

**MINUTES OF THE REGULAR MEETING
 BOARD OF MAYOR AND ALDERMEN
 FRANKLIN, TENNESSEE
 CITY HALL BOARDROOM
 TUESDAY, MARCH 12, 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	A
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	P
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	
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	P	Joe York, Streets Director	P
David Rahinsky, Police Chief	P	Brad Wilson, Facilities Project Manager	
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 March 12, 2013, meeting to order at 7:00 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 February 26, 2013 Work Session and February 26, 2013 Board of

Mayor and Aldermen minutes as presented. Seconded by Alderman Barnhill. Motion carried unanimously (7-0).

7. **Recognitions**

None

8. **Miscellaneous Reports**

- Alderman Bransford announced the “Love Your Neighborhood” event scheduled April 6, 2013 in the Hill Estates Neighborhood off Liberty Pike. The City is partnering with the Franklin Housing Commission to offer an opportunity for the neighborhood to participate in a clean-up effort assisted by volunteer groups. Volunteer registration begins at 7:30 a.m. with clean-up from 8:00 a.m.-1:00 p.m. This event is the first of many community awareness events the Housing Commission will organize. Those interested in volunteering can call Laura Tracy with Community Housing Partnership at 615-790-5556. This information is posted on the City Website.
- Eric Stuckey related the Board of Mayor and Aldermen and the Williamson County Commissioners would get together for a fish fry on Saturday, March 16 @ 5:30 p.m.

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 15-18 be placed on the Consent Agenda.

Alderman Bransford moved to approve the Consent Agenda Items 15-18. Seconded by Alderman Burger. Motion carried unanimously (7-0).

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 Burger moved to approve Ordinance 2012-60 as written-Option 1. Seconded by Alderman Barnhill.

Discussion:

- Alderman Burger noted there had been lengthy discussion at the 5:00 p.m. Work Session where speakers spoke to helping people, but not about the issue of safety in the streets. Option 2 would open Pandora’s Box as it would allow any number of publications to sell on the streets and sidewalks. It is not about the Contributor and it is not about the homeless.
- Alderman Martin said the residents she heard from in Ward 4 do not want any vendors in the residential area. Her constituents support the ordinance as written-Option 1.

- Alderman Skinner noted Option 2 represents something the City can try, and have the Police Department report any warnings or citations issued in the next 90 days. Sales will be much safer once there is enforcement.
- Alderman Bransford thought it important to allow this to go forward for a limited time to see if there is compliance.

Motion to approve Ordinance 2012-60 as written-Option 1 FAILED 3-4 with Aldermen Barnhill, Burger, and Martin voting in favor and Aldermen McLendon, Bransford, Blanton and Skinner voting against. Alderman Petersen was absent.

*Alderman Skinner moved to approve Ordinance 2012-60, with Option 2, ~~strike paragraph (e)(1) Such activity shall be prohibited on any portion of any street within the city.~~, and **add to the end of paragraph (c)(2)Such materials shall not be handed to the occupant of any motor vehicle that is on a street, nor shall any action be taken which is intended or reasonable calculated to cause the vehicle occupant to hand anything to the person selling or distributing materials, except that such materials may be handed to the occupant of any motor vehicle through the passenger side of stopped vehicles in the lane adjacent to the sidewalk, but only at such intersections that are not yield controlled or do not have continuous protected right turn. Transactions shall not be permitted within the controlled access area of the interstate including on-ramps and off-ramps.** Renumber the paragraphs accordingly. In addition, request a report from the Police Department on the number of citations and warnings issued in a 90-day period. Seconded by Alderman Blanton.*

Discussion:

- Vice Mayor McLendon voiced it is clear that this is a very short leash. He is not optimistic there will be compliance and if that is true, he will vote for an outright ban. The Board's first duty is for safety for all involved and not for money-making for the vendors. Danger very much outweighs the social and economic benefits. He hopes the stakeholders will police themselves as he is not thrilled about asking police officers to become the face of Franklin enforcement on this.
- Alderman Burger reminded the Board that if this amendment is passed, the issue of there being three vendors already out there will not have been addressed, and she predicted there will be many more to come.

*Motion to approve Ordinance 2012-60, with Option 2, ~~strike paragraph (e)(1) Such activity shall be prohibited on any portion of any street within the city.~~, and **add to the end of paragraph (c)(2)Such materials shall not be handed to the occupant of any motor vehicle that is on a street, nor shall any action be taken which is intended or reasonable calculated to cause the vehicle occupant to hand anything to the person selling or distributing materials, except that such materials may be handed to the occupant of any motor vehicle through the passenger side of stopped vehicles in the lane adjacent to the sidewalk, but only at such intersections that are not yield controlled or do not have continuous protected right turn. Transactions shall not be permitted within the controlled access area of the interstate including on-ramps and off-ramps.** Renumber the paragraphs accordingly. In addition, request a report from the Police Department on the number of citations and warnings issued in a 90-day period-carried 4-3 with Aldermen Skinner, McLendon, Blanton and Bransford voting in favor and Aldermen Martin, Barnhill, and Burger voting against. Alderman Petersen was absent. (Second and Final Reading)*

11. **PUBLIC HEARING: Consideration of ORDINANCE 2013-03, An Ordinance to Amend Various Chapters and Sections of the City of Franklin Zoning Ordinance to Clarify Requirements and Correct Minor Textual Errors**
[Second of Three Readings] Alderman Ann Petersen, FMPC Representative
With no one coming forth to speak, Mayor Moore declared the Public Hearing Closed

Alderman Barnhill moved to approve Ordinance 2013-03. Seconded by Alderman Blanton.

Alderman Blanton moved to amend Ordinance 2013-03 with the ~~deletion~~ of Section V, 5.12.11, ~~(8) Temporary Signs~~, and refer to staff and the FMPC for further discussion and additional refinement. Seconded by Alderman Bransford.

Discussion:

- Vice Mayor McLendon commented the gaping hole in the signage ordinance is being exploited and the exception is ruling. Temporary signs are everywhere and there already is an extensive ordinance on aesthetic issues. To track these temporary signs seems to be a lot of extra work. The Board could vote to do away with temporary signs altogether.

Motion to approve amendment to Ordinance 2013-03 carried unanimously (7-0).

Motion to approve Ordinance 2013-03 as amended carried unanimously (7-0) on Second of Three Readings.

12. **PUBLIC HEARING: 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)**
[Second of Three Readings] Alderman Ann Petersen, FMPC Representative
With no one coming forth to speak, Mayor Moore declared the Public Hearing Closed

Alderman Barnhill moved to approve Ordinance 2013-06. Seconded by Alderman Blanton. Motion carried unanimously (7-0) on Second of Three Readings. (Alderman Petersen was absent)

NEW BUSINESS

13. **Consideration of RESOLUTION 2013-11, A Resolution of the Board of Mayor and Aldermen for the City of Franklin Employees' Pension Plan, Providing a Cost of Living Adjustment to the Monthly Benefit for Retired Recipients**

Shirley Harmon, Human Resources Director

Alderman Bransford moved to approve Resolution 2013-11. Seconded by Alderman Barnhill. Motion carried 6-0 with Alderman Martin abstaining and Alderman Petersen absent.

14. **Consideration of ORDINANCE 2013-11, An Ordinance Amending the Table of Organization for the Franklin Fire Department; Establishing a Public Hearing Date of March 26, 2013**
[First of Two Readings] Rocky Garzarek, Fire Chief

Alderman Burger moved to approve Ordinance 2013-11. Seconded by Alderman Bransford. Motion carried unanimously 7-0 on First of Two Readings.

CONSENT AGENDA

15. **Consideration of Event Permit for Franklin First's Fiddlin' Fish 5K/1 Mile Run to be Held May 11, 2013 in Downtown Franklin**
Approved unanimously David Rahinsky, Police Chief
16. **Consideration of Bid Award to Sherwin-Williams Paint Co. of Franklin, TN in the Total Amount of \$48,672.78 for Purchase of One (1) Trailered Roadway Paint Marking System for the Traffic Division of the Streets Department (Purchasing Office Procurement Solicitation No. 2013-009; \$45,000 Budgeted in 110-89530-43110 for Fiscal Year 2013; Purchase to be Allocated to 110-89520-43110; Contract No. 2013-0017)**
Approved unanimously Joe York, Streets Director
17. **Consideration of Bid Award to Southeast Contractors, Inc. in an Amount Not to Exceed \$114,733.00 for the City of Franklin Data Center Expansion for the City of Franklin Police Department Headquarters Building Located at 900 Columbia Avenue (COF 2012-0195)**
Approved unanimously Brad Wilson, Facilities Project Manager
18. **Items Approved by City Administrator on Behalf of the Board of Mayor and Aldermen**
A. Bid Award to S & W Contracting Company for COF Contract 2012-0153 Signal Support Improvements at Murfreesboro Road (SR 96) & Southwinds Boulevard in an Amount Not to Exceed \$8,675
B. Local Health Department Service Agreement with Tennessee Department of Health (COF Contract 2013-0020) as Approved in the FY 2013 Budget \$21,150
Approved unanimously

EXECUTIVE SESSION

19. **Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matters of Pending Litigation**
Shauna Billingsley, City Attorney
Alderman Bransford moved to enter Executive Session. Seconded by Alderman Burger. Motion carried unanimously (7-0)
(7:30 p.m.)

RETURN FROM EXECUTIVE SESSION

- (7:33 p.m.)
20. **Consideration of Matters from Executive Session**
Dr. Ken Moore, Mayor
Vice Mayor McLendon moved the City approve an additional \$515,000 plus discretionary costs up to \$5,000 in the Pickering condemnation suit. Seconded by Alderman Barnhill. Motion carried unanimously (7-0).

ADJOURN

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

The meeting adjourned @ 7:34 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 3/27/2013 10:07 AM