

**MINUTES OF THE REGULAR MEETING
 BOARD OF MAYOR AND ALDERMEN
 FRANKLIN, TENNESSEE
 CITY HALL BOARDROOM
 TUESDAY, SEPTEMBER 11, 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	A
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	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		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	P	Linda Fulwider, Board Recording Secretary	P
Becky Caldwell, Solid Waste Director			

1. Call to Order

Mayor Ken Moore called the September 11, 2012, meeting to order at 7:21 p.m.

2. Invocation

The invocation was given by Chaplain Catherine Thiele, Old Glory Chapter of the DAR (Daughters of the American Revolution).

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 28, 2012 Work Session and August 28, 2012 BOMA minutes as presented. Seconded by Alderman Barnhill. Motion carried unanimously (7-0).

7. **Recognitions**

★ Daughters of the American Revolution Proclamation and Banner Presentation

Susan Walker, Regent, Old Glory Chapter of DAR presented the commemorative 9/11 flag to Mayor Moore. Mayor Moore presented a Proclamation to the DAR declaring the week of September 17-23, 2012 Constitution Week.

Florence Pitts told of going to FSSD Schools to teach the children about the Constitution. Ms. Pitts and Ms. Walker spoke about the Old Glory Constitution Event to be held at the Historic Franklin Presbyterian Church during Constitution Week. There will be bell ringing, Fife & Drum Corps, and brief speeches, with one speaker being Mayor Moore.

All members of the Old Glory Chapter, who were present, including Aldermen Martin and Petersen, came forward for a presentation to the City. A red, white and blue banner, We the People, with the Preamble to the Constitution printed upon it. The banners will hang from lamp posts on the Square beginning tomorrow. The Chapter's idea was brought to fruition by the Streets Department sign makers.

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 23-38 be placed on the Consent Agenda.

Alderman Barnhill pulled item 38 for clarification and moved for approval of the Consent Agenda Items 23-37. Seconded by Alderman Bransford. Motion carried unanimously (7-0).

OLD BUSINESS

10. **PUBLIC HEARING: Consideration of ORDINANCE 2011-12, An Ordinance to Establish Title 24 Special Assessment District**

[Second and Final Reading]

David Parker, City Engineer/CIP Executive

Shauna Billingsley, City Attorney

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

Alderman Bransford moved to approve Ordinance 2011-12 on Second and Final Reading. Seconded by Alderman Barnhill.

Eric Stuckey explained Title 24; Special Assessment District is to capture all the information involved in one place. It fully reflects all that is contained in State law and is a clear framework for how assessment districts work. There is nothing new involved; it consolidates and clarifies the process. David Parker and the Law Department worked extensively on this project.

Motion to approve Ordinance 2011-12 to Establish Title 24 Special Assessment District carried unanimously (7-0) on Second and Final Reading.

- 11. **PUBLIC HEARING: Consideration of ORDINANCE 2012-41, An Ordinance to Rezone ±14.07 Acres From General Commercial District (GC) To Residential Variety District (RX) for the Property Located Along Carothers Parkway and Northwest of East McEwen Drive [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 Barnhill moved to approve Ordinance 2012-41 on Second of Three Readings. Seconded by Alderman Skinner. Motion carried unanimously (7-0).

- 12. **PUBLIC HEARING: Consideration of RESOLUTION 2012-36, A Resolution Approving a Development Plan for Franklin Park, Located Along Carothers Parkway, South of Nissan and North of McEwen Drive, 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 2012-36. Seconded by Alderman Burger. Motion carried unanimously (7-0).

- 13. **PUBLIC HEARING: Consideration of ORDINANCE 2012-42, An Ordinance to Rezone ±13.81 Acres From General Commercial District (GC) To Residential Variety District (RX) for the Property Located East of Carothers Parkway, Along Resource Parkway [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 Barnhill moved to approve Ordinance 2012-42 on Second of Three Readings. Seconded by Alderman Blanton. Motion carried unanimously (7-0).

- 14. **PUBLIC HEARING: Consideration of RESOLUTION 2012-37, A Resolution Approving a Development Plan for Resource Centre Apartments, Located Along Carothers Parkway, Both North and South of Resource Parkway, 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 Bransford moved to approve Resolution 2012-37. Seconded by Alderman Barnhill. Motion carried unanimously (7-0).

- 15. **PUBLIC HEARING: Consideration of ORDINANCE 2012-46, An Ordinance to Amend Various Chapters and Sections of the City of Franklin Zoning Ordinance to Clarify Requirements and Correct Minor Textual Errors [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 Barnhill moved to approve Ordinance 2012-46 on Second of Three Readings. Seconded by Alderman Burger. Motion carried unanimously (7-0).

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

David Rahinsky, Police Chief

Alderman Barnhill moved to approve Event Permit Franklin Cowboys Homecoming Parade. Seconded by Alderman Martin. Motion carried unanimously (7-0).

NEW BUSINESS

17. **Consideration of ORDINANCE 2012-05, An Ordinance to Establish Section 2.4.11 and Amend Section 5.6.4 of the Franklin Zoning Ordinance, Which Establishes Requirements for Fences and Walls; Establishing a Public Hearing for October 9, 2012**

[First of Three Readings]

Alderman Ann Petersen, FMPC Board Representative

Alderman Martin moved to approve Ordinance 2012-05 on First of Three Readings. Seconded by Alderman Bransford. Motion carried 6-1 with Alderman Blanton voting no.

18. **Consideration of ORDINANCE 2012-45, An Ordinance to Amend Chapter 6, Section 6.3, Subsection 2 and Section 6.4, Subsection 1 of The Franklin Zoning Ordinance, Which Establishes Regulations for Reduction or Release of Performance Agreement and Surety; Establishing a Public Hearing for October 9, 2012**

[First of Three Readings]

Alderman Ann Petersen, FMPC Board Representative

Alderman Barnhill moved to approve Ordinance 2012-45 on First of Three Readings. Seconded by Alderman Martin. Motion carried unanimously (7-0).

19. **Consideration of RESOLUTION 2012-50, A Resolution Declaring the Intent of The City of Franklin to Act as a Government Pass-Through Entity for the Dooley Tract Land Acquisition Project as Requested by the Civil War Preservation Trust**

Vice Mayor Michael Skinner

Battlefield Preservation Commission Representative

Alderman Skinner moved to approve Resolution 2012-50. Seconded by Alderman Bransford. Motion carried unanimously (7-0).

20. **Consideration of Contract Award to Burris, Thompson & Associates of Nashville, TN, in the Total Amount of \$45,815 for a Comprehensive Classification and Compensation Study for the City of Franklin, Requisitioned by the Human Resources Department (Purchasing Office Procurement Solicitation No. 2013-002, \$50,000.00 Budgeted in 110-82560-41650 for Fiscal Year 2013; Contract No. 2012-0142)**

Shirley Harmon, Human Resources Director

Alderman Barnhill moved to approve Contract Award Burris, Thompson & Associates for \$45,815. Seconded by Alderman Burger. Motion carried unanimously (7-0).

21. **Consideration of Liquor License Retailer's Certificate (New Store Owners) for The Corner Wine & Spirits (Guru Dev of Franklin, LLC; Ramesh Surati [Managing Agent] and Manharbhai Patel), 1110 Hillsboro Road, Franklin, Tennessee**

Lanaii Benne, Assistant City Recorder

Alderman Bransford moved to approve Liquor License Retailer's Certificate for The Corner Wine & Spirits. Seconded by Alderman Barnhill. Motion carried unanimously (7-0).

22. Consideration of Appointment for a Representative to the Williamson County Water & Wastewater Authority

Dr. Ken Moore, Mayor

Mayor Moore nominated Alderman Dana McLendon to serve as City representative on the Williamson County Water & Wastewater Authority.

Alderman Barnhill moved to approve the appointment of Dana McLendon to the Williamson County Water & Wastewater Authority. Seconded by Alderman Burger. Motion carried unanimously (7-0).

CONSENT AGENDA

23. Consideration of ORDINANCE 2012-33, An Ordinance to Amend Title 1, Chapter 5 of The Franklin Municipal Code Concerning Emergency Management

[First of Two Readings] Rodney Escobar, Risk Manager

Ordinance 2012-33 approved unanimously (7-0) on First of Two Readings

24. 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

[Third and Final Reading] Alderman Ann Petersen, FMPC Board Representative

Ordinance 2012-36 approved unanimously (7-0) on Third and Final Reading.

25. 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)

[Third and Final Reading] Alderman Ann Petersen, FMPC Board Representative

Ordinance 2012-40 approved unanimously (7-0) on Third and Final Reading.

26. 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

[Third and Final Reading] Alderman Ann Petersen, FMPC Board Representative

Ordinance 2012-35 approved unanimously (7-0) on Third and Final Reading.

27. 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

[Third and Final Reading] Alderman Ann Petersen, FMPC Board Representative

Ordinance 2012-37 approved unanimously (7-0) on Third and Final Reading.

28. **Consideration of RESOLUTION 2012-49, A Resolution Authorizing Condemnation for the Acquisition of Property for the Sanitary Sewer Improvements from Seventh Avenue to Hillsboro Road Project**
Resolution 2012-49 approved unanimously David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director
29. **Consideration of Event Permit Application for Westhaven Race 4 the Cure on September 15, 2012**
Approved unanimously (7-0) David Rahinsky, Police Chief
30. **Consideration of Event Permit Application for Franklin High Homecoming Parade on October 5, 2012 at 10:30 a.m. in Downtown Franklin**
Approved unanimously (7-0) David Rahinsky, Police Chief
31. **Consideration of Right-of-Way Dedication on Various City of Franklin Properties to The State of Tennessee for the Hillsboro Road Improvements Project**
Approved unanimously (7-0) David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director
32. **Consideration of Easement Purchase from the Property Located at 232 Fifth Avenue North for the Hillsboro Road Improvements Project in the Amount of \$64,000.00**
Approved unanimously (7-0) David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director
33. **Consideration of Amendment 2 to the Professional Services Agreement with CDM Smith (COF Contract No. 2011-0037) for the Jackson Lake Dredging Improvements Project in an Amount Not to Exceed \$5,000**
Approved unanimously (7-0) David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director
34. **Consideration of Change Order No. 2 with Civil Constructors, Inc. for the Jackson National Life Insurance Company (COF Contract No. 2011-0023) for an Increase in the Contract Amount of \$19,513.00)**
Approved unanimously (7-0) David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director
35. **Consideration of Change Order No. 1 with Stansell Electric Company, Inc. for the Franklin Toc Phase 3 Field Hardware Project (COF Contract 2011-0151) for an Increase in the Contract Amount of \$18,900 and an Additional 3 Days to the Construction Contract**
Approved unanimously (7-0) David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director
36. **Consideration of Amendment No. 1 to Professional Services Agreement (COF Contract 2012-0050) with Hethcoat & Davis, Inc. for the Water Line Relocation for the I-65 Widening Project from North of SR 840 to North of SR 248 (Goose Creek Interchange) in the Amount of \$7,070; TODT Project No. 94002-2181-44**
Approved unanimously (7-0) David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director

37. Consideration of Amendment No. 1 to Professional Services Agreement (COF Contract No. 2012-0051) with Hethcoat & Davis, Inc. for the Sanitary Sewer and Reclaimed Water Line Relocation for the I-65 Widening Project from North of SR 840 to North of SR 248 (Goose Creek Interchange) in the Amount of \$14,800; TDOT Project No. 94002-2181-44
Approved unanimously (7-0) David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director

38. Consideration of Sanitary Sewer Availability Request for the Auto Clinic of Franklin Located at 1810 Carters Creek Pike (Map 72, Parcel 29)
David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director

It was clarified that this is a request to Deny Sanitary Sewer.

Alderman Barnhill moved to Deny Sanitary Sewer for the Auto Clinic of Franklin. Seconded by Alderman Blanton. Motion carried unanimously (7-0)

ADJOURN

Alderman Burger moved to adjourn. Seconded by Alderman Blanton. Motion approved unanimously (7-0).

Meeting adjourned @ 7:43 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 10/3/2012 9:04 AM