

**MINUTES OF THE SPECIAL MEETING  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, MARCH 25, 2014 – 7:00 P.M.**

**Board Members**

Mayor Ken Moore	P		
Vice Mayor Ann Petersen	P	Alderman Beverly Burger	P
Alderman Clyde Barnhill	P	Alderman Dana McLendon	P
Alderman Brandy Blanton	P	Alderman Margaret Martin	P
Alderman Pearl Bransford	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, Human Resources Director	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	
David Parker, City Engineer/CIP Executive	P	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	
Fred Banner, IT Director		Lanaii Benne, Assistant City Recorder	P
Chris Bridgewater, Building & Neighborhood Services Director	P	Linda Fulwider, Board Recording Secretary	P
Becky Caldwell, Sanitation & Environmental Services Director			

**1. Call to Order**

Mayor Ken Moore called the March 25, 2014, meeting to order at 7:00 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 Barnhill moved to approve the March 11, 2014 Work Session and March 11, 2014 Board of Mayor and Aldermen minutes as presented. Seconded by Alderman Blanton. Motion carried unanimously.*

**7. Recognitions**

- Proclamation of First Tennessee Bank Day

Joe Walker of First Tennessee Bank accepted the Proclamation declaring March 25, 2014 as

First Tennessee Day in recognition of their establishment in 1864 when Abraham Lincoln was President and 150 years of service to communities throughout the State of Tennessee.

- Proclamation of National Service Recognition Day  
Marianne Schroer, Sydni Bailey, and Danielle McMorran of Williamson County CASA accepted the Proclamation declaring April 1, 2014 as National Service Recognition Day, recognizing the positive impact of national service in Franklin, Tennessee, and thanking those who serve and find ways to give back to their communities.
- Proclamation of “Week of the Young Child”  
Amy Wilcox accepted the Proclamation declaring the week of April 6-11, 2014 as the Week of the Young Child recognizing the Nashville Area Association for the Education of Young Children which includes Williamson County and other local organizations, in conjunction with the National Association for the Education of Young Children, and those who make a difference in the lives of young children in Franklin, Tennessee.

## **8. Miscellaneous Reports**

- Arbor Day  
Alderman Blanton announced The Franklin Tree Commission is sponsoring the annual Arbor Day celebration at Pinkerton Park on Saturday, April 5, 2014 from 10:00 a.m. – 2:00 p.m. There will be activities for children, tree giveaways, free hot dogs provided by MTEMC, tree climbing, a zip line, and other activities. The event is free of charge and everyone is invited.
- Joint Workshop Planning Commission and BOMA  
Eric Stuckey said the joint workshop on March 27 listed on the agenda as beginning at 5:00 p.m. will actually begin at **4:00 p.m.** due to a very full agenda. The agenda includes the 2013 Development Report and the report from the American Planning Association. It will be held in the City Hall training room.
- Sizzle Awards  
Mayor Moore related the City received two Sizzle Awards for the 7<sup>th</sup> year in a row for Pinkerton Park as the best park and Downtown Franklin being the best tourist attraction in Williamson County.
- Eastern Flank Work Day  
Alderman Skinner noted the work day would be Saturday, April 5 @ 8:30 a.m. Work will be done on the trails. Workers will be able to see the new signage as well.

## **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 18-22 be placed on the Consent Agenda.**

*Alderman Bransford moved to approve the Consent Agenda Items 18-22. Seconded by Alderman Barnhill. Motion carried unanimously.*

## **OLD BUSINESS**

- 10. PUBLIC HEARING: Initial Consideration of a Draft Resolution and Plan of Services in Consideration of Annexing Approximately 61.09 Acres of Property Located Near the Vicinity of Clovercroft Road and Market Street (Ingraham Subdivision)**

**Catherine Powers, Planning & Sustainability Director**

Mayor Moore asked Paul Holzen to explain the amendments in the Plan of Services for Annexation prior to opening the Public Hearing. Mayor Moore stated the object tonight is to vote to proceed on a Plan of Service that would include four alternatives.

Mr. Holzen reviewed the amendments:

- As with any development, when they come in the door we try to tell them what the expectation is from day one. In between the Work Session and the Public Hearing tonight, staff has been working with the Amelia Park Subdivision which is directly to the North of the Ingraham Property. As part of their Development Plan they are required to extend Market Street down to the northern boundary of the Ingraham Property. They've recently run into an issue with the Columbia Gulf gas line and staff is working with them to come to some kind of resolution; however, the cost associated with crossing over that line can range from \$200,000 to \$2M. The fear at staff level is if something happens and they are required to pay that larger fee that Market Street and the sewer infrastructure won't be extended, and it would fall on the City to be responsible for it.

Basically, with this Plan of Service staff is requesting that if the Amelia Park development is unable to complete Market Street or complete the pump station and the sewer infrastructure necessary to serve Ingraham Property that those responsibilities fall on the Ingraham Property to provide those services as part of their development.

Many of these issues are being worked-out and Mr. Holzen hopes to have them 100% resolved by the time the Plan of Service comes back to the Board for full approval. At this point, staff thought it was important to provide the information to BOMA.

- Eric Stuckey explained staff is asking for a motion from the Board directing how this is to proceed. Does the Board want this to move into the development process in terms of completing the Plan of Service and bringing it back through the annexation process and moving through the entire planning process, or is the Board not interested in pursuing it at this time, or does the Board want to pursue it and have staff address certain specific issues.
- Questions asked by the Aldermen regarding the responsibilities of both developments, the cost to resolve the gas line problems and surety were addressed by Mr. Holzen and Mr. Stuckey.

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Mayor Moore declared the Public Hearing open

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- ◆ Greg Gamble, Gamble Design Collaborative (GDC), 716 Hampton Cove, representing Patterson Homes and the request for annexation and Plan of Services (POS) on this portion of the Ingraham property thanked Paul Holzen and Catherine Powers for walking them through this process. They are in full agreement with the (9) nine conditions of approval listed in the POS.

Not included is one of the conditions of approval on page 2 and some language they would like to discuss with the Board. They want to offer simplified language in regard to the last paragraph on page two. It speaks to a restriction of building only 100 homes prior to completion of the McKay's Mill Pump Station and setting aside 46 homes until that's completed or until the three-year period is done. They understand the City wants assurances that the McKay's Mill Pump Station is taken offline.

They would like to offer that the three items listed by staff 1) offsite easement be obtained [and, assuming dedicated to the City of Franklin]. 2) offsite sanitary sewer plans be designed and approved by the City of Franklin, and 3) that the Owner post a performance surety, a letter of credit, for all offsite sanitary improvements. These three items are to be completed prior to the first

plat of this subdivision and that no other restrictions regarding 100 homes or 46 homes be applied to this development. They are willing to do that on the front-end. His clients want to do that on the front-end prior to the first plat.

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

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*Alderman Burger moved to direct staff to go forward with the process with a recommendation to include items 1, 2, and 3 on page two, and allow 146 homes prior to the first plat. Seconded by Alderman McLendon.*

Discussion:

- ◆ Alderman McLendon said he understood why staff created a trigger kill-switch in the draft. His concern about it in this plan is that the applicant cannot control this and it complicates developer financing. It's not fair telling them they can't build all of it until we finish a project, go get financing and good luck, we're putting the developer in the position of telling the financier they have no control. He doesn't want the infrastructure overburdened and hopes there is another way for staff to solve this.
- ◆ Alderman Martin not in favor of annexation until Amelia Park is done.
- ◆ Eric Stuckey responded that will come back to the Board and it is not the issue tonight. The road needs to be in place before either development can be built.
- ◆ This issue is about capacity within the basin.
- ◆ Alderman Burger called the question

*Motion to direct staff to go forward with the process with a recommendation to include items 1, 2, and 3 on page two, and allow 146 homes prior to the first plat carried unanimously.*

**NEW BUSINESS**

**11. Consideration ORDINANCE 2013-46, To Be Entitled: "An Ordinance to Remove Base Zoning Districts: RX, MN, ML, MX; and to Create Five New Base Zoning Districts: SD-R, SD-X, RM-10, RM-15, RM-20; Establishing a Public Hearing for April 22, 2014**

**[First of Three Readings]**

**Vice Mayor Ann Petersen, FMPC Representative**

*Alderman Bransford moved to approve Ordinance 2013-46 on First of Three Readings. Seconded by Alderman Blanton.*

Discussion:

Vice Mayor Petersen said staff and others who worked on this project did a good job. Her concern is with the map that states, "Areas that Allow RM-10 & RM-15 Only". It could allow multi-family dwellings in already developed subdivisions.

*Vice Mayor Petersen moved for an amendment of the statement on the map regarding - Areas that Allow RM-10 & RM-15 Only - add - not allowed in areas already developed. Seconded by Alderman Skinner.*

Discussion:

Catherine Powers noted some Character Areas would have space within to develop. There is always the option doing SD-R that would rezone, so there is not a situation that would lose the option of density.

*Motion to amend by adding a statement on the map carried unanimously.*

Discussion:

- ◆ Alderman Skinner asked when this would go into effect and how would projects already started be affected.
- ◆ Ms. Powers responded it will go into effect the day after the final vote. They are already

working on the procedural part of putting it into effect. Anyone already in By Right will have to go through the rezoning process, so that will take a while. Some projects may work with the SD-X process (multi-use districts).

*Main Motion to approve Ordinance 2013-46 as amended on First of Three Readings carried unanimously.*

**12. Consideration of ORDINANCE 2013-47, To Be Entitled: “An Ordinance to Amend Chapter 4, Section 4.1.6 (14) of the Zoning Ordinance to Revised Requirements and Definitions Related to Recreational Vehicles”; Establishing a Public Hearing for April 22, 2014**

**[First of Three Readings]**

**Vice Mayor Ann Petersen, FMPC Representative**

*Alderman Martin moved to disapprove Ordinance 2013-47 on First Reading. Seconded by Alderman Bransford.*

Discussion:

- ◆ Alderman McLendon said this Board is not an HOA. We talk about affordability then exalt sameness. We can't make rules for everybody based on a small percentage of people's aesthetic values on what is cute or desirable. People in the community want to be left alone. Maybe one day we will find out where our reach is too far, but apparently not today.
- ◆ Alderman Skinner: We do have higher expectations. This rule has been in effect for years and people don't expect to have the rules changed. Numerous people have told him they want things to stay the way they are.
- ◆ Alderman Burger: Yes, Franklin has higher standards. This is an ordinance that has had much support and no one has wanted to change it. She won't support the motion.
- ◆ Alderman Blanton said she hadn't heard anyone who wants to vote in favor of the change. Someone suggested to her that a permit be required for short-term visitors who park their RVs in someone's driveway.
- ◆ Chris Bridgewater responded there is some leeway in the policy for loading, unloading, and short-term visits of no more than four days.
- ◆ Alderman McLendon said all the arguments in favor of maintaining the status quo overlook the fact that parking RVs is allowed in some places. If that's the way Board members feel then amend to strike permitted uses everywhere, otherwise it sounds as if it's okay if you live in a big house with a big lot, but not if you live in a small house on a small lot.
- ◆ Alderman Martin commented that many HOA's do not allow parking to load or unload.
- ◆ *Alderman Martin called the question. The vote was 4-4 with Aldermen Martin, Burger, Barnhill, and Bransford in favor and Aldermen Skinner, McLendon, Blanton, and Vice Mayor Petersen not in favor. Mayor Moore voted to let the discussion continue (4-5).*
- ◆ Vice Mayor Petersen: Those with larger lots are required to park recreational equipment in back. With smaller lots, neighbors are looking right at the large major recreational equipment.

*Motion to disapprove Ordinance 2013-47 carried 7-1 with Alderman McLendon voting against the motion. Ordinance 2013-47 FAILED on First Reading.*

**13. Consideration of RESOLUTION 2014-23, A Resolution Approving Leaf Collection on Private Streets within the City Limits**

**Alderman Dana McLendon**

*Alderman McLendon moved to approve Resolution 2014-23, a change in policy to have all citizens served by all services, including leaf collection for those not receiving this service on private streets. Seconded by Alderman Blanton.*

Discussion:

- ◆ Alderman Bransford noted the citizens on private streets are already paying for the service.

*Alderman Martin moved to amend the motion to approved Option 3: Expand leaf collection to private streets on a limited basis, providing collection less frequently than on public streets such as twice per month as opposed to weekly pick-up. Seconded by Alderman Skinner.*

Discussion:

- ◆ Alderman McLendon: How would that be justified. They are paying the same taxes and there is no reason not to give them the same service.
- ◆ Eric Stuckey pointed out that Option 3 is not a staff recommendation. Weekly may not be practical in peak season as the City grows. It is purposely vague for that reason.
- ◆ *Aldermen Martin and Skinner retracted the amendment and the second respectively.*
- ◆ Alderman McLendon wants everyone to get the same level of service. Everyone should be treated equally with the same schedule.
- ◆ Mr. Stuckey advised Staff continually look at the schedule to see if changes are needed.

*Motion to approve Resolution 2014-23 carried unanimously.*

- 14. Consideration of RESOLUTION 2014-24, A Resolution Declaring the Intent of The City of Franklin to Reimburse itself for Certain Expenditures Relating to Public Works Projects with the Proceeds of Bonds or Other Debt Obligations to be Issued by The City of Franklin, Tennessee in an Approximate Amount of \$5,000,000**

**Russ Truell, ACA Finance & Administration**

*Alderman Blanton moved to approve Resolution 2014-24. Seconded by Alderman Bransford. Motion carried unanimously.*

- 15. Consideration of RESOLUTION 2014-25, A Resolution of The Board of Mayor and Aldermen for The City of Franklin Employees' Pension Plan, Providing a Cost of Living Adjustment to the Monthly Benefit for Retired Recipients**

**Eric Stuckey, City Administrator**

**Russ Truell, ACA Finance & Administration**

*Vice Mayor Petersen moved to approve Resolution 2014-25. Seconded by Alderman Barnhill. Motion carried 7-0 with Alderman Martin recused.*

- 16. Consideration of a Professional Services Agreement with Clough Harbour & Associates (CHA) for the Major Thoroughfare Plan – A Comprehensive Transportation Network Approach (Contract #2013-0135)**

**David Parker, City Engineer/CIP Executive**

**Paul Holzen, Engineering Director**

*Alderman Skinner moved to approve Professional Services Agreement with Clough Harbour & Associates for Major Thoroughfare Plan-A Comprehensive Transportation Network Approach. Seconded by Alderman Burger. Motion carried unanimously.*

- 17. Consideration of Liquor License Retailer's Certificate for West Main Liquors (Jose Arredondo, NEW Managing Agent), 1326 West Main Street, Franklin, Tennessee 37064**

**Lanaii Benne, Assistant City Recorder**

*Alderman Bransford moved to approve Liquor License for West Main Liquors. Seconded by Alderman Burger. Motion carried unanimously.*

#### **CONSENT AGENDA**

- 18. Consideration of RESOLUTION 2014-16, To Be Entitled: "A Resolution Approving a Development Plan Revision (Modification of Standards – Signage) for the Cool Springs Galleria PUD Subdivision, Located at 1800 Galleria Boulevard, by the City of Franklin, Tennessee**

**Vice Mayor Ann Petersen, FMPC Representative**

*Resolution 2014-16 approved unanimously*

- 19. Consideration of RESOLUTION 2014-18, A Resolution Authorizing the Adoption and Implementation of Amendments to the Historic District Design Guidelines, as Pertaining to Certificate of Appropriateness Extensions**

**Vice Mayor Ann Petersen, FMPC Representative**

*Resolution 2014-18 approved unanimously*

- 20. Consideration of Contract Award to the Winvale Group of Washington, DC, in the Estimated Total Amount of \$23,762.13 with Reoccurring Monthly Management Fees of \$1,380 for Granicus Agenda Management System for the Administration Department (\$25,000.00 Budgeted in 110-89550-41300 for Fiscal Year 2014; Contract No. 2013-0231)**

*Approved unanimously*

**Lanaii Benne, Assistant City Recorder**

- 21. Consideration of Event Permit Application from Heritage Foundation for Main Street Festival to be Held in Downtown Franklin on April 26-27, 2014**

*Approved unanimously*

**David Rahinsky, Police Chief**

- 22. Items Approved by the City Administrator of Behalf of The Board of Mayor & Aldermen:**

- a. Renewal of TDEC Permit for the Composting Function in the Streets Department (COF Contract No. 2014-0062)

**Brad Wilson, Facilities Project Manager**

*Approved unanimously*

#### **EXECUTIVE SESSION**

- 23. Consideration of Motion to Enter Executive Session for the Purpose of Reviewing Various Matters of Pending Litigation**

**Shauna Billingsley, City Attorney**

*Alderman Barnhill moved to enter Executive Session. Seconded by Alderman Skinner. Motion carried unanimously (8:07 p.m.)*

#### **RETURN FROM EXECUTIVE SESSION**

- 24. Consideration of Matters from Executive Session**

**Dr. Ken Moore, Mayor**

*(Returned @ 8:30 p.m.)*

*Alderman McLendon moved to instruct counsel to request permission to file an interlocutory appeal in the Clark vs. City of Franklin case. Seconded by Alderman Skinner. Motion carried unanimously.*

#### **ADJOURN**

*Alderman Burger moved to adjourn. Seconded by Alderman Blanton. Motion carried unanimously.*

Meeting adjourned @ 8:32 p.m.

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Dr. Ken Moore, Mayor