approve the Consent Agenda Items 26-42, with the exception of Item 34. Seconded by Alderman Bransford. Motion carried unanimously.*

**OLD BUSINESS**

- 10. PUBLIC HEARING: Consideration of ORDINANCE 2012-12, An Ordinance to Amend Chapter 3, Section 3.4.4 and Section 3.4.5 of the City of Franklin Zoning Ordinance Regulating Historic Structures Within the Floodway and Floodway Fringe Overlay Districts**  
[Second of Three Readings] Alderman Ann Petersen, FMPC Board Representative  
With no one coming forward to speak, Mayor Moore declared the Public Hearing Closed

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*Alderman Barnhill moved to approve Ordinance 2012-12 on Second of Three Readings. Seconded by Alderman Burger. Motion carried unanimously.*

- 11. PUBLIC HEARING: Consideration of ORDINANCE 2012-22, An Ordinance to Approve a Special Permit for Carlisle Hill Barn Venue, for the Purpose of Operating a Private Event Venue, Used as a Private Recreational Facility, on 24.84 Acres, Located at 1025 Carlisle Lane**  
[Second of Three Readings] Alderman Ann Petersen, FMPC Board Representative

### Public Hearing:

- John Saxton, President of the Cornerstone Subdivision HOA, voiced concern regarding added traffic should there be events involving 200 cars. Carlisle Lane is the only entrance/exit to the subdivision and if all left at the same time the road would be totally blocked. If during the day, it would be a long wait to get on Highway 96. Emergency vehicles would not be able to enter the property. The proposed traffic signal on Highway 96 is expected to help with traffic, but it will be a long time until that is installed. Noise is hard to quantify and they are pessimistic even though Mr. & Mrs. Melz said they would soundproof the barn.
- Doug Henry, President of the Gates of Carlisle HOA, voiced concern about traffic and the impact on neighbors enjoying their backyards. Their property values will fall as well. They have doubts about the entire permit approval process. There was no scientific traffic study. There are 93 homes in the subdivision, 76 signed against the venue, 7 were neutral, 8 had no opinion, 1 is a City employee who abstained, and one home is in foreclosure; 82% oppose the venue. Mr. Henry listed other objections: if the property were sold would they continue to operate the barn as a venue; who will enforce the rules if this passes; events are already being scheduled; tree screening not an adequate buffer; venue will benefit Mrs. Melz, not the community with 8-10 established venues. Mr. Henry read passages from Ordinance 2012-22 as well as voicing other what-ifs.
- Dana Gill, 1044 Carlisle, noted they are not part of any HOA; however, she is opposed to the venue. She can see the roof from her dining room and doesn't want to listen to noise from parties. Will alcoholic beverages be permitted? Many people are irresponsible when drinking. What if drunks drive erratically down Del Rio Pike with all the curves?
- A small child, Ella, 133 Cornerstone, was brought to the microphone by her father because of her concern over too many cars on her street. Her father related Ella thought it would be okay if there were only two more cars and they were going to a quiet business.
- Randy Beaman, Cornerstone Subdivision, mentioned the use of intimidation. The statement that all residents in Cornerstone are against the venue is not true. Several times he requested meetings, yet none were held. He was unhappy with the way the HOA handled the situation and the lack input from all homeowners. Most of what has been said is opinion and emotion driven. Nothing factual. Regarding traffic, there are two other roads that can be used, Old Del Rio Pike and Carlisle. The assumptions are that Mr. & Mrs. Melz will not handle the venue correctly and not follow the rules. Regarding noise, the fountain in the subdivision is very loud. Saying property values will go down is complete speculation. Real estate agents have indicated there would be no effect on property values. The City of Franklin has invested time in this. The special permit can be pulled any time if there are issues. Decibel readings were taken during a party. There have been no noise reports to the police during any of the events held in the barn. Look at facts to make a decision.
- Linda Albright said there had been many changes in Carlisle and Cornerstone in the last 26 years. She asked the residents if there had ever been issues with noise and traffic. If there were, wouldn't they have registered complaints? She called the Police Department to find out if there had been any reported complaints for the site. Research showed no complaints since 2004. The barn is well constructed and with the windows closed not much can be heard outside. Mrs. Melz has not accepted money for events held in the barn, contrary to what some detractors believe. She doesn't believe traffic back-up would happen as the road to the barn is a half-mile long. Williamson County needs larger venues.

- Nancy O’Leary said she is the mother of the 16-year old who had the party. No money changed hands; Mrs. Melz wouldn’t accept it. There was a professional DJ working the event and the Melz hired a sound engineer. At this point a short video was presented showing the sound technician taking decibel levels with music playing and at different locations on the property. In the beginning the level was 90 db inside, 60-75 db on the outside deck. She said their 21 year old son manned the gate and could not hear the music from that site. She asked that the venue be given a chance.
- Chris O’Leary read a letter from Events by Janie, saying in essence that it is increasingly hard to find enough venues with settings of beauty like this venue. He asked that the whole Franklin community take this into consideration despite all the opposition.
- Sandra Melz referred to the video and related she too had taken decibel readings and at certain locations it registered nothing. They have had parties for eight years and she doesn’t know how this got so blown out of proportion. Information given to the residents is not entirely accurate. A PowerPoint presentation was given.

#### **Special Use Permit**

- ♦ Allowed under present zoning (not a rezoning)
- ♦ Special uses will be private recreational by invitation only
  - Weddings, anniversaries, graduations, birthdays
  - Corporate meetings, seminars
  - Non-Profit venues
- ♦ Use will be an asset to the growing City of Franklin, there is a great need for more venues
- ♦ Can be revoked for non-compliance with conditions of the permit or violation of any local, county or state law
- ♦ Does not belong to the property (if property sells the special permit goes away)

#### **Your Concerns Are Our Concerns**

- ♦ This is our home, we live here, and we enjoy our peace and quiet. We are closer to the venue than anyone
- ♦ We have two young children with bedtimes too
- ♦ Facility was designed with quiet enjoyment of our surroundings
- ♦ We want to share this special property
- ♦ A way to preserve this 25 acre plot

#### **Objections vs. Facts**

- ♦ Traffic
  - *Concern:*
    - All cars will arrive at once and block Carlisle Lane
  - *Fact:*
    - Not all cars arrive at the same time, according to PMC they will arrive sporadically over a period of about 45 minutes to an hour
    - Most parties will be between 50-150 people
    - Gate will be open for events
    - Two access points in and out of the property
    - There is six-tenths of a mile of driveway that can accommodate over 185 cars so there will be no backup (Verified by PMC)
  - *Concern:*
    - Highway 96 and Carlisle will be so congested we can’t get out
  - *Fact:*
    - The City already has plans to improve this intersection to ease congestion
    - Most events will not be during peak traffic hours. If we schedule one during rush hour we will hire police to direct traffic. We don’t want our guests or our neighbors inconvenienced
    - There is more than one way in and out of this area (during construction we may need to alter our guest routes)

- ♦ Parking
  - *Concern:*
    - Cars will be parked on Carlisle Lane
  - *Fact:*
    - The entire property is fenced, you have to enter the property to get to the event
    - For events over 50 people, our contract requires a professional Valet Service
    - PMC says to expect the ratio of cars to be about 50% to attendee, for a wedding it drops to 30%
    - There is enough parking and ancillary parking to more than accommodate our events, this was verified by PMC
- ♦ Quiet Enjoyment
  - *Concern:*
    - Loud music will disrupt peace and quiet
  - *Fact:*
    - Location of barn is at the corner of Old Charlotte and Carlisle Lane (aerial view displayed)
    - 150 of tree buffer, mostly cedars
    - Amplified music and event will be indoors not outdoors
    - Barn is not a typical barn: 2 x 6 insulated walls, weather-stripping, sound panels
    - Measured sound at road during a party, it was 25 db less than passing cars
    - Contacted the Franklin Police Department, no complaints have ever been called in for this property or vicinity
  - *Concern:*
    - Parties will get out of hand, uncontrolled
  - *Fact:*
    - Joe and I or our representative will monitor all events
    - We have strict rules of conduct and time frames with a binding contract to ensure compliance or removal
  - *Concern:*
    - Parties will last until wee hours of the morning
  - *Fact:*
    - Parties will end at the time of the Noise Ordinance (11 p.m. on Friday, Saturday and 10 p.m. on weekdays) or sooner.
    - Cleanup is to be for one hour after party ends or next a.m.
- ♦ Future Potential Problems: what if, what if, what if
  - *Fact:*
    - This ordinance is revocable with one BOMA meeting
    - This ordinance does not transfer with the property

#### **Carlisle Lane Barn Venue**

- ♦ This is a welcome addition to our growing, thriving City
  - We need to accommodate families who want to celebrate their special occasions
  - Families want to show off their city, they want their children to be married in Franklin
  - Support for Franklin business, it's a place for corporate events, seminars, sales presentations
  - Help support downtown Franklin retail
  - Help support a new hotel, provide jobs for caterers, photographers, planners, musicians, etc.

Mrs. Melz concluded by saying the events would not be noticed any more than in the last eight years. She asked that, with the added amendment that all amplified music be indoors, the permit be approved.

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With no one else coming forth to comment, Mayor Moore declared the Public Hearing Closed

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*Alderman Burger moved to approve Ordinance 2012-22. Seconded by Alderman Bransford.*

Alderman Burger indicated she had two amendments, one for the amplified music and one stating the permit is not transferable. She wondered if there had been any public forum for residents in the two subdivisions or any emails disseminated with other points of view. She said she read every email. A lot of emotion and very little fact demonstrated. BOMA bases decisions on facts not emotions. There were many ridiculous what-ifs. Did anyone stop and consider the jobs provided for these events. Even if the permit is denied, they can continue to have parties. Events have been held for eight years without one complaint filed.

Alderman McLendon said it was a tough call. He did go the venue and noted it is nice and well built. His second visit was the night of the Sweet 16 party. He sat in his vehicle at the secondary exit and other locations. He could hear guests and music, but it was not overwhelming. As Ward Alderman, he is sensitive to the concerns of the residents in those neighborhoods. The rule requires the applicant to adhere to all conditions. Noise and traffic problems should not be based on the lowest common denominator. The Special Permit cannot be granted unless the applicant establishes there would be no undue effect against adjacent property. It is difficult to speculate on the number of cars that would go through for an event or the congestion it would cause. History of the events shows it may not have much of an impact. He believes Mr. & Mrs. Melz would be good stewards in this although the applicant cannot prove it would not cause undue traffic through residential streets. He disagrees that the permit can be revoked on one reading. The permit holder can appeal to the Board of Zoning Appeals (BOZA). It is not true that BOMA can revoke the permit. To have BOMA retain jurisdiction, call for review on a date certain at one year. He said he was going to vote against it because he thought the applicant had not met the criteria of the permit. He made the following amendment in case the ordinance did pass.

*Alderman McLendon moved to Amend Ordinance 2012-22 to grant the permit with an expiration date in July 2013 with a public hearing and review at that time. Seconded by Alderman Burger.*

Alderman McLendon pointed out the amendment is under Section 4.4.7, subparagraph 3 & 4.

There was brief discussion on what could or could not be done and if the ordinance would have to go back to planning, and if more information could be gathered from the attorney before the third reading. Subparagraphs 3 & 4 were read by Alderman McLendon. Alderman Burger related that she had two additional amendments.

*Motion to Amend carried unanimously.*

Mayor Moore asked for discussion on the Motion as Amended:

- Alderman Martin said she was against the permit because it is a commercial use in a residential zone. Accepting money makes it so. She thinks the responsibility falls on BOMA to look out for the safety and welfare of the community, because what if the next person wants to do the same thing.
- Alderman Barnhill commented the venue would heighten traffic problems on Carlisle Lane and Boyd Mill and would heighten every concern mentioned. He said he would not support the motion as amended.
- Alderman Bransford related that given the traffic problems she would feel better if they were talking about this post-traffic signal and would not support the permit.
- Alderman Blanton thought she would have a better understanding of the situation after seeing the venue operating under the permit for a period of time. She found neighbor against neighbor and the accusations frustrating. For eight years events have been held there and no one complained until the owner applied for a permit.
- Alderman Petersen indicated she would not support the permit.
- Alderman Skinner visited the venue found it to be an excellent venue with extra provision for amplified sound inside the building. He added that their provisions are stronger than the noise ordinance. There have been very few complaints about Carnton and that is an open air venue, and the interchange on Mack Hatcher will add a lot more traffic than the venue.

~~Alderman Burger proposed a second amendment stipulating that all sound amplification at all events held at the barn facility must be inside the barn and not outside of the facility. This Special Use Permit is issued to the applicant and is not transferable to subsequent owners or subsequent properties. Seconded by Alderman Skinner. (Amendments split into two motions below)~~

City Attorney Shauna Billingsley clarified the amendment would add Condition No. 8, and asked if both parts of the amendment were to be under this condition. Alderman Burger responded that she would separate the two stipulations

*Alderman Burger proposed a Second Amendment to Ordinance 2012-22 stipulating that all sound amplification at all events held at the barn facility must be inside the barn and not outside of the facility. Seconded by Alderman Skinner. Motion carried unanimously.*

*Alderman Burger proposed a Third Amendment to Ordinance 2012-22 stating, "This Special Use Permit is issued to the applicant and is not transferable to subsequent owners and subsequent properties". Seconded by Alderman Bransford.*

Alderman Martin was concerned that if the property sold and the permit dropped then the person who bought the property could reapply and probably get permission for the permit.

Alderman Petersen said the statement in the third amendment is already in the Zoning Ordinance. Alderman Burger acknowledged that, but people had asked for the statement for the sake of clarification. Shauna Billingsley noted it was not necessary to do this; however, the motion had been made and seconded.

*Motion to approve Third Amendment carried unanimously.*

*Main Motion as Thrice Amended FAILED 2-5 with Alderman Burger and Skinner voting in favor, Aldermen Martin, McLendon, Barnhill, Bransford, and Petersen voting against, and Alderman Blanton abstaining.*

12. **PUBLIC HEARING: Consideration of ORDINANCE 2012-25, An Ordinance to Rezone ±72.91 Acres From Agricultural District (AG) and Medium Residential District (R-2) To Residential Variety (RX) for the Properties Located South of Clovercroft Road and Southeast of Market Street [Second of Three Readings]** Alderman Ann Petersen, FMPC Board Representative  
With no one coming forward to speak, Mayor Moore declared the Public Hearing Closed

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*Alderman Barnhill moved to approve Ordinance 2012-25 on Second of Three Readings. Seconded by Alderman Blanton.*

Alderman Petersen expressed concern because this is a dangerous road.

*Motion to approve Ordinance 2012-25 on Second of Three Readings carried 7-1 with Alderman Petersen voting against.*

13. **PUBLIC HEARING: Consideration of RESOLUTION 2012-24, A Resolution Approving a Development Plan for Amelia Park PUD Subdivision Located South of Clovercroft Road and Southeast of Market Street**

**Alderman Ann Petersen, FMPC Board Representative**

Marshall Shumate, ETC Ventures, owners of the property. He related if anyone has questions about the Development Plan that he and Greg Gamble were present to answer them.

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

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*Alderman Martin moved to approve Resolution 2012-24. Seconded by Alderman Burger. Motion carried 7-1 with Alderman Petersen voting against.*

14. **PUBLIC HEARING: Consideration of ORDINANCE 2012-29, An Ordinance to Rezone ±2.46 Acres From High Residential District (R-3) To Residential Variety (RX) for the Properties Located West of Eleventh Avenue North, South of New Highway 96 West, and North of Boyd Mill Avenue**

**[Second of Three Readings]**

**Alderman Ann Petersen, FMPC Board Representative**

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

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*Alderman Blanton moved to approve Resolution 2012-24. Seconded by Alderman Bransford.*

Alderman Petersen noted that on Residential Variety (RX) there is no notification about what the proposed density is. She had said recently she thought they need to re-examine the Residential Variety (RX) zoning district because it does not require the applicant to state what the proposed density is.

*Motion to approve Ordinance 2012-29 carried unanimously.*

15. **PUBLIC HEARING: Consideration of RESOLUTION 2012-26, A Resolution Approving a Development Plan for the Vandalia Park PUD Subdivision Located South of New Highway 96 West and North of Boyd Mill Avenue**

**Alderman Ann Petersen, FMPC Board Representative**

Jason Goddard, representing the owner and applicant, came forward to answer any questions the Board may have.

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

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*Alderman Bransford moved to approve Resolution 2012-26. Seconded by Alderman Barnhill. Motion to approve Resolution 2012-26 carried unanimously.*

16. **PUBLIC HEARING: Consideration of RESOLUTION 2012-25, A Resolution Approving a Development Plan for the Grove at Parish Park PUD Subdivision Located East of Downs Boulevard**

**Alderman Ann Petersen, FMPC Board Representative**

Public Hearing:



- Bill Moran, 225 Lilac Circle, Willow Springs, said the new development density is higher than Willow Springs and Barkley Place. He named the Aldermen that had mentioned traffic concerns during the meeting. The traffic on Downs Boulevard has at least doubled since he has lived there. It is heavily traveled with commercial vehicles. Mack Hatcher is supposed to alleviate that, but when will that come to fruition. He and several others have had accidents at the intersection of Downs and Willow Springs Boulevard. The entrance to The Grove at Parish Park is right on that curve. The HOA would like consideration of reduction in density to at least that of Barkley Place, or preferably Willow Springs.
- Jason Goddard, Design Studio, representing the developer and the owner, mentioned The Grove at Parish Park earlier PUD plan was approved for 52 single family lots on 14.25 acres which makes a density of 3.65 units per acre and also 8.85 acres institutional use which was a floor area of .23 and consisted of a 600 parishioner church and a 225 student private school. The proposed Development Plan eliminates institutional use and consists of 87 single family dwellings for a density of 3.77 du/a. The entrances are located at the same spots. They provided a revised traffic study with the results showing a 68% reduction in a.m. peak hour traffic, and 49% reduction of the p.m. peak hour traffic. The study did not warrant significant traffic improvements to Downs Boulevard; however, the applicant does understand the traffic on Downs Boulevard and is proposing a left turn lane into the main entrance. The owner and applicant request a name change for the subdivision from Parish Park to Tywater Crossing, and staff informed him that would take a motion from the Board.

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

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*Alderman Martin moved to approve Resolution 2012-25 and to change the name of the subdivision from Parish Park to Tywater Crossing. Seconded by Alderman Bransford.*

Discussion ensued on density, traffic, new developments generating more traffic, and new developments coming in under the point that left turn lanes are required, and they are needed for most all those developments. Unsure what can be done about that at this point and at what point should staff address this. Long Range Plan addresses improvements on Downs Boulevard at some point in the future. Mr. Goddard estimated the build out would take three to four years.

*Motion to approve Resolution 2012-25 carried 6-2 with Aldermen Barnhill and Skinner voting against.*

### NEW BUSINESS

17. **Consideration of ORDINANCE 2012-39, An Ordinance to Rezone ±0.96 Acres From Low Residential District (R-1) To High Residential District (R-3) for the Property Located at 711 Hillsboro Road; Establishing a Public Hearing for August 28, 2012 (06/28/12 FMPC 6-1 recommendation to disapprove; 07/10 and 07/24/12 WS)**  
**[First of Three Readings] Alderman Ann Petersen, FMPC Board Representative**  
 Alderman Martin left the room.

*Alderman Blanton moved to approve Ordinance 2012-39. Seconded by Alderman Bransford*

Alderman Blanton related she would like to get this item to the Public Hearing to hear what the neighborhood has to say.

Alderman McLendon indicated that this was another tough call; sometimes rules get in the way of results. He wasn't sure if neighbors, staff or anybody would object to one house on that lot He would not oppose R-3 for that. There are other places that R-3 would not be a good idea. His concern was not this particular intended result rather about the potential domino effect as the neighborhood goes through major transition with the improvements on Hillsboro Road. The road will go up to some of the front porches along that stretch. The best result would be for the City to address that corridor now to know the end result of the improvements. He indicated he would support to get it to the public hearing, but probably would not support it after that. Need neighborhood feedback.

*Motion to approve Ordinance 2012-39 on First of Three Readings carried 5-2 with Aldermen McLendon, Burger, Barnhill, Blanton, and Bransford voting in favor, Aldermen Petersen and Skinner voting against, and Alderman Martin absent from the room.*

18. **Consideration of Amendment 2 to the Professional Engineering Services with SSR (COF Contract No. 2012-0115) in an Amount Not to Exceed \$14,750 for the Hillsboro Road Project**  
**David Parker, City Engineer/CIP Executive**  
*Alderman Bransford moved to approve Amendment 2. Seconded by Alderman McLendon. Motion carried 7-0 with Alderman Martin absent from the room.*

Alderman Martin rejoined the meeting.

19. **Consideration of RESOLUTION 2012-42, A Resolution Authorizing City Administrator to Enter Into Agreements With Middle Tennessee Electric Corporation's Designated Attorney for Condemnation of Easements for Electric Line Relocations as Part of the Hillsboro Road Improvements Project**  
**David Parker, City Engineer/CIP Executive**  
*Alderman Burger moved to approve Resolution 2012-42. Seconded by Alderman Barnhill. Motion carried unanimously.*

20. **Consideration of Bid Award to Tennis Court Construction Co. Inc. of Nashville, TN in the Total Amount of \$75,550.00 for Certain Improvements to the Tennis Courts at Jim Warren Park for the Parks Department (Purchasing Office Procurement Solicitation No. 2012-029; To be Funded in Part by Tennessee Local Parks and Recreation Fund Grant; Contract No. 2012-0119)**  
**Lisa Clayton, Parks Director**  
*Alderman Blanton moved to approve. Seconded by Alderman Skinner. Motion carried unanimously.*

21. **Consideration of Bid Award to First Place Finish, Inc. of Oak Ridge, TN in the Total Amount of \$55,683.59 for Certain Improvements to the Playground Adjacent to the Tennis Courts at Jim Warren Park and to the Playground at Liberty Park for the Parks Department (Purchasing Office Procurement Solicitation No. 2012-030; To be Funded in Part by Tennessee Local Parks and Recreation Fund Grant; Contract No. 2012-0120)**  
**Lisa Clayton, Parks Director**  
*Alderman Bransford moved to approve. Seconded by Alderman Skinner. Motion carried unanimously.*

22. **Consideration of New Liquor License Retailer's Certificate for The Bottle Shop at McEwen, Quillco, LLC (Nancy Quillman, Managing Agent), 1556 West McEwen, Franklin, Tennessee  
Lanaii Benne, Assistant City Recorder**

*Alderman Blanton moved to approve. Seconded by Alderman Burger. Motion carried unanimously.*

23. **Consideration of Good Moral Character Certificate for Westhaven Golf Club, LLC d/b/a Westhaven Golf Club, (Ernie Micelli, Managing Agent), 4100 Golf Club Drive, for On Premises Consumption**

**Steve Sims, Assistant City Recorder/Court Clerk**

*Alderman Burger moved to approve. Seconded by Alderman Blanton. Motion carried unanimously.*

24. **Consideration of the Professional Services Agreement (COF Contract No. 2012-0116 with Alfred Benesch and Company for the Long Lane Bridge Over I-65 Project in an Amount Not to Exceed Cost of \$324,725.00**

**David Parker, City Engineer/CIP Executive**

*Alderman Skinner moved to approve. Seconded by Alderman Burger. Motion carried unanimously.*

Alderman Skinner commented it is an opportunity to get the design and not have construction interfere with traffic on I-65 when the time comes to build the bridge.

*Motion to approve carried unanimously.*

25. **Consideration of RESOLUTION 2012-40; a Resolution to Approve the Standard Reclaimed Water Use Agreement and to Authorize the Water Management Department Director and City Administrator to Enter into such Agreements with Reclaimed Water Customers Without the Prior approval by the Board of Mayor and Aldermen**

**David Parker, City Engineer/CIP Executive**

*Alderman Martin moved to approve Resolution 2012-40. Seconded by Alderman Barnhill.*

Alderman Petersen asked if there were any time constraints on this item.

- ◆ Alderman McLendon left the meeting @ 9:31 p.m.

Alderman Martin said she was in favor of granting authority to the Water Management Director and City Administrator.

Alderman Petersen had concerns about getting reclaimed water; thought developments would compete for it. So, is there any reason why such requests couldn't wait two weeks for a Board meeting?

Eric Stuckey related the Agreement standardizes requests from those wanting reclaimed water; much like the standard agreement for other service requests.

Alderman Petersen stated she thought the Board needed to approve ongoing commitments.

Mark Hilty explained this agreement was modeled after the water and sewer agreements currently used. It is done to establish demands on the system.

Mr. Stuckey said it is a way to streamline and if there are limitations that will be looked at.

Alderman Petersen commented that she was thinking about things staff did not bring back to the Board, and cited examples.

Mr. Stuckey explained it is subject to the availability of the reclaimed water. It is up to the Board to grant the authority.

Alderman Burger thought the Board should be advised when the agreements are approved. David Parker thought a phrase could be added stating reports would be forwarded to the Board.

Alderman Barnhill commented the City has competent staff to make decisions and he doesn't see it as any different from water/sewer tap agreements.

*Alderman Burger Called the Question. Seconded by Alderman Barnhill. Motion carried 6-1 with Alderman Skinner voting no because he didn't get to speak prior to the question being called. Alderman McLendon was absent.*

*Motion to approve Resolution 2012-40 carried 4-3 with Aldermen Martin, Barnhill, Blanton and Bransford and voting in favor, Aldermen Burger, Petersen and Skinner voting against, and Alderman McLendon absent.*

### CONSENT AGENDA

26. **Consideration of ORDINANCE 2012-07, To Be Entitled: "An Ordinance to Amend the Character Area and Development Standard Overlays of The City of Franklin Zoning Map."**  
[Third and Final Reading] **Alderman Ann Petersen, FMPC Board Representative**  
*Ordinance 2012-07 approved unanimously on Third and Final Reading*
27. **Consideration of ORDINANCE 2012-08, To Be Entitled: "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."**  
[Third and Final Reading] **Alderman Ann Petersen, FMPC Board Representative**  
*Ordinance 2012-08 approved unanimously on Third and Final Reading*
28. **Consideration of ORDINANCE 2012-21, To Be Entitled: "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."**  
[Third and Final Reading] **Alderman Ann Petersen, FMPC Board Representative**  
*Ordinance 2012-21 approved unanimously on Third and Final Reading*
29. **Consideration of ORDINANCE 2012-34, An Ordinance Adopting FY 2012 Third Quarter Budget Amendments**  
[Third and Final Reading] **Mike Lowe, Comptroller**  
*Ordinance 2012-34 approved unanimously on Third and Final Reading*

30. Consideration of ORDINANCE 2012-36, An Ordinance to Annex Certain Areas South of New Highway 96 West (1973 New Highway 96 West/Animalia) Consisting of ±7.23 Acres, located along the South Side of New Highway 96 West, 220 Feet West of Westhaven Boulevard; Establishing a Public Hearing for August 28, 2012  
 [First of Three Readings] Alderman Ann Petersen, FMPC Board Representative  
*Ordinance 2012-36 approved unanimously on First of Three Readings*
31. Consideration of ORDINANCE 2012-40, An Ordinance to Zone/Rezone ±6.44 Acres To Neighborhood Commercial (NC), West Harpeth Character Area Overlay District 1 (WHCO-1), and Traditional Development Standards Shall Apply for the Properties Located Along the South Side of New Highway 96 West, 220 Feet West of Westhaven Boulevard (1973 New Highway 96 West/Animalia); Establishing a Public Hearing for August 28, 2012  
 [First of Three Readings] Alderman Ann Petersen, FMPC Board Representative  
*Ordinance 2012-40 approved unanimously on First of Three Readings*
32. Consideration of ORDINANCE 2012-37, A Zoning Ordinance Text Amendment to Amend Chapter 3, Section 3.5.12, Subsection 2(b) of The Franklin Zoning Ordinance, Which Establishes Standards for Special Area 1 of The East Harpeth Character Area Overlay District; Establishing a Public Hearing for August 28, 2012  
 [First of Three Readings] Alderman Ann Petersen, FMPC Board Representative  
*Ordinance 2012-37 approved unanimously on First of Three Readings*
33. Consideration of RESOLUTION 2012-35, A Resolution to Authorize the Mayor to Submit a Community Application to The American Planning Association Community Planning Assistance Team Initiative for a Study of the Fifth Avenue North Area  
 Alderman Ann Petersen, FMPC Board Representative  
*Resolution 2012-35 approved unanimously*
34. Consideration of ORDINANCE 2012-35, Zoning Ordinance Text Amendment to Amend Chapter 3, Section 3.4.5 of The Franklin Zoning Ordinance Regulating Use of Existing Nonresidential Structures Within the Floodway Fringe Overlay (FFO) Zoning District; Establishing a Public Hearing for August 28, 2012  
 [First of Three Readings] Alderman Ann Petersen, FMPC Board Representative  
*Alderman Burger moved to approve Ordinance 2012-35. Seconded by Alderman Bransford.*
- Alderman Martin felt it a dangerous precedent to add uses. Alderman Petersen responded this came about because so many uses were too specific and too restrictive in the New Zoning Ordinance.
- Ordinance 2012-35 approved unanimously on First of Three Readings*
35. Consideration of RESOLUTION 2012-39; A Resolution Declaring Certain Property on Liberty Pike (adjacent to The Factory at Franklin) as Surplus Property  
 David Parker, City Engineer/CIP Executive  
*Resolution 2012-39 approved unanimously*

36. **Consideration of RESOLUTION 2012-41, A Resolution Authorizing Condemnation for the Acquisition of Property for the McEwen Drive Temporary Connector Road**  
David Parker, City Engineer/CIP Executive  
*Resolution 2012-41 approved unanimously*
37. **Denial of Sanitary Sewer Availability Request for Susan Smith for Property on Clovercroft Road (Map 79, Parcel 57.03)**  
*Denial approved unanimously* David Parker, City Engineer/CIP Executive
38. **Consideration of the Professional Services Agreement (COF Contract No. 2012-0114) with Neel Schaffer for the Battle Avenue Drainage Improvements Project in an Amount Not to Exceed Cost of \$46,500.00**  
*Approved unanimously* David Parker, City Engineer/CIP Executive
39. **Consideration of Amendment 2 to the Professional Engineering Services with SEI (COF Contract No. 2011-0059) in an Amount Not to Exceed \$0.00 for the Hillsboro Road Project**  
*Approved unanimously* David Parker, City Engineer/CIP Executive
40. **Consideration of Event Permit for Franklin Classic to be Held on September 3, 2012 in Downtown Franklin**  
*Approved unanimously* David Rahinsky, Police Chief
41. **Consideration of Event Permit for Turkey Trot 5K Run on November 22, 2012**  
*Approved unanimously* David Rahinsky, Police Chief
42. **Items Approved by the City Administrator on Behalf of the Board of Mayor & Aldermen**
- Agreement for Strategic Development Plan Consulting with Robert M. Smith, COF Contract 2012-0086
  - Consideration of Professional Services Agreement with B. G. Jones and Company, LLC, for Appraisal Services for the McEwen Drive Temporary Connector Project (COF Contract 2012-0117)
- Approved unanimously*

## ADJOURN

*Alderman Barnhill moved to adjourn. Seconded by Alderman Blanton. Motion carried unanimously.*

Meeting adjourned @ 9:46 p.m.

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Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 8/15/2012 10:23 AM