

**MINUTES OF THE REGULAR MEETING
 BOARD OF MAYOR AND ALDERMEN
 FRANKLIN, TENNESSEE
 CITY HALL BOARDROOM
 TUESDAY, AUGUST 13, 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 | |
| Shauna Billingsley, City Attorney | P | Catherine Powers, Planning/Sustainability Director | P |
| Rocky Garzarek, Fire Chief | | Joe York, Streets Director | P |
| David Rahinsky, Police Chief | | Brad Wilson, Facilities Project Manager | P |
| Fred Banner, MIT Director | | Lanaai Benne, Assistant City Recorder | P |
| Chris Bridgewater, BNS Director | P | Linda Fulwider, Board Recording Secretary | P |
| Becky Caldwell, Sanitation Services Director | | | |

1. **Call to Order**
Mayor Ken Moore called the August 13, 2013, meeting to order at 7:33 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)
 - William Morgan, 3110 Del Rio Pike, Franklin, moved their historic home from Rose Hill to Del Rio Pike because of the historic nature of the homes in the area. He has deep concern regarding the potential Del Webb development across the street from his property. Residents of the many historic homes on the corridor hope BOMA will reject the proposal because it would not fit in this part of Historic Franklin.
 - Cindy Bhausar, 311 Binkley Drive, Franklin, the proposed development borders her community. They are opposed to the development as their street would be used as a pass through. This is a very beautiful and historic part of Williamson County. They are trying to preserve that.

- Joseph Cashia, 3200 Del Rio Pike, Franklin, ~~Union~~ **Meeting of the Waters** is one of the oldest homes and has been restored. It is a rural setting and the development as designed is wrong for the historic area. He encouraged BOMA not to vote for it. (As corrected by Alderman Petersen at the August 27, 2013 BOMA meeting)
- Todd Kaestner, 3210 Del Rio Pike, Franklin, has been in many Del Webb developments. He said they are very out of character with the City of Franklin. They are very dense, affordable type garage-scape developments; 1960s concept that seems dated after 15-25 years. They are about half the value of other Williamson County homes. Del Rio Pike is a short road with five or six National Register Homes on it. The development doesn't fit the area.
- Brant Bousquet, 122 Riverwood Drive, Franklin, said it is bucolic; a beautiful pastoral drive for him every day. It would be dangerous for the many bikers and joggers that use the road if the large development were built.

5. **Communications from Williamson County Mayor and Williamson County Commission**

Mayor Moore recognized County Mayor Rogers Anderson who was present, along with Williamson County 9th District Commissioner Mary Bockman who spoke about annexation and the proposed development on Del Rio Pike.

- Mary Brockman, 1407 Old Hillsboro Road, said the area is in Franklin's UGB and is not annexed. It is a historic and scenic district within the Harpeth River valley. She read a quote from the Land Conservation and Stewardship Task Force. The area has scenic vistas, and historic homes. Land conservation measures are needed in the form of hamlets and density inward toward the City core. The homeowners and landowners in the County know they could be annexed in the future. The area is a treasure.

6. **Approval of Minutes**

Alderman Barnhill moved to approve the July 23, 2013 Work Session and July 23, 2013 Board of Mayor and Aldermen minutes as presented. Seconded by Alderman Blanton. Motion carried unanimously.

7. **Recognitions**

- Water Management Department – Kentucky/Tennessee Environment Water Association Award
The Water Management Department was presented the Control Environment Pretreatment Excellence Award for the City's water reclamation plant at the 2013 Water Professionals Conference in Louisville, Kentucky. Ivan Thurber and Juan Davis of the Water Management Department accepted the award and were congratulated for their achievement.
- Mercy Community Healthcare Proclamation
 - ♦ Mercy Children's Clinic began seeing patients in April of 1999 in a small house on Ninth Avenue in the heart of Downtown Franklin with a vision of providing quality healthcare to any child who needs it
 - ♦ In 2010, the leadership of Mercy, after much prayer and discussion, determined God was calling them to add adult care and to join forces with Grace Medical Clinic and Dr. Richard Anderson.
 - ♦ The clinic today has grown to more than 10,000 patients who call Mercy their healthcare home and more than 21,000 patient visits in the last year.
 - ♦ On January 1, 2013, Mercy Children's Clinic and Grace Medical Clinic joined forces to become Mercy Community Healthcare.
 - ♦ No one at Mercy Community Healthcare is too old, too young, too rich, or too poor to receive the very best medical and behavioral health care from Mercy's experienced medical team, and most importantly no one is turned away because of their inability to pay.
 - ♦ Congratulations to Mercy Community Healthcare on its continuing effort to provide the best medical care possible for the entire family with the opening of the Richard Anderson Adult Center.

8. **Miscellaneous Reports**

- Eric Stuckey had an addition to the list of upcoming meeting at the end of agenda - The Housing Commission Sub-Committee Redevelopment and Infrastructure will meet Tuesday, August 20 @ 7:30 a.m. in City Hall.

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 16-28 be placed on the Consent Agenda.

Alderman Martin removed Item 18, Alderman Skinner Item 22, and Alderman Petersen Items 20, 23 and 25.

Alderman Skinner moved to approve the Consent Agenda Items 16, 17, 19, 21, 24, 26, 27, and 28, with Items 18, 20, 22, 23 and 25 removed. Seconded by Alderman Blanton. Motion carried unanimously.

OLD BUSINESS

10. **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**

[Third and Final Reading]

Alderman Ann Petersen, FMPC Representative

Alderman Petersen moved to approve Ordinance 2013-05 on Third and Final Reading. Seconded by Alderman Skinner. Motion carried unanimously.

11. **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**

[Third and Final Reading]

Alderman Ann Petersen, FMPC Representative

Alderman Blanton moved to approve Ordinance 2013-17. Seconded by Alderman Skinner.

Alderman Martin said her objection to this rezoning was the placement of the building so close to the roadway and had nothing to do with the intent of affordable housing.

Motion to approve Ordinance 2013-17 on Third and Final Reading carried 6-2 with Aldermen Martin and Petersen voting no.

12. **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**

[Second and Final Reading]

Chris Bridgewater, Building & Neighborhood Services Director

Alderman Bransford moved to approve Ordinance 2013-24 on Second and Final Reading. Seconded by Alderman Skinner. Motion carried unanimously.

NEW BUSINESS

13. Consideration of RESOLUTION 2013-51, A Resolution of the Board of Mayor and Aldermen for the City of Franklin Adopting an Estimate of Revenues and Expenditures for the Water and Sanitary Sewer Utility Fund, Fiscal Year 2013-2014 and Fiscal Year 2014-2015; Providing an Effective Date

Mark Hilty, Water Management Director

Alderman Barnhill moved to approve Resolution 2013-51. Seconded by Alderman Petersen. Motion carried unanimously.

14. Consideration of Renewal of Liquor License Retailer's Certificate for Jigisha S. Patel, Holiday Wine and Liquors, 108 North Royal Oaks Boulevard, Franklin, Tennessee

Lanaii Benne, Assistant City Recorder

Alderman Blanton moved to approve Renewal of Liquor License Holiday Wine and Liquors. Seconded by Alderman Bransford. Motion carried unanimously.

15. Consideration of Professional Services Contract with Lambe & Associates, Inc. in the Amount of \$97,800.00 for the Design and Engineering Services of the Household Hazardous Waste Facility Building Located at 417 Century Court for the City of Franklin Sanitation Services Facility (COF 2013-0106)

Brad Wilson, Facilities and Project Manager

Alderman Blanton moved to approve PSA Contract with Lambe & Associates in the amount of \$97,800.00. Seconded by Alderman Barnhill. Motion carried unanimously.

CONSENT AGENDA

16. 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)

[Third and Final Reading] **Alderman Ann Petersen, FMPC Representative**

Motion to approve Ordinance 2013-21 on Third and Final Reading approved unanimously

17. Consideration of ORDINANCE 2013-36, An Ordinance to Rezone ±3.75 Acres (Ralston Row PUD Subdivision) from Medium Residential District (R-2) To Residential Variety District (RX) for the Properties Located at 121 and 123 Ralston Lane; Establishing a Public Hearing for September 10, 2013

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

Motion to approve Ordinance 2013-36 on First of Three Readings carried unanimously

18. Consideration of ORDINANCE 2013-35, An Ordinance to Rezone ±195.5 Acres (Water's Edge PUD Subdivision) from Agricultural District (AG) To Residential Variety (RX) for the Property Located at 4413 South Carothers Road; Establishing a Public Hearing for September 10, 2013

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

Alderman Burger moved to approve Ordinance 2013-35 on First of Three Readings. Seconded by Alderman Bransford.

Alderman Martin expressed disappointment in allowing this development with all front-loading garages with 10 ft. setback. She would like the Planning staff to go back and address this issue as it seems to have become the norm.

Motion to approve Ordinance 2013-35 on First of Three Readings carried unanimously.

19. **Consideration of RESOLUTION 2013-48; A Resolution Abandoning a Portion of the Rights-of-Way (ROW) of Curd Lane to the Williamson Medical Center**
Approved unanimously **David Parker, City Engineer/CIP Executive**

20. **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 as Revised by the Developer**

David Parker, City Engineer/CIP Executive

Items 20 and 25 are the same item, and action is to be deferred to August 27.

Alderman Petersen moved to defer Items 20 and 25 to August 27, 2013 Work Session and BOMA meeting. Seconded by Alderman Barnhill. Motion carried unanimously.

21. **Consideration of Change Order No. 4 (Completion Time Extension) to the Construction Contract for the Third Avenue North Extension Project (Bicentennial Park Phase I) (COF Contract 2012-0089)**

Approved unanimously

David Parker, City Engineer/CIP Executive

22. **Consideration of ORDINANCE 2013-28, To Be Entitled: “An Ordinance to Amend Chapter 5, Section 5.3.7, Section 5.3.8, and Section 5.3.9 of the City of Franklin Zoning Ordinance Regulating Hamlets, Conservation Subdivisions, and Traditional Neighborhood Development”; Establishing a Public Hearing for September 10, 2013**

[First of Three Readings]

Alderman Ann Petersen, FMPC Representative

Alderman Bransford moved to approve Ordinance 2013-28 on First of Three Readings. Seconded by Alderman Barnhill.

Alderman Skinner pulled this item because it was not discussed at Work Session or at the FMPC/Board Joint Workshop.

Catherine Powers said it wasn't sent through the Joint Workshop because none of the listed choices have been used as the entire package would have to be chosen. The amendment allows the developer to pick and choose from the list. This was created by staff and put in guidelines to simplify the process. Those would still go to the Planning Commission and could come to BOMA as part of a Development Plan. Eric Stuckey compared it to choosing a menu item vs. getting the whole buffet.

Motion to approve Ordinance 2013-28 on First of Three Readings carried unanimously.

23. **Consideration of ORDINANCE 2013-39, To Be Entitled: “An Ordinance to Amend Chapter 5, Section 5.3.5 (2) of the City of Franklin Zoning Ordinance Regulating Garage Door Width for Residential Detached Housing; Establishing a Public Hearing for September 10, 2013**

[First of Three Readings]

Alderman Ann Petersen, FMPC Representative

Alderman Bransford moved to approve Ordinance 2013-39 on First of Three Readings. Seconded by Alderman Barnhill.

Alderman Martin asked if staff is positive the ordinance is going to say only for rear and side-loading garage doors. Catherine Powers responded in the affirmative.

Alderman Petersen mentioned that instead of the single door requirement this allows double garage doors and indicates not less than 16 ft. She asked if that is wide enough to get two cars through it. Her garage door is 18 ft. wide. She is concerned that 16 ft. isn't wide enough and would like to see a demonstration of two cars parking in a garage with a 16 ft. wide door.

Motion to approve Ordinance 2013-39 on First of Three Readings carried unanimously.

24. **Consideration of a Model Landscape Maintenance Agreement for Privately Maintained Improvements Located Within the Public Right-of-Way**
Approved unanimously **Vernon Gerth, ACA Community & Economic Development**

25. **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

Items 20 and 25 are the same item, and action is to be deferred to August 27.

Alderman Petersen moved to defer Items 20 and 25 to August 27, 2013 Work Session and BOMA meeting. Seconded by Alderman Barnhill. Motion carried unanimously.

26. **Consideration of Event Permit for Franklin Classic to be Held on September 2, 2013 in Downtown Franklin**
Approved unanimously **David Rahinsky, Police Chief**

27. **Consideration of Event Permit for Best Buddies 5K to be Held on August 24, 2013 in the Cool Springs Area**
Approved unanimously **David Rahinsky, Police Chief**

28. **Items Approved by the City Administrator on Behalf of the Board of Mayor and Aldermen:**
- Signal Improvements at SR 96 & Southwinds Boulevard; Contract 2012-0153 in the Amount of \$9,595.00 Paul Holzen, Engineering Director
 - Consideration of Contract 2013-072 with BRIDGES of Williamson County in the Amount of \$2,500.00 Chris Bridgewater, BNS Director
 - Consideration of Engagement Letter with Acuff & Associates (COF Contract 2013-0117) for an Actuarial Valuation Study Report for Postemployment Benefits Other Than Pensions Russ Truell, ACA Finance & Administration
 - Acknowledge Report of Contract Award to Comcast in the Total Amount of \$3,600 for Advertising the Upcoming Special Census (To be Allocated to 110-82385-41700; Contract 2013-0107) Catherine Powers Planning & Sustainability Director

Approved unanimously

EXECUTIVE SESSION

29. **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 Barnhill. Motion carried unanimously. (8:17 p.m.)

RETURN FROM EXECUTIVE SESSION

30. **Consideration of Matters from Executive Session**

Dr. Ken Moore, Mayor

(Returned @ 8:28 p.m.) There were no matters for consideration.

ADJOURN

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

The meeting adjourned @ 8:30 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 8/30/2013 1:56 PM