
**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JUNE 11, 2013 - 5:00 P.M.**

Board Members

Mayor Ken Moore	P		
Alderman Brandy Blanton	P	Alderman Margaret Martin	P
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	P
Vernon Gerth, ACA Community & Economic Dev.	P	Shirley Harmon, HR Director	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
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	P	Joe York, Streets Director	P
David Rahinsky, Police Chief	P	Brad Wilson, Facilities Project Manager	P
Fred Banner, IT Director		Steve Sims, BPI Manager & City Court Clerk	P
Chris Bridgewater, BNS Director	P	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 Work Session to order at 5:00 p.m.

2. Citizen Comments

Martin Lyles, 121 Grenadier Drive, related a zoning issue that parking a camper in the driveway is not allowed in R-3 zoning. He didn't know that until recently when he was cited. The camper has been in the driveway for 6 years. It is now in storage. Mr. Lyles related he had talked with Alderman Martin about the issue. It is allowed in R-1 and R-2 residential districts and he doesn't understand why it is not allowed in R-3. In storage there is no way to charge the batteries, etc. He requested the ordinance be revised. Alderman Blanton said she has received similar complaints from residents. The issue will be addressed at a work session.

WORK SESSION DISCUSSION ITEMS

3. Discussion of Permitted Gun Carry in City Hall

Vice Mayor Dana McLendon

Vice Mayor McLendon related Tennessee state law regarding handgun carry permits has evolved over time and it appears the City's position needs to be clarified one way or another. Prior to 2009 State law made carrying weapons in municipally owned parks, playgrounds, civic centers, or other building facilities a Class A misdemeanor. State law was amended in May 2009 removing the prohibitions in public parks for handgun carry permit holders, and allowing municipal and county governments to prohibit, by resolution, the carrying of handguns while within a public park that is owned or operated

by a county or municipality. In 2009 the City opted out and banned handguns by Resolution 2009-23 which states, "Any person authorized to carry a handgun under Tennessee Code Annotated § 39-17-1351, is prohibited from possessing any handgun while within a public park, natural area, historic park, nature trail, forest, greenway, waterway, **or similar public place, including facilities**, that is owned or operated by the City of Franklin, Tennessee or any of its Instrumentalities."

Vice Mayor McLendon recalled the discussion at that time to be all about parks and recreational facilities, and not about City Hall. When the Resolution was drafted, somehow the wording was changed and in the end the resolution was about parks and recreation. Now staff is saying the resolution addressed the City Hall issue. He contends the Resolution did not authorize posting weapon ban signs in City Hall. Vice Mayor McLendon asked that BOMA decide if individuals with handgun carry permits should be allowed to carry in City Hall. He advocates City Hall not be posted.

Permit holders are being penalized for the mundane act of entering City Hall to pay a bill or conduct any kind of business. The Courtroom within City Hall is an exception and should be posted since firearms are not permitted at judiciary hearings. Those with handgun carry permits have been fingerprinted, had background checks and have been vetted by the TBI and FBI. If cleared for a permit, the person must then take a class and qualify on the firing range before a permit is issued. Permits can be pulled for DUI, domestic violence, and other crimes. There are over 15,000 permitted carriers in Williamson County. The Vice Mayor carries unless he is at City Hall or the Courthouse.

Vice Mayor McLendon added that in grocery stores and other businesses that do not ban firearms, it is likely some are carrying weapons. Locally, the instances of permit holders being violent are about nil. Nationwide, carry permit holders are the most law abiding individuals.

Staff doesn't recommend magnetometers or checks at doors, nor does he. However, posting a sign doesn't protect anyone. It is unlikely the rudest or angriest person to come to City Hall will commit an act of violence; even so it wouldn't be the sign that stopped them. He reiterated his request to have BOMA vote yes or no on allowing permitted firearm carry in City Hall. He disagrees with the parks vote and thinks there are some parks that should allow permitted firearm carry.

Discussion:

- Alderman Martin: Guns aren't needed in City Hall.
- Alderman Skinner: The 2009 vote covered it; therefore another vote would be redundant. It's been the policy for years and there have been no issues.
- Alderman Burger: Agreed with Vice Mayor McLendon. Most of the gun-related mass shootings have taken place in gun-free zones specifically chosen by the shooter for that reason.
- Alderman Bransford: It gives her pause that the signs on the doors banning firearms are not being enforced. She is open to revisiting the issue.
- Alderman Barnhill: In agreement with Vice Mayor McLendon that we like to think we're in a safe area and environment, but that is just not how it is these days. The permitted carriers get extensive training. Supports revisiting and supports changing the policy.
- Vice Mayor McLendon: Wishes there were a way to guarantee the safety of everyone in the building. The only way to do that is to have guards and magnetometers. Individuals who want to cause harm will not be diverted by a sign. The signs are not protecting anyone. The main issue is not creating an inadvertent situation for the permit holder. If firearms are disallowed the City must do more than post signs. An active shooter will seek out a gun-free environment. The number of gun-free zones is small; schools, courthouse, and some restaurants. Most of

those places have someone armed on premises as a precaution.

- Although there is armed police presence at every BOMA meeting, the armed officer may well need assistance should an incident occur.

Eric Stuckey addressed the City's stance:

- Legality of existing signage: The City Attorney reviewed Tennessee Law and the actions by the City related to implementation of Board policy on signage at City facilities. The Code does allow municipalities to prohibit persons from carrying, openly or concealed, weapons on the grounds of public parks, playgrounds, civic center or other building facility, area or property owned, used or operated by the municipality. Should the municipality choose to prohibit the carrying of weapons in the places described, the Code describes the language to be used on the signs to be posted "about the public recreational property".
- No action is needed if the Board is comfortable with the discussion and action by Resolution 2009-23 in July 2009.
- Additional Security Costs: Secure and controlled access to all City Hall entry points \$27,400, Walk-through Metal Detector \$4,200 per unit, Police Officer posted at an entrance approximately \$50,000 per year to cover full salary and benefits. Total estimated cost to secure entry points and provide necessary metal detectors \$35,000. Annual minimum cost to staff these locations with a sworn police officer would be equivalent to 2.5 full-time equivalents or an annual cost of approximately \$125,000. As an alternative, the City could staff these locations with private security at a lesser cost.
- Tennessee city survey: Only three cities (Brentwood, Gatlinburg, and Oak Ridge) provided information. Of the eight or nine cities studied, all but perhaps one restrict carry before and after 2009.
- When City employees are hired they know handguns are not permitted on the premises.
- Typically, the expectation is that a government building of this nature prohibits firearms.

Mr. Stuckey asked the Board if they wished to have additional information. He noted this is neither a simple argument nor a simple issue.

Vice Mayor McLendon again related he just wants a yes or no vote. He is not advocating magnetometers and security guards. He added that people are fooling themselves if they think they're walking around Williamson County without being exposed to guns. They are around guns daily.

★ *Item 6 addressed next*

4.* 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

No questions or comments

5.* 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

Alderman Ann Petersen, FMPC Representative

Catherine Powers related staff has been working with the design professionals and developers group about the frequency of Modification of Standards requests and approvals for attached residential developments. Staff studied off-street parking requirements in other communities, performed a local

parking study, interviewed apartment complex managers, and looked at attached housing trends.

The revision reduces the number of parking spaces required for a one-bedroom attached unit from 2 to 1.5 and caps the per unit requirement at 3 spaces. The Planning Commission recommended the text amendment unanimously (7-0) at their May 23, 2013 meeting.

Discussion:

- Alderman Martin said downtown residents don't want apartments and attached units to encroach on their parking.
- Vernon Gerth noted when a new development such as this comes in; the parking is included within the development.
- Alderman Petersen expressed that parking downtown is a special situation and needs to be looked at carefully.
- Alderman Burger asked if the Gateway had Modification of Standards. There is not sufficient parking for customers/clients at the restaurants, salons, other businesses and the apartments. Therefore, she was not comfortable with this amendment.
- Ms. Powers noted this amendment speaks to attached housing. Alderman Burger's concern would be in mixed use and that is not changing.
- Alderman Petersen added Gateway isn't the only area with parking problems; perhaps they should look at commercial and mixed use as well.

6.* 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 (Columbia State)

Alderman Ann Petersen, FMPC Representative

Dr. Janet F. Smith, President of Columbia State Community College, showed renderings of the initial construction of the campus, long range plan-master plan, and the first three buildings, Arts and Sciences, Student Services & Administration, and Science-Technology-Health. Dr. Smith they should be on site in spring 2016.

Ward One Alderman Bev Burger related the residents in her ward are excited to have the college on that site.

Vernon Gerth advised a state facility is not required to follow local requirements. However, Columbia State is doing its best to follow City regulations and pay fees, etc.

Alderman Petersen remarked that as a long time employee of Columbia State, now retired, she is pleased to see the College grow.

★ **Back to item 4**

7. Consideration of ORDINANCE 2013-17, An Ordinance to Rezone ±1.45 Acres from Office Residential District (OR) to Residential Variety District (RX) for the Property Located at 1319 West Main Street

8. Consideration of RESOLUTION 2013-24, A Resolution Approving a Development Plan for the Village at West Main PUD Subdivision, Located at 1319 West Main Street, by the City of Franklin

Alderman Ann Petersen, FMPC Representative

Items 7 and 8 addressed together. Catherine Powers related this is a 35 unit development, three stories

high with a setback of 15 ft., buffers at the back, parking at 1.5 for the one bedroom units. Approved by the Planning Commission by a 4-3 vote. Staff supports this request; it meets the provisions of RX zoning. There are three Modification of Standards, setback, building height, and parking.

Discussion:

- Concern regarding water; when a nursing home was built in that area, they hit water at 3 ft.
 - Applicant went through the Stormwater Appeals Board and will improve the drainage. The parking area will be constructed with pervious pavers. All those things have been taken into consideration.
- Concern regarding setback especially if West Main were to be widened
 - There are a number of different setbacks along that stretch and there is not that much land. They are the first new construction on West Main for quite some time. They are abiding by the regulations of Traditional areas with no parking in front. They worked with Planning and Carl Baughman.
- The widening project is on the plan for transportation and would put the road within 6.5 ft. of the sidewalk.
- Extremely dense because 40% of the lot cannot be used.
- Too close to the street and not the best use of the property
- Considered affordable/workforce housing which is higher density.
- 35 units, approximately 625 sq. ft. each unit @ \$625 per month rent
- Steve Murray, Executive Director Community Housing Partnership, said there were numerous discussions with staff and the project is consistent with the Franklin Housing Authority standards. The County Mayor and the Franklin Housing Commission endorse this as well. The public supports this workforce rental housing.
- Meets stormwater requirements, open space requirements. Full endorsement from Dr. White, whose building is next door.
- Smaller units for a market that is underserved.
- A trendsetter for West Main and future projects. There is a market for one bedroom apartments.

**9.* 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
Lanaii Benne, Assistant City Recorder**

No questions or comments

**10.* Consideration of Liquor License Retailer's Certificate for Harpeth Liquors (Satish Kumar Patel), 1203 Murfreesboro Road, Suite 503, Franklin, Tennessee
Lanaii Benne, Assistant City Recorder**

No questions or comments

11. Consideration of Contract for the Disbursement of Community Based Development Organization Program Funding, Fiscal Year 2012-13 from The City of Franklin (COF Contract No. 2013-0049 (Hard Bargain))

**Chris Bridgewater, Building & Neighborhood Services Director
Kathleen Sauseda, Interim Housing Development Coordinator**

No questions or comments

12. Consideration of Water Main Relocation Agreement (COF Contract 2012-0177) with Boyle Investment Company

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

The water line was constructed in 2008 around Berry Farm. Need approval for the City to be reimbursed 100% by TDOT.

13.* 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**

No questions or comments

14. Consideration of RESOLUTION 2013-36, A Resolution to Incorporate Street, Sidewalk and Storm Drainage Improvements into the 11th Avenue Water and Sanitary Sewer Rehabilitation Project

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

It makes sense to look at other improvements and deficiencies for this aging infrastructure while addressing storm drainage improvements. An opportunity to roll everything into one project. A map was provided by Paul Holzen and he pointed out existing sidewalk is in red, and 490 ft. of sidewalk is to be added. There will be public meetings to see if the residents really want sidewalks and to advise of the impact the project will have on landscaping. Alderman Skinner asked if a turn at Natchez on eastern portion of 11th Avenue could be changed and if the street could be widened.

15. Discussion Regarding Park Dedication

Lisa Clayton, Parks Director

FYI - will be discussed next meeting.

ADJOURN

Work Session adjourned @ 6:53 p.m.

Dr. Ken Moore, Mayor