

**MINUTES OF THE SPECIAL MEETING  
 BOARD OF MAYOR AND ALDERMEN  
 FRANKLIN, TENNESSEE  
 CITY HALL BOARDROOM  
 TUESDAY, JANUARY 22, 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	
Vernon Gerth, ACA Community & Economic Development		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	
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		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 January 22, 2013, meeting to order at 7:25 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 January 8, 2013 Work Session and January 8, 2013 BOMA minutes as presented. Seconded by Alderman Bransford. Motion carried unanimously.*

7. **Recognitions**

★ **American Heart Association: Proclaiming February 1, 2013 as National Wear Red Day**

Mayor Moore read the proclamation stating the American Heart Association's Go Red For Women® movement has been impacting the health of women for 10 years and more than 627,000 women's lives have been saved and 330 fewer women are dying every day... In celebration of the 10<sup>th</sup> National Wear Red Day, Mayor Moore proclaimed February 1, 2013 to be National Wear Red Day in Franklin, Tennessee. He urges all citizens to show their support for women and the fight against Heart disease by commemorating this day by the wearing of the color red.

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 18-33 be placed on the Consent Agenda.

*Alderman Bransford moved to approve the Consent Agenda Items 18-33. Seconded by Alderman Martin. 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 [Second of Three Readings]**

**Alderman Ann Petersen, FMPC Representative**

*Alderman Petersen moved to approve the applicant's request to withdraw this item. Seconded by Alderman Blanton. Motion carried unanimously.*

11. **PUBLIC HEARING: Consideration of ORDINANCE 2012-60, An Ordinance to Amend the City of Franklin Municipal Code Title 16, Chapter 1 Relative to Sales of Goods and Wares in the Public Right-of-Way; Second and Final Reading on February 12, 2013**

**Shauna Billingsley, City Attorney**

**Public Hearing:**

- Bennie Harris, 465 Truman Road, Franklin, opposed the ordinance. He has worked with the homeless in Metro Nashville for six years. Selling the newspapers encourages the homeless to transition and be productive; an initiative to help them. Think of the impact on a community of people who otherwise are unemployable. This is an easy and convenient way to sell. He knows of no safety issues or threats. He asked the Board to reconsider.
- Charlie Monks, 312 Haddon Court, Franklin, president of Caring Bridge Association, Cool Springs Boulevard, related his mother became homeless at age 4 and bridged the gap to a productive career. South Carothers, Mallory Lane, etc. are all dangerous roads. He lives in Cool Springs and has issues with sellers in the medians who cross over into lanes. The green arrow at the intersection changes after 15 seconds catching sellers in traffic. Last week there were three accidents just a few feet from where they sell. As a community, come together to find a place for the people to sell their goods.

- Don Snow, 304 Applecross Drive, Franklin, said he supported Mr. Monks comments, and said it is distracting to have sellers in the right-of-way or middle of the road. No matter what they are selling they shouldn't be there; he recently observed two people with collection buckets on a very narrow median. He is a school bus driver. He hopes the ordinance passes.
- Brian Patterson, 420 Logans Circle, Franklin, passionate in his opposition to the ordinance made his point quoting scripture. He asked what the true motive behind the ordinance is and had BOMA carefully considered how to keep the sellers in business.
- Kate Watkins, 408 Madison Court, related that after the last meeting her 20 and 21 year old children said that when they hand a newspaper vendor \$20 they are investing in a person, not a newspaper.
- Maggie Coyle, 1109 Greenleaf Way, Franklin, said she did some fact checking regarding the Contributor and learned there were over 3 million transactions in the Nashville area with no accidents; a third of the sellers are not homeless. She believes this is a smokescreen. It comes across as not wanting the homeless in this community.
- Chuck Bibau, 4425 Buchanan Lane, Franklin, voiced concern about the landscaping on the medians and at the intersections. How can they come and sell wares and destroy it and not be accountable to repair it. Taxpayers paid to install it. He felt it isn't recognized by the ones who sell because they are there for themselves. He said he appreciated them wanting to move their cause forward, but thinks they are doing it at the expense of the taxpayers.
- John Opalinski, 1344 Charing Cross Circle, Franklin, said he is in favor of the ordinance as it is written for safety and the safe and efficient flow of traffic. He supports the homeless. This is not an anti-homeless ordinance. Safety is the issue.
- Clyde Redford, 1303 Columbia Avenue, Franklin. As a resident, taxpayer and property owner, he opposes the ordinance. He said is not connected with the Contributor, but works with homeless organizations. This is a difficult first step for the homeless and it gives them a chance to change. He believes this is a homeless issue and has seen no evidence of accidents.
- Mary Ellen Redford, 1303 Columbia Avenue, Franklin, opposes the ordinance. Her experience in Cool Springs has been the politeness of the people with buckets and papers and their smiles. Also, they didn't approach her to make a sale, she made the first move.
- Hunter Neubert, 8080 Sunrise Circle, supports the ordinance and supports the homeless. He participates in activities at Room at the Inn through his church and gives to other charities, but not the Contributor. He agreed they need help, but not on the streets. He related an incident at the intersection of Galleria Boulevard and Bakers Bridge Road when the light turned red and a seller was trapped on the center line in the middle of the road until finally one driver stopped to let the seller cross. He saw similar incidents in Brentwood.
- Carlos Rodriguez, 1512 Braden Circle, Franklin, expressed opposition to the ordinance. He asked how many have read the Contributor with stories written by the homeless sharing how they got back on their feet by selling the newspapers. His family buys the paper in multiples. This is a right to work state, so how can the City consider denying them the right to work. They want to be treated with dignity and respect. He thanked Alderman Skinner for wanting to amend the ordinance for a happy medium.
- Tisha Zello, 300 N. Royal Oaks Boulevard, Franklin, opposes the ordinance. Her family supports the Contributor, her children buy them too. It is hard to find jobs. Allow them in Franklin. Teach generosity and kindness.

- Charles Marable, 403 Stafford Close, is a business owner on Mallory Lane, and is opposed to the ordinance. He appreciates the safety issues but wants to preserve the opportunity for these men and women to earn a living. He agrees with the grass/landscaping issues. He doesn't work with the homeless per se but has gotten to know some that sell in front of his business. He told of one man who has gotten off the street and now has a car and he finds dignity, worth, and value as a seller. Mr. Marable asked that the City find a way to ensure public safety without depriving them of their work.
- Andrew Shapiro, 432 Pearre Springs Way, Franklin, said he was a public safety officer for 33 years. He has compassion for the homeless and volunteers three days a week with the Contributor. He wants an opportunity for the City of Franklin to welcome the Contributor so the homeless don't have to be dependent on the government or die in the streets. Traffic laws restrict people from walking in the path of vehicles. Cite the vendors if they obstruct traffic and get in the roadway. Citizens with complaints should notify the Contributor and they can discipline the individuals. They want to be respectful. He hopes a modification to the ordinance will allow them to work with dignity and respect.
- Bob Phillips, 991 Dortch Lane, Nolensville, said he wasn't speaking for the Contributor per se. He delivered papers as a child and what if his town had said he couldn't ride a bicycle to deliver papers. He is a veteran and has been a business owner. He now works with a church and said the Bible teaches about the heart. Support small business people and don't restrict them from their way of living. Vote against the ordinance.
- Ella McKelvey, 1101 Downs Boulevard, Franklin, requested the community be represented with kindness and charity. The homeless are trying to make a living. She appreciates the concern for safety. They could sell on the sidewalk and the lane next to the sidewalk. Show the kindness and charity of Franklin.
- Callie McKelvey, 1101 Downs Boulevard, Franklin, opposes the ordinance. The City of Franklin is one of conservative Christian service, yet won't allow the homeless to sell their papers. She asked to let them sell in the lane closest to the sidewalk. The Contributor allows them to have a job. Please represent our City as kind and generous and allow them to earn a living.
- Dale Finley, 519 Brennan Lane, Franklin, asked Alderman Burger to read comments on his behalf as he was out of town on business. His letter was entered into the record and states in part that he wanted to document his desire to see the practice of roadside sales banned within the City of Franklin. He has seen the sellers in the street going car to car, across lanes, sometimes while traffic is moving. If the ordinance does not pass what is to prevent Girl Scouts or anyone else from selling from medians and in the streets. He also mentioned the landscaping in the medians.
- Alderman Burger read comments from a letter containing comments from several constituents who wished to remain anonymous. This letter was entered in the record. All comments in the letter were in favor of passing the ordinance to ban street sales. Their reasons varied.
- Terry Hamlet, as voiced by Alderman Burger, supports the City stopping any vendors, newspapers especially, from trampling the landscaping and walking in the lanes of already congested traffic areas. He suggested the vendors are not likely citizens of Franklin and urged people to donate to shelters and other charities. The City should not allow them to risk their lives or those of the drivers. It is not just limited to Contributor sales; there should be no commerce in the medians.

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

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The Second and Final Reading will be on February 12, 2013.

### NEW BUSINESS

12. **Consideration of RESOLUTION 2012-72, A Resolution to Remove All Traffic Calming Devices on Fair Street Between 7<sup>th</sup> Avenue and 11<sup>th</sup> Avenue**

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

*Alderman Martin moved to approve Resolution 2012-72 with the following amendment: the City shall retain the two sets of chicanes in the 800 block of Fair Street and remove the chicanes in the 1000 block of Fair Street. Seconded by Alderman Skinner.*

Vice Mayor McLendon said he would defer to the Ward Alderman. If that is what we do it is not doing what was petitioned, and to not be surprised when no one is happy. Alderman Barnhill commented that they would never satisfy everyone in a situation such as this. His opinion was the amendment would satisfy the majority of the residents on Fair Street; therefore, he supported it.

*Motion to approve Resolution 2012-72 as amended to retain the chicanes in the 800 block of Fair Street and remove the chicanes in the 1000 block of Fair Street carried unanimously.*

13. **Consideration of a Professional Services Agreement (COF Contract No. 2012-0189) with Smith Seckman Reid, Inc. (SSR) for Limited Construction Administration for Phase I of the Hillsboro Road Improvements Project at a Not-to-Exceed Cost of \$10,000.00**

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

*Alderman Barnhill moved to approve the PSA with Smith Seckman Reid for Limited Construction Administration for Phase I of the Hillsboro Road Improvements Project at a not-to-exceed cost of \$10,000. Seconded by Alderman Blanton. Motion carried 7-0 with Alderman Martin recused.*

14. **Consideration of RESOLUTION 2012-63 Adopting the Long Lane Overpass as a City of Franklin Priority Project and Commitment to Fund the Project Within the Next Several Years**

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

*Alderman Skinner moved to approve Resolution 2012-63. Seconded by Alderman Bransford.*

Alderman Petersen said she could not support this resolution because of the existence of a second roadway that could also be a crossover and from a planning perspective could not support it financially.

Alderman Skinner related the state approached the City with the opportunity to save money when funding is available to build this bridge. With the explosion of growth in that area of the City two crossovers will be needed. This resolution should be supported.

*Motion to approve Resolution 2012-63 carried 7-1 with Alderman Petersen voting no.*

15. **Withdrawal of RESOLUTION 2012-74 (formerly 2012-69), A Resolution Awarding the Construction Contract for the Eastern Flank Battlefield Access Roadway Project (COF Contract 2012-0112) to Jenco Construction, Inc., in the Amount of \$1,026,386.39**

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

*Alderman Skinner moved to withdraw Resolution 2012-74. Seconded by Alderman Bransford. Motion carried unanimously.*

16. **Consideration of RESOLUTION 2013-04, A Resolution Awarding the Construction Contract for the Eastern Flank Battlefield Access Roadway Project (COF Contract 2012-1112) to Civil Constructors, Inc. in the Amount of \$1,089,179.01**

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

*Alderman Skinner moved to approve Resolution 2013-04. Seconded by Alderman Blanton. Motion carried unanimously.*

17. **Consideration of RESOLUTION 2013-02, A Resolution to Cancel the Board of Mayor and Aldermen Scheduled Meeting Date of July 9, 2013 and Call a Special Meeting for July 23, 2013**

**Eric Stuckey, City Administrator**

*Alderman Bransford moved to approve Resolution 2013-02. Seconded by Alderman Burger.*

Discussion ensued on the pros and cons of changing the meeting date.

*Motion to approve Resolution 2013-02 carried 5-3 with Aldermen Skinner, Petersen and Barnhill voting against cancellation of the July 9, 2013 meeting.*

### CONSENT AGENDA

18. **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**

**[Third and Final Reading]**

**Alderman Ann Petersen, FMPC Board Representative**

*Ordinance 2012-58 approved unanimously on Third and Final Reading*

19. **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**

**[Second and Final Reading]**

**Vernon Gerth ACA Community & Economic Development**

**Kathleen Sauseda, Interim Housing Coordinator**

*Ordinance 2012-61 approved unanimously on Second and Final Reading*

20. **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**

**[Second and Final Reading]**

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

*Ordinance 2012-63 approved unanimously on Second and Final Reading*

21. **Consideration of RESOLUTION 2012-70, A Resolution Authorizing the Adoption and Implementation of Amendments to the Historic District Design Guidelines**

*Resolution 2012-70 approved unanimously*

**Alderman Ann Petersen, FMPC Representative**

22. **Consideration of ORDINANCE 2013-04, An Ordinance to Establish a No Parking Zone on the Southeast Side of Bridge Street from 2<sup>nd</sup> Avenue North to a Point 140 Feet East of the Intersection**

**[First of Two Readings]**

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

*Ordinance 2013-04 approved unanimously on First of Two Readings*

23. **Consideration of RESOLUTION 2013-01, A Resolution to Affirm Compliance with Federal Title VI Regulations**

*Resolution 2013-01 approved unanimously*

**Eric Stuckey, City Administrator**

24. **Consideration of Bid Award to Office of Joel Tomlin, III, LLC of Franklin, TN in the Total Amount of \$16,716.00 for Tree Supply, Planting and Related Contract Services for the Parks Department (Purchasing Office Procurement Solicitation No. 2013-006; \$16,866.00 Budgeted for Project with 50% to be Transferred from Tree Bank Reserves and 50% to be Reimbursed by State Grant; Contract No. 2012-0202)**  
*Approved unanimously* Lisa Clayton, Parks Director
25. **Consideration of Bid Award to Thompson Machinery of La Vergne, TN in the Total Amount of \$136,845.92 for One (1) Unused 2013 Caterpillar 924K Wheeled Front-End Loader for the Stormwater Division of the Streets Department (Purchasing Office Procurement Solicitation No. 2013-008; \$145,000.00 Budgeted in 135-89530-43120 for Fiscal Year 2013; Contract No. 2012-0203)**  
*Approved unanimously* Joe York, Streets Director
26. **Consideration of Amendment to Professional Services Agreement for the Harlinsdale Barn-Structural Stabilization and Weatherization Project COF Contract No. 2011-0061 (150-89230-47100) with Oversight, LLC at a Cost of \$4,200.00**  
*Approved unanimously* Brad Wilson, Facility Projects Manager
27. **Consideration of Professional Services Agreement with Barge Waggoner Sumner & Cannon, Inc. (COF Contract 2012-0205) for the 11<sup>th</sup> Avenue South Water and Sewer Project**  
*Approved unanimously* David Parker, City Engineer/CIP Executive
28. **Consideration of a Professional Services Agreement (COF Contract No. 2012-0187) with Sullivan Engineering, Inc. (SEI) for Limited Construction Administration for Phase I of the Hillsboro Road Improvements Project at a Not-to-Exceed Cost of \$38,948.12**  
*Approved unanimously* David Parker, City Engineer/CIP Executive
29. **Consideration of a Professional Services Agreement (COF Contract No. 2012-0188) with E.G.&G., Inc. for Limited Construction Administration for Phase I of the Hillsboro Road Improvements Project at a Not-to-Exceed Cost of \$54,100.00**  
*Approved unanimously* David Parker, City Engineer/CIP Executive
30. **Consideration of Street Name Change for Properties Along Cadet Circle and Cadet Court**  
*Approved unanimously* Alderman Ann Petersen, FMPC Representative
31. **Consideration of Event Permit Application for Eat the Street to be Held in Downtown Franklin on May 10, 2013**  
*Approved unanimously* David Rahinsky, Police Chief
32. **Consideration of Event Permit Application for Ride for Kids to be Held at Jim Warren Park on May 19, 2013**  
*Approved unanimously* David Rahinsky, Police Chief
33. **Consideration of ORDINANCE 2013-02, An Ordinance Authorizing the Adoption and Implementation of Amendments to Title 16, Chapter 7 of the City of Franklin Municipal Code as Relating to the Display of Merchandise, Decorative Fixtures, and Sandwich Board Signs on the Public Sidewalk within Franklin's Historic Preservation Overlay [First of Two Readings]**  
Vernon Gerth, ACA Community & Economic Development  
Catherine Powers, Planning & Sustainability Director

*Ordinance 2013-02 approved unanimously on First of Two Readings.*

**EXECUTIVE SESSION**

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

**Shauna Billingsley, City Attorney**

**RETURN FROM EXECUTIVE SESSION**

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

**Dr. Ken Moore, Mayor**

No Executive Session

**ADJOURN**

*Alderman Blanton moved to adjourn and motion carried unanimously.*

Meeting adjourned @ 8:30 p.m.

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Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 2/13/2013 9:57 AM