
**MINUTES OF THE REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, OCTOBER 8, 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 Dev.	P	Shirley Harmon, HR Director	
Russell Truell, ACA Finance & Administration		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 Dir.	P
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
David Rahinsky, Police Chief		Brad Wilson, Facilities Project Manager	P
Fred Banner, MIT Director		Lanaii Benne, Assistant City Recorder	P
Chris Bridgewater, BNS Director		Linda Fulwider, Board Recording Secretary	P
Becky Caldwell, Sanitation Services Director			

1. Call to Order

Mayor Ken Moore called the October 8, 2013, meeting to order at 7:00 p.m.

2. Invocation

The invocation was offered by Alderman Clyde Barnhill

3. Pledge of Allegiance

All present 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)

- Lauren Lexa, 2201 Skylark Court, Boyd Mill Estates, expressed concern regarding removal of the tree line between Tywater Crossing and Boyd Mill Estates. She wants the trees protected. Stakes have been placed at different intervals on what she and others in the subdivision thought was open space. The property owner on the other side indicated the reason for the removal of some of the trees is that there is nowhere for their grandchildren to play. Nothing has ever been said about property lines, and she thought the fence row and trees were the dividing property line. She thought it should be brought to BOMA's attention. When she e-mailed the City about the stakes, she was told

the City doesn't get into property line disputes with homeowners. Mayor Moore indicated he would see that staff contacted her with an answer.

- Sam Whitson, 803 Fair Street, read a prepared statement concerning the unintended consequences of any modification of current zoning requirements on the parking and storage of RVs, boats, campers and other large vehicles in City residential areas. He doesn't think it is fair to change a long standing zoning requirement based on one complaint. (Statement filed with the minutes)

5. Communications from Williamson County Mayor and Williamson County Commission

There were no County representatives present.

6. Approval of Minutes

September 24, 2013 Work Session and September 24, 2013 Board of Mayor and Alderman minutes were not available.

7. Recognitions

- Citizen's Government Academy Graduates

Mayor Moore congratulated the graduates and recognized the four graduates who were present; Jerry Barler, Reiner Kirsten, Paul Lebovitz and Steven Baum. 2013 Graduates:

Jerry Barlar	Reiner Kirsten	Carmen Renfro
Steven Baum	Anita Krueger	David Robbins
Rebecca Bonnifield	Robert Krueger	Kristina Robbins
John Cox	Paul Lebovitz	Tammy Robbins
Arnita Rena Hall	Christy Lowe	Nancy Smith
Janet Hensley	Julia Malatak	

8. Miscellaneous Reports

- Eric Stuckey announced early voting runs through October 17 for Ward Aldermen. Election Day is October 22, 2013.
- Mr. Stuckey recognized Lanaii Benne, Assistant City Recorder, for achieving Master Municipal Clerk status. Congratulations, Lanaii!
- Milissa Reiersen invited everyone to the Celebration of Nations on Saturday, October 12. It is a multicultural event featuring education, events, food, and for the first time, international beer tasting.
- Alderman Skinner said the next Civil War Roundtable would be Sunday, October 13 at 3:00 p.m. Jim Kay, preservationist from Nashville, will speak on the Battle of Nashville and the lack of communication and command by General Bell Hood.
- Alderman Blanton reminded everyone of the October 26 Pumpkinfest and the Franklin Tomorrow Chili Cook-off.
- Vice Mayor McLendon (proud Franklin football dad) announced that undefeated Franklin High would play Summit High on Thursday, October 10.

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 Petersen moved to defer items 29 and 30 to November 12, 2013, and approve the Consent Agenda Items 28 and 31 through 36. Seconded by Alderman Bransford. Motion carried unanimously.

OLD BUSINESS

10. **PUBLIC HEARING: Consideration of ORDINANCE 2013-38, An Ordinance to Rezone ±0.39 Acres From Central Commercial District (CC) To Residential Variety District (RX) for the Property Located at 1416 Columbia Avenue**
[Second of Three Readings] Alderman Ann Petersen, FMPC Representative
Item withdrawn by applicant
11. **PUBLIC HEARING: 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
Item withdrawn by applicant
12. **PUBLIC HEARING: Consideration of ORDINANCE 2013-13, A Rezoning Request for 1034 & 1035 Windcross Court From General Commercial District (GC) To Residential Variety District (RX) on 11.21 Acres**
[Second of Three Readings] Alderman Ann Petersen, FMPC Representative
With no one coming forth to speak, Mayor Moore declared the Public Hearing closed

Alderman Barnhill moved to approve Ordinance 2013-13 on Second of Three Readings. Seconded by Alderman Burger. Motion carried unanimously.

13. **PUBLIC HEARING: Consideration of RESOLUTION 2013-17, A Resolution to Approve the Development Plan for the Artessa PUD Subdivision, Including Consideration of Two Modifications of Standards and One Amendment, On ±11.21 Acres for the Property Located at 1034 & 1035 Windcross Court**
Alderman Ann Petersen, FMPC Representative

Public Hearing:

- Sam Gant, 580 Jordan Road, expressed safety and traffic concerns if the access at Jordan Road would be anything other than emergency access. He asked that BOMA grant emergency access only.
- Tracy Ledbetter, 101 Wynthrope Way, voiced concern for pedestrian traffic on Jordan Road. It is a park-like setting with people walking and running in the middle of the road. Drivers already speed on that road. She is in favor of an emergency exit only.
- Jimmie Tullis, 604 Jordan Road, spoke in favor of the access being for emergency access only for safety reasons. He asked that BOMA consider a siren activated gate. He mentioned that some neighbors did not get advance notice of this meeting.
- Brandon Baisden, 109 Wynthrope Way, agreed with the previous speakers that the access be for emergency only.

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

Alderman Burger moved to approve Resolution 2013-17. Seconded by Alderman Skinner.

Alderman Martin moved to approve MOS 1: Retaining Wall. Request to apply the nonresidential retaining wall standards, rather than the residential retaining wall standards. Seconded by Alderman Blanton. Motion carried unanimously.

Alderman Bransford moved to approve MOS 2: Building Length. Request to increase the maximum permitted building length from 200 feet to 236 feet. Seconded by Alderman Petersen. Motion carried unanimously.

Alderman Burger moved to approve Condition 1: Request to limit access to the site from Jordan Road to an Emergency Access only; and, amend the staff conditions to remove the requirements to construct an additional right turn lane at the intersection of Jordan Road and McEwen Drive. The sidewalk and lighting requirement should remain as a requirement of the development. Seconded by Alderman Petersen.

Alderman Burger was in favor of adding a siren activated gate as requested by a citizen. Vice Mayor McLendon supported the condition. He was not in favor of adding a siren to a limited emergency only controlled access. Further discussion ensued.

Motion to approve Condition 1 carried unanimously.

Motion to approve Resolution 2013-17 as thrice amended carried unanimously.

14. PUBLIC HEARING: Consideration of ORDINANCE 2013-14, An Ordinance to Amend Section 5.10.4(3) of the City of Franklin Zoning Ordinance Relating to Cross Access Between Adjacent Use
[Second of Three Readings] Alderman Ann Petersen, FMPC Representative

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

Alderman Barnhill moved to approve Ordinance 2013-14 on Second of Three Readings. Seconded by Alderman Skinner. Motion carried unanimously.

15. PUBLIC HEARING: Consideration of ORDINANCE 2013-44, A Rezoning Request for 3003 Del Rio Pike From Estate Residential District (ER) To High Residential District (R-3) on 9.04 Acres
[Second of Three Readings] Alderman Ann Petersen, FMPC Representative
Public Hearing:

- Please refer to Item 16 for the comments made by Carol Chapman.

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

Alderman Petersen moved to approve Ordinance 2013-44. Seconded by Alderman Blanton. Motion carried unanimously.

16. PUBLIC HEARING: Consideration of RESOLUTION 2013-43, A Resolution Approving a Development Plan for Blossom Park PUD Subdivision on ±9.04 Acres for the Property Located at 3003 Del Rio Pike

Alderman Ann Petersen, FMPC Representative

Public Hearing:

- Carol Chapman, 3001 Del Rio Pike (next door to the Lynch property) voiced concern about the 6 ft. board fence proposed as a barrier between her property and the development. There are no other wooden fences in the area; trees mark other property lines. She doesn't think it would look right and added there are beautiful pine trees lining one-third of the line and that is what she would prefer or a berm. Something other than a 6 ft. wooden fence.

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

Vice Mayor McLendon moved to approve Resolution 2013-43. Seconded by Alderman Skinner.

Alderman Barnhill noted there had been lengthy discussion on this at a previous workshop. This is such a significant change that it would have to go back to the Planning Commission. The developer, Bill Charles of Land Management Group indicated it wasn't the applicant that required the fence; it was City staff. The developer is agreeable to change to another option such as berm or trees, and said Mrs. Chapman is agreeable to that.

Motion to approve Resolution 2013-43 carried unanimously.

17. PUBLIC HEARING: Consideration of RESOLUTION 2013-50, A Resolution Approving a Development Plan for Williamson County Emergency Operations Center PUD Subdivision on ±5.00 Acres for the Property Located at 304 Beasley Drive

Alderman Ann Petersen, FMPC Representative

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

Alderman Blanton moved to approve Resolution 2013-50. Seconded by Alderman Bransford. Motion carried unanimously.

18. PUBLIC HEARING: Consideration of RESOLUTION 2013-55, A Resolution Approving a Development Plan Revision (For Modification of Standards-Parkland) for the Preserve at Echo Estates PUD Subdivision on ±86.3 Acres, Located at the Termini of Echo Lane and Alpine Court

Alderman Ann Petersen, FMPC Representative

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

Alderman Bransford moved to approve Resolution 2013-55. Seconded by Alderman Barnhill. Motion carried unanimously.

19. **PUBLIC HEARING: Consideration of ORDINANCE 2013-50, To Be Entitled: "An Ordinance Granting a Franchise to Atmos Energy Corporation [Second and Final Reading]** Russ Truell, ACA Finance & Administration

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

Alderman Blanton moved to approve Ordinance 2013-50 on Second and Final Reading. Seconded by Alderman Barnhill. Motion carried unanimously.

NEW BUSINESS

20. **Consideration of Event Permit Application from Ragnar Events for Ragnar Relay Tennessee on October 26, 2013**

David Rahinsky, Police Chief

Alderman Barnhill moved to approve Event Permit Ragnar Relay Tennessee. Seconded by Alderman Bransford. Motion carried unanimously.

21. **Consideration of RESOLUTION 2013-68, A Resolution to Amend the Table of Organization for the Human Resources Department Relative to Assistant Human Resource/Benefits Division**

Shirley Harmon, Human Resources Director

Alderman Burger moved to approve Resolution 2013-68. Seconded by Alderman Barnhill. Motion carried unanimously.

22. **Consideration of the Maintenance Agreement (COF Contract No. 2013-0183) with the United States Geological Survey (USGS) for the Operations and Maintenance of the Harpeth River Gauging Stations at a Cost of \$14,460.00**

David Parker, City Engineer/CIP Executive

Alderman Blanton moved to approve Maintenance Agreement with USGS. Seconded by Alderman Barnhill. Motion carried unanimously.

23. **Consideration of Engagement Contract with Hall and Associates (COF Contract Number 2013-0185)**

Shauna Billingsley, City Attorney

Alderman Burger moved to defer this item to November 12, 2013. Seconded by Alderman Barnhill. Motion carried unanimously.

24. **Consideration of Change Order in the Approximate Amount of \$17,246.00 to COF Contract 2012-0195 with Southeast Contractors, Inc. to Provide Additional Electrical Service Work for the City of Franklin Data Center Expansion Project Located at the Police Department**

Brad Wilson, Facility Projects Manager

Alderman Blanton moved to approve Change Order to COF Contract 2012-0195. Seconded by Alderman Burger. Motion carried unanimously.

25. **Consideration of Amendment No. 4 to the Professional Services Agreement with CDM Smith (COF Contract No. 2011-0037) for the Jackson Lake Dredging Improvements Project in an Amount Not to Exceed \$26,600**

David Parker, City Engineer/CIP Executive

Paul Holzen, Engineering Director

*Alderman Skinner moved to approve Amendment No. 4 to PSA with CDM Smith.
Seconded by Alderman Martin. Motion carried unanimously.*

- 26. Consideration of ORDINANCE 2013-49, To Be Entitled “An Ordinance to Rezone +/-43.20 Acres to the Height Overlay District (HTO) for the Property Located at 9009 Carothers Parkway”; Establishing a Public Hearing for November 12, 2013 [First of Three Readings]** **Alderman Ann Petersen, FMPC Representative**
*Alderman Burger moved to approve Ordinance 2013-49 on First of Three Readings.
Seconded by Alderman Bransford. Motion carried unanimously.*

- 27. Consideration of ORDINANCE 2013-37, To Be Entitled “An Ordinance to Rezone ±.29 Acres From Historic Core Residential District (R-6) To Residential Variety District (RX) for the Property Located at 411 Cummins Street”; Establishing a Public Hearing for November 12, 2013 [First of Three Readings]** **Alderman Ann Petersen, FMPC Representative**
*Alderman Bransford moved to approve Ordinance 2013-37 on First of Three Readings.
Seconded by Alderman Blanton. Motion carried unanimously.*

CONSENT AGENDA

- 28. Consideration of ORDINANCE No. 2013-43 To Be Entitled: “An Ordinance to Amend Title 4 of the City of Franklin Municipal Code Relative to the City’s Occupational Safety and Health Program, To Include Certain Updates as Required by Tennessee Occupational Safety and Health Administration [Second and Final Reading]** **Sara Sylvis, Risk Manager**
Ordinance 2013-43 approved unanimously on Second and Final Reading

- 29. Consideration of COF Contract 2013-0137 with Energy Source Partners (ESP) for a Second Solar Installation at the Wastewater Treatment Plant Located at 135 Claude Yates Drive** **Andrew Orr, Principal Planner**
Approved unanimously to defer to November 12, 2013

- 30. Consideration of COF Contract 2013-0050 with the Tennessee Valley Authority (TVA) for the Sale of Electricity from a Second, Larger Solar Installation (1 Megawatt Project) at the Wastewater Treatment Plant Located at 135 Claude Yates Drive** **Andrew Orr, Principal Planner**
Approved unanimously to defer to November 12, 2013

- 31. Consideration of RESOLUTION 2013-65, A Resolution To Be Entitled: “Intent to Amend Title 22 Comprehensive Fees and Penalties for Future Water and Sanitary Sewer Rate Adjustments Contingent Upon Board and State Approved Loans Received from the Tennessee Department of Environment and Conservation State Revolving Fund** **Russ Truell, ACA Finance & Administration**
Mark Hilty, Water Management Director
Resolution 2013-65 approved unanimously

32. Consideration of Event Permit Application for Dierks Bentley Ride on November 3, 2013

Approved unanimously

David Rahinsky, Police Chief

33. Consideration of Event Permit Application for Turkey Trot on November 28, 2013 in the Cool Springs Area

Approved unanimously

David Rahinsky, Police Chief

34. Consideration of Event Permit Application from Jingle Bell Run on December 7, 2013, in Downtown Franklin

Approved unanimously

David Rahinsky, Police Chief

35. Consideration of Event Permit Application for Pigs & Pints at Harlinsdale on November 7, 2013

Approved unanimously

Lisa Clayton, Parks Director

36. Items Approved by the City Administrator on Behalf of the Board

- Acknowledge Professional Services Agreement (COF Contract 2013-0167 with Copperhead Environmental Consulting, Inc. for Indiana Bat Habitat Suitability Survey for Harlinsdale Farm Multipurpose Trails System and Canoe Access

Lisa Clayton, Parks Director

- Acknowledge Report of Contract Award to Water Loss Systems, Inc. of Clarksburg, MD in the Total Amount of \$20,000 (at the Unit Price of Exactly \$135 per Line-Mile) for Water Distribution System Leak Detection Services for the Water Distribution Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2014-005; \$20,000 Budgeted in 421-82560-52102 for Fiscal Year 2014; Contract No. 2013-0178)

Mark Hilty, Water Management Director

- Acknowledge Report of Contract Award to Office of Joel Tomlin, III, LLC of Franklin, TN in the Total Amount of \$21,060 to Plant and Maintain a Total of 108 Trees of Specified Varieties and Quantities on the Royal Oaks Boulevard Medians Between Mack Hatcher Parkway and Oak Meadows Drive at Specified Locations; for the Parks Department (Purchasing Office Procurement Solicitation No. 2014-006; Funds Equal to the Amount of the Award to be Transferred from the Tree Bank Reserve; Contract No. 2013-0179)

Lisa Clayton, Parks Director

- Acknowledge Subscription Agreement (COF Contract 2013-0186) with Bailard Real Estate Investment Trust on Behalf of the City of Franklin Pension Plan for an Additional Contribution of \$400,000 to an Approved Investment Allocation

Russ Truell, ACA Finance & Administration

Approved unanimously

EXECUTIVE SESSION

37. Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matters of Pending Litigation

Shauna Billingsley, City Attorney

Alderman Barnhill moved to enter Executive Session. Seconded by Alderman Burger. Motion carried unanimously. (8:04 p.m.)

RETURN FROM EXECUTIVE SESSION

38. Consideration of Matters from Executive Session

Dr. Ken Moore, Mayor

(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 @ 8:29 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 11/26/2013 1:37 PM