

**MINUTES OF THE SPECIAL MEETING
 BOARD OF MAYOR AND ALDERMEN
 FRANKLIN, TENNESSEE
 CITY HALL BOARDROOM
 TUESDAY, AUGUST 28, 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	P	Mark Hilty, Water Management Director	P
David Parker, City Engineer/CIP Executive		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	
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 August 28, 2012, meeting to order at 7:00 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 Petersen moved to approve the August 14, 2012 Work Session minutes with an amendment on Item

13, second paragraph, "Following discussion it was decided ~~that text rezoning~~ amendments ~~and especially rezoning should~~ **would** continue to come through the Board..."; and, the August 14, 2012 BOMA minutes as submitted. Seconded by Alderman Burger. Motion carried unanimously.

7. **Recognitions**
None

8. **Miscellaneous Reports**
None

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 28-36 be placed on the Consent Agenda.

Alderman Barnhill removed Item 30 from the Consent Agenda and moved to approve Items 28, 29 and 31 through 36 on the Consent Agenda. Seconded by Alderman Burger. Motion carried unanimously.

OLD BUSINESS

10. **PUBLIC HEARING:** 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.

[Second of Three Readings]

Alderman Ann Petersen, FMPC Board Representative

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

Alderman Blanton moved to approve Ordinance 2012-36 on Second of Three Readings. Seconded by Alderman Martin. Motion carried unanimously.

11. **PUBLIC HEARING:** 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) by the City of Franklin, Tennessee

[Second of Three Readings]

Alderman Ann Petersen, FMPC Board Representative

Public Hearing

- ▲ John Frazier, Westhaven, said he supports this great facility that is so close to their subdivision and expressed that he was delighted with way the City worked with the Community.
- ▲ Amy Shever, Animal Welfare, related it is the most cutting edge clinic around and it is a true partner in the Community.
- ▲ Randy Caldwell, representing the owners, expressed appreciation to the staff that worked on this.

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

Alderman Bransford moved to approve Ordinance 2012-40 on Second of Three Readings. Seconded by Alderman Burger. Motion carried unanimously.

12. **PUBLIC HEARING: Consideration of RESOLUTION 2012-34, A Resolution Adopting a Plan of Services for the Annexation of Certain Areas (1973 New Highway 96 West – Animalia) by the City of Franklin, Tennessee**

Alderman Ann Petersen, FMPC Board Representative

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

Alderman Blanton moved to approve Resolution 2012-34. Seconded by Alderman Petersen. Motion carried unanimously.

13. **PUBLIC HEARING: 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 [Second of Three Readings]** **Alderman Ann Petersen, FMPC Board Representative**
Public Hearing

- ▲ Howard Johnston, Fifth Avenue North property, asked for continued support for this ordinance. He can't put his property back like it was, so this gives him options.

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

Alderman Martin moved to approve Ordinance 2012-35 on Second of Three Readings. Seconded by Alderman Martin. Motion carried unanimously.

14. **PUBLIC HEARING: 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 West Harpeth Character Area Overlay District [Second of Three Readings]** **Alderman Ann Petersen, FMPC Board Representative**

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

Alderman Petersen moved to Approve Ordinance 2012-37 on Second of Three Readings. Seconded by Alderman Bransford. Motion carried unanimously.

15. **PUBLIC HEARING: 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 (6/28/12 FMPC 6-1 Recommendation to Disapprove; 7/24/12 BOMA 5-2) [Second of Three Readings]** **Alderman Ann Petersen, FMPC Board Representative**

- * Alderman Martin was recused and left the meeting

Public Hearing

- ▲ Cornelia Holland, 801 Hillsboro Road, said she opposed the rezoning of 711 Hillsboro Road from R-1 to R-3 because of the potential impact on the Hillsboro Road neighborhood from

Frazier Drive to Mack Hatcher Parkway. Sullivan Engineering once said this area presented one of the most difficult challenges in addressing stormwater drainage. The lot at 711 is one of the lowest lots with stormwater drainage at the north and western sides of the lot. An underground spring exists on 707 Hillsboro Road. City engineers have stated the proposed Streetscape stormwater system will not be sufficient to handle the water pushed from the spring during high levels of the Harpeth. Mr. Hardcastle indicated in a letter to the neighbors he would restrict the deed for the proposed lot at 790 to “no smaller than 2,200 sq. ft., no larger than 4,000 sq.ft...” question the impact additional pavement and a house as large as 4,000 sq. ft. might have on drainage. R-3 is defined as allowing three houses per acre. Ms. Holland used Glen Echo Road in Green Hills as an example of what might happen. She listed reasons why this area should be maintained and protected as part of Franklin’s heritage. (Ms. Holland submitted her entire statement for the record and it is filed with the minutes)

- ▲ Mort Stein, 1627 Kinnard Drive, indicated he is in favor of the rezoning. Staff had said this should be studied. The Hardcastle property is the only one than can be built on. He quoted Alderman McLendon’s comment from last meeting that the Board should not make a decision based on the worst possible scenario that could happen. Mr. Stein added that several houses on the lot would not be feasible. Rezoning makes sense and should be approved.
- ▲ Loy Hardcastle, property owner, said he is trying to divide a lot and put one house on one lot. It is the only lot like it to Del Rio Pike. It can’t be zoned R-1 because the lot is 0.96 just shy of one acre. He was unhappy a simple request on the part of a landowner had come to this. He said he appreciated being able to state his case.

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

Alderman Blanton moved to approve Ordinance 2012-39 for a zoning change to allow the landowner to fulfill his request. Seconded by Alderman Burger.

Discussion:

- ▲ Alderman Blanton said the intent is obvious and it is frustrating that the 0.96 cannot be rounded up to 1 acre. She added that she was not happy going to the R-3 zoning; however, she didn’t think that the worst case scenario would happen with everyone wanting to rezone.
- ▲ Alderman McLendon recounted what he said last meeting that he doesn’t oppose construction of a home on a vacant lot as it can be done in a way that looks like it has been there forever. He hoped the applicant would be respectful of the neighborhood if the ordinance passes. The homes there are long established. The changes to Hillsboro Road will be significant. Curbs and gutters will be much closer to those homes and they will sell and leave when that happens. Concerned if R-3 is granted, when the project is done economic conditions could lead to investor driven applications for rezoning. He wished it could be R-2 as well. R-1 used to be the placeholder and we now know why that doesn’t work. Create a zoning classification that works there. Can’t support because of creating R-3 zoning up and down Hillsboro Road.
- ▲ Alderman Petersen said her concern was opening it up and making a talking point for anyone else who wants the same zoning.
- ▲ Alderman Bransford agreed with Alderman Petersen. She did say she was not concerned the

house would be inappropriate. However, she could not support the Ordinance

- ▲ Alderman Barnhill said he had an issue with spot zoning this and thought a deed restriction had been offered. He said Hillsboro Road would not come to fruition for 10 years and at that time he expects it will be totally different. He didn't see a solution to take the zoning to R-2 and is not comfortable with R-3. Could not support.
- ▲ Alderman McLendon disagreed that Hillsboro Road would take 10 years and would be more like 10-15 months. He doesn't like the confines of R1, R2, and R3 and asked Eric Stuckey to fast-track some kind of overlay district or something that can accommodate good, positive change. Some of those homes will not survive; although, when Hillsboro Road is done there will still be beautiful homes that sit very close to the road.
- ▲ Alderman Barnhill asked if this should be deferred to look at an overlay or just not pass it.
- ▲ Alderman McLendon said he didn't want the applicant to have to go back to the Planning Commission and start over. Create something narrow and limited that could be applicable again; using this as a test case.

Alderman McLendon moved to defer Ordinance 2012-39 for further action to the first regular BOMA meeting in January 2013. Seconded by Alderman Burger. Motion to defer carried unanimously (7-0) with Alderman Martin recused.

* Alderman Martin rejoined the meeting.

16. **Consideration of ORDINANCE 2012-47, An Ordinance to Establish Traffic Control at the Intersection of McEwen Drive and Oxford Glen Drive**
[First of Two Readings] Paul Holzen, Engineering Director
Alderman Burger moved to withdraw Ordinance 2012-47. Seconded by Alderman Bransford. Motion carried unanimously.

NEW BUSINESS

17. **Consideration of ORDINANCE 2012-38, To Be Entitled: "An Ordinance to Amend Chapter 3, Section 3.2 and Chapter 8, Section 8.3 of The City of Franklin Zoning Ordinance to Revise Requirements and Definitions Related to Hotels"; Establishing a Public Hearing for September 25, 2012**
[First of Three Readings] Alderman Ann Petersen, FMPC Board Representative
Alderman Burger moved to approve Ordinance 2012-38 on First of Three Readings. Seconded by Alderman Bransford.

Alderman Petersen related that she voted against this at the FMPC meeting and questions if all hotels should be suite hotels. There are some hotels in Franklin that do not have some of the amenities listed. She doesn't want to make everything full service with these requirements.

Motion to approve Ordinance 2012-38 on First of Three Readings carried 6-2 with Aldermen Petersen and Skinner voting against.

18. **Consideration of RESOLUTION 2012-43, A Resolution Authorizing the Issuance of General Obligation Refunding Bonds in the Aggregate Principal Amount of Not to Exceed Twenty-Three**

Million Dollars (\$23,000,000) of The City of Franklin, Tennessee; Making Provision for the Issuance, Sale and Payment of Said Bonds; Establishing the Terms Thereof and the Disposition of Proceeds Therefrom; Providing for the Levy of Taxes for the Payment of Principal of, Premium, if Any, and Interest on Bonds

Russ Truell, ACA Finance & Administration

Alderman Skinner moved to approve Resolution 2012-43. Seconded by Alderman Burger. Motion carried unanimously.

19. **Consideration of RESOLUTION 2012-44, A Resolution of the Board of Mayor and Aldermen for Utilization and Replacement of Funds from Certain Reserve Accounts (Reserve Policy)**

Russ Truell, ACA Finance & Administration

Alderman Barnhill moved to approve Resolution 2012-44. Seconded by Alderman Petersen. Motion carried unanimously.

20. **Consideration of RESOLUTION 2012-45, A Resolution of Amendments to the 2011-2013 Water Department Operating Budget**

Mark Hilty, Water Management Director

Alderman Barnhill moved to approve Resolution 2012-45. Seconded by Alderman Petersen. Motion carried unanimously.

Alderman Petersen said she had questions, the same questions she asked before. She understands that Harpeth Valley has lower rates. They are a source for the City. Mallory Valley also has lower rates than Franklin. Why?

Mark Hilty explained that municipal utilities must recover costs and it is all based on operations. There can be a very wide range and it is based on what the utility does.

Eric Stuckey added that there are differences in the age of the systems; others also get water from Harpeth Valley. The size and distance of the pipes and maintenance can make a difference. Each one has its own unique mix of components. Not all are created equal. The City is significantly lower than some others in the region.

Alderman Petersen said that question would come up because the City is getting ready to raise rates. Should the City get its water from another source rather than producing water?

Mr. Stuckey said the study shows the water the City produces is cheaper than buying from a source. Staff continues to look at these issues.

21. **Consideration of Instrument of Accession to Subscription Agreement with Westwood Global**

Russ Truell, ACA Finance & Administration

Alderman Barnhill moved to approve Instrument of Accession to Subscription Agreement with Westwood Global. Seconded by Alderman Bransford. Motion carried unanimously.

22. **Consideration of Bid Award to Viking Products, Inc. in the Amount of \$78,026.16 for the Buckingham Park/Ralston Creek Stream Restoration Project (COF Contract Number 2012-0074)**

Paul Holzen, Engineering Director

Alderman Martin moved to approve Bid Award to Viking Products for \$78,026.16. Seconded by Alderman Blanton. Motion carried unanimously.

23. **Consideration of Amendment No. 2 to the Professional Services Agreement with Civil and Environmental Consultants, Inc. (CEC) COF Contract No. 2011-0025) for the Buckingham Park/Ralston Creek Stream Restoration Projects for Construction Administration and Inspection Services**

Paul Holzen, Engineering Director

Alderman Burger moved to approve Amendment No. 2 to the PSA with Civil & Environmental Consultants. Seconded by Alderman Martin. Motion carried unanimously.

24. **Consideration of Amendment No. 1 to the Gas Pipeline Relocation Agreement (McEwen Drive Phase III) Agreement with ATMOS Energy Corporation for the McEwen Drive Temporary Connector Project (COF Contract No. 2012-0136)**

Paul Holzen, Engineering Director

Alderman Burger moved to approve Amendment No. 1 to the Gas Pipeline Relocation Agreement with ATMOS. Seconded by Alderman Bransford. Motion carried unanimously.

25. **Consideration of Utility Easement Acquisition Agreement (COF Contract No. 2012-0134) with Milcrofton Utility District for SR 252 (Wilson Pike) and McEwen Drive Intersection Improvements Project**

Paul Holzen, Engineering Director

Alderman Burger moved to approve Utility Easement Acquisition Agreement with Milcrofton Utility District. Seconded by Alderman Bransford. Motion carried unanimously.

26. **Consideration of Amendment No. 1 to TDOT Contract No. 060059; PIN 107520.00; (COF Contract No. 2012-0133) for the McEwen Drive Phase III Project**

Paul Holzen, Engineering Director

Alderman Burger moved to approve Amendment No. 1 to TDOT Contract No. 060059. Seconded by Alderman Barnhill. Motion carried unanimously.

27. **Consideration of Event Permit Application for Franklin Cowboys Homecoming Parade on September 28, 2012 at 6:00 p.m.**

David Rahinsky, Police Chief

Alderman Skinner moved to defer Event Permit Application to September 11, 2012. Seconded by Alderman Bransford.

Alderman McLendon emphasized the deferral is to work out a route change and not because of the event itself.

Motion to defer carried unanimously.

CONSENT AGENDA

28. **Consideration of ORDINANCE 2012-19, an Ordinance to Amend Franklin Municipal Code Title 18, to Standardize and Define Customer Classification**

[Second and Final Reading]

Russ Truell, ACA Finance & Administration
Steve Sims, Assistant City Recorder

Ordinance 2012-19 approved unanimously on Second and Final Reading

29. **Consideration of ORDINANCE 2012-27, An Ordinance to Amend Chapter 4, Section 4.1 of the City of Franklin Zoning Ordinance to Permit Outdoor Storage at Government Facilities [Third and Final Reading]** Alderman Ann Petersen, FMPC Board Representative
Ordinance 2012-27 approved unanimously on Third and Final Reading
30. **Consideration of Agreement with EnerNOC, Inc. for Wastewater Plant Energy Savings**
Mark Hilty, Water Management Director
Alderman Barnhill moved to approve Agreement with EnerNOC on the condition of review and sign off by the City Attorney, City Administrator, and Water Management Director. Seconded by Alderman Bransford. Motion carried unanimously.
31. **Consideration of Liquor License Retailer's Certificate (Renewal) for Cool Springs Wine & Spirits (Mr. James W. Woodward, Jr., Managing Agent), 1935 Mallory Lane, Franklin Tennessee 37067**
Approved unanimously Lanaii Benne, Assistant City Recorder
32. **Consideration of Liquor License Retailer's Certificate (Renewal) for Franklin Wine and Spirits (David Clark, Managing Agent), 1400 Liberty Pike, Suite #300, Franklin, Tennessee 37067**
Approved unanimously Lanaii Benne, Assistant City Recorder
33. **Consideration of Liquor License Retailer's Certificate (Renewal) for Mallory Lane Wine and Spirits (Robert Scales, Managing Agent), 3070 Mallory Lane #100, Franklin, Tennessee 37067**
Approved unanimously Lanaii Benne, Assistant City Recorder
34. **Consideration of Liquor License Retailer's Certificate (Renewal) for Del Rio Wine and Spirits, Radhe Radhe Bal LLC (Dahyabhai V. Patel, Managing Agent), 111 Del Rio Pike, Franklin, Tennessee**
Approved unanimously Lanaii Benne, Assistant City Recorder
35. **Consideration of Bid Award to Sutphen Corporation of Dublin, OH in the Total Amount of \$745,224.84 (if a Deposit of \$188,073.25 is Paid within 45 Days of Contract Execution) for One (1) Custom-Built, Quintuple-Function Fire Apparatus for the Fire Department (Purchasing Office Procurement Solicitation No. 2013-001; \$680,000.00 budgeted in Facilities Tax Fund, Line Item No. 130-89520-42200, for Fiscal Year 2013; Contract No. 2012-0127)**
Approved unanimously Rocky Garzarek, Fire Chief
36. **Items Approved by the City Administrator on Behalf of the Board of Mayor & Aldermen**
- a) Acceptance of Proposal for Services from Computer Resources in the Amount of \$13,300 for the Licensing and Implementation of Integrity Data Software to Improve Payroll Processing and Data Management
Russ Truell, ACA Finance & Administration
- b) Consideration of Change Order Number One from Stone Crest Construction LLC

Regarding the Installation of One by Four (1x4) Tongue and Groove Decking on the Front Porch of the Hayes House at Harlinsdale; Approximate Cost for Services \$925.00
Brad Wilson, Facilities Project Manager

- c) Consideration of Change Order Number Two from Stone Crest Construction LLC for Installation of Replacement Material Over a Door and Window Entry, and Installation of 1x6 Fascia and Flashing Not Originally Visible at the Time of Design; Approximate Cost for Services \$2,200.00

Brad Wilson, Facilities Project Manager

- d) Consideration of Change Order Number Three from Stone Crest Construction LLC for the Replacement of Window Sills and Framing at Dormer Windows of the Hayes House at Harlinsdale; Approximate Cost for Services \$500.00

Brad Wilson, Facilities Project Manager

- e) Consideration of Replacement of the Flat Roof Located on the Lab/Administrative Building Located at the Water Reclamation Facility Located on Claude Yates with Perry Construction; Approximate Cost for Services \$20,000.00

- f) Submittal of a Federal Preservation Grant Application to the Tennessee Historical Commission for the Development of a Historic Cemeteries Master Plan (COF 2012-0049)

Amanda Hall, Preservation Planner

Approved unanimously

ADJOURN

Alderman Blanton moved to adjourn. Seconded by Alderman Skinner. Motion carried unanimously.

Meeting adjourned @ 7:51 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 9/12/2012 12:54 PM