
**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, MAY 10, 2011 – 5:00 P.M.**

Board Members

Mayor Ken Moore	P	Alderman Margaret Martin	P
Alderman Clyde Barnhill	P	Alderman Dana McLendon	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	Eric Gardner, Engineering Director	
Vernon Gerth, ACA Community & Economic Development	P	Shirley Harmon, HR Director	P
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
David Parker, CIP Executive/City Engineer	P	Gary Luffman, BNS Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning/Sustainability Director	
Rocky Garzarek, Fire Chief	P	Joe York, Streets Director	P
David Rahinsky, Interim Police Chief	P	Brad Wilson, Facilities Project Manager	
Fred Banner, MIT Director	P	Lanaii Benne, Assistant City Recorder	P
Becky Caldwell, Solid Waste Director		Linda Fulwider, Board Recording Secretary	P
Lisa Clayton, Parks Director	P		

1. Call to Order

Mayor Moore called the May 10, 2011 Work Session to order at 5:00 p.m. in the City Hall Boardroom.

2. Citizen Comments

None

WORK SESSION DISCUSSION ITEMS

3. Presentation from Williamson County Convention and Visitor's Bureau (CVB) on new Walking Tour of Franklin iPad Application

Mark Shore, CVB

The Walking Tour of Franklin application was designed to use with an iPad to make the tour easier to traverse. The application is available at the iTunes store. There are 10 iPads available at the Visitors Center and the cost is \$10 to rent one for a tour. Many visitors use their own iPads. Mr. Shore demonstrated the use of the application and noted other information of interest is available with the application such as, the Downtown Franklin Association, the Heritage Foundation, and the Franklin Charge. There will be adjustments to the program as

they go along. The response has been great with over 400 initial downloads from iTunes. The new technology provides opportunities for schools and other groups. It is excellent PR for Franklin and made the news as far away as Omaha, Nebraska.

- 4.* **Consideration of the Professional Services Agreement (COF Contract No. 2011-0075) with Norman Hall & Associates, LLC for Property Review Appraisals for the Hillsboro Road Improvements Project in an Amount Not to Exceed \$21,000**

David Parker, City Engineer/CIP Executive

The Agreement is to begin the property review appraisal process required by TDOT.

- 5.* **Consideration of the Professional Services Agreement (COF Contract No. 2011-0076) with Smith Seckman Reid, Inc. (SSR) for the Design of the Utility Relocations for the Mack Hatcher Parkway Extension Project for a Fee Not to Exceed \$85,000.00**

David Parker, City Engineer/CIP Executive

The deadline for design completion and submittal to TDOT is June 15, 2011. The time constraint prevents the work being done by staff. The project is eligible for full reimbursement of engineering fees. Staff is approximately 95% finished with acquisition of right-of-way.

Eric Stuckey noted TDOT policy speaks of not funding in a 3-year plan until property acquisition completed. However, they have consistently approved local projects leading staff to believe the project will move into funding range soon. TDOT will bid widening of the Northeast portion of Mack Hatcher in September. The extension of the roadway should then follow. In a 3-year plan, they do not program every dollar; the fact that it is not listed does not mean it will not be funded for 3 years, just that the City has not yet met all requirements. The NE expansion will bid in September. Staff continues to move forward.

- 6.* **Consideration of Contract Award to Utility Fleet Sales, Ltd of Bryan, Texas, in the Total Amount of \$59,900.00 for a Used 2003 International Bucket Truck for the Parks Department (\$23,000 to Lease a New Truck Budgeted in 110-89520-44700 for Fiscal Year 2011)**

Lisa Clayton, Parks Director

Purchase of a used vehicle would save around \$80,000 plus financing costs (new truck approximately \$140,000). The truck would be used for multiple purposes. Funds are available in the budget. Plan to purchase the truck within ten days following BOMA approval. Fleet Maintenance thoroughly researched this truck and a 30-day warranty is included. Lease/purchase was considered with cost spread over multiple years.

Discussion:

- Concern because the truck is 8 years old
- Truck is refurbished and has new parts
- Truck would not be used every day
- Fleet Maintenance would do a thorough evaluation during the 30-day warranty period
- Some items in the budget given up to allow purchase of this truck
- If the truck would give 5-6 years of service the City would have money's worth

- Currently coordinate use of Street Department bucket truck and if unavailable rent a truck. Parks use of bucket truck has increased.
- Streets bucket trucks: one 2-man bucket 3-4 years old, and one 1-man bucket 6 years old
- Alderman Barnhill suggested Parks take one of the bucket trucks from Streets and a new truck be purchased for Streets
- Staff will discuss cost differences, and the pros and cons of Alderman Barnhill's suggestion between meetings as this item is on the voting meeting agenda tonight.

7. Consideration of the Acceptance of Certificate of Correction for Survey of the Eastern Flank Battlefield Park and Lot 4 of the Links Subdivision

David Parker, City Engineer/CIP Executive

In February, the Board of Zoning Appeals received a request for a variance for Lot 4 of The Links subdivision, adjacent to Eastern Flank Battlefield Park. Staff discovered a discrepancy between the City's GIS parcel data and a boundary survey submitted as part of the request. Between the two surveys, there was a slight boundary overlap between Lot 4 of The Links subdivision and the City's property at the Park. The result is the Certificate of Correction to remove the property boundary overlap that will take away approximately 50 square feet of the City property and add it to Lot 4.

8. Consideration of Amendment No. 1 to the Agreement Concerning Adjustment of Boundaries of Franklin and Brentwood South of Split Log Road and North of the Proposed McEwen Drive Extension (COF Contract No. 2011-0030)

David Parker, City Engineer/CIP Executive

The original agreement approved by all parties specifies the McEwen Drive Extension project east of Wilson Pike be completed "for public use no later than December 31, 2012." It further stated funding for this project was to come from the developments that are to benefit from its completion. Because of the slowdown in the economy during the past several years, proposed developments in the area have not been finalized; therefore, no funding for the project has been received by the City.

Since then just the preliminary engineering for the McEwen Drive Extension east of Wilson Pike has been completed and no development has occurred. Since the project will take a few years to complete from where we now stand, staff approached Brentwood concerning an amendment to the Agreement to alter the timeline for completion of the road.

Amendment No. 1 to Agreement Concerning Adjustment of Boundaries of Franklin and Brentwood South of Split Log Road and North of the Proposed McEwen Drive Extension provides for the completion of the project to be driven by development and the receipt of at least 50% of the funding from the private developers (contributing properties) by the City of Franklin. Upon receiving the contribution, the City of Franklin would be responsible for completion of the road within 24 months.

It is anticipated that the amendment will be presented to the Brentwood Commission for

approval at their May 23rd meeting. BOMA would vote on the amendment at their May 24th meeting. Following the approval by the two cities, the amended agreement would be submitted to the Chancery Court of Williamson County.

9. **Consideration of ORDINANCE 2009-55, An Ordinance to Amend the City of Franklin Municipal Code, Title 11, Chapter 4 Offenses Against the Peace and Quiet**

Shauna Billingsley, City Attorney

Over the past few years there have been complaints from citizens of loud music coming from business establishments around the City. In responding to these complaints, it has come to City staff's attention that our current noise ordinance was outdated and appeared to have significant limitation related to enforcement. Following work session discussions with BOMA and after further review of the issue with Interim Police Chief David Rahinsky, it is now proposed that the ordinance be amended to delete reference to decibel readings and instead simply state that it is a violation to produce noise that can be heard 50 feet from the property line. This proposed revision to the ordinance provides for a stronger, more enforceable noise ordinance under which the City of Franklin Police can issue citations for violations. It will also be more easily understood by citizens and business owners, to better facilitate compliance with the ordinance.

Discussion:

- The current ordinance prohibits amplified sound after 11:00 p.m. With the removal of the decibel requirement, if an officer can hear the noise in question at the source, it is a violation.
- Exemptions reviewed
- Unnecessary Noise Standard
 - Residential Zoning Districts: No person shall cause, suffer, allow or permit sound from any sound amplification device which, when measured at least fifty (50) feet from the real property boundary of the source of the sound is plainly audible between the hours of 10:00 p.m. and 7:00 a.m.
 - Commercial and Industrial Zoning Districts: No person shall cause, suffer, allow or permit sound from any source which is plainly audible when measured at least fifty (50) feet from the real property boundary of the source of the sound between the hours of 10:00 p.m. and 7:00 a.m.
 - Amplification of sound in any outdoor setting located in or within fifty (50) feet of a residential neighborhood is prohibited except for special events where a special permit has been obtained from the City of Franklin authorizing such event.
- Alderman Burger related an experiment she conducted going to different areas in McKay's Mill and Cool Springs to find out where and how loud music from the Tinroof on Carothers Parkway could be heard
- Difficult to calibrate decibel readers
- Ambient noise discussed
- Problem is mainly amplified music
- Special events are short-term and may have music until 11:00 p.m.

- Distinguish between amplified and acoustic and not broaden the hours of operation
- 10:00 p.m. shut off time is too early for functions held on weekends
- Difficult to sell party venue when party has to end at 10:00 p.m.
- Alderman Martin related a recent incident of loud music from the Bunganut Pig five blocks away that drove her from her porch to inside her home. Most of the homes were in existence before the businesses. Loud music until 11:00 p.m. is a ridiculous length of time for elderly downtown residents to endure. She considers 10:00 p.m. late. The venues could turn the music down.
- Valid concerns on both sides – businesses and residents
- Alderman McLendon: we are talking about something that is not being enforced
- How would the 10:00 p.m. cut off affect downtown venues such as Kimbro's, Lillie Belle's, C.J.'s, etc.?
- As written the ordinance refers to any source of noise not just music.

Business Owners:

- Mark and Amy Goodson have owned the Bunganut Pig for six of the 25 years it has been in business. He said they do care about the residents. Had he known about the loud music on the night Alderman Martin talked about, he would have fired the manager on duty. He apologized. His opinion is that in many respects the recommendations being made are dumbing down the City. He referred to the second paragraph of the ordinance, "Whereas, the Board of Mayor and Aldermen of the City of Franklin, Tennessee, believes it is in the best interest of the citizens of the City to update the existing noise ordinance to bring it in line with current technology and to make it more enforceable..." He stated this does not bring it up to technology as we know it. He would be happy to work with any group to come up with something that will work. Mr. Goodson said he lives in Chestnut Bend and hears music from Mickey Roo's every night as well as noise from the games at Franklin High School, but does not complain. Business owners need to live up to whatever BOMA decides. This will affect his business and life financially.
- Will Jordan, Kimbro's Café, said the police are quite often called to his business by cranky neighbors. He has never been cited because there is no violation. In his opinion the calls are from a neighbor with a grudge stemming from an argument. He said he has lost countless customers because of the frequent police presence. They hold four or five charity events per month. Mr. Jordan said he is making every effort to soundproof the building and has stopped booking loud bands. Lately, complaints have diminished. He noted the people living directly behind his business indicate the noise is not a problem. The businesses and neighbors should work this out together. Mr. Jordan added that he lives on First Avenue and gets noise from Pinkerton Park all the time, but does not complain.
- Matt Woodburn, 235 Third Avenue South, said he lives catty-corner from Kimbro's. Their property's touch. He noted Mr. Jordan has done quite a bit to keep the noise level down. The volume is such that he can hear it inside his house, and that is the intrusion. Amplified music should stop at 11:00. He said it is difficult for the police to enforce. Two complaints have come from him. Mr. Jordan has tried to be responsive to tone it down. The primary problem is the bass beat that is so loud. He stated he has nothing against Mr. Jordan. He hopes the businesses

can continue to flourish. He agreed with the move to cut amplified music at 10:00 p.m. They could continue to play without amps or speakers. Stop music at 11:00 p.m. weekends and 10:00 during the week.

- Kyle McPhee, owner of the Tinroof on Carothers Parkway said he bought a decibel reader. Alderman Burger mentioned it is unique the way the sound from his establishment bounces around in different areas. Mr. McPhee indicated he wants to work with the City. He has been here about five years and loves Franklin. The business sponsors benefits and he does not see the Tinroof as a nuisance, rather as an asset that brings revenue to the City. He is willing to work with others toward a solution. They have no outdoor music but do open their garage doors; however, the music faces the opposite direction of the open doorway. They added a sound barrier two months ago.
- Bud Carmen, owner of Lillie Belle's, harkened back to June 10, 2004 and his son's wedding reception. They were ordered to close at 9:00 p.m. He mentioned that 55 feet of land at the back of his building was taken to build the judicial center. His opinion is the Downtown Association has not accepted Lillie Belle's. They voluntarily stop at 10:00 p.m. and he has lost business. If this passes, they will not be there. Philosophically they have different positions. Lillie Belle's is good balance for the community. They pay thousands of dollars in taxes each year. For weddings on Saturday night the cut off should be 11:00 p.m. That last hour from 10:00-11:00 is critical. He asked, "Are we going the path of silence in this town?" This is a commercial district, do not put residential at street level. Some neighbors do not want the music at 7:00 p.m. or any time of the day or night. Some people just do not want it around at all. If the rules are too intrusive cannot maintain the businesses.
- Daniel Dugger, 1116 Parkview Drive, Franklin resident since 1983, living behind the Bunganut Pig for four years, spoke of constitutional rights. Whose rights will prevail? He sees that the way the ordinance is written rights are not considered if someone pays an event fee. The Main Street Festival is once a year but is an infraction the same as the Bunganut Pig. He mentioned proper training on measuring decibel levels and cited a Franklin County case that relied on decibel reading that went to the Tennessee Court of Appeals.
- Kelly Harwood, Gallery 202, 202 Second Avenue, said he would be holding charity and other special events that involve amplification and auctioneering. He asked if there was anything he could do to make it better for both sides.
- Laura Hill, owner of the Red House that holds weddings, special events, and charity events, said that one hour from 10:00-11:00 p.m. is very crucial, especially for the Bunganut Pig and Kimbro's Café. She said she is willing to help work this out as well.

Ms. Billingsley indicated she would poll the aldermen individually to see what they want in this ordinance.

10. **Consideration of Bid Award to A & A Sheet Metal Products, Inc. of LaPorte, Indiana, in the Total Amount of \$18,204.00 per Unit for Two (2) Chemical Storage Lockers for the Parks Department (Purchasing Office Procurement Solicitation No. 2011-031; \$20,000.00 Budgeted in 110-89230-44700 for Fiscal Year 2011)**

Lisa Clayton, Parks Director

Buying two would put the department over budget; therefore, just one will stay in the budget.

11. **Consideration of Bid Award to Utility Services Associates, LLC of Burien, Washington in the Total Estimated Amount of \$10,400.00 for Water Distribution System Leak Detection Survey and Other Related Contract Services for the Specified Estimate of 40 Miles of Distribution Pipe (At the Total Quoted Bid Price of \$260.00 Per Mile) for the Water Distribution Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2011-006; \$35,000.00 Budgeted in 421-82599-52102 for Fiscal Year 2011)**

Mark Hilty, Water Management Director

This is to continue with leak detection; however, staff is not comfortable with the unit price limit. Further information will be available at the Budget & Finance Committee meeting next week.

12. **Consideration of Automatic Aid Agreement with the City of Brentwood**
Rocky Garzarek, Fire Chief

The proposed revision to this 2009 agreement with Brentwood will enlarge the area within the City of Franklin for which Brentwood Fire Department would provide additional assistance. To become effective July 1, 2011.

13. **Continued Discussion on the FY 2011-2015 CIP Prioritization**
David Parker, City Engineer/CIP Executive

No discussion due to time constraints

ADJOURN

Work Session adjourned 6:56 p.m. BOMA to convene at 7:10 p.m.

Mayor Ken Moore

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 5/26/2011 1:16 PM