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**MINUTES OF THE WORK SESSION  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, SEPTEMBER 11, 2012 - 5:00 P.M.**

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Mayor Ken Moore	P		
Alderman Brandy Blanton	P	Alderman Margaret Martin	P
Alderman Clyde Barnhill	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 Dev.	P	Shirley Harmon, HR Director	P
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
David Parker, CIP Executive/City Engineer	P	Paul Holzen, Engineering Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning/Sustainability Director	P
Rocky Garzarek, Fire Chief	P	Joe York, Streets Director	P
David Rahinsky, Police Chief	P	Brad Wilson, Facilities Project Manager	P
Fred Banner, MIT Director	P	Rodney Escobar, Risk Manager	P
Chris Bridgewater, BNS Director	P	Lanaii Benne, Assistant City Recorder	P
Becky Caldwell, Solid Waste Director	P	Linda Fulwider, Board Recording Secretary	P

**1. Call to Order**

Mayor Ken Moore called the Work Session to order at 5:00 p.m.

Mayor Moore acknowledged the 11<sup>th</sup> anniversary of 9/11/2001, the significant day that changed America.

**2. Citizen Comments**

Alderman Margaret Martin, 238 Third Avenue South, speaking as a citizen of Franklin, asked if it would be possible to have an ordinance to keep the street sales that are occurring in the commercial areas of Cool Springs, out of residential neighborhoods. Many constituents have complained to her that this is happening in residential areas.

Eric Stuckey indicated he would get back to her on this. Brentwood is involved in litigation on this issue. At this time there is no distinction made between commercial and residential street sales in the City of Franklin regulations.

**WORK SESSION DISCUSSION ITEMS**

**3. Community Foundation Presentation**

**Rodney Escobar, Risk Manager**

Eric Stuckey referred to Mr. Escobar's previous presentation when he told how the Community Foundation could help in establishing a pre-disaster fund. The aldermen had asked if the United Way could act in that capacity instead. The Community Foundation is one of the options available.

Mr. Escobar introduced Ellen Lehman, President of the Community Foundation of Middle Tennessee. The Foundation was formed 21 years ago. Ms. Lehman distributed copies of the Foundation's annual report and gave an overview of how the Foundation works pre-disaster, during disaster, and post-disaster.

Following the 1999 tornado, Nashville asked for funds to help in recovery. Nashville then set up a fund with the Foundation to be better prepared for the inevitable next event. Nashville used the Community Foundation in the wake of the 2010 Flood.

#### Flood Response Impact in Middle Tennessee

- ★ 11,978 damaged homes repaired
- ★ 3,210 pieces of furniture and appliances provided to help make houses into homes
- ★ 1,274 people received rental or mortgage assistance
- ★ 794,267 volunteer hours dedicated
- ★ 586 homes rebuilt
- ★ 143 tons of debris cleared from waterways
- ★ 182,044 flood-impacted Tennesseans served through a broad range of nonprofits
- ★ Through over 20,000 contributions, the Foundation received \$15.04 million in donations designated for flood relief and recovery.
- ★ IRS considers certain gifts "charitable" and certain gifts "benevolent" meaning some have tax breaks and others do not.
- ★ Having a long-term recovery committee in each county is instrumental.
- ★ The Foundation has not been paid for any services provided over the last two years
- ★ The Foundation's website accounts for every penny. Go to [www.cfmt.org](http://www.cfmt.org) and search "flood" for access to the spreadsheet listing the recipients and amounts they received.
- ★ City leadership contacted the Foundation to learn what a "cubby" (fund) for the City of Franklin would look like and were told that individuals, corporations or families could make donations to the City's fund.
- ★ Over the last 21 years, \$60 million given to Williamson County.
- ★ Other funds directed by the Foundation in addition to Disaster Response Funds: Impact Funds, Affiliate Funds, Animal Welfare, Award Funds, Arts & Art Education, Community Funds, Corporate Funds, Education, Health & Human Services, Historic & Cultural Preservation & Environment, Scholarship, and Donor-Advised Funds.
- ★ There are many donors from Williamson County
- ★ The Foundation cannot give to individuals; therefore, it is almost impossible to determine how many individuals were helped through funds given to churches and charitable organizations. Cash is never given to individuals.
- ★ The Foundation is meticulous about charting and new funds are set up every day.
- ★ When asked how the Foundation compares to the Red Cross or United Way, Ms. Lehman responded the Foundation has made sizable gifts to both entities. The United Way of Williamson County has three funds set up with the Foundation. She added that the United Way is a wonderful checking account for a community because they have figured out what the community needs. In comparison, the Foundation is like a charitable savings account.
- ★ Most gifts are in perpetuity.
- ★ Ms. Lehman directed the aldermen to the Foundation's website to answer many of the questions asked.

Mr. Stuckey advised the City is looking for a way to get a fund established. It would be funded by the generosity of those who want to contribute in a disaster. Mr. Escobar added that \$5,000 "seed money" would be required to start the fund.

- ◆ Alderman Martin left the meeting

**4. Consideration of Event Permit Application for Verizon Wireless 5K on October 7, 2012 in Cool Springs Area**

**David Rahinsky, Police Chief**

No questions or comments

**5.\* 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**

No questions or comments

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

**Michael Skinner, Vice Mayor**

**Battlefield Preservation Commission Representative**

Vice Mayor Skinner said he found out about the availability of this property two weeks ago. There were conversations with the American Battlefield Protection Program and the deal was made quickly. He explained the historical significance and location of the property.

- ◆ Alderman Martin rejoined the meeting

Stacey Watson, Sites & Harbison, spoke of the necessity to expedite this process before ABPP shuts down their computer system for an upgrade. They will not take grants for five or six months. She added that she is grateful for the work done and the support from the City.

**7.\* 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**

**Alderman Ann Petersen, FMPC Board Representative**

Catherine Powers related the changes:

- ◆ "Decorative metal fences (such as wrought iron, or wrought iron style/look) with a maximum opacity of 25 percent shall be allowed for a fence in a front yard, up to a maximum height of 6 feet, and shall be subject to the height standard for fences in a side or rear yard"
- ◆ Establishes requirement for a \$35.00 Fence Permit. Fences over 6 feet in height may require sealed structural drawings. Exemptions from permit: a) permit not required for fences under 3.5 feet tall and less than 20 feet in length. b) permit not required for demolition of a fence that is not in the Historic Preservation Overlay.

Discussion:

- ◆ Inspections pre and post fence installation.
- ◆ Type of drawing required; can be a sketch if project is uncomplicated.
- ◆ Alderman Burger broached the subject of fences facing different ways and site lines when fences are brought too far to the street and people cannot see to enter traffic. She would also like to discuss chain link fences again.
- ◆ Historic Zoning would review anything regarding fencing in the Historic Preservation Overlay prior to a permit being issued.
- ◆ Aldermen Blanton and Burger were not pleased with adding another permit and fee to the list.
- ◆ Alderman Skinner was in favor because it could solve the problem of residents erecting fences only to find out they weren't constructed according to code and having to tear them down. Costly.
- ◆ If a resident does not obtain a permit to build a fence a \$70 fee will be imposed.
- ◆ All interested parties will be notified, developers, HOAs, residents, fencing contractors
- ◆ Alderman Martin was in favor because she remembers how the town looked before these codes were in force.

**8.\* 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.**

**Alderman Ann Petersen, FMPC Board Representative**

Ms. Powers referred to the abundance of residential development activity in 2007 and the many projects that were slowed down or stopped by the major downturn in the economy in 2008. This has caused issues with streets projects that had already started and did not continue. Presently, 90% of the lots within a subdivision or section must be developed before the final lift/topping can be installed on neighborhood streets. Without final topping the binder has started to fail or may fail. This amendment is to allow the final topping to be done at four years or upon inspection by the Streets Department. The topping will preserve the structural integrity. Upon inspection of the final topping, the Performance Agreement can be released, but the maintenance obligation will extend one year beyond the 90% completion. This will benefit the residents of incomplete subdivisions by allowing curb, gutter and smooth surface with the final topping. It will also assure the street does not fail.

**9.\* Consideration of Contract Award to Burris, Thompson & Associates of Nashville, TN, in the Amount of \$45,815.00 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 2012-042)**

**Shirley Harmon, Human Resources Director**

This has been in the last two budgets. A mini-study was done a couple of years ago. Some job descriptions are 20 years old and some positions have taken on more duties. Updates are crucial for accuracy.

**10. Acknowledgement of Inter-Planning Commission Review of a Revised Site Plan (Chardonnay) for 128 Lots on 163 Acres, Located Off Clovercroft Road in the 4<sup>th</sup> Voting District**

**Alderman Ann Petersen, FMPC Board Representative**

Alderman Burger requested Ms. Powers ask the County about street lights and sidewalks because

of the school located there. Ms. Powers indicated she would speak with County officials tomorrow.

**11. Consideration of Request for Additional Personnel in the Building and Neighborhood Services Department**

**Chris Bridgewater, Building & Neighborhood Services Director**

Eric Stuckey, Vernon Gerth, and Chris Bridgewater provided input on this request:

- Over the last 4 years the number of inspections performed steadily increased by an average of 26% each year
- Supervisors are performing field inspections resulting in development services being negatively impacted. The current situation is not sustainable.
- By the end of this calendar year, it is anticipated BNS will have performed 28,900 construction inspections (approximately 18,000 inspections YTD)
- This is an average of 21 inspections per day for an inspector, with a high number of 35 inspections per day when loads are 200 or more.
- The annual number of inspections per full time employee is anticipated to be 4,982. This number of inspections far exceeds benchmarks established by the ICMA.
- Requesting 3 positions: 1 additional Building Inspector and 1 additional Electrical Inspector immediately. Eliminate 2 previously approved part-time Building and Electrical Inspector positions. Depending on development activity, consider recalling the 2 part-time inspector positions or converting to full time positions in FY 2014 budget. Requesting Administrative Assistant as the department does not currently have that position and the workload has increased dramatically.
- Permit fees would offset costs. Overtime would decrease somewhat.
- Next day inspection service is currently being provided.

**Discussion:**

- Alderman Barnhill didn't favor hiring additional staff until the comprehensive classification and compensation study is completed. Concerned about staffing in the middle of the year. Didn't think the new fence permit (item 7) blended well with the request for additional staff. Before too long, next year's budget will be addressed, and he felt this needed to go before the Budget & Finance Committee before coming to Work Session to determine if there is funding for 3 people.
- Eric Stuckey said additional personnel is needed. Staff tries to project what is needed in the budget. Inspections have increased by 50%. It would work back through Budget & Finance and come to the Board as a Budget Amendment. If the Board is comfortable with that approach, staff can work through the amendment process. The magnitude of the additional workload was not anticipated. There are over 200 inspections every day and with limited staff that is hard to handle. Budgets are a snapshot in time, and then adjustments are made.
- Alderman Martin supported approval of whatever BNS needs. It is urgent in providing quality services.
- Alderman Skinner said if staff is making a commitment for next day inspections, then stick to it and have the manpower to provide that service. Need to be prepared on the front-end rather than play catch-up.
- Mr. Stuckey thought it would take two or three months to fill the positions.
- Mr. Gerth commented it is important to BNS in coordinating development services. The Board decides the level of service appropriate for the City. The department cannot continue to provide the timely level of service without additional personnel. If additional staff is not

approved, BNS can tell people it will be two or three days for an inspection to be done, and the level of service will falter. They are a good team that provides an excellent level of service.

- Alderman Petersen thought it a good idea to take this to the Budget & Finance Committee. The revenue from plans and other fees has increased dramatically. The next day inspection may not be realistic once things start moving. She asked that staff look at how many other cities do that. Be realistic about that and about staffing.
- Alderman Burger preferred not to have inspections strung out three to four days; perhaps two to three days would be appropriate.

★ Item 13 addressed before Item 12

**12. Discussion Regarding Franklin Road Sidewalk from Downtown Franklin to Liberty Pike.**

**Paul Holzen, Engineering Director**

This concerns a temporary solution to connectivity issues; a gap in the sidewalk network from the Harpeth River Bridge to Liberty Pike. To date, the City has collected \$466,200.00 in fees from Jamison Station for their first two phases (\$1,800.00 per unit, and 259 units completed). The City was approached by Jamison Station about going ahead and adding sidewalks since there is no funding for the Franklin Road Streetscape Project (2009 estimated total of \$9,740,203.00 from Harpeth River Bridge to just past Harpeth Industrial Court). The Franklin Road sidewalk routes would also connect The Factory and the adjacent neighborhoods off of Franklin Road.

A cost estimate showed constructing sidewalk on the east side of Franklin Road would be \$528,000.00. The estimate included a possible \$114,000.00 in right-of-way/easement acquisition costs. As part of the Engineering Departments FY 2012-2013 budget BOMA approved funding in the amount of \$528,000.00 for the construction of a sidewalk along Franklin Road.

Discussion:

- Paul Holzen referred to the exhibits, saying the temporary project would impact more than just putting in sidewalk. Guardrails would have to be relocated; there are slope easements across the BGA property, an open ditch, and fences and landscaping to be moved.
- Alderman Martin related that her constituents are adamantly opposed to constructing a temporary sidewalk because they do not want anything to hamper the Streetscape Plan. Preliminary plans are finished. She doesn't think Streetscape would be completed if a temporary sidewalk were in place. Keep the money in savings for the Franklin Road Streetscape.
- Alderman Skinner clarified that a half million dollar sidewalk would be constructed only to tear it up when the Franklin Road Streetscape project is done. He asked when that project would become reality.
- Mr. Stuckey said BOMA would be looking at capital projects soon. Think about where to go with the next steps.
- Paul Holzen noted part of the Streetscape plan would have to be done to construct the temporary sidewalk.
- Alderman Petersen referred to the \$466,200.00 already received that would almost pay for this.
- Alderman Blanton asked how long it would be until the Streetscape Project was done. Hillsboro Road is a priority ahead of the Franklin Road Streetscape.
- Alderman Bransford commented priorities need to be reviewed and refreshed. Apartment units are going in and there will be more vehicle and foot traffic.

- Alderman Barnhill thought it unrealistic to think funds for Streetscape would be available in two to three years.
- Aldermen Petersen and Burger commented on other priorities not done and needed for safety; Mack Hatcher, Hillsboro Road, and McEwen.
- Alderman Burger pointed out that people/families already walk on Franklin Road and it is dangerous to do so. This is a safety issue, and if the money is there to construct the sidewalk, do it.

★ Item 13 addressed before Item 12

**13. Consideration of Agreement Establishing Deed Restrictions on the Property Adjacent to Rolling Hills Community Church to Establish a Public Yard for an Unlimited Area Building (COF Contract 2012-0107)**

**Chris Bridgewater, Building & Neighborhood Services Director**

The agreement is between the City, Rolling Hills Community Church, and the Longview Franklin Partnership to meet the International Building Code criteria allowing an Unlimited Area building. This is necessary for the completion of an interior expansion project currently underway by the church.

**14. Consideration of Contract Number 2012-0137 Between The City of Franklin and Community Housing Partnership (CHP) for CDBG Emergency Repair Program Administration Services**

**Vernon Gerth, ACA Community & Economic Development**

**Kathleen Sauseda, Interim Housing & Development Coordinator**

Since inception the funds allocated for the Emergency Repair Program have assisted 51 homeowners and helped preserve over \$6 million of housing inventory in the City of Franklin.

**15. Consideration of Agreement Between The City of Franklin, Tennessee, and Stream Valley Franklin Partners, LLC Relative to Phasing of the Stream Valley Development (COF Contract No. 2012-0143)**

**Shauna Billingsley, City Attorney**

When the FMPC approved a rezoning and concept plan for the Stream Valley Development located on the west side of I-65 and Lewisburg Pike, Condition #9 was established that limited the developer to 200 dwelling units before a second access would need to be established. However, at the first BOMA meeting on April 12, 2005, the developer presented a phasing plan that allowed the construction of 408 units (Phases A and B) prior to the second access. The phasing exhibit was incorporated into the Board's action by motion. It is not clear from the minutes or video record of the meeting whether the Board's intent was to modify the condition requiring the second access to the neighborhood. In June 2005 BOMA approved a rezoning and concept plan for the Stream Valley.

To resolve the inconsistency, attorneys for Stream Valley and City staff drafted an Agreement for review and approval by BOMA. The Agreement would allow 280 dwelling units to be constructed prior to the posting of a surety for the construction of the second connection. To assure the safety of the residents of the development, those 280 units must have residential sprinklers installed (a practice currently being employed by the developer) unless an additional water line has been installed and approved by the City. An amended phasing plan, allowing for the construction of A, B, and C, consisting of 397 units (383 single family and 14 townhomes) is attached to the agreement. The new phasing plan will require that the second connection must be completed prior to the site plan approval or building permit issuance for Phases D and E.

The biggest change is in paragraph three that states there are other options for a second access to get to Goose Creek Bypass than the one designated behind the Goose Creek subdivision.

Mr. Stuckey advised the Agreement will appear on the September 25<sup>th</sup> Work Session and BOMA meeting agendas. Maps and additional information will be provided prior to that time.

**16. Consideration of Bid Award to Rock City Construction Co., Inc. in the Amount of Not To Exceed \$725,200.00 for The Harlinsdale Equestrian Barn Structural Stabilization and Weatherization Project for the City of Franklin Parks Department Located at 331 Franklin Road (COF 2012-0086)  
Brad Wilson, Facilities Project Manager**

Brad Wilson and the Parks Department have been working on this project for well over a year. The main barn is currently listed on the National Historic Registry and as such certain construction methods and exterior materials are necessary in this project. The barn has been looked at from the foundation to the roof, decking, siding, piers to be added, and rotten columns on the inside.

Six Alternates were listed, and will be reviewed before finalization. Alternate #4, that provides for insulation if the meeting room were to be constructed, is not recommended and will be pulled, thus lowering the recommended bid award. There will be authority to work with change orders within the project.

Alderman Petersen voiced surprise that this project was costing so much. It didn't go through the CIP process and she did not see it in the budget. It should have appeared somewhere before this. Although the repairs are obviously needed. They agreed to a \$46,000 plan. She was in no way prepared for over \$725,000.

Eric Stuckey clarified there was direction from the Board to design and bid this project.

**17. Consideration and Discussion of Declaring a Portion of Jordan Road Surplus Property  
Paul Holzen, Engineering Director**

Deferred

**ADJOURN**

*Alderman Burger moved to adjourn the Work Session and enter into Executive Session @ 6:58 p.m. Seconded by Alderman Barnhill. Motion carried unanimously.*

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Dr. Ken Moore, Mayor

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