
**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, AUGUST 27 , 2013 - 5:00 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 Dev.	P	Shirley Harmon, HR Director	
Russell Truell, ACA Finance & Administration		Mark Hilty, Water Management Director	
David Parker, CIP Executive/City Engineer	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	
David Rahinsky, Police Chief		Brad Wilson, Facilities Project Manager	
Fred Banner, IT Director		Lanaii Benne, Assistant City Recorder	P
Chris Bridgewater, BNS Director	P	Linda Fulwider, Board Recording Secretary	A
Becky Caldwell, Sanitation & Environ'l Services Dir.			

1. Call to Order

Mayor Ken Moore called the Work Session to order at 5:00 p.m.

2. Citizen Comments

None

WORK SESSION DISCUSSION ITEMS

3. Consideration of Event Permit for Pumpkinfest to be Held on October 26, 2013 in Downtown Franklin

David Rahinsky, Police Chief

No questions or comments

4. Consideration of Event Permit from Not Alone, Inc. for Boot Run in Cool Springs Area on November 10, 2013.

David Rahinsky, Police Chief

No questions or comments

5. Discussion Regarding Recreational Vehicle Storage

Chris Bridgewater, Building & Neighborhood Services Director

Chris Bridgewater gave the following presentation:

Intent of Zoning Ordinance Section 4.1.6 (14)

- The Zoning Ordinance states that the customary or continual parking of certain vehicles and equipment is

prohibited...within yards adjacent to public streets in residential neighborhoods since the presence of such vehicles runs contrary to the intended residential character of such neighborhoods.

Parking RVs in Self Storage

- Citizens in this situation will need to park these vehicles in a self-storage lot.

Applicability

- The standards in the Zoning Ordinance apply to:
 - Heavy trucks with more than two axles
 - Heavy trucks that exceed 20,000 pounds of gross vehicle weight
 - Trailers with more than one axle
 - Major recreational equipment, including, but not limited to boats, campers, recreational vehicles, motor homes, and travel trailers

Restrictions Based on Zoning District

- Storage or Parking of Recreational Equipment is **not allowed** in the front or side yard adjacent to a public street in any residential district
- Storage or Parking of Recreational Equipment is allowed in **rear yards only**:
 - AG, ER, R-1, R-2, and CI
- Storage or Parking of Recreational Equipment is **not allowed** in:
 - R-3, R-6, RX, OR, GO, NC, CC, GC, MN, ML, MX, LI and HI

When citizens need to park these vehicles at their homes to load or unload and to service the vehicle, they are allowed to do so for four days.

Mr. Bridgewater stated that the Board should consider whether parking recreational vehicles in front yards is acceptable or if it doesn't fit within the residential character of the neighborhoods.

- ✦ Martin Lyles, 121 Grenadier Drive, Franklin, came forward for the second time to speak to this issue. He asked for an explanation of "residential character of a neighborhoods". Mr. Lyles showed the Board pictures of where his trailer had been parked in the yard. He commented that it wasn't an eyesore and there was plenty of room for the trailer. It was parked there for six years before they were notified it is a code violation. It was parked on a concrete pad in their driveway. There were no complaints from neighbors. He added many homes in the area have boats parked in driveways; perhaps unaware it is a code violation.
- ◆ The Aldermen cited instances of eye-sores such as abandoned cars not being cited and taken care of while in the same area residents are cited for parking recreational vehicles, and areas in which one resident is cited for parking a recreational vehicle and neighbors are not cited. If one is cited, all should be cited. Many are not reported to the City.
- ◆ Mr. Bridgewater encourages citizens to use the City's online service request to report violations in their neighborhoods.
- ◆ Vice Mayor McLendon said that in his view the City has gone too far, and changed the rules on people. The City has overstepped what City government should do. People, such as Mr. Lyles, picked a neighborhood that didn't have that rule and kept an RV in his driveway. Then the City thrust this on him because we decided that it was in his best interest to not allow that. We've given him an untenable choice of non-compliance or paying \$50-\$100 a month to put it somewhere else. Vice Mayor McLendon believes this particular section should be repealed immediately. It is unnecessary, doesn't add anything to the quality of life in this community, and has made non-compliant members of the community out of people who go to great lengths to be good citizens. He wants to bring that to a vote.
- ◆ Alderman Barnhill said on this particular piece of property in this location, it is not an eyesore and it doesn't detract from the neighborhood.
- ◆ Alderman Petersen commented on small lots it is probably difficult for a neighbor to have to look at something large parked at a neighbor's house that could obstruct the view. On larger lots some have items parked in the front or side yards. They need to be in the back yard behind the house to be legal.

- ◆ Alderman Skinner noted this ordinance protects the neighbors and the City from making judgment calls about appearance and what is acceptable in a neighborhood.
- ◆ Alderman McLendon said it is actually one big judgment in that “we” deem it un-Franklin. That’s what we’ve told Mr. Lyles; your RV is unsightly to us. Most people will do what they are supposed to do. There will always be examples of those not maintaining their homes and property as well as everyone would like. Mr. Lyles is a taxpaying homeowner. This rule is unnecessary and onerous.
- ◆ Alderman Burger suggested a variance, if his neighbors don’t care, grandfather in long-standing residents, or a petition within the neighborhoods.
- ◆ Mr. Bridgewater addressed the suggestion to remove this portion of the Zoning Ordinance, saying it would need to go through the Planning Commission first. A rule for this issue should be made as simple as possible and be good for the entire City. To start doing special cases would lead to even more injustices. He encouraged citizens to relate their thoughts on these issues to the City via twitter, Facebook, or other means.
- ◆ Alderman Bransford said rules and regulations can be tweaked and allowances given when needed. Need to look at rules as a revolving entity.
- ◆ Mr. Lyles said he wants to do the right thing. He had his vehicle stored within two hours of notification of the violation.
- ◆ After a short discussion on whether this should go back to the Planning Commission, Mayor Moore felt the consensus was to send it to the Planning Commission.

6.* 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

Eric Stuckey related this agreement is about improvements necessary due to the widening of I-65. Changes were made to #3 of the agreement regarding what trigger is needed to put the surety in place, and adjustments to the amount of surety. He gave a brief overview of the changes.

David Parker noted other changes were in regard to signalization maintenance and when the City would take over that maintenance, as well as when the signals would be needed.

Paul Holzen pointed out it is a collaborative effort with the developer and that it is still in draft form. No major changes are contemplated from this point on. The Agreement will be subject to approval by the City Engineer, City Attorney and City Administrator.

Alderman Petersen and Mr. Stuckey communicated earlier today regarding a correction to #3, the portion of the sentence that reads “the recordation of the plat or ~~within~~ (12) months prior to the schedule...”; the word “~~within~~” should be stricken as the intention is twelve months out.

Alderman Burger wanted to verify who is paying: TDOT, the developer, and the City, and asked Mr. Holzen to again explain what the City is paying for. He explained and added the Board already approved that with the intention the City is to recoup the money through Road Impact Fees.

Alderman Barnhill asked several questions which Mr. Stuckey, Mr. Parker, and Mr. Holzen answered. Further questions by the aldermen were answered as well.

- * Joe Thoni, 400 Old Peytonsville Road, Franklin, said his problem with this is that Boyle has

never come to the table saying they are committed to do this, nor have they signed any document saying they are committed to do this. He believes the City has given Boyle an open agreement. He asked when the City would get them to sign. Further, this is in draft form, they could change it tomorrow. When will the finished agreement for signature be presented that gets them on record that they will do this.

- Mayor Moore explained there can be no agreement between TDOT and the developer; the City is acting as intermediary. This is basically the final language of the contract; the Board will pass this with any small tweaks being approved by the City Engineer, City Attorney and City Administrator.
- * Mr. Thoni reiterated there should be a document indicating it is the final document. The development language was removed from the contract and the document is 20 months old.
- Mr. Stuckey again said this Agreement was developed with Boyle, and their ability to develop that property is contingent on getting the infrastructure in place. To advance their project the appropriate infrastructure must be done. This has been a three-party agreement all along. There is a built in incentive for Boyle to get it done.
- * Mr. Thoni reiterated his concern that this is not in final form and they aren't coming to the table tonight. They could still change their mind.
- Mr. Parker explained should that happen TDOT would take over. The Agreement has been worked out in the best interests for TDOT, the City of Franklin, and Boyle. The incentive for Boyle is to do it the way they want it and envision it.
- * Mr. Thoni made further statements regarding document 2012-0070.
- Paul Holzen noted, in reference to 2012-0070, that there is clause in the agreement stating if this isn't executed then TDOT will assume responsibility.
- Mr. Stuckey said there is nothing in the Agreement that specifies a deadline for signature of the document. If the Board will give authority tonight, the signatures can be secured within 60 days.

7.* Consideration to Deny Request for Sanitary Sewer Availability for the Ingraham Property on Clovercroft Road (Tax Map 080, Parcel 04401)

David Parker, City Engineer/CIP Executive

Mayor Moore advised this item has been withdrawn.

8.* Consideration of RESOLUTION 2013-52, A Resolution Supporting the Development of U.S. Bicycle Route 23 Through the City of Franklin, Tennessee

Vernon Gerth, ACA Community & Economic Development

Mr. Gerth introduced Bruce Day and David Shumaker from Bike/Walk Tennessee. They have been working with the TDOT and the American Association of State Highway and Transportation officials (AASHTO) to establish the first North/South officially designated U.S. Bicycle Route through Tennessee from the Kentucky/Tennessee line to the Tennessee/Alabama border. Mr. Gerth noted the information in the agenda packets gives highlights of the project and maps showing different bicycle routes.

It is an excellent opportunity for bicycle enthusiasts to come to our community. They are asking for endorsement, one of the last that they need, to submit to the Tennessee Department of Transportation and move this forward.

Questions and concerns addressed by Messrs.' Day and Shumaker included:

- ◆ Going through heavily-traveled downtown Franklin, Hillsboro Road Five Points and Lewisburg Avenue where there are no bike lanes now. The intersection of Lewisburg, Fowlkes, and Adams, and truck traffic.
- ◆ It is incumbent on bicyclists as well as motorists to exercise judgment. Touring bicyclists will be experienced.
- ◆ As to the traffic issue, if Franklin would see 100 cyclists coming through in one day, that would be 50 times more than expected in the next five years. It wouldn't be noticed.
- ◆ Cyclists tour 50-60 miles per day and look for places to eat and stay along the way, as well as shop. Good for tourism.
- ◆ Alderman Barnhill did not want it voted on tonight due of lack of public input.
- ◆ TDOT is against a deadline of September 9 to get this to Metro. It's Franklin's choice whether to participate. However, if Franklin does not participate it will shut down this effort.
- ◆ Alderman Burger welcomed the opportunity and saw no problem with adopting it at the voting session.

9.* Consideration of ORDINANCE 2013-45, An Ordinance Approving Budget Amendments for End of FY 2013

Russ Truell, ACA Finance & Administration

Eric Stuckey explained the need for closing out the Fiscal Year. This will be discussed at the Budget & Finance Committee meeting August 28, 2013. It will come back to BOMA in September.

10.* Consideration of Contract Award to CMI Equipment Sales, Inc. of Nashville, TN in the Total Amount of \$83,591 for One (1) Accubrine ABS2 Salt Brine Production System for the Maintenance Division of the Streets Department (Tennessee Statewide Contract 229, No. 30015; \$83,591 Budgeted to be Applied to City's Master Lease Arrangement in 310-89530-43100 for Fiscal Year 2014; Contract 2013-0118

Joe York, Streets Director

No questions or comments

11. Consideration of ORDINANCE 2013-38, An Ordinance to rezone ±.39 Acres From Central Commercial District (CC) To Residential Variety District (RX) for the Property Located at 1416 Columbia Avenue

Alderman Ann Petersen, FMPC Representative

12. Consideration of RESOLUTION 2013-41, A Resolution Approving a Development Plan for Avenue Point PUD Subdivision, Located at 1416 Columbia Avenue, by the City of Franklin, Tennessee

Alderman Ann Petersen, FMPC Representative

Items 11 and 12 taken together.

Rezoning and Development Plan for seven townhouse units on approximately .39 acres. FMPC voted unanimously to request disapproval.

Alderman Skinner said he was disappointed in the staff recommendation to recommend approval. He is the alderman representative for the Franklin Battlefield Preservation Commission that's been authorized by the City and appointed by the Mayor, and yet there is no framework for them to weigh in with staff. Other departments within the City get to make decisions on whether or not projects are recommended. He hopes this can be remedied in future by having input as staff evaluates these projects. The size and scale of what is being proposed is not what is on adjacent properties on that part of Columbia Avenue. This would be major difference. He's all for affordable housing, but this is not an appropriate place to put it.

Catherine Powers related staff looked at the project using the Zoning Ordinance and all rules and regulation to make the decision. This particular project, both the Rezoning and the Development Plan met those provisions. That's not saying it is the best plan; staff looks to the Planning Commission and BOMA to make that decision. In terms of the historic; currently there is no overlay on that property. The staff historic person was involved in the review.

Alderman Bransford asked the applicant if these are market-driven units. The response was they are not affordable housing, rather workforce range of low \$200,000 to start. There is no subsidy.

- * Sam Huffman, 8212 Wikle Road, Brentwood, said he preferred this project not be approved because this is an important part of the battlefield. The rezoning would make the properties more expensive for preservation efforts. He spoke of several properties they worked with the Civil War Trust to procure. It is not an idle issue. A Battlefield Overlay or some definition is needed so that they can buy these properties.
- * Sam Whitson, Vice Chair of Franklin Battlefield Preservation Commission, distributed a letter written to the Planning Commission and signed by representatives from diverse groups with interests in battlefield preservation. The letter is a recommendation against rezoning this property. He mentioned that the Planning Commission voted unanimously to recommend disapproval.

Alderman Martin mentioned Board approval of workforce housing for apartments behind Chic-fil-A, and said she believes the City has plenty of workforce housing. Seven additional units on the property in question would not make that much difference. Further, it seems someone wants to build workforce housing on all available small properties. She is opposed to this project.

The developer Mr. Daniel Woods and his associate Ms. Franks said what they are ultimately trying to do with this project is to make a positive impact on Franklin. Does the Board want something more commercial? The property is not in a historic district; they abided by the overlay district, met setback requirements, and did everything to get the favorable approval from staff. They spent a great deal of time with various groups only to be rejected at the last minute.

Vice Mayor McLendon said if disapproved, the developer would have the right to build office condos that are at least as dense and problematic for battlefield preservation groups as the proposed residential. Seven office condos would be remarkably similar to seven residential condos.

Mr. Woods responded that an office building would actually create more traffic, etc. The battle groups are specifically against rezoning, not a development.

13. **Consideration of Contract Award to Browne, Bortz & Coddington, Inc., d/b/a BBC Research & Consulting of Denver, Colorado in the Total Amount of \$59,700 for Housing Needs Analysis and Plan Consulting Services (Purchasing Office Procurement Solicitation No. 2014-001; \$60,000 Budgeted in 110-82560-41900 for Fiscal Year 2014; Contract 2013-0099**

Chris Bridgewater, Building & Neighborhood Services Director

Budgeted item; no discussion.

14. **Consideration of Contract Between the Regional Transportation Authority (RTA) (Contract 2011274-C) and The City of Franklin for FY 2013-14 Franklin/Brentwood Express Service Bus Route (#91) in the Amount of \$29,537.00**

Eric Stuckey, City Administrator

Budgeted item; no discussion.

15. Status Update of Capital Investment Projects

David Parker, City Engineer/CIP Executive

David Parker and Paul Holzen gave a presentation. The next step is working with PFM.

BOMA Ranking:

1. Fire Station #8 to be located in the Westhaven Development (61 Points)
2. Columbia Avenue improvements from Downs Boulevard to Mack Hatcher Parkway (43 points)
3. Streetscape - Franklin Road (Harpeth Bridge to Harpeth Industrial Court) (38 Points)
4. Fire Station #7 to be located in the Berry Farms Development (35 Points)
5. Mack Hatcher Parkway (SR397) Widening - Southeast Quadrant (Murfreesboro Road (SR96E) to Columbia Avenue (SR6) (33 points)
6. City Hall (29 points)
7. Lewisburg Pike (SR106) Widening - Mack Hatcher Parkway (SR397) to Donnelson Creek Parkway (24 points)
8. McEwen Drive Extension from Wilson Pike (SR252) to Eastern City Limit (15 points)
9. Public Restrooms at Harlinsdale Farm (13 points)
10. Del Rio Pike Improvements - Poplar Grove Entrance to Carlisle Lane (11 points)

Staff Ranking:

1. Fire Station #8 to be located in the Westhaven Development (78 points)
2. Columbia Avenue Improvements from Downs Boulevard to Mack Hatcher Parkway (68 points)
3. City Hall (62 points)
4. Streetscape - Franklin Road (Harpeth Bridge to Harpeth Industrial Court) (43 points)
5. South Carothers Parkway - Ladd Park (34 points)
6. Harpeth River Walk (30 points)
7. Fire Station #7 to be located in the Berry Farms Development (28 points)
8. Mack Hatcher Parkway (SR397) Widening - Southeast Quadrant (Murfreesboro Road (SR96E) to Columbia Avenue (SR6) (28 points)
9. Long Lane/Old Peytonsville Road Connection Across I-65 (18 points)
10. Cool Springs Public Parking to Integrate with Transit Solution (16 points)
11. McEwen Drive Extension from Cool Springs Boulevard to Wilson Pike (16 points)
12. Public Restrooms at Harlinsdale Farm (16 points)

Projects that have partial funding are included in these lists.

Eric Stuckey anticipates the Budget & Finance Committee meeting to begin one hour early at 3:00 p.m. on September 25, for a joint meeting with the Capital Investment Committee (essentially the entire Board), and have PFM there to discuss funding and review models.

ADJOURN

Work Session adjourned @ 7:00 p.m.

Dr. Ken Moore, Mayor