

5. **Consideration of RESOLUTION 2009-23, A Resolution to Prohibit Handguns in Public Municipal Parks, Natural Areas, Historic Parks, Nature Trails, Forests, Greenways, Waterways, or Other Similar Public Places**

Eric Stuckey, City Administrator

Eric Stuckey noted the Tennessee Legislature approved House Bill 716/Senate Bill 976 establishing Public Chapter 428 on May 26, 2009, authorizing handgun carry permit holders to lawfully possess handguns in federal, state, and local parks, effective September 1, 2009. The law includes an “opt out” provision through which cities and counties may exclude their parks by resolution and other compliance procedures. Portions of a park may not be excluded; it must apply to the entire park, particular parks or all parks.

The City of Franklin has prohibited guns in parks since 1970 or before. Franklin parks are highly active with youth sports, children playing, and family activities. Staff recommends continuation of the ban on firearms in public parks. A portion of existing law states public and private schools may use only those parks that ban guns for their activities. Franklin parks are used by schools.

Police Chief Jackie Moore stated during the last three years there was one gun related incident in a City park; a gun discharged but there was nothing to suggest a need for weapons. Most crimes were misdemeanors against the park itself. This indicates the City doesn’t need to change how the parks are run. Police concerns include large gatherings and the competitiveness of sporting events that raise tempers; however, he had no empirical data.

Parks Director Lisa Clayton echoed Chief Moore’s concerns saying Franklin is very fortunate it is a safe place with concerned citizens. There have been no reports of bad behavior to the extreme at sporting and special events. They do see tempers flare at all events, not just sports. Ms. Clayton asked that the ban on firearms in parks continue.

Citizen Comments

- Sherry Badger, 23 year Franklin resident, indicated her family would like to see the City “opt-out” of the new law. Her family enjoys the parks and feels comfortable in them, never giving a thought that someone may be carrying a gun. They have seen tempers flare. She commented it is easier to get over something when fists are flying rather than bullets flying. She asked that BOMA keep the safe environment in Franklin parks. Mayor Schroer noted Ms. Badger is chair of the Franklin Special School District Board.
- Jerry Bowen, Orleans Estates, said he has lived in Williamson County 23 years, and represented the other side of the argument having been a firearm permit holder for 10 years. There are almost 6,000 permit holders in Williamson County. It is a matter of the constitutional right to bear arms. The Second Amendment. Mr. Bowen offered statistics as well. Handgun permit holders, as a group, are deemed the safest subset of Tennesseans. Over 230,000 citizens in Tennessee have permits to carry firearms. There is no known instance of violence by a person with a permit. Permit holders are fingerprinted and criminal background searches are done. He would rather have the gun and not need it than not have it and need it. He stated the last thing he wants to do is use it. He reiterated the Second Amendment of the Constitution and the right to bear arms.

Alderman Burger said she agreed the Second Amendment right is critical and it is critical this Board be careful not to curtail or set a precedent against constitutional law. She questions if the new State law was properly staffed with the existing Tennessee law 39-17-1309 regarding school property. She thinks

the cart is before the horse because these two laws might conflict. She wants clarification from the Attorney General on the confusion she thinks exists between 39-17-1309 and the new State law; then it would be easier for the Board to make a totally informed decision. The City should "opt out" until a ruling or opinion is received from the Attorney General. She asked City Staff to contact one of the state representatives to get an opinion on those two laws from the Attorney General. In response to an email blast she sent, of the 84 responses, 66 were against opt out and 18 were for opt out.

Alderman McLendon stated he has been a handgun permit holder since the 1990's. He has spent a lot of time at Liberty and Jim Warren parks during the past eight years; no one has been arrested for assault. What is all this hyperbole? There are three times as many robberies as assaults in parks. Handgun permit holders are responsible people. Any permit holder he knows will go out of the way to be conscientious. You can walk down Main Street and all over the community carrying a gun without a single incidence of any permit holder doing anything stupid. Handgun permit holders aren't going to do anything different tomorrow than they have done all these years. Permittees don't carry openly; you've been around us for years and years. The State dumped this on local communities to decide. Don't make a decision based on misinformation.

Alderman Bransford commented it isn't the permit holders it is the ones that don't have permits that are of concern. She is supportive of responsible permit holders. She talked to people about parks and guns and it is interesting to hear both sides of the issue. She will reserve her decision until more is heard.

There was discussion on schools using the parks, athletic fields and guns in vehicles on school grounds.

Alderman Moore commented the Second Amendment has been discussed endlessly since inception. He understands states have the opportunity to decide if people can carry guns in parks. Two of the e-mails he received said don't opt out and all the rest recommended opt out. The common theme was children's safety, and family concerns.

Alderman Skinner voiced the choice is clear, either parks for the children or parks for second amendment rights.

Mayor Schroer suggested voting on the laws in effect today. If the State comes back with some clarification there could be a change by resolution. He does not want to revisit this every year. This item will be on the BOMA agenda July 28.

6.* Consideration of RESOLUTION 2009-22, A Resolution of Design Issues for the Hillsboro Road Improvements Project

David Parker, City Engineer

This was discussed at the Capital Investment Committee with consensus on some items and no consensus for Streetscape on Hillsboro Road. There are seven items and each item has options. Recommendations for each item listed on pages 6 and 7.

This project is number one on the priority list as it relates to Mack Hatcher and it is up for vote at the 7:00 p.m. meeting.

Alderman Skinner took issue with installing landscaping for the City to maintain and likened it to taking over a resident's yard. Is the expenditure and personnel time worth the little beds designed?

Motion to approve Ordinance 2009-26 on Second Reading carried 5-3 with Aldermen Petersen, Skinner, and Klatt voting no.

9. **PUBLIC HEARING ONLY-(No Vote):** Consideration of **RESOLUTION 2009-16, An A Resolution Approving a Concept Plan for Iron Horse Science and Technology Park, Totaling 20.001 Acres, Located at the Northeast Corner of Mack Hatcher Parkway and Franklin Road, by the City of Franklin, Tennessee**

Gary Luffman, Interim Planning Director

With no comments forthcoming, Mayor Schroer declared the Public Hearing closed.

No action required.

10. **PUBLIC HEARING:** Consideration of **ORDINANCE 2009-28, An Ordinance to Amend the Franklin Zoning Ordinance to Revise the Ordinance to Allow the Removal of Specimen Trees on Single-Family Residential Lots of One Acre or Less [Second Reading]**

Gary Luffman, Interim Planning Director

With no comments forthcoming, Mayor Schroer declared the Public Hearing closed.

Alderman Moore moved to approve Ordinance 2009-28 on Second Reading. Seconded by Alderman Petersen. Motion carried unanimously.

11. **Consideration of ORDINANCE 2009-31, As Amended, An Ordinance to Amend Chapter 2, Title 18 of the Franklin Municipal Code to Revise the Requirements for Connection to the Public Sanitary Sewer System [Second and Final Reading]**

David Parker, City Engineer

Alderman McLendon moved to approve Ordinance 2009-31 on Second and Final Reading. Seconded by Alderman Barnhill. {with exceptions (b) and (c) removed}

Alderman Skinner moved to amend by restoring the language in 18-204, paragraph 4, and only change the length of time to hook on. Motion died for lack of a second.

Motion to approve Ordinance 2009-31 as presented on Second and Final Reading carried 7-1 with Alderman Skinner voting no.

NEW BUSINESS

12. **Consideration of RESOLUTION 2009-23, A Resolution to Prohibit Handguns in Public Municipal Parks, Natural Areas, Historic Parks, Nature Trails, Forests, Greenways, Waterways, or Other Similar Public Places**

Eric Stuckey, City Administrator

Alderman Moore moved to approve Resolution 2009-23. Seconded by Alderman Bransford.

Alderman McLendon commented the people voting for this resolution are afraid of the wrong people. Alderman Barnhill mentioned the issue of schools bringing children to parks for events.

Alderman McLendon referred to the Attorney General's opinion that reconciles the issue of school functions in parks. His interpretation is there could be a school event at one end of the park and a non-school event at the other end and carriers could attend the non-school function. If we don't opt out, place signs at pertinent places that state handguns are prohibited at school events. It is already against the law to carry a gun at school events wherever the event may be. Handguns are not allowed in City parks now and there are no signs in the parks. Handgun carriers are educated about that process. The onus is on the permit holder. In City parks, when the school event(s) goes away so does the prohibition. Alderman Burger said most emails she received indicate to leave it as is.

Shauna Billingsley disagreed with Alderman McLendon. The prohibition applies to the entire park and not pieces of a park. A gun could be kept in the car during a school event. If BOMA chooses to not opt out there is concern on how to provide notice if schoolchildren are in the park.

Motion to approve Resolution 2009-23 to opt out and prohibit guns in Franklin parks carried 6-2 with Aldermen Burger and McLendon voting not to opt out.

- 13. Consideration of ORDINANCE 2009-34, An Ordinance to Amend Chapter 5, Section 5.3, Subsection 5.3.6 of the City of Franklin Zoning Ordinance to Revise Parking Lot Location and Design in Conventional Areas. Establishing a Public Hearing for August 25, 2009 [First Reading]**
Alderman Ann Petersen
FMPC Board Representative

Mayor Schroer related staff asked that this item be deferred to August 25, 2009.

Alderman Petersen moved to defer Ordinance 2009-34 to August 25, 2009. Seconded by Alderman Bransford. Motion carried unanimously.

- 14. Consideration of ORDINANCE 2009-46, An Ordinance to Amend Title 18, Section 18-129 and Section 18-210 to Increase Water and Sewer User Rates; Establishing a Public Hearing for August 11, 2009 [First Reading]**
Vice Mayor Ken Moore
Budget & Finance Committee Chair

Alderman Moore moved to approve Ordinance 2009-46 on First Reading with comment. Seconded by Alderman Skinner.

Alderman Moore noted the Budget & Finance Committee reviewed the water budget and Mark Hilty gave a presentation on each division. They are working on a full recovery plan for the next three years as well as developing a reserve policy of 25%. To achieve full recovery rate increases are necessary.

Proposed Rate Changes Effective January 1, 2010

<u>Water</u>	<u>First 1,000 Gallons (Availability Charge)</u>	<u>Next 9,000 Gallons</u>	<u>Next 15,000 Gallons</u>	<u>All Additional Usage</u>
Residential-Inside City	\$7.22	\$3.72	\$4.65	\$5.58
Residential-Outside City	\$9.22	\$5.80	\$6.38	\$6.96
Commercial-Inside City	\$10.01	\$3.78	\$3.78	\$3.78
Commercial-Outside City	\$10.81	\$5.88	\$5.88	\$5.88

The adjustment includes a \$2.00 increase to the Availability Charge (minimum bill) for customers inside the City limits and a \$1.00 increase for customers outside the City limits. The rates for all additional consumption have been increased by 5%. The changes equate to a 10% increase in rates with a 5% increase in estimated revenues for FY 2010 based on an effective date of January 1, 2010.