
**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, FEBRUARY 12, 2013 - 5:00 P.M.**

Board Members

Mayor Ken Moore	P		
Alderman Brandy Blanton	P	Alderman Margaret Martin	A
Alderman Clyde Barnhill	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 Dev.	P	Shirley Harmon, HR Director	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	
David Parker, CIP Executive/City Engineer		Paul Holzen, Engineering Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning/Sustainability Director	P
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 Work Session to order at 5:00 p.m.

2. Citizen Comments

None

WORK SESSION DISCUSSION ITEMS

3. Consideration of Liquor License Retailer's Certificate for a New Store, Wine and Liquor Depot, (Mr. Harold McCormick, Managing Agent), 327 Independence Square, Franklin, TN 37064

Lanaii Benne, Assistant City Recorder

No questions or comments

4. Consideration of RESOLUTION 2013-06, A Resolution to Adopt the Amended Williamson County Multi-Hazard Mitigation Plan

Eric Stuckey, City Administrator

Eric Stuckey related the County pulls this together with input from the City of Franklin and other jurisdictions. It was last done in 2006. It identifies potential threats, responses and resources. No concerns noted. Resolution will be on the February 26, 2013 BOMA agenda.

5.* 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
Alderman Ann Petersen, FMPC Representative

Catherine Powers noted these are primarily clarifications. One amendment allows Letters of Credit be presented by facsimiles.

Alderman Blanton had questions about the clarifications to Temporary Signage requirements; addition of (e) No temporary sign shall remain for more than 30 days; and (f) No business shall have more than one temporary sign per calendar year. How is day one of the 30 days determined? Vernon Gerth responded staff will apply these standards as best they can. If there are difficulties in determining the frequently and duration of signs, the alternative would be to require permits. She asked if it negated putting out a sign during business hours and taking it back in at the close of business each day. Mr. Gerth said that would be temporary, but the duration of more than 30 days is what is being established. If staff sees a lot of businesses using temporary signs in that manner, it will trigger discussion on how that situation should be managed, and if BOMA wants to manage that. Alderman Blanton also asked about banners, seasonal promotions, etc. Mr. Gerth said signs that are up for a day or two aren't the kind that will be monitored.

- 6.* **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 (Five Points Building)**

Alderman Ann Petersen, FMPC Representative

Rezoning will allow a business to operate in the building along with the Post Office.

7. **Consideration of RESOLUTION 2013-05, A Resolution Approving a Development Plan for the Preserve at Echo Estates PUD Subdivision Located at the Termini of Echo Lane and Alpine Court, by the City of Franklin, Tennessee**

Alderman Ann Petersen, FMPC Representative

Development Plan for 43 single family dwellings on approximately 86 acres.

8. **Acknowledge Inter-Planning Commission Review of a Site Plan and Conditional Use Permit for Hosford Lawn Care (Residential Business) on 5.57 Acres at 4487 Murfreesboro Road in the 4th Voting District**

Alderman Ann Petersen, FMPC Representative

FYI per agreement with the County regarding activity in the UGB.

- 9.* **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**

Sauna Billingsley, City Attorney

This would allow the City Administrator or City Engineer to release money in retainage (on projects previously approved by BOMA) once a project is complete and the City is satisfied with the work. It has been done this way for years, but will be formalized with a Retainage Agreement. The transactions would be reported to the Board.

- 10.* **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**

David Parker, City Engineer/CIP Executive

Craig Carrington, Corps of Engineers, was present to answer questions. Paul Holzen provided the

answers to three questions previously voiced by the Aldermen:

- River Mile Breakdown for Harpeth River
 - Harpeth Main Stem, River Miles in Franklin - 10.4
 - Harpeth Main Stem, River Miles South of Franklin - 22.2
 - Harpeth Main Stem, River Miles Between Franklin and Metro - 17.1
 - Harpeth Main Stem, River Miles Within Metro - 15.1

Williamson County is only willing to participate with \$50,000 regardless of river mile breakdown, so they have been removed from the above breakdown.

Brentwood's share is significantly less because it does not include any alternative analysis in the Little Harpeth River watershed. Brentwood is, at this point in the process, solely interested in updating hydrologic and hydraulic data as a platform for potential future planning actions. Should Brentwood become interested in further analysis at a later date, their individual share would be renegotiated.

- Estimated Numbers of Structures in the Floodplain and Floodway Within Each Jurisdiction
 - The reconnaissance study found 856 structures in the 1% floodplain (effective) upstream of Bellevue. This figure includes structures found on both the Harpeth River and its tributaries. Structures were grouped based on damage clusters.
 - 241 structures were on the Main Stem of the Harpeth River within Franklin
 - 163 structures were on the Main Stem of the Little Harpeth River in Brentwood
 - The number of structures in the floodplain in Williamson County is not readily available, but could be estimated if needed. There are many structures in the floodplain in Williamson County, but they are generally less concentrated than those in Metro and Franklin.
 - 314 structures appear to be in the 1% floodplain (effective) and an estimated 653 structures were impacted by the May 2010 flood. (Metro Nashville)
- Estimated damages from May 2010 Event Within Each Jurisdiction
 - Figures pulled from the May 2010 post flood report show an estimated \$484 million in direct economic impacts in the Harpeth River watershed
 - \$ 44.5 million from Brentwood
 - \$160.4 million from Nashville
 - \$ 60.6 million from Franklin
 - \$136.0 million from unincorporated Williamson County (all streams)

Franklin's portion of the costs will come from the Stormwater Fund over a three-year period.

11.* 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
Eric Stuckey, City Administrator
Sauna Billingsley, City Attorney

- Alderman Skinner recognized citizen Cary Smith (unknown if male or female) who provided the suggestions in the amendment he had proposed.
- Alderman Burger visited The Contributor in Nashville and said there are definitely some issues. Safety is the City's issue. Residents in her Ward are concerned with vendors in the medians.
 - HOA Boards and a Master Association in the Cool Springs area take care of those medians and are concerned about the damage.
 - Franklin is different from Nashville in that Franklin doesn't have the pedestrian traffic.
- Eric Stuckey pointed out the option before the Board is an amendment to the existing ordinance that prohibits sales in the right-of-way entirely, but permits news racks and temporary charitable sales approved by the chief of police. The amendment provides a way for vendors to sell on sidewalks and on private property (if approved by the owner). It prohibits sales in driving lanes in the streets.

If Option 2 chosen, staff would want more time to develop and clarify that option. Enforcement would still be for selling in the roadway in that it compromises safety.

- There is no documentation of safety issues; just anecdotal, but that does not mean it is safe for vendors to sell in the roadway.
- Option 1 - Adopt the ordinance as proposed which would continue the general prohibition on the sale of goods and services in the public right-of-way while providing for the sale/distribution of print content (non-commercial speech) on public sidewalks.
- Option 2 - Amend the ordinance to allow sales to the passenger side of stopped vehicles located in the curb lane adjacent to the sidewalk. If this option were pursued, it is recommended that certain intersections be restricted from sales due to volume, configuration, and traffic signal pattern.
- Alderman Skinner thought Option 3 - Restrict the hours and the time of year for sales - a reasonable compromise. Mr. Stuckey strongly urged the Board not to consider this option.
- Contributor policy is that vendors not enter streets or sell from medians. No one is monitoring that. City should cite violators.
- ★ Ron Hinds, 4535 South Carothers, Franklin, stated he is not involved with the Contributor; however, he and his wife buy the papers. In his experience, the vendors only take one step into the roadway. In his opinion they are safer doing that than being homeless in Nashville. Zero accidents, 8-10 vendors end up with housing by selling the paper, number of complaints unknown, 2,000-4,000 people probably buy this paper - they support with their pocketbook, 50,000-80,000 papers sold in Williamson County per year. He admires the vendors as they are kind, gracious, and appreciate being here.
- Alderman Bransford asked Mr. Hinds if he would pull off the road and buy from vendors on the sidewalk. Mr. Hinds responded he probably wouldn't as much, because when in traffic he can roll down his window and hand them \$5.00
- ✳ Tasha French Lemley, Founder and Executive Director of The Contributor, hoped a solution could be reached that is something other than a total ban on curbside to vehicle sales, which is nearly a ban on sales themselves. We live in a vehicle-dependent economy and as said, there just isn't pedestrian traffic in Franklin. It is against The Contributor's Code of Conduct to have vendors crossing into the street and stepping into traffic and in between cars or selling from medians. That has happened without their knowledge. Any time they hear of an issue they address it in a staff meeting and with the individual. Their greatest power is to be able to refuse to give newspapers to a vendor to sell. They will do that when they hear of an issue and confirm the issue. They don't expect any city to be a babysitter for their vendors. They depend on feedback from customers and communities and they keep detailed notes. The Contributor is in favor of a ban on stepping from the curb and crossing lanes, selling from medians and destroying foliage. They are not in favor of a complete ban on sidewalk to closest vehicle passenger window sales. She is not in favor of selling to the driver's side window.
- Vice Mayor McLendon noted almost all the vendors in Franklin are selling from the median, not the sidewalk and asked if any vendors had been stricken from the roll in Williamson County.
- ✳ Ms. Lemley replied they are not immediately dismissed. They have a strike system. The first time they trust the vendor will do better, but when they hear of repeated behavior they can pull the vendor off the sales force completely.
- ✳ Tom Wills, Director of Vending for The Contributor, said they have suspended vendors for being on medians in Davidson County but wasn't sure about the policy in Williamson County or how many medians have sidewalks. He didn't believe anybody selling in Williamson County had been suspended yet.
- Alderman McLendon encouraged them to come to Franklin and drive around in a vehicle unknown to their vendors. If there had been a more vigorous enforcement of The Contributor's own policy it is unlikely the issue would have come to this point.

- * Mr. Wills said that in his opinion, this is a vendor behavior issue. In the past they told vendors they didn't recommend going to Franklin because the sales are prohibited by law. The situation is that the City of Franklin has been unwilling to enforce its own laws, and why The Contributor has been unwilling to support vendors who are going to Franklin. They don't intentionally send vendors into areas where the law says they can't.
- * Ms. Lemley said that now that they have had this conversation, they would like the opportunity to work in tandem with the City to maintain sales in Franklin. They would be satisfied with Option 2.
- Further comments from the Aldermen indicated Option 2 was the preferred choice.
- Alderman Skinner thought it would be a good gesture for The Contributor to offer to restore the damaged medians since that has been a frequent complaint.
- Mr. Stuckey again stressed if Option 2 is chosen staff must define intersections that would be excluded due to safety issues.
- Briefly discussed what kind of sales the amendment would and would not allow.

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

Fred Banner, MIT Director

The new utility billing system goes live July 1, 2013. The agreement is for temporary staffing of those with the programming knowledge needed to complete the transition.

13. Consideration of Sole-Source Purchase of a Quantity of Nine (9) Lifepak Automated External Defibrillators and Certain Ancillary Supplies from Physio-Control, Inc. of Redmond, Washington in the Total Amount of \$102,181.55, Including Shipping and Handling, for the Fire Department (\$102,500 Budgeted in 110-83530-42200 for Fiscal Year 2013; Contract No. 2013-0008)

Rocky Garzarek, Fire Chief

No questions or comments

14. Consideration of Tennessee Department of Environment and Conservation (TDEC) No-Match \$250,000 Grant for Construction of a Permanent Household Hazardous Waste (HHW) Facility at the City Municipal Services Complex (COF Contract 2012-0155)

Becky Caldwell, Solid Waste Director

Williamson County is putting \$100,000 into this project and the City may need to contribute \$100,000 as well. It is an excellent opportunity for the City.

The HHW will be combined with BOPAE in the same facility to be built next to the City Municipal Services Complex. It is expected to be ready by November 15, 2015, and will operate Monday through Friday and at least one Saturday per month or quarter. Expect to offer services to other counties in Tennessee by March 15, 2017. Since there are other permanent facilities in Tennessee, staff doesn't expect many other counties to use the Franklin site.

The first Saturday in May is the next scheduled drop off of Hazardous Household Waste (HHW) at the Williams County Administrative Complex from 8:30 a.m. to 2:30 p.m. BOPAE drop off is Monday through Friday, 6:30 a.m. – 2:00 p.m. at Century Court.

15. Consideration of RESOLUTION 2013-08, A Resolution Adopting a Revised Use of Computers, Internet and Email Policy for the City of Franklin, Tennessee

Sauna Billingsley, City Attorney

The revision changes the length of time the City stores email files to two years. Employees should save

and retain their important emails in their own files

16. Consideration of City Administrator's Performance Evaluation and Employment Contract (COF Contract 2013-0014)

Dr. Ken Moore, Mayor

The Aldermen completed their individual evaluations which reflect a high level performance by the City Administrator. The new contract is similar to the current contract. It will be available before the next meeting.

Mr. Stuckey voiced that he appreciates working with this Board and great staff, and he hopes to keep doing so.

ADJOURN

Work Session adjourned @ 6:28 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 2/28/2013 9:21 AM