

**MINUTES OF THE REGULAR MEETING
 BOARD OF MAYOR AND ALDERMEN
 FRANKLIN, TENNESSEE
 CITY HALL BOARDROOM
 TUESDAY, FEBRUARY 12, 2013 – 7:00 P.M.**

Board Members

Mayor Ken Moore	P		
Alderman Clyde Barnhill	P	Alderman Margaret Martin	A
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	P	Shirley Harmon, HR Director	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	
David Parker, City Engineer/CIP Executive		Paul Holzen, Engineering Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning/Sustainability Director	
Rocky Garzarek, Fire Chief		Joe York, Streets Director	
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	A
Becky Caldwell, Solid Waste Director			

1. Call to Order

Mayor Ken Moore called the February 12, 2013, meeting to order at 7:00 p.m.

- ✦ Mayor Moore announced that a number of people had come to the meeting with the expectation of addressing Item 10 concerning Ordinance 2012-60 to amend the Municipal Code Relative to Sales of Goods and Wares in the Public Right-of-Way. There is no Public Hearing on this issue scheduled for this meeting and there will be no public comment. The Board held a Public Hearing and there have been Work Sessions at which public comments were heard. Representatives from the Contributor were present at the 5:00 p.m. Work Session tonight and there was opportunity for public input during that meeting. He apologized if people had not received notice of the multiple sessions held. This meeting is strictly for Board comments on the issue.

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 Petersen moved to approve the January 22, 2013 Work Session and January 22, 2013 Board of Mayor and Aldermen minutes as presented. Seconded by Alderman Burger. Motion carried unanimously.

7. **Recognitions**

- ✦ Mayoral Proclamation of March, 2013, as Purchasing Month for the City of Franklin
Mayor Moore proclaimed March 2013 as Purchasing Month for the City of Franklin, Tennessee
- ✦ Government Finance Officers Association Distinguished Budget Presentation Award
Eric Stuckey announced that for the 5th consecutive year the City has received the Distinguished Budget Presentation Award. This is given out as recognition for a city budget document that satisfies nationally recognized guidelines. He noted that in addition to the Finance Department, every department in the City contributes to the budget document. Mike Lowe, City Comptroller, came forward to accept the award.
- ✦ Mayor Moore announced that The Tennessee Bar Association named City Attorney Shauna Billingsley as Star of the Quarter for the First Quarter of the Bar Year.

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 17-34 be placed on the Consent Agenda.

Alderman Barnhill moved to approve the Consent Agenda Items 17-34. Seconded by Alderman Blanton. Motion carried unanimously.

OLD BUSINESS

10. **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]

Eric Stuckey, City Administrator
Shauna Billingsley, City Attorney

Alderman Skinner moved to defer Ordinance 2012-60 to March 12, 2013 Work Session and BOMA meeting. Seconded by Alderman Burger.

Alderman Barnhill asked that the Ordinance be placed on the Work Session and BOMA meeting agendas to allow public comments during the Work Session. *Alderman Skinner complied by restating the motion as seen above and Alderman Burger concurring.*

Eric Stuckey clarified Option 2 as allowing sales to a stopped vehicle's passenger side located in the curb lane adjacent to the sidewalk for sales of publications; not for sales of other goods and services. He asked that staff look at certain types of intersections that would be deemed unsafe, and prohibited for sales, such as a continuous right turn, or a right turn yield where traffic generally doesn't stop.

Vice Mayor McLendon preferred Option 2, if the amendment is passed, and that staff identify and describe the type intersections prohibitive, rather than by name, to avoid complications with future building of or modifying of intersections. Also, It is the Contributor's policy to prohibit sales from the median, so Option 2 would be consistent with their internal policies. He mentioned for anyone who wasn't at the Work Session, it is not just about the Contributor, but they have been a major stakeholder in the conversation.

Eric Stuckey noted the Contributor has a hotline to report vendor infractions or concerns. The number is 615-829-6829.

II. **PUBLIC HEARING: Consideration of RESOLUTION 2012-69, A Resolution Approving a Development Plan for the Riverbluff PUD Subdivision Located Along Lewisburg Pike Across from Donelson Creek Parkway, by the City of Franklin, Tennessee**

Alderman Ann Petersen, FMPC Representative

Jason Goddard, representing the applicant, presented information on the property/development and offered to answer any questions the Board may have.

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

Alderman Skinner moved to approve Resolution 2012-69 with an amendment to add a condition that states the developer will donate \$75,000 prior to the issuance of the 61st single-family building permit. This donation shall be used by the developer for the construction of a traffic signal during development of the subdivision when warranted by a traffic study, or deposited into the City's Road Impact Fee Fund when the development is fully built-out and utilized by the City at the time a signal is warranted. In addition, the developer shall submit an updated Traffic Signal Warrant Analysis at 50% build-out and 100% build-out prior to the approval of the final plat. Seconded by Alderman Bransford.

Alderman Skinner related the amendment is the result of a conversation with the developer, Bob Parks. His reasons are that this development is one of the few four-way intersections between Mack Hatcher and Peytonsville Road, and it is the only entrance/exit for the development. He thought it a good idea to have a monetary commitment for the signal.

Alderman Petersen commented that the property is crossed by TVA and gas easements, but fits the R-2 Zone.

Motion to approve Resolution 2012-69 as amended carried unanimously.

NEW BUSINESS

12. **Consideration of Proposed First Bank Lease at 510 Columbia Avenue (Five Points Building) in Downtown Franklin (COF Contract No. 2012-204)**

Eric Stuckey, City Administrator

Russ Truell, ACA Finance & Administration

Alderman Barnhill moved to approve Lease with First Bank for 510 Columbia Avenue. Seconded by Vice Mayor McLendon. Motion carried unanimously.

13. **Consideration of Professional Services Agreement with CDM Smith, Inc. for City of Franklin Water Reclamation Facility Modifications and Expansion (COF Contract No. 2013-0001) in a Total Amount Not to Exceed \$2,967,150.00**

David Parker, City Engineer/CIP Executive

Alderman Blanton moved to approve PSA with CDM Smith for Water Reclamation Facility and Expansion. Seconded by Alderman Bransford. Motion carried unanimously.

Alderman Petersen commented that as part of this, a recommendation on how to treat biosolids will be forthcoming. Eric Stuckey clarified this provides for treatment; however, how to handle the disposal is an open issue being worked on by the Board. This is to expand the wastewater treatment plant from 12 MGD to 16 MGD and for modeling.

14. **Consideration of RESOLUTION 2013-07, A Resolution to Authorize the City Administrator or the City Engineer to Execute Retainage Agreements Related to Approved Construction Contracts**

Shauna Billingsley, City Attorney

Alderman Bransford moved to approve Resolution 2013-07. Seconded by Alderman Burger. Motion carried unanimously.

15. **Consideration of Master Services Agreement with Insight Global for Placement of Staffing Personnel (COF Contract No. 2013-0002)**

Fred Banner, MIT Director

Alderman Petersen moved to approve Master Services Agreement with Insight Global. Seconded by Alderman Bransford. Motion carried unanimously.

16. **Consideration of Mayor's Appointment to the Housing Commission**

Dr. Ken Moore, Mayor

Mayor Moore appointed J. Edward Campbell as Member-at-Large on the Housing Commission.

Alderman Bransford moved to approve Mayor Moore's appointment of J. Edward Campbell as Member-at-Large on the Housing Commission. Seconded by Alderman Petersen. Motion carried unanimously.

26. **Consideration of Amendment to Lease Agreement with U.S. Bank for Additional Eligible items (COF Contract 2013-0123)**
Approved unanimously Russ Truell, ACA Finance & Administration
27. **Consideration of Agreement (COF 2012-0198) Between the Department of the Army and Metropolitan Government of Nashville and Davidson County and City of Franklin and City of Brentwood and Williamson County for the Harpeth River, Tennessee Feasibility Study**
Approved unanimously David Parker, City Engineer/CIP Executive
28. **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 [Second and Final Reading]**
 Vernon Gerth, ACA Community/Economic Development
 Catherine Powers, Planning & Sustainability Director
Ordinance 2013-02 approved unanimously on Second and Final Reading
29. **Consideration of Interlocal Agreement with the City of Brentwood (COF Contract 2012-0200) for Mutual Cooperation between the Two Entities to Share Access Between Both Fiber Optic Networks**
Approved unanimously Shauna Billingsley, City Attorney
 Fred Banner, MIT Director
30. **Consideration of Event Permit Application for Mellow Mushroom Concert Series (2nd Saturday of the Month from March-October) in Downtown Franklin**
Approved unanimously David Rahinsky, Police Chief
31. **Consideration of Event Permit Application for Tour De Cure Bike Ride sponsored the American Diabetes Association in the Cool Springs Area on May 18, 2013**
Approved unanimously David Rahinsky, Police Chief
32. **Consideration of Main Street Brew Festival in Downtown Franklin on March 16, 2013**
Approved unanimously David Rahinsky, Police Chief
33. **Consideration of ORDINANCE 2013-03, An Ordinance to Various Chapters and Sections of the City of Franklin Zoning Ordinance to Clarify Requirements and Correct Minor Textual Errors [First of Three Readings]**
 Alderman Ann Petersen, FMPC Representative
Ordinance 2013-03 approved unanimously on First of Three Readings
34. **Consideration of ORDINANCE 2013-06, An Ordinance to Rezone ±1.08 Acres From Civic and Institutional (CI) to Central Commercial (CC) for the Property Located at 510 Columbia Avenue [First of Three Readings]**
 Alderman Ann Petersen, FMPC Representative
Ordinance 2013-06 approved unanimously on First of Three Readings

EXECUTIVE SESSION

35. **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 Executive Session. Seconded by Alderman Burger. Motion carried unanimously. (7:26 p.m.)

RETURN FROM EXECUTIVE SESSION

(Returned 7:50 p.m.)

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

Dr. Ken Moore, Mayor

Alderman McLendon moved to accept the jury review resolution in the matter involving the City of Franklin and CHHM Properties LLC in a condemnation matter as part of the City's Streetscape and Improvement Project on Hillsboro Road. Seconded by Alderman Petersen. Motion carried unanimously.

ADJOURN

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

The meeting adjourned @ 7:52 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 2/28/2013 9:22 AM