

**MINUTES OF THE SPECIAL MEETING
 BOARD OF MAYOR AND ALDERMEN
 FRANKLIN, TENNESSEE
 CITY HALL BOARDROOM
 TUESDAY, JULY 23, 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	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 Dir.	
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
David Rahinsky, Police Chief		Brad Wilson, Facilities Project Manager	
Fred Banner, IT Director		Lanaii Benne, Assistant City Recorder	P
Chris Bridgewater, BNS Director		Linda Fulwider, Board Recording Secretary	P
Becky Caldwell, Sanitation & Environmental Services Dir.			

1. **Call to Order**
Mayor Ken Moore called the July 23, 2013, meeting to order at 7:18 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 June 25, 2013 Work Session and June 25, 2013 Board of Mayor and Alderman minutes as presented. Seconded by Alderman Barnhill. Motion carried unanimously.

7. **Recognitions**

- Alderman Michael Skinner, Graduate of Elected Officials Academy

Mayor Moore recognized Alderman Skinner for his graduation from the Elected Officials Academy.

Alderman Skinner said he is so proud of Franklin; the City is head and shoulders above many other cities.

- Reimbursement

Laura Jungmichael told of a significant savings to the City and a positive for the City's new Risk Manager Sara Sylvis. Damage was done to one of the City's high light masts on I-65. Travelers Insurance subrogated on the City's behalf and recovered the \$25,000 deductible from the third party damage. Sara Sylvis accepted the symbolic large check from Ms. Jungmichael.

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 20-33 be placed on the Consent Agenda.

Alderman Burger requested Items 21 and 29 be pulled and the Consent Agenda Items 20, and 22-28, 30-33 be approved. Seconded by Alderman Barnhill. Motion carried unanimously.

OLD BUSINESS

10. **PUBLIC HEARING: 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**

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

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

Alderman Martin moved to approve Ordinance 2013-05 on Second of Three Readings. Seconded by Alderman Barnhill.

Vice Mayor McLendon said the reduction in parking for attached dwellings for studio/one bedroom dwellings: 0-1 BR - 1.50, 2 BR 2.50, 3+ BR - 3.00, are of concern to him. Over the course of time, many have come in and said some developments are grossly under-parked.

Alderman Petersen related there was considerable discussion with developer representatives. The Planning Department did a large scale survey and found this is true in some areas built previously without adequate parking. Parking requirements were changed to require more parking; now this is scaling it back somewhat. It is only for apartments. Need to look at parking in mixed use.

Alderman Burger mentioned a small problem with parking in some places such as Park Run. She saw no problem with this ordinance.

Alderman Skinner commented the Planning staff has repeatedly received Modification of Standards for less parking. This change in requirements should solve that problem.

Motion to approve Ordinance 2013-05 on Second of Three Readings carried 6-2 with Vice Mayor McLendon and Alderman Barnhill voting no.

Mayor Moore noted several people turned in speaker cards for the Public Hearings on Items 11 and 12. He stated there could be five different votes on Modification of Standards followed by a vote on the entire Resolution.

11. **PUBLIC HEARING: 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**

[Second of Three Readings]

Alderman Ann Petersen, FMPC Representative

Public Hearing:

- Mindy Tate, Executive Director Franklin Tomorrow, 198 East Main Street, Suite 3, Franklin, read from a statement that reads in part, "Through our city-wide visioning process during our 12-year history, citizens have identified their top strategies for the future of Franklin. In each visioning process, from the first one in 2002, to the one completed in 2011, citizens have said they support efforts to eliminate barriers to the development of affordable, workforce, senior, and special needs housing, as well as planning and regulation that supports adaptive reuse, infill and redevelopment. While Franklin Tomorrow's visioning process does not support any particular development or site, it does support the concept of affordable and workforce housing as represented by this project." (Entire statement filed with the minutes)
- Linda Jackson, 805 West End Circle, Franklin, said she lives less than a quarter of a mile from this location. As Executive Director of Bridges, she related half of the project could be filled with those who are starting over. She asked that BOMA please support this project.
- Scott Black, 117 Bromley Park Lane, Franklin, Vice Chair of the Franklin Housing Authority, stated affordable housing has been talked about for 10 or 12 years. There is a need for it. It is a great opportunity for the Board to set the tone.
- Ron Crutcher, 1324 Adams Street, Franklin, said he has lived in Williamson County and Franklin for many years. Housing for the workforce is needed. The 35 units in the development would be rented to working people who would be checked out as they would through any other rental property, and would have to obey all occupancy rules. The location is not perfect, but it is in walking distance of town, medical, and transportation. Surrounding neighbors have endorsed the project.
- Dan Klatt, 114 Lewisburg Avenue, said he was speaking because of being the parent of a disabled child who works for minimum wage and cannot drive a vehicle. She is engaged to a permanently disabled fellow and will be married. He too, works for minimum wage. Together, they will earn \$16,000 to \$17,000 a year gross. This is an opportunity to solve the problem for the poor. It matters for those without the high incomes required to live anywhere else in Franklin.
- Lisa McIntyre, 504 Bobby Drive, Franklin, member of the Franklin Housing Commission, supports the project. She has worked on Habitat for Humanity and certain parts of the City are neglected. This is something new with a good design. It is close to the street and has trees, etc. with a park in back. It is accessible to public transportation, walkable, energy efficient, and the rent is only \$625 per month. It is ideal for retired people, young university graduates, and young couples with or without children. Other apartment rates in the City range from \$800 to \$1000 and over.
- Brant Bousquet, 608 Mt. Hope Street, Franklin, Executive Director Hard Bargain Association, supports the zoning, project and affordable housing in general. People talk about affordable housing all the time. It is easy to talk about it and another thing to act and make it happen. We have elected you to do that. No option will ever be perfect. It is a great opportunity. The location is great.
- Kahn Garrett, 1411 West Main, Franklin, said he agrees with everybody tonight, and wants to see this side of town to grow and to look like the rest of Franklin. Get it up and get it going!
- Mort Stein, 1627 Kinnard Drive, Community Housing Partnership Board. The location is made for density. A transit stop, grocery store, and elementary school are nearby. It is a transit oriented development; the character of the area is commercial with a nursing home, medical offices, etc. and another new development a few blocks away.

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

Alderman Skinner moved to approve Ordinance 2013-17 on Second of Three Readings. Seconded by Alderman Blanton.

Discussion:

- Alderman Petersen said she would not support this project because of the density, 35 units on 1.45 acres, the physical constraints of the lot, drainage, leaving less than an acre for the development. She named other multi-family developments with less density, and said it does not fit the density in central Franklin. Another issue is the placement so close to the street and any future plans to widen West Main Street. The possible future widening of the street triggered a lengthy debate on the stated footage of ROW, open ditch, travel lanes and footage to the building on the drawings for streetscape and aerial view; and, requirements for same. Daniel Woods, the applicant, was involved in part of the discussion as well.
- Vice Mayor McLendon related he would support the project. In the 16 years he has been on the Board, they have been engaged in this debate on affordable housing. From time to time people would come in and have an estimated quota for affordable housing in a new development, but he excoriated that does not and cannot work in the long run. Let the free market allow this; he has spoken about what is proper for affordable housing. The reality is it is expensive to buy land and live in Williamson County. The arithmetic has to work out so the price of the land, the infrastructure, has to be competitive, and the only way to get this is density. Time and time again this Board and other governing bodies in the community have declined. It is imperfect; solutions are. It is time to put our support where our aspirations have been. Either kill it and let the word go out the Board of Mayor and Alderman doesn't want affordable housing, or support the free market. Affordable housing is not going to be on green space in some desirable spot. The developers have invested time, money and effort, and have taken a risk to do this. If in turn, every time we say no to imperfect projects, we're saying to the next project, don't bother. This is actually affordable housing. He's seen the set-asides. Someone that works for a living can actually afford this.
- Alderman Skinner said he wasn't sure the issue of the ROW situation had been resolved, so if approved, would they be able to widen in the future?
- David Parker explained you can't overlay aerial maps and find them to be accurate with GIS. The applicant has a survey, and has to do ROW dedication and will have to show the ROW on both sides of the street. The proposed three-lane widening could be a little different, but it will fit as shown by the applicant; it will be based on the survey and not maps as they are not necessarily drawn to scale.
- Alderman Martin said she appreciates all the people in attendance, but just because affordable housing is wanted and needed doesn't mean every postage stamp property needs to be built. Cut out some of the units and set it back. Her business is to think about Franklin and not just one group of people. Have to look at the location. She wants to see more work on this.
- Alderman Barnhill related he would support this project. In his 21 years of serving on the Board, the Board has paid lip service to affordable housing. They have done some projects that are worthy, but not like this one. His concern is the setback; he would be more comfortable with it being the same as any of the others close to the road, such as the nursing home and Dr. Dodge's office. He will support on Second Reading because it is a worthy project and it's needed in Franklin. He too, mentioned that nothing perfect would be found to build on as it would be too expensive.
- Alderman Blanton agreed with others that this project is in the City and it provides opportunities for people to be close in.

- Alderman Bransford said it is a terrific opportunity for the Board to step out of the comfort zone. She is proud of the democratic process done with this project. The groups present are passionate about this because they represent people not able to be here to speak. Those opposed have the freedom to express their opinions as well. She definitely supports this project. The time is upon us.
- Alderman Petersen related that the City has approved things recently that are not all for just the very wealthy; the Rucker subdivision with approximately the same density, Hardison Hills is successful, the Franklin Housing project on Reddick Street, 114 units on 9 acres. Those have happened in the last six months to a year. So, it is not as if Franklin isn't doing something. She reiterated this 1.45 acre property should not be used on this project in this particular area. She welcomes seeing what the real center of the ROW is, but eventually the West Main Street widening will show it being exactly at the edge of the ROW and not the 6.5 ft. shown
- Alderman Burger said she would vote for this on the Second Reading; however, she wants to talk about property management and long-term ownership. Is this good enough or the right thing for the property? She added that it is not the Board's job to provide housing. The road is of concern; a discrepancy she isn't comfortable with and she trusts the applicant will build to City standards.

Motion to approve Ordinance 2013-17 on Second of Three Readings carried 6-2 with Aldermen Martin and Petersen voting no.

12. **PUBLIC HEARING: 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

Public Hearing:

- Daniel Woods, Addison Group, thanked several people involved in this project. Sharps Branch runs through this 1.45 acre property in a transitional area with traditional development standards appropriate for mixed use. A letter from Engineering indicates sufficient water/sewer for 40 units; they are asking for 35 one bedroom units at around 600 sq. ft. each. (He said Reddick is denser.) Covered parking. Request three Modification of Standards. He reviewed the setbacks and zoning and related that staff had recommended pushing the building up. The applicant is willing to see a building much further back if BOMA so designates.
- Steve Murray, Executive Director Community Housing Partnership, said the units would rent for \$625 per month with 1-2 occupants per unit. Traditional design standards consistent with City of Franklin design standards, owned by Community Housing Partnership, and will have a live in manager. They will be kept fresh and new. Not tax exempt, over \$43,000 in taxes per year. They have many endorsements.

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

Alderman Skinner moved to approve Resolution 2013-24. Seconded by Alderman Blanton.

Alderman Skinner moved to approve Modification of Standards (MOS) 1: Building Setback – Request to reduce front setback. The building shall be 15 to 20 feet from the existing Right-of-Way. Seconded by Alderman Bransford.

- Alderman Petersen commented that the developer said they were willing to move it back.
- Eric Stuckey advised the MOS can be denied but not modified.
- Vice Mayor McLendon said he would guess that the applicant has a pro forma and had looked at the lot and the numbers and constraints. It is possible that the MOS is driven by a need and not aesthetics. If units are removed, the project doesn't work anymore. These things don't happen randomly.

- Alderman Bransford stated staff has endorsed this and she will support that.
- Alderman Petersen voiced that the MOS is saying we will not follow our rules. Her concern is the ROW and widening of the street.

Motion to approve Modification of Standards 1 carried 6-2 with Aldermen Petersen and Martin voting no.

Alderman Skinner moved to approve MOS 2: Building Height – Request to increase building height to transition from 2 to 3 stories and upper story shall be stepped-back from front of building in accordance with transitional features standards in 5.3.4 of the Zoning Ordinance (Approval of this MOS shall not be interpreted as approval of the draft building elevations submitted with the development plan). Seconded by Alderman Blanton. Motion to approve Modification of Standards 2 carried unanimously.

Alderman Skinner moved to approve MOS 3: Parking – Request to reduce required parking. Applicant shall provide 53 parking spaces for 35 dwelling units, a ratio of 1.51 spaces per unit. Seconded by Alderman Blanton.

- Vice Mayor McLendon expressed concern as he has a vested interest in the success of this project and is skeptical there will be enough parking. No room for guests to park.

Motion to approve Modification of Standards 3 carried unanimously.

Alderman Burger moved to approve Resolution 2013-24 in its entirety, including Modification of Standards 1, 2, and 3, carried 6-2 with Aldermen Martin and Petersen voting no.

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

Vice Mayor McLendon moved to approve Ordinance 2013-21 on Second of Three Readings. Seconded by Alderman Martin. Motion carried unanimously.

NEW BUSINESS

14. **Consideration for Sanitary Sewer Availability Request for the Ingraham Property on Clovercroft Road (Tax Map o80, Parcel o4401)**

David Parker, City Engineer/CIP Executive

Alderman Burger moved to defer this item to August 27, 2013, per applicant request. Seconded by Alderman Barnhill. Motion carried unanimously.

* Vice Mayor McLendon left the room

15. **Consideration of Instrument of Accession with Westwood Global, COF Contract 2013-0101**

Russ Truell, ACA Finance & Administration

Alderman Blanton moved to approve Instrument of Accession with Westwood Global. Seconded by Alderman Burger. Motion carried 7-0 (Vice Mayor McLendon was out of the room)

16. **Consideration of RESOLUTION 2013-44, a Resolution Approving the Process to Enter Negotiations with Lambe and Associates, LLC, Regarding Design Services for a New Household Hazardous Waste Facility at 417 Century Court by the City of Franklin**

Brad Wilson, Facility and Projects Manager

Alderman Bransford moved to approve Resolution 2013-44. Seconded by Alderman Skinner. Motion carried 7-0 (Vice Mayor McLendon was out of the room)

17. **Consideration of Liquor License Retailer's Certificate (Renewal) for The Corner Wine & Spirits (Guru Dev of Franklin, LLC; Ramesh Surati [Managing Agent] and Manharbhai Patel), 1110 Hillsboro Road, Franklin, Tennessee**

Lanai Benne, Assistant City Recorder

Alderman Blanton moved to approve Renewal Liquor License Corner Wine & Spirits. Seconded by Alderman Bransford. Motion carried 7-0 (Vice Mayor McLendon was out of the room)

18. **Consideration of Liquor License Retailer's Certificate (Renewal) for Del Rio Wine and Spirits (Radhe Radhe Bal, LLC, Owned by the Managing Agent, Dahyabhai V. Patel), 111 Del Rio Pike, Franklin, Tennessee**

Lanai Benne, Assistant City Recorder

Alderman Skinner moved to approve Renewal Liquor License for Del Rio Wine and Spirits. Seconded by Alderman Barnhill. Motion carried 7-0 (Vice Mayor McLendon was out of the room)

19. **Consideration of ORDINANCE 2013-34, an Ordinance to Amend Section 5.3.4 of the City of Franklin Zoning Ordinance to Revise Standards Related to Transitional Feature; Establishing a Public Hearing for August 27, 2013**

[First of Three Readings]

Alderman Ann Petersen, FMPC Representative

Alderman Bransford moved to approve Ordinance 2013-34 on First of Three Readings. Seconded by Alderman Petersen. Motion carried 7-0 (Vice Mayor McLendon was out of the room)

CONSENT AGENDA

20. **Consideration of ORDINANCE 2013-26, an Ordinance Amending the City of Franklin Municipal Code, Title 23 – Stormwater Management Ordinance, Chapter 1 – Stormwater Management Ordinance; Section 23-106 – Objectives and Policy for the Purpose of Revising the Effective Date for Green Infrastructure Runoff Reduction Requirements**

[Second and Final Reading]

Paul Holzen, Engineering Director

Crystal Piper, Stormwater Management Coordinator

Ordinance 2013-26 approved unanimously on Second and Final Reading

* Vice Mayor McLendon rejoined the meeting

21. **Consideration of ORDINANCE 2013-24, an Ordinance to Adopt the International Code Council (ICC) A117.1-2009 Accessible and Usable Buildings and Facilities, 2009 Edition**

[First of Two Readings]

Chris Bridgewater, Building & Neighborhood Services Director

Alderman Bransford moved to approve Ordinance 2013-24 on First of Two Readings. Seconded by Alderman Barnhill.

Alderman Burger said she wanted to talk about multi-tenant building parking. With bike lanes it renders this unenforceable. People can't park in front of their own homes nor can guests. Also, accessible off-street parking and violations thereof. She sees problems with this code and wants it on a Work Session agenda before the second reading.

Alderman Petersen commented that she didn't think this was meant to address a person's individual home.

Motion to approve Ordinance 2013-24 on First of Two Readings carried unanimously.

Item will go to Work Session

22. **Consideration of ORDINANCE 2012-38, Zoning Text Amendment to Amend Chapter 3, Section 3.2 and Chapter 8, Section 8.3 of The Zoning Ordinance (Relative to Hotels)**
[Third and Final Reading] Alderman Ann Petersen, FMPC Representative
Ordinance 2012-38 approved unanimously on Third and Final Reading

23. **Consideration of ORDINANCE 2012-43; An Ordinance to Reduce the Speed Limit on Westhaven Boulevard and Townsend Boulevard to be Twenty-Five Miles Per Hour (25 MPH) in Both Directions**
[Second and Final Reading] David Parker, City Engineer/CIP Executive
Ordinance 2012-43 approved unanimously on Second and Final Reading

24. **Consideration of an Agreement (COF Contract 2013-0092) with HB&TS Water Utility District for Billing Information**
Approved unanimously Russ Truell, ACA Finance & Administration
Steve Sims, Business Process Improvement Manager & City Court Clerk

25. **Consideration of Event Permit Application for Westhaven Race 4 the Cure on September 14, 2013**
Approved unanimously David Rahinsky, Chief of Police

26. **Consideration of Event Permit for the Tennessee Hemophilia and Bleeding Disorders Foundation to be Held on November 9, 2013 at Harlinsdale Farm**
Approved unanimously Lisa Clayton, Parks Director

27. **Consideration of Requested Water Availability for 1010 Malvern Road (Map 37J, Parcel 02700)**
Approved unanimously David Parker, City Engineer/CIP Executive

28. **Consideration of Change Order No. 1 (COF Contract 2012-0081) for the Maplewood/Green Branch Stream Restoration Project with Viking Products, Inc. for an Increase of \$10,333 (Funded under the Stormwater Capital Funds)**
Approved unanimously David Parker, City Engineer/CIP Executive

29. **Consideration of Agreement (COF Contract 2012-0009) Between the City of Franklin and Boyle Investment Company for the Construction of the Five Mile Crossing and Berry Farms Crossing Roadway Infrastructure**
David Parker, City Engineer/CIP Executive
Alderman Burger moved to defer this item to August 13, 2013. Seconded by Alderman Bransford. Motion carried unanimously.

30. **Consideration of Amendment No. 1 to the Professional Services Agreement (COF Contract 2010-0057) with Kimley-Horn and Associates for the Cool Springs Area Signal Improvement and Highway 96 Survey for an Amount Not to Exceed \$9,800**
Approved unanimously David Parker, City Engineer/CIP Executive

31. **Consideration of Change Order No. 1 (COF Contract 2012-0110) to the Construction Contract for the Hillsboro Road Improvements Project, SR 96W to Independence Square with Civil Constructors, Inc. for an Increase of \$184,993.74**
Approved unanimously David Parker, City Engineer/CIP Executive

32. **Consideration of Change Order No. 2 (COF Contract 2011-0151) for the Franklin TOC Phase 3 Field Hardware Project with Stansell Electric Company, Inc. for an Increase of \$24,259.00**
Approved unanimously David Parker, City Engineer/CIP Executive

33. **Items Approved by the City Administrator on Behalf of the Board of Mayor and Aldermen:**
- Consideration of Sole Source Purchase of Traffic Signal Activation Equipment for the Public Works Facility Access Road Project in an Amount of \$22,993.10
Approved unanimously Paul Holzen, Engineering Director

There was no Executive Session held

EXECUTIVE SESSION

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

RETURN FROM EXECUTIVE SESSION

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

ADJOURN

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

Meeting adjourned @ 9:01 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 8/14/2013 11:01 AM