

**MINUTES OF THE REGULAR MEETING
 BOARD OF MAYOR AND ALDERMEN
 FRANKLIN, TENNESSEE
 CITY HALL BOARDROOM
 TUESDAY, OCTOBER 9, 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		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	
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	
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 October 9, 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 Barnhill moved to approve the September 25, 2012 Work Session and September 25, 2012 Board of Mayor and Aldermen minutes as presented. Seconded by Alderman Skinner. Motion carried unanimously.

7. **Recognitions**

None

8. **Miscellaneous Reports**

Vice Mayor Skinner announced the next Civil War Roundtable would be Sunday, October 14, 2012 @ 3:00 p.m., Police Headquarters Community Room. Dr. John F. Kvach of the University of Alabama will speak about J.D.B. DeBow, the antebellum South's most influential editor.

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 18-20 be placed on the Consent Agenda.

Alderman Petersen pulled Item 20 from the Consent Agenda.

Alderman Barnhill moved to approve the Consent Agenda Items 18 and 19, with Item 20 removed. Seconded by Alderman Burger. Motion carried unanimously.

OLD BUSINESS

10. **PUBLIC HEARING: Consideration of ORDINANCE 2012-05, An Ordinance to Establish Section 2.4.II and Amend Section 5.6.4 of The Franklin Zoning Ordinance, which Establishes Requirements for Fences and Walls**

[Second of Three Readings]

Alderman Ann Petersen, FMPC Board Representative

Public Hearing:

- ✦ Paul Lebovitz, 102 Winslow Road, Franklin, commented that many fences are erected on weekends when inspectors aren't working. Enforcement of fence regulations is lacking. He asked the Board to reconsider and not approve the ordinance.

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

Alderman Martin moved to approve Ordinance 2012-05 on Second of Three Readings. Seconded by Alderman Skinner.

Discussion:

- ✦ Alderman Martin spoke of calls she received about agricultural and livestock fences. The ordinance doesn't address that. Alderman Barnhill agreed the ordinance needs clarification in that respect.
- ✦ Vernon Gerth explained the proposed changes provide greater options for wrought iron fences in front yards and the monitoring of same. Chris Bridgewater stated agricultural fences are still allowed; there is no intent to regulate those. The ordinance could state agricultural district and livestock control fences are exempt.
- ✦ Alderman Petersen pointed out a few of the livestock control fences are in the City and not in the agricultural districts. This prompted discussion on permits and replacement. Exemptions should be spelled out.

- ✦ Alderman Blanton said she has been against this ordinance from the onset, and has had quite a bit of feedback from residents. Requiring permits adds another layer that ties homeowner's hands and adds more work to codes. HOAs usually play a predominant role in the type fences that can be erected.
- ✦ Alderman Bransford thought the ordinance should be redefined as to how to communicate the changes to citizens. Not ready for a vote.
- ✦ Alderman Martin pointed out not every neighborhood has an HOA. Should be discussed further.
- ✦ Alderman Burger thought chain link fences should be discussed again. The ordinance adds more government oversight. The issue is people put up fences then have to pay to remove them because they were not constructed per regulation. She read an e-mail received from a HOA that does not want another fee added, and believe the ordinance and guidelines on the books should be enforced. Urged the Board to vote NO.

Alderman Barnhill moved to defer this item to the October 23, 2012 Work Session. Seconded by Alderman Burger. Motion carried unanimously.

- II. **PUBLIC HEARING: 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 [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 2012-45 with one correction: Page 2, 2c, "Upon satisfactory installation and acceptance by City of Franklin Streets Department Director ~~of~~ or their designee..."
Seconded by Alderman Bransford. Motion carried unanimously on Second of Three Readings.

Alderman Petersen also asked for a clarification of 2d, "Exception: In developer/builder controlled subdivisions, meaning the developer and builder are the same legal entity, Lot Bonds shall not be required until the Maintenance Obligation is no longer in effect as described." Vernon Gerth explained it means if the developer and builder are one in the same a lot bond isn't required until the maintenance obligation is no longer in effect.

12. **Consideration of Agreement Between The City of Franklin, Tennessee, and Stream Valley Franklin, LLC Relative to Phasing of The Stream Valley Development**
 Shauna Billingsley, City Attorney
Alderman Bransford moved to defer this item to the October 23, 2012 BOMA meeting. Seconded by Alderman Barnhill. Motion carried unanimously.

NEW BUSINESS

13. **Consideration of ORDINANCE 2012-54, An Ordinance to Rezone ±17.40 Acres From Medium Residential District (R-2) To Residential Variety District (RX) for the Property Located at 567 Franklin Road; Establishing a Public Hearing Date of November 13, 2012 [First of Three Readings]** Alderman Ann Petersen, FMPC Board Representative
Alderman Martin moved to approve Ordinance 2012-54 on First of Three Readings. Seconded by Alderman Blanton. Motion carried unanimously.

14. **Consideration of ORDINANCE 2012-53, An Ordinance to Rezone ±3.87 Acres From General Office District (GO) and High Residential District (R-3) To Residential Variety District (RX) for the Properties Located at 1720 West Main Street and 113 Rucker Avenue; Establishing a Public Hearing Date of November 13, 2012**
[First of Three Readings] **Alderman Ann Petersen, FMPC Board Representative**
Alderman Burger moved to approve Ordinance 2012-53 with comment. Seconded by Alderman Blanton.

Alderman Burger clarified that this ordinance is just for rezoning; therefore, discussion on the proposed park does not have to take place at this meeting.

Motion to approve Ordinance 2012-53 on First of Three Readings carried unanimously.

15. **Consideration of RESOLUTION 2012-54, A Resolution for Water System Improvements (IWRP)**
David Parker, City Engineer/CIP Executive
Mark Hilty, Water Management Director

Alderman Martin was recused.

Alderman Burger moved to approve Resolution 2012-54. Seconded by Alderman Blanton. Motion carried 6-0 with Alderman Martin recused and Alderman McLendon absent.

Alderman Petersen commented that this pertains only to BOMA approved projects.

16. **Consideration of Amendment No. 1 (COF 2012-0097) with Kimley-Horn and Associates in an Amount Not to Exceed \$17,500 for the Carothers and McEwen Corridor Traffic Impact Study**
David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director

Alderman Burger moved to approve Amendment No. 1. Seconded by Alderman Bransford. Motion carried unanimously.

17. **Consideration of Agreement (COF 2012-0160) with MTEMC for the Relocation of Utilities Associated with The McEwen & Wilson Pike Intersection Project at an Estimated Cost of \$68,607.94**

David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director

Alderman Blanton moved to approve Agreement with MTEMC. Seconded by Alderman Burger. Motion carried unanimously.

CONSENT AGENDA

18. **Consideration of ORDINANCE 2012-50, FY 2012 Fourth Quarter Budget Amendments; Establishing a Public Hearing for October 23, 2012**
[First of Two Readings] **Mike Lowe, Comptroller**
Ordinance 2012-50 approved unanimously on First of Two Readings

19. **Consideration of Event Permit for Pumpkinfest in Downtown Franklin on Saturday, October 27, 2012**

Approved unanimously

David Rahinsky, Police Chief

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

- a. Consideration of Agreement (COF 2012-0154) with CSX for the McEwen & Wilson Pike (SR 252) Intersection Project for the Installation of Fiber Optics across CSX ROW

Paul Holzen, Engineering Director

- b. Consideration of Amendment No. 1 (COF 2012-0159) with CSX for the McEwen & Wilson Pike Intersection Project for the Relocation of the Existing Sewer Force Main Across CSX ROW

Paul Holzen, Engineering Director

- c. Consideration of Amendment No. 1 to the Agreement with L.P. Franklin, LLC (Lasko) to Provide Ingress and Egress Easement and Fiber Optic Easement and Agreement for the Maintenance of the Ingress and Egress Easement and Fiber Optic Easement (COF Contract 2011-0144, Resolution 2011-50) Paul Holzen, Engineering Director

Alderman Petersen moved to approve. Seconded by Alderman Burger.

Alderman Petersen said these items did not match the documentation attached. Paul Holzen explained these are all separate items. The documentation is in the packet, but must have been labeled incorrectly.

Motion to approve Item 20 carried unanimously.

EXECUTIVE SESSION

21. **Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matters of Pending Litigation**

Shauna Billingsley, City Attorney

Alderman Barnhill moved to enter into Executive Session. Seconded by Alderman Skinner. Motion carried unanimously. (8:23 p.m.)

RETURN FROM EXECUTIVE SESSION

22. **Consideration of Matters from Executive Session**

Dr. Ken Moore, Mayor

Alderman Barnhill moved that the condemnation case, the City of Franklin vs. 138-94th Avenue Corporation, be settled for \$130,000 contingent on approval by the Tennessee Department of Transportation (TDOT). Seconded by Alderman Skinner. Motion carried unanimously.

ADJOURN

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

Meeting adjourned @ 8:43 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 11/14/2012 3:38 PM