

*Meeting Minutes of
FRANKLIN STORMWATER APPEALS BOARD
Board Room
Franklin City Hall
Tuesday, October 19, 2010 – 5:30pm*

Board Members Present

Roger Lindsey, Chair
Dorie Bolze, Vice Chair
Michael Skinner
Susan Besser
Al Cox
Michael Haarbauer

Board Members Absent

Tom Jones

Staff Present

David Parker
Eric Gardner
Crystal Bishop
Kristen Corn
Vernon Gerth
Micah Wood
Catherine Powers
Derrick McCord
Curt Hammock
Doug Pratt
Don Terry

Department

Administration
Engineering
Engineering
Law
Administration
Planning
Planning
Streets
Streets
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Streets

1. Call to Order.
The Meeting of the Stormwater Appeals Board of the City of Franklin, Tennessee was called to order by Roger Lindsey on Tuesday, October, 19, 2010 at 5:32p.m. in the Franklin City Hall Board Room
2. Approval of the Minutes from the September 21, 2010 Meeting.
Motion to approve minutes passed unanimously
3. Public Forum Concerning the New Stormwater Management Ordinance; Ordinance 2010-68; Title 23 of the Franklin Municipal Code.
Staff Presentation by Eric Gardner and Crystal Bishop

Public Comments

Adam Ballash, Boyle Investment:

1. Adam stated that the last presentation he saw was last spring and had the 3 zones for buffer.

2. Definitions pg 9 item 78, 86 and pg 11 item 101 – take away any that refers to improved value. Why does the value have anything to do with it.
 - a. David Parker – looking at older part of town where there aren't stormwater infrastructure (or substandard). The thought was that if they were improving that much then that would be a way to get some stormwater improvements.
3. Pg 16 (t) – when would the decision be made to be more stringent?
4. Pg 18 item 3 – maybe use site plan approval instead of construction.
 - a. Eric Gardner – we will look at similar language as what we are proposing for the overall ordinance.
5. Pg 19 fee used for quantity or quality?
6. Pg 19 23-107 both sides of the stream.
 - a. Crystal Bishop – language was used to be clear that it wasn't 60' on one side.
7. Zone 2 would allow grading if less than 1 sq. mi. but for greater it would be going from a 25' buffer to 90', which will be tough (b) (i) look to add green roofs or permeable pavers for allowable use.
8. Pg 24 paragraph 4 – is 18 months correct?
 - a. Crystal Bishop – came straight from old language
9. Is the penalty per day or per offense?
 - a. Eric Gardner – both
10. Timing – would like to include concept plans that were looked at and because of the requirements of the ZO had to put a lot of detail including stream buffers.
11. Injection well permit – if you get one does there still need to be a buffer on the sinkhole?
 - a. David Parker – You are eliminating so no.
 - b. Eric Gardner – No different than getting an ARAP to relocate a stream. No need to buffer where it is no longer.

Bryan Echols, Stites & Harberson Attorneys

1. Just because things were in the old ordinance doesn't mean that it was good or wanted by the public.
2. Will the language for grandfathering be in the ordinance?
 - a. David Parker – it will be in the front end part that isn't codified.
3. Pg 5 # 25 – didn't see Developer in there and wanted some clarification
4. Pg 6, # 48 and page 8, # 63 – can this be in the floodplain?
 - a. David Parker – depends on if it is enclosed
5. Pg 7, #54 – is there extra measures for historic structures?
 - a. David Parker – not necessarily.
6. City Engineer has incredible authority. It's dangerous to have all of that in one person. Thinks it should be Board rather than an individual.
 - a. Eric Gardner – Per the definition of the City Engineer it also includes his designee. So really it isn't one person that is doing all but it is really the last line of staff before it goes to the Board. It is really more of a collaborative effort.
7. Appeals Board Section – not clearly defined
8. Pg 17, (z) (ii) – Doesn't talk about how one determines how the incentives work. When does this take place, who decides, etc.

- a. David Parker – through the submittal process working with the staff and getting a recommendation to either PC or BOMA.
 - b. Bryan Echols – believes it is a hollow incentive if there aren't clear incentives. Needs to be clear so that someone knows what they will get for their effort.
9. Stream Buffers – doesn't think this is consistent with the permit. Why is the permit requiring 30 and 60 when there is also Zone 2 on top of that?
- a. Eric Gardner – I wasn't clear in my discussion. We are consistent with Zone 1 and the no touch buffer. Zone 2 came from the Task force where there was significant discussion over the past 4 years and the third zone was eliminated because of the public feedback.
 - b. Bryan Echols - Wants to make sure everything is consistent. The buffer can be a huge hindrance.
10. Pg 23, (5) (b) a lot of work to do early on, especially for concept plans. Not consistent with the ZO where concept plans should be more conceptual and bubble.
11. Pg 25, 23-109 – Seems arbitrary.
12. Pg 29 (5) – administrative fee. Seems like another penalty.

Ryan McMaster, LittleJohn Engineering and Associates

1. Areas that allow for reductions in some locations. Would the Zone 2 be allowed to be reduced or at least allow stormwater quality features that could potentially allow infiltration?
- a. Eric Gardner – First thought is no because of all the things the buffers are used for, but not something that we have really talked about.
 - b. David Parker – may be allowed in special instances.

Matt Dowdle, Southern Land Company

1. Pg 11 Water body – does that include low flat areas that are not defined streams? Where would the buffer actually be if there isn't really a bank?

David Parker – Proposing to move forward next week with 1st Reading. May not have 2nd Reading on November 9, 2010. Because of the comments that we have, it may take us some time to be able to respond prior to November 9th. However, the Permit is in effect now and we need to get this Ordinance done.

4. Other Business

Tennessee Stormwater Association Regional Meeting was today. Crystal Bishop has been elected to serve a two year term on the Tennessee Stormwater Association Board of Directors. There will be a statewide meeting next Tuesday in Nashville.

ADJOURN

Motion to adjourn passed unanimously. Meeting adjourned at 7:03 p.m.