

**MINUTES OF THE REGULAR MEETING  
 BOARD OF MAYOR AND ALDERMEN  
 FRANKLIN, TENNESSEE  
 CITY HALL BOARDROOM  
 TUESDAY, JANUARY 8, 2013 – 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, Vice Mayor	P
Alderman Pearl Bransford	P	Alderman Ann Petersen	P
Alderman Beverly Burger	P	Alderman Michael Skinner	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 January 8, 2013, meeting to order at 7:20 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 Burger moved to approve the December 11, 2012 Work Session, December 11, 2012 BOMA, and*

December 17, 2012 Special Work Session minutes as presented. Seconded by Alderman Bransford. Motion carried unanimously.

7. **Recognitions**

★ Franklin High School Band

Three young ladies from the Franklin High School Band were present to accept a Proclamation from Mayor Moore. The band recently competed in the Bands of America Jacksonville Regional competition scoring a Superior Rating and 2<sup>nd</sup> Place Class AAA in the preliminary competition; and Outstanding Music Award, Outstanding General Effect Award and 1<sup>st</sup> Place and Regional Champion in the Finals Competition. They also competed in the 51<sup>st</sup> Annual "Contest of Champions" at Middle Tennessee State University and received a Superior Rating, 1<sup>st</sup> Place Class AAA in the Preliminary Competition and in the Finals Competition: Tennessee Governor's Cup (State Marching Band Champions).

8. **Miscellaneous Reports**

Civil War Roundtable

The next program is scheduled on Sunday, January 13, 2013 at 3:00 p.m. The Battle of Chickamauga is the subject.

TDOT Mack Hatcher Route Change

David Parker reported Cool Springs Boulevard eastbound lanes will be closed between Mack Hatcher and Windcross Court beginning Friday, January 18, 2013 at 7:00 p.m. until Monday, January 21, 2013 at 6:00 a.m. The closure is required for water line construction. Motorists should use detours to Liberty Pike or Franklin Road.

Public Meeting

Eric Stuckey announced a public meeting would be held on Thursday, January 10, 2013 at 6:00 p.m. in the Boardroom to discuss designs for the piers for the potential overpass across I-65 at Long Lane. TDOT representatives and City staff will be present. A resolution is to be presented at the January 22, 2013 BOMA meeting.

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 20-34 be placed on the Consent Agenda.

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*Alderman Burger moved to approve the Consent Agenda Items 20-34. Seconded by Alderman Barnhill. Motion carried unanimously.*

- ★ *Alderman Skinner moved to address Item 17 at the top of the agenda. Seconded by Alderman Blanton. Motion carried unanimously.*

**OLD BUSINESS**

10. **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. (06/28/2012 FMPC 6-1 Recommendation to Disapprove; 07/24/2012 BOMA 5-2, Public Hearing Held 08/28/2012, Second Reading Deferred Unanimously at 08/28/2012 BOMA to 01/08/2013 BOMA)**  
**[Second of Three Readings]** Alderman Ann Petersen, FMPC Board Representative  
*Alderman Barnhill moved to approve applicant's request to defer Ordinance 2012-39 to January 22, 2013. Seconded by Alderman Blanton. Motion carried unanimously.*

11. **PUBLIC HEARING: Consideration of ORDINANCE 2012-56, An Ordinance to Amend the FY 2013 budget for First Quarter Adjustments**  
**[Second and Final Reading]** Russ Truell, ACA Finance & Administration  
With no one coming forth to speak, Mayor Moore declared the Public Hearing Closed

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*Alderman Barnhill moved to approve Ordinance 2012-56 on Second and Final Reading. Seconded by Alderman Burger. Motion carried unanimously.*

12. **PUBLIC HEARING: Consideration of ORDINANCE 2012-62, An Ordinance to Amend the FY 2013 Budget for Tuition Reimbursement Program and Server Software Maintenance**  
**[Second and Final Reading]** Russ Truell, ACA Finance & Administration  
With no one coming forth to speak, Mayor Moore declared the Public Hearing Closed

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*Alderman Petersen moved to approve Ordinance 2012-62 on Second and Final Reading. Seconded by Alderman Bransford. Motion carried unanimously.*

13. **PUBLIC HEARING: Consideration of ORDINANCE 2012-58, An Ordinance to Revoke the Planned Unit Development for Carothers Professional Center PUD Subdivision on 7.13 Acres Located South of Liberty Pike Between Edward Curd Lane and Carothers Road**  
**[Second of Three Readings]** Alderman Ann Petersen, FMPC Board Representative  
With no one coming forth to speak, Mayor Moore declared the Public Hearing Closed

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*Alderman Petersen moved to approve Ordinance 2012-58 on Second of Three Readings. Seconded by Alderman Skinner. Motion carried unanimously.*

14. **PUBLIC HEARING: Consideration of RESOLUTION 2012-52, A Resolution Approving a Revision to the Development Plan for Simmons Ridge PUD Subdivision, Located at 4408 South Carothers Road, by the City of Franklin, Tennessee**

**Alderman Ann Petersen, FMPC Board Representative**

Prior to the Public Hearing Mayor Moore asked that 4 Modification of Standards be explained, and noted the Modifications would be voted on separately and attached to the motion. Eric Stuckey noted the modifications would explain how phasing and infrastructure would work together for the full 2-lane roadway.

Paul Holzen explained the phasing of the project. Before first building permit is issued, the developer will reconstruct the existing 90-degree curve directly in front of the development as a T-intersection. In addition they will switch up their access to the project to allow for a

separate construction entrance to reduce the amount of traffic. The 251<sup>st</sup> building permit will not be issued until the construction of Carothers Parkway has commenced. Prior to issuing the 301<sup>st</sup> building permit the required southbound left turn lane into the main project access will be constructed. Prior to issuing the 351<sup>st</sup> building permit the developer will make all the upgrades necessary to Old South Carothers to City standards.

### Public Hearing

- Charles Pareigis, 1009 Cedarview Lane, Franklin, said the majority of the residents present probably were against the development. He thanked the Board for approving the road. He mentioned that someone had been killed in an accident the day before on a curve that isn't addressed. The concern is the approval of 250 homes without the Parkway being started. Water availability is a concern as well. He asked BOMA to change the staging to allow for more flexibility for those already living there and to get the road done sooner.
- Stephen Murray, Community Housing Partnership of Williamson County, 129 West Fowlkes Street, Franklin, stated this was his third time to address this body with the same message. This plan has a variety of sizes and costs that are affordable for City employees and other workforce. Many must find less costly housing in surrounding cities. These homes are not subsidized housing. Young people will not return to Franklin to live if there is not affordable housing. The CHP endorses Simmon's Ridge, provided it maintains affordable housing in the project. BOMA can make an important difference.
- Dan Klatt, 114 Lewisburg Avenue, Franklin, newly elected chair of the Franklin Housing Commission. Expanding economic diversity in Franklin should be a priority. Increased property values make it impossible for the workforce to live in the community where they work. They must live elsewhere, and that adds to the traffic congestion. They should be allowed to live in the community where they work. Traffic congestion would improve, their quality of life would be increased, and they would shop here, increasing sales tax revenue. Apartment rental rates are beyond the reach of many and don't address the needs of growing families. The Housing Commission endorsed the entire development. He asked that BOMA listen to their Housing Commission. If not now, when.
- Sterling Smith, 4378 South Carothers, thanked BOMA for approving the road. His concern is the additional construction and he asked that there be no additional construction until South Carothers Parkway is completed.
- Dan Cole, 420 Martingale Drive, Franklin, said he echoed what Charles Pareigis had said. He thanked BOMA for approving the funding for South Carothers Parkway. He said to remember the FMPC recommended not proceeding until South Carothers Parkway is in place. He asked that BOMA not approve any construction until the road is completed.
- Eddie Williams and wife Carolyn, 1024 Cedarville, Franklin, have spoken before. There are several other 90-degree turns in those roads. He was hit head-on at one of those curves a year ago. There is no way to correct those curves until the parkway is constructed. It doesn't make sense to build before the road is in place. There are hundreds of homes in that area. He asked that the Board give this serious thought.
- Richard Southerland, 4423 South Carothers Road, Franklin, said he hears a lot about priority and thinks the priority is the citizens that live there now and their safety. He lives across the road from the proposed Simmons Ridge and his daughter's school bus must stop on that dangerous part of the road. He feels the curves must be straightened out before any

construction begins. He thought the Milcrofton 8" water line would not be sufficient for firefighting or for another development. He said the road is going to pieces with dust coming through the cracks which signals road base failure. He reiterated the priority should be for the safety of the people living there now.

- Ronald Crutcher, 1324 Adams, Franklin, said Franklin needs for you to approve the plan. Franklin needs a major thoroughfare from southeast Franklin all the way to Moore's Lane. We need roads, sewers and infrastructure not only for this development but for others that have been approved and planned in this general area. We need this greater density to utilize the sewer and water lines that will be put in. We need the homes for the workforce at Williamson Medical Center and for the workforce in Cool Springs. The closer the workers are to the workplace the less traffic on other Franklin roads, including the Interstate.

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

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Mr. Stuckey clarified there should be a motion to approve or deny Resolution 2012-52, then the motions to approve or deny the Modifications of Standards, followed by a motion to approve or deny the amended motion.

*Alderman Skinner moved to Approve Resolution 2012-52 including the Clarification of the Franklin Municipal Planning Commission Report of November 7, 2012. Seconded by Alderman Bransford.*

Alderman Martin said she doesn't think 250 houses would be built before the road is finished in three years. David Parker said he believes the road can be built in three years. Greg Gamble, representing the owner, was asked to respond to the question of whether the development would be completed before the road was constructed. He said they have approximately 5-6 months of plan development and plan approval prior to receiving a grading permit. The construction for the first phase of approximately 40 homes would take another 6 months. Therefore, almost a year before they could get the grading permit. They anticipate a sales pace of 60-80 homes a year with 120-250 (more likely 120-150) homes on the ground or sold at the end of year three. Total build out expected in 6-7 years.

Alderman Burger asked about the sewer/water issue with Milcrofton. Mr. Gamble responded they had just received a new availability letter for a maximum 240 homes.

Alderman Petersen pointed out the Planning Commission recommended disapproval, and called attention to part (c) in the resolution, "Encouraging a sensitive design that respects the surrounding established land use character and natural or man-made features of the site including, but not limited to, trees, historic features, streams, hillsides, and floodplains." This proposal has at least 50% more density than any developments either built or approved or in the pipeline on South Carothers Road. It does not fit the established land use character. The FMPC recommended approval of front loading garages because of physical constraints. MOS 2, Street facing garages allowed within 3' of the front façade (including porches) wasn't recommended by the FMPC. MOS 3 & 4 to allow backing up into public streets from off-street parking areas or maneuvering incidental to parking within a public right-of-way was approved by the FMPC, but she voted against it.

Mr. Stuckey reviewed the condition for front-facing garages. Since it was authorized by the FMPC, a separate vote by BOMA is not required.

Modification of Standard 1: From Section 5.3.5(2)(d)(iii), requires street-facing garages be a minimum of 10 feet behind the front façade of the dwelling they serve. The applicant is asking to modify the standard from 10 feet behind the front façade (not including porches) to 3 feet behind the front façade (including porches). Staff recommends denial of this request. This zoning requirement was recently revised down to 10 feet from 20 feet. The applicant has failed to demonstrate that the conditions upon which this request is based are unique to the design intent of this development and are not applicable generally to other property.

*Alderman Skinner moved to amend the Main Motion to approve Modification of Standard 1 to allow the street-facing garages to 3 feet behind the front façade (including porches). Seconded by Alderman Bransford.*

Vice Mayor McLendon clarified the modification was not recommended by staff or the FMPC.

Alderman Burger asked if a 6-8 foot setback would be feasible. Greg Gamble indicated a setback of 6 feet would be feasible.

*Alderman Burger moved to amend to a minimum setback of 6 feet behind the front façade. Seconded by Alderman Skinner.*

Eric Stuckey stated this is a substantial change that would require going back through the FMPC. It is a change from what the applicant requested and the existing standard; thus, a third option. Vice Mayor McLendon said the Board should not be negotiating with the developer. The Board should vote up or down on the modification in the package.

*Motion to amend setback to 6 feet versus 3 feet FAILED 2-6 with Aldermen Burger and Martin voting in favor.*

*Motion to amend the Main Motion to approve Modification of Standard 1 to allow street-facing garages 3 feet behind the front façade (including porches).*

Alderman Petersen clarified their request means the garage is 3' behind the front of the porch, if the porch has to be 6' wide, then that means they will be 3' in front of the front door.

Vice Mayor McLendon said he couldn't support the modification. This body and the FMPC spent a good deal of time rewriting the Zoning Ordinance. We have a comprehensive book for developers with rules. We are being asked to rezone this property to a density that is substantially higher than anything in the neighborhood now or in the future. We are being asked to do so with a number of modifications of standards. At some point the exceptions have swallowed the rule. During his tenure on the Board he has advocated that **if** as a body it is to get a result of affordable housing, the way to get there is to not require it, but to allow it. If we start watering down and backing up from and negotiating, all the things that we said were important in our community, then we're going to end up with a failed project. We owe the community

the best result. If we're going to be bold and say we're going to have affordable housing in this community we can have that here we'd better get the first one we want to use as an example right. Either the book of rules matters or it doesn't. This modification doesn't make the project better and doesn't get the end result the community wants and he doesn't think it is fatal to the developers plan because we gave them the rules long before they started.

*Motion to amend the Main Motion to approve Modification of Standard 1 to allow street-facing garages 3 feet behind the front façade (including porches) FAILED 3-5 with Aldermen Burger, Bransford and Skinner voting in favor and Aldermen Martin, Barnhill, Blanton, Petersen and Vice Mayor McLendon voting against MOS1.*

Modification of Standard No. 2: From Section 5.3.5(1)(e)(i), requires that the finished floor elevation be a minimum of 18 inches above grade for residential units with front yard setbacks of ten feet or more. The applicant is requesting that a maximum of 25% of the units in the subdivision be allowed to reduce the foundation from 18" above grade to 8" above grade in order to provide a 0" entry from the garage to the living room. Staff recommends approval of this modification of standards with the condition that the applicant designate these particular lots as critical lots. By designating the lots as critical lots, the Engineering Department will have an opportunity to review the drainage conditions on the property prior to issuance of building permits.

*Alderman Skinner moved to amend the Main Motion to approve Modification of Standard 2 to allow the finished floor elevation for 25% of the homes to be 8" above grade to provide a 0" entry from the garage to the living room with the condition the applicant designate these particular lots as critical lots. Seconded by Alderman Bransford.*

Aldermen Petersen and Vice Mayor McLendon suggested the 8" above grade be considered as a change in policy to meet the Americans with Disabilities Act and to accommodate those who need 0" entry.

*Motion to approve Modification of Standard 2 carried unanimously.*

Modification of Standard Nos. 3 & 4: From Section 5.9.3(4)(a)(iv) and 5.9.3(4)(b), which prohibits backing onto public streets from off-street parking areas or maneuvering incidental to parking within a public right-of-way. Staff recommends approval of these modifications to allow maneuvering incidental to parking in the public right-of-way, and to allow backing from off-street parking onto public streets, with the condition that the parking spaces delineated on MOS 3 & 4 Staff Exhibit are removed because of insufficient sight lines and the safety issues that would result.

*Alderman Skinner moved to amend the Main Motion to approve Modification of Standards 3 & 4, to allow maneuvering incidental to parking in the public right-of way and to allow backing from off-street parking onto public streets, with condition that the parking spaces delineated on MOS 3 & 4 Staff Exhibit are removed. Seconded by Alderman Bransford. Motion carried 7-1 with Alderman Petersen voting against the modification.*

Consideration of Main Motion to approve Resolution 2012-52 including the Clarification of the Franklin Municipal Planning Commission Report, and amended to include Modification of Standards Nos. 2, 3, & 4, rejecting Modification of Standard No. 1.

There was discussion on several points and concern that the road would not be completed prior to the development trigger.

Vice Mayor McLendon moved to amend the Main Motion to place a cap at 240 units until all road improvements on South Carothers are completed by the developer and the City's project from the southern end of Simmons Ridge north to Falcon Creek Road is complete. Seconded by Alderman Burger. Motion carried 6-2 with Aldermen Martin, Burger, Blanton, Bransford, Petersen and Vice Mayor McLendon voting in favor and Aldermen Barnhill and Skinner voting against.

Main Motion to approve Resolution 2012-52 including the Clarification of the Franklin Municipal Planning Commission Report of November 7, 2012, and as amended to approve Modifications of Standards Nos. 2, 3, & 4, rejecting Modification of Standard No. 1, and the amendment to place a cap at 240 units until all road improvements on South Carothers are completed by the developer and the City's project from the southern end of Simmons Ridge north to Falcon Creek Road is complete carried 7-1 with Alderman Petersen voting against.

**15. Consideration of Withdrawing the Proposed Purchase of Used Equipment; One (1) Vermeer Chipper Model 1500 from Vermeer in the Total Amount of \$28,000 for the Parks Department  
Lisa Clayton, Parks Director**

Alderman Blanton moved to approval withdrawal of proposed purchase of used equipment. Seconded by Alderman Burger. Motion carried unanimously.

**16. Consideration of Recommendation to Purchase from Vermeer Heartland of Tennessee, LLC of Murfreesboro, TN in the Total Amount of \$67,192.00, One (1) New 19" Capacity Drum Style Trailer-Mounted Brush Chipper for the Parks Department  
Lisa Clayton, Parks Director**

Alderman Bransford moved to approve the purchase of a new 19" Capacity Drum Style Trailer-Mounted Brush Chipper for \$67,192.00 from Vermeer. Seconded by Alderman Martin. Motion carried unanimously.

**NEW BUSINESS**

★ (Item 17 addressed prior to Item 10)  
**17. Consideration of RESOLUTION 2012-73, A Resolution Funding Carothers South from Falcon Creek Subdivision to Highlands at Ladd Park Subdivision**

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

Alderman Skinner moved to approve Resolution 2012-73. Seconded by Alderman Blanton.

Discussion:

- Alderman Petersen said she would not support this because it would add \$2.5 million debt service every year for 20 years.
- Alderman Skinner stressed this is an opportunity to get ahead of development and have the infrastructure in place; thus avoiding traffic problems.



- Alderman Bransford supported the resolution because of the opportunity for infrastructure to be ahead of development. Traffic and the safety of citizens is the focus of elected officials. It is time to draw together and get this done whether through debt or raising taxes.
- Alderman Burger said as Ward One alderman she is not putting McEwen on hold. The Board has made a commitment voting for the Capital Investment Projects with McEwen included in the top priorities for the east side of the City. Supporting this project will not hurt McEwen in any way. The new connector for Phase IV has been started at the roundabout and in the next few weeks McEwen/Wilson Pike will be as well. McEwen, Carothers, McEwen/Wilson Pike and Hillsboro Road are all priority.
- Alderman Martin commented that staff worked hard to reduce costs by several million. She supports the resolution.

*Motion to approve Resolution 2012-73 carried 7-1 with Alderman Petersen voting against.*

**18. Consideration of Mayor's Acceptance of Resignation of Mark Shore and the Appointment of Deborah Warnick to the Battlefield Preservation Commission**

**Dr. Ken Moore, Mayor**

*Alderman Skinner moved to approve the resignation of Mark Shore and the appointment of Deborah Warnick. Seconded by Alderman Blanton. Motion carried unanimously.*

**19. Consideration of RESOLUTION 2012-71, A Resolution Declaring the Intent of the City of Franklin to Act as a Governmental Pass-Through Entity for the Neel Tract Land Acquisition Project as Requested by the Civil War Preservation Trust**

**Alderman Michael Skinner,**

**Battlefield Preservation Commission Representative**

*Alderman Skinner moved to approve Resolution 2012-71. Seconded by Alderman Blanton. Motion carried unanimously.*

**CONSENT AGENDA**

**20. Consideration of ORDINANCE 2012-55, An Ordinance to Annex the Clovercroft Road Right-of-Way Along the Breezeway Subdivision Frontage, Consisting of ±5.28 Acres**

**[Third and Final Reading]**

**Alderman Ann Petersen, FMPC Board Representative**

*Ordinance 2012-55 approved unanimously on Third and Final Reading*

**21. Consideration of ORDINANCE 2012-61, An Ordinance to Amend Sections 21-102(2) and (7) of the Franklin Municipal Code Relative to Committee Structure and Membership Terms of the Housing Commission of the City of Franklin**

**[First of Two Readings]**

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

**Kathleen Sauseda, Interim Housing Development Coordinator**

*Ordinance 2012-61 approved unanimously on First of Two Readings*

**22. Consideration of ORDINANCE 2012-63, An Ordinance to Temporarily Reduce the Speed Limit on Hillsboro Road from SR 96W to Just North of Independence Square to Twenty-Five**

**Miles Per Hour (25 MPH) in both Directions for the Duration of the Hillsboro Road Construction Project**

**[First of Two Readings]**

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

*Ordinance 2012-63 approved unanimously on First of Two Readings*

23. **Consideration of RESOLUTION 2012-46, A Resolution Abandoning a Portion of the Rights-of-Way (ROW) of Bradford Drive, Cothran Drive and Davidson Drive within the Rolling Meadows Subdivision of the City of Franklin, Tennessee**  
*Approved unanimously* **Vernon Gerth, ACA Community & Economic Development**  
**Kelly Dannenfelser, Principal Planner**
24. **Consideration of RESOLUTION 2012-57, A Resolution Adopting an Alternative Payments Acceptance Policy and Procedure for the City of Franklin, Tennessee**  
*Approved unanimously* **Steve Sims, Assistant City Recorder/Court Clerk**
25. **Consideration of RESOLUTION 2012-64, A Resolution Authorizing Condemnation for the Acquisition of Property for Water Main Relocation for the I-65 Widening Project (Goose Creek Interchange; TDOT Contract No. 7914)**  
*Approved unanimously* **David Parker, City Engineer/CIP Executive**
26. **Consideration of RESOLUTION 2012-65, A Resolution Authorizing Condemnation for the Acquisition of Property for Sewer Main Relocation for the I-65 Widening Project (Goose Creek Interchange; TDOT Contract No. 7912)**  
*Approved unanimously* **David Parker, City Engineer/CIP Executive**
27. **Consideration of RESOLUTION 2012-66, A Resolution Declaring Certain Right-of-Way on Jordan Road as Surplus**  
*Approved unanimously* **David Parker, City Engineer/CIP Executive**
28. **Consideration of RESOLUTION 2012-68, A Resolution Awarding the Annual Signal Modifications and Repairs Contract (COF Contract No. 2012-0146) to S&W Constructing Co., Inc.**  
*Approved unanimously* **David Parker, City Engineer/CIP Executive**
29. **Consideration of Water Availability Request for 1810 Carter's Creek Pike (Map 77, Parcel 29)**  
*Approved unanimously* **David Parker, City Engineer/CIP Executive**
30. **Consideration of Change Order No. 2 with the Parkes Companies for the Third Avenue North Extension Project (Bicentennial Park Phase I) (COF Contract 2012-0089)**  
*Approved unanimously* **David Parker, City Engineer/CIP Executive**
31. **Consideration of Amendment No. 1 (COF Contract No. 2012-0190) to the TDOT Local Agency Program Agreement, PIN 109424.00, for the Third Avenue North Trail/Greenway Project**  
*Approved unanimously* **David Parker, City Engineer/CIP Executive**

32. **Consideration of Event Permit for Willpower 5K in Downtown Franklin on April 6, 2013**  
*Approved unanimously* David Rahinsky, Police Chief
33. **Consideration of Sole-Source Purchase from RouteSmart Technologies, Inc. of Columbia, MD in the Total Amount of \$61,550.00 for RouteSmart Vehicle Routing Software Package for the Collection Division of the Solid Waste Department (\$60,000.00 Budgeted in 124-89550-46110 for Fiscal Year 2013; Contract No. 2012-0150)**  
*Approved unanimously* Becky Caldwell, Solid Waste Director
34. **Items Approved by the City Administrator on Behalf of the Board of Mayor & Aldermen**  
 A. License with Naxos of America, Inc., Franklin, Tennessee for Use of Recordings by Franklin TV  
*Approved unanimously*

**EXECUTIVE SESSION**

35. **Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matters of Pending Litigation**  
 Shauna Billingsley, City Attorney  
*Alderman Burger moved to enter Executive Session. Seconded by Alderman Skinner. Motion carried unanimously and the Board entered Executive Session @ 9:05 p.m.*

**RETURN FROM EXECUTIVE SESSION**

36. **Consideration of Matters from Executive Session**  
 Dr. Ken Moore, Mayor  
 The Board reconvened @ 9:09 p.m.  
*Vice Mayor McLendon moved to waive any conflict of interest regarding Weed Hubbard & Berry's review of an HOA agreement with Franklin Green. Seconded by Alderman Barnhill. Motion carried unanimously.*

**ADJOURN**

Mayor Moore declared the meeting adjourned @ 9: 10 p.m.

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 Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 2/4/2013 8:18 AM