

**MINUTES OF THE REGULAR MEETING
 BOARD OF MAYOR AND ALDERMEN
 FRANKLIN, TENNESSEE
 CITY HALL BOARDROOM
 TUESDAY, JUNE 11, 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	P	Shirley Harmon, HR Director	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
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	P
David Rahinsky, Police Chief	P	Brad Wilson, Facilities Project Manager	
Fred Banner, MIT Director		Steve Sims, BPI Manager & City Court Clerk	P
Chris Bridgewater, BNS Director		Lanaii Benne, Assistant City Recorder	P
Becky Caldwell, Solid Waste Director		Linda Fulwider, Board Recording Secretary	P

1. **Call to Order**
Mayor Ken Moore called the June 11, 2013, meeting to order at 7:07 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 Blanton moved to approve the May 28, 2013 Work Session and May 28, 2013 Board of Mayor and Aldermen minutes as presented. Seconded by Alderman Petersen. Motion carried unanimously.

7. **Recognitions**

None

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 28-36 be placed on the Consent Agenda.

Alderman Bransford moved to approve the Consent Agenda Items 28-36. Seconded by Alderman Peterson. Motion carried unanimously.

OLD BUSINESS

10. **PUBLIC HEARING: Consideration of ORDINANCE 2013-15, An Ordinance to Rezone ±80.88 Acres to the Height Overlay (HTO) District for the Property Located at the Southeast Quadrant of East McEwen Drive and South Carothers Parkway**
[Second of Three Readings] Alderman Ann Petersen, FMPC Representative
With no one coming forth to speak, Mayor Moore declared the Public Hearing closed

Alderman Petersen moved to approve Ordinance 2013-15. Seconded by Alderman Blanton. Motion carried unanimously on Second of Three Readings.

11. **PUBLIC HEARING: Consideration of ORDINANCE 2013-16, An Ordinance to Rezone ±57.23 Acres from Agricultural (AG) District To Residential Variety (RX) District for the Properties Located South of South Carothers Road, North of the Harpeth River, and Along the Proposed South Carothers Parkway (4419 South Carothers Parkway)**
[Second of Three Readings] Alderman Ann Petersen, FMPC Representative
With no one coming forth to speak, Mayor Moore declared the Public Hearing closed

Alderman Skinner moved to approve Ordinance 2013-16. Seconded by Alderman Petersen. Motion carried unanimously on Second of Three Readings.

12. **PUBLIC HEARING: Consideration of RESOLUTION 2013-18, A Resolution to Approve the Development Plan for the Helm Square PUD Subdivision on ±57.23 Acres for the Property Located at 4419 South Carothers Road**
Alderman Ann Petersen, FMPC Representative
With no one coming forth to speak, Mayor Moore declared the Public Hearing closed

Alderman Skinner moved to approve Resolution 2013-18. Seconded by Alderman Barnhill.

Alderman Petersen asked about the front-loading garages in the plan.

Khris Pascarella, Pearl Street Partners, the applicant, explained there are other developments in Franklin that have the combination of front facing and rear facing garages that meet the design standards of the City. Catherine Powers explained front-loading garages are allowed if they meet certain criteria.

Alderman Martin moved to consider the Modification of Standards to permit garage doors exceeding 9 feet in width on side-loaded and rear-loaded garages. Seconded by Alderman Burger.

Mr. Pascarella explained the reason for the Modification of Standards. The zoning ordinance has been interpreted that two single garage doors must be installed. From a practical standpoint, it is very, very difficult, especially on alleys that have an apron as shallow as 4 ft. from the alleyway, to maneuver a car into a garage with two individual doors versus one door that allows more maneuverability. The same issue applies to side-entry garages. They recognize staff is working on an amendment to the ordinance to clarify this point and allow wider doors on those entrances; however, that is tracking 2-3 months behind their development plan approval process. Their design for the alley-loaded homes is for either a 4 ft. setback or a 19 ft. setback, per City design standards; therefore, they thought it prudent to request the Modification of Standards. The aesthetic quality is not reduced in any way. This would give them a clean path to move to the next step; full engineering and construction plans.

Alderman Petersen said this has been in the zoning ordinance since 2008. It was stated that the Planning Commission approved the same request for another project at an earlier meeting. That project already had a number of houses with double-wide garage doors. She thought that they were approved because of that. The Planning Commission vote was 4-3. If the amendment to the zoning ordinance is approved it would be okay to approve doublewide doors for this request, but since it's coming up with a presentation and vote before the applicant would be building the houses, it probably should wait until a decision is made.

Alderman Martin said she understood why they wanted this modification as the single doors with a post in between would make it difficult to enter the garages.

Motion to amend to approve Modification of Standards carried 7-1 with Alderman Petersen voting no.

Main Motion as Amended to include Modification of Standards carried unanimously.

13. **PUBLIC HEARING: Consideration of ORDINANCE 2013-22, An Ordinance of the City of Franklin, TN Adopting a Budget for the Fiscal Year 2013-2014; Providing an Effective Date [Second of Three Readings] Eric Stuckey, City Administrator
Russ Truell, ACA Finance and Administration**

Prior to the Public Hearing, Eric Stuckey presented an overview of the FY 2013-2014 Budget:

- General Fund Budget of \$57.9 million, an increase of 4.6%
- This budget is below the FY2008-09 general fund budget
- Total Operating Budget of \$87.0 million, an increase of 6.2% (Primarily due to capital in the TOC department (\$3.1M), and in the Facilities Tax Fund (\$1.4M)).
- The budget is structurally balanced
- Essential service levels maintained

General Fund Highlights:

- In compliance with BOMA's debt and reserve policies.
- A general salary increase of 2.0% proposed for July 5, 2013. Second year of merit pay program.
- Implementation of classification and compensation study.
- Property Tax same as 2013 (.3765 per \$100 of assessed valuation), 27th year without an increase.
- No reserves targeted from fund balance
- Performance measures and sustainability initiatives for each department

Opportunities:

- Maintain high quality services
- Invest in our future
- Enhance our communities competitive position
- Focus on possibilities, not just current challenges
- Long Term planning and preparation for growth impact
- Maintain Franklin's unique character

Where does the money come from? (General Fund)

- Local Sales Tax 47.5%
- Property Tax 10.4%
- Other Local Taxes 6.7%
- Licenses & Permits 7.6%
- Intergovernmental 24.7%
- Charges for Services 0.1%
- Fines & Forfeitures 1.8%
- Use of Money & Property 0.6%
- Other Revenue 0.2%
- Contributions 0.3%

Where does the money go? (General Fund expenditures by Category)

- Personnel 66.7%
- Operations 23.9%
- Capital 6.8%
- Transfers 2.6%

Where does the money go? (General Fund expenditures by Function)

- Police 23%
- Fire 22%
- Streets 9%
- Parks 6%
- Transfer to Sanitation 1%
- Transfer to Transit 1%
- Other 38%

Financial Performance General Fund: Revenue, Expenditures, Fund Balance 2005-2014 reviewed

Sales Tax/Property Tax Trends by Fiscal Year 2005-2014 reviewed

Pension Plan Contributions 2000-2014 reviewed

Other General Fund Initiatives:

- Increases Tuition Reimbursement Program
- Targeted staff increases in growth impacted areas: Parks, Streets, BNS
- Human Resources Software
- Special Census is funded (\$80,000)
- Merit Pay program continuation - \$125,000 pool for one-time supplements to recognize performance on major work objectives
- Department name changes: Information Technologies (IT) and Sanitation & Environmental Services

Street Aid & Transfer

- Roadway resurfacing program of slightly above \$2.1 million. A transfer from General Fund is budgeted of \$490,000 to assist in reducing the anticipated repaving cycle from 20 or more years. \$165,000 is included for sidewalk repair.

Sanitation & Environmental Services:

- Change Department name from Solid Waste
- Four Divisions: Administration, Collection, Disposal, Curbside Recycling
- Direct revenues slightly less than last year (7.4 million)
- Expenditures less than last year (\$7.9 million)
- Transfer from General Fund reduced to \$500,000, a reduction of over 85% since 2008
- Residential recycling (Blue Bag) pilot program concludes and becomes part of permanent City services
- No increase in residential or commercial rates

Wrap Up:

- Meeting budget goals and objectives despite challenging economic times
- Increase in expenditures in General Fund equivalent to rate of inflation (4.6%)
- Revenues estimated with signs of growth (recovery)
- Sales tax dependence continues
- No draw on fund balance
- Reserves at year-end far above policy level

Public Hearing:

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

Alderman Petersen moved to approve the FY 2013-2014 Budget. Seconded by Alderman Burger. Motion carried unanimously on Second of Three Readings.

14. **PUBLIC HEARING: Consideration of ORDINANCE 2013-23, An Ordinance of the City of Franklin, TN, Establishing the Municipal Property Tax Levy for the Fiscal Year 2013-2014; Providing an Effective date**

**[Second of Three Readings] Eric Stuckey, City Administrator
Russ Truell, ACA Finance and Administration**

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

Alderman Bransford moved to approve Ordinance 2013-23. Seconded by Alderman Martin. Motion carried unanimously on Second of Three Readings.

15. **Consideration of ORDINANCE 2013-18, As Amended, To Be Entitled, An Ordinance to Amend Title 22, Chapter 1 of the Franklin Municipal Code Relative to Compensation for the Mayor and Aldermen of the City of Franklin**
[Second and Final Reading] Eric Stuckey, City Administrator

Alderman Bransford moved to approve Ordinance 2013-18, As Amended, on Second and Final Reading. Seconded by Alderman Martin. Motion carried 5-3 with Aldermen Skinner, Barnhill and Vice Mayor McLendon voting no.

NEW BUSINESS

16. **Consideration of RESOLUTION 2013-37, A Resolution Awarding the Construction Contract (COF Contract No. 2013-0048) to Mountain States Contractors, LLC in the Amount of \$10,262,066.99 for the Carothers South Project (Falcon Creek Subdivision to the Highlands at Ladd Park Subdivision)**

**David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director**

Alderman Skinner moved to approve Resolution 2013-37. Seconded by Alderman Blanton. Motion carried unanimously.

17. **Consideration of RESOLUTION 2013-35, A Resolution to Cancel the Beer Board Scheduled Meeting Date of July 9, 2013**

Steve Sims, Business Process Improvement Manager/City Court Clerk

Alderman Bransford moved to approve Resolution 2013-35. Seconded by Alderman Burger. Motion carried unanimously.

18. **Consideration of the Professional Services Agreement (PSA) (COF Contract 2013-0021) with CDM Smith, Inc. for Construction Engineering and Inspection (CEI) Services for the Carothers Parkway South Extension Project in an Amount Not to Exceed \$860,000.00**

**David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director**

Alderman Skinner moved to approve the PSA with CDM Smith. Seconded by Vice Mayor McLendon. Motion carried unanimously.

19. **Consideration of Amendment Number 1 (COF Contract No. 2011-0129; TDOT Contract No. 110291) with the Tennessee Department of Transportation for the Franklin ITS Infrastructure Project**

**David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director**

Alderman Bransford moved to approve Amendment Number 1 COF Contract 2011-0129. Seconded by Alderman Blanton. Motion carried unanimously.

20. **Consideration of Event Permit Application from Franklin Lions Club for Franklin on the Fourth to be Held in Downtown Franklin on July 4, 2013**

David Rahinsky, Police Chief

Alderman Blanton moved to approve Event Permit for Franklin on the Fourth. Seconded by Alderman Barnhill.

It was noted the event downtown will end at 8:00 p.m. Aldermen Skinner and Petersen declared, although members of the Lions Club, they could vote objectively.

Motion to approve Event Permit carried unanimously.

21. Consideration of Event Permit Application from Lululemon Athletica for Yoga on the Square to be Held on the Square in Downtown Franklin on September 15 or 29, 2013

David Rahinsky, Police Chief

The applicant requests the event be held on the Square; however, staff recommendation is to hold the event at Harlinsdale.

Vice Mayor McLendon moved to approve the applicant's request to hold the Lululemon Athletica for Yoga on the Square. Seconded by Alderman Burger

Vice Mayor McLendon commented, no disrespect to other groups, he feels there is no rhyme or reason to decisions for refusing to grant permission to hold events downtown. The applicant just wants to close a portion of the square for a couple of hours on a Sunday evening. He doesn't understand how the good from bad is determined; it must be based on something.

Alderman Skinner moved to amend the motion to change the location to Harlinsdale. Seconded by Alderman Martin.

Alderman Bransford reiterated what she said to the applicants at the Work Session. She supports holding the event at Harlinsdale thereby creating a new venue for them as an annual event at Harlinsdale.

Eric Stuckey noted that the application requested the entire square be shut down, although that is not what they said during the Work Session.

Motion to amend to move the Lululemon event to Harlinsdale carried 6-2 with Alderman Burger and Vice Mayor McLendon voting no.

Main Motion as Amended carried unanimously.

22. Consideration of Liquor License Retailer's Certificate (Renewal) for Brinkmann's Wine & Spirits (Timothy Brinkmann and Ann Brinkmann), 103 International Drive, Suite 100, Franklin, Tennessee

Lanai Benne, Assistant City Recorder

Alderman Burger moved to approve Renewal of Liquor License Brinkmann's Wine & Spirits. Seconded by Alderman Bransford. Motion carried unanimously.

23. Consideration of Liquor License Retailer's Certificate for Harpeth Liquors (Satish Kumar Patel), 1203 Murfreesboro Road, Suite 503, Franklin, Tennessee

Lanai Benne, Assistant City Recorder

Alderman Bransford moved to approve Liquor License for Harpeth Liquors. Seconded by Alderman Burger. Motion carried unanimously.

24. Consideration of Mayor's Appointment(s) to the Franklin Transit Authority
Dr. Ken Moore, Mayor

Mayor Moore nominated Preston Elliott and Nancy Fletcher-Blume for reappointment.

Alderman Bransford moved to reappoint Preston Elliott and Nancy Fletcher-Blume to the Franklin Transit Authority. Seconded by Alderman Barnhill. Motion carried unanimously.

25. Consideration of Mayor's Nomination to the Board of Zoning Appeals

Dr. Ken Moore, Mayor

Mayor Moore nominated Frank Jones for reappointment.

Alderman Burger moved to approve the reappointment of Frank Jones to the Board of Zoning Appeals. Seconded by Alderman Petersen. Motion carried unanimously.

26. Consideration of Appointment(s) by Mayor for Representative to Franklin Municipal Planning Commission (FMPC)

Dr. Ken Moore, Mayor

Mayor Moore reappointed Marcia Allen and Lisa Gregory to the FMPC. No action required by BOMA.

27. Consideration of Mayor's Appointment(s) to the Building and Street Standards Board of Appeals

Dr. Ken Moore, Mayor

Mayor Moore named Sara Salge, Billy Robbins, and Harry Harris for reappointment.

Alderman Barnhill moved to approve the reappointment of Sara Salge, Billy Robbins, and Harry Harris to the Street Standards Board of Appeals. Seconded by Alderman Petersen. Motion carried unanimously.

CONSENT AGENDA

28. Consideration of ORDINANCE 2013-05, An Ordinance to Revise the Parking Requirements for Attached Dwellings in Table 5-9, Minimum Off-Street Parking Standards of the Franklin Zoning Ordinance; Establishing a Public Hearing for July 23, 2013

[First of Three Readings] Alderman Ann Petersen, FMPC Representative

Ordinance 2013-05 approved unanimously on First of Three Readings

29. Consideration of ORDINANCE 2013-21, An Ordinance to Rezone ±36.00 Acres from Local Mixed Use District (ML) To Civic and Institutional District (CI) for the Property Located at 1228 Liberty Pike; Establishing a Public Hearing July 23, 2013

[First of Three Readings] Alderman Ann Petersen, FMPC Representative

Ordinance 2013-21 approved unanimously on First of Three Readings

30. Consideration of ORDINANCE 2013-25, Third Quarter Budget Amendments

[Second and Final Reading] Mike Lowe, Comptroller

Ordinance 2013-25 approved unanimously on Second and Final Reading

- 31. **Consideration of Contract Award to Daktronics, Inc. of Brookings, SD, in the Total Amount of \$27,489.00 for Supply and Delivery to Fieldstone Park (but not installation) of Four (4) New Multi-Sport Scoreboards for the Parks Department (\$40,000 Budgeted in FY 2013 to Line Item 110-89310-44700 for Purchase, Including Installation; COF Contract No. 2013-0062)**
Approved unanimously Lisa Clayton, Parks Director

- 32. **Consideration of Sole-Source Purchase from Physio-Control, Inc. of Redmond, WA, in the Total Estimated Amount of \$46,470.00 for a Three-Year Term for Technical Service Support Services for the City’s Inventory of Automated External Defibrillators and Cardiac Monitors, for the Fire Department (\$12,600 Budgeted for this purpose in FY2013 in Line Item 110-82620-42200; COF Contract No. 2013-0065)**
Approved unanimously Rocky Garzarek, Fire Chief

- 33. **Consideration of RESOLUTION 2013-38, A Resolution Awarding the Construction Contract (COF Contract No. 2013-0070) to TekLinks in the Amount of \$61,540.19 for the Installation of Access Control Systems at the Municipal Services Complex, Police and Fire Training Center and Fire Stations Two (2) and Six (6)**
Brad Wilson, Facilities and Project Manager
Resolution 2013-38 approved unanimously

- 34. **Consideration of Event Permit Application from Sister Cities for Celebration of Nations to be Held on Fourth Avenue in Downtown Franklin on October 12, 2013**
Approved unanimously David Rahinsky, Police Chief

- 35. **Consideration of Event Permit Application from Boys & Girls Club for Wine Down Main Street to be Held on Main Street in Downtown Franklin on November 2, 2013**
Approved unanimously David Rahinsky, Police Chief

- 36. **Consideration of Event Permit Application from Fifty Forward for Viva la Diva to be Held in the Cool Springs Area on November 16, 2013**
Approved unanimously David Rahinsky, Police Chief

★ There was no Executive Session

EXECUTIVE SESSION

- 37. **Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matters of Pending Litigation**
Shauna Billingsley, City Attorney

RETURN FROM EXECUTIVE SESSION

- 38. **Consideration of Matters from Executive Session**
Dr. Ken Moore, Mayor

ADJOURN

Vice Mayor McLendon moved to adjourn. Seconded by Alderman Barnhill. Motion carried unanimously.

The meeting adjourned @ 7:50 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 6/26/2013 9:13 AM