
**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JUNE 28, 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	P
Vernon Gerth, ACA Community/Economic Development	P	Shirley Harmon, HR Director	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
David Parker, City Engineer	P	Gary Luffman, BNS Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning & Sustainability Dir	P
Rocky Garzarek, Fire Chief	P	Joe York, Streets Director	P
David Rahinsky, Police Chief	P	Brad Wilson, Facilities Project Manager	
Fred Banner, MIT Director		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 Ken Moore called the BOMA Work Session to order at 5:00 p.m. on Tuesday, June 28, 2011 in the City Hall Boardroom.

2. Citizen Comments

None

WORK SESSION DISCUSSION ITEMS

3. Presentation of Franklin Tomorrow Decade Report

Mindy Tate, Franklin Tomorrow

Mindy Tate and Dan Ryan presented the history of Franklin Tomorrow. The community visioning group is presenting to the community a “Decade Report” that reflects on their efforts to foster a strong vision for Franklin. A new initiative is Friends of Franklin Parks, LLC, and information can be found at www.friendsoffranklinparks.org. The fifth annual Shrimp Boil to honor exemplary volunteers is set for July 9 in The Shed at The Factory beginning at 5:30 p.m.

The organization welcomes residents from the City as well as the County. Their website is www.franklintonmorrow.org. Ms. Tate can be reached at mindy@franklintonmorrow.org, or telephone 615-794-0998. They are on Facebook and twitter at *franklintonmorrow*.

4. Presentation Regarding Franklin Census Data

Catherine Powers, Planning & Sustainability Director

Ms. Powers noted the total population increased 49.34% since 2000.

- Females lead with a population of 32,599 over 29,888 males in the 2010 census of 62,487
- Age 25-44 population is the largest with 18,757
- Age 65 and over increased 103.85%
- Age 85 and over increased 118.22%
- Family households and married-couple families comprise the largest population
- Single households and non-family households increased in percentage as well
- Slight decrease in African-American population
- Large increase in Hispanic and Asian population
- Increase in apartment dwelling
- Income figures not yet available

Eric Stuckey noted this is the first installment in a series of reports to get a better look at the profile of the community.

5.* Consideration of Authorization to the City Administrator to Enter Into an Interlocal Agreement Between The City of Brentwood and The City of Franklin for the Purchase, Installation, and Maintenance of a Weather Warning Siren, Contract No. 2011-0015

Rocky Garzarek, Fire Chief

Chief Garzarek and Assistant Chief Horton addressed the issue. Mr. Stuckey noted the reason for the authority being given to him is that some details are still being worked out, specifically, the assignment of responsibilities.

Todd Horton explained that the first site chosen did not work out and the location was changed to the vicinity of Franklin Road and Moore's Lane. Brentwood purchased the siren, and this is asking for approval of funds not to exceed \$18,000 to reimburse Brentwood.

6.* Consideration of ORDINANCE 2011-16, An Ordinance to Amend Title 10 of The Franklin Municipal Code to Clarify Applicability of Chapter 1 and to Adopt by Reference the Rules and Regulations Pertaining to Regulation of Dogs and Cats in Williamson County, Tennessee as Adopted by the County Commission of Williamson County

Becky Caldwell, Solid Waste Director

Eric Stuckey said this ordinance provides consistency across the County. The County provides enforcement on behalf of the City. Any specific amendments can be looked at later as this is a baseline document.

Alderman Burger stated she would like to see strengthening of the tethering laws, as do her constituents. There seems to be widespread abuse. It was noted that since the County is the enforcer, amendments should go through them. There was some discussion regarding pot-bellied pigs as pets, but it was thought this is covered under the section pertaining to swine.

7. Consideration of Request for 3-1-1 Telephone Service

Fred Banner, MIT Director

Mr. Stuckey explained this is a request to make application to the Tennessee Regulatory Authority for the ability to provide 311 call services. The total cost is fairly low at \$1,464. The 311 service is for non-emergency basic calls and to eliminate some calls to 911.

8. Consideration of the Construction Contract Award to BVC and Company, Inc. for the Harpeth River Greenway Project (COF Contract 2011-0043) in the Amount of \$202,768.00

Eric Gardner, Engineering Director

This will tie into the Third Avenue Extension Project when finished. There is a \$100,000 grant from TDEC. A map depicting the portion being addressed was shown.

City Funding	\$102,768
Federal RTP Grant	<u>\$100,000</u>
Total Bid Price	\$202,768

9. Consideration of The Tennessee Historical Commission Grant for the Design Restoration Assistance of the Main Barn at The Park at Harlinsdale Farm Project in the Sum of \$25,000.00 from The National Park Service

Lisa Clayton, Parks Director

Catherine Powers, Planning & Sustainability Director

Mr. Stuckey explained that feedback from the Board prompted staff to work with the Historical Commission. Ms. Powers noted the Commission allowed the covenants to cover just the barn. Ms. Clayton said there is a deadline for using the FEMA money.

10. 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

Eric Stuckey mentioned the discussions held in May and the comments from BOMA regarding this ordinance. Chief Rahinsky and Ms. Billingsley addressed the issue.

After consideration of input from the Board, local business owners, and residents, staff has made further revisions to the noise ordinance. The revised ordinance includes the following key components:

- The decibel reading standards continue to be removed
- Residential zoning districts limit “plainly audible” noise from 10 p.m. to 7 a.m. Sunday through Thursday and 11 p.m. to 7 a.m. Friday and Saturday
- Commercial and industrial zoning districts prohibit “plainly audible” amplified sound measured from a distance of 100 feet from the property line from 10 p.m. to 7 a.m. Sunday through Thursday and 11 p.m. to 7 a.m. Friday and Saturday.
- Mixed-use districts prohibit “plainly audible” amplified sound measured from a distance of 50 feet of the residential sections of the mixed-use development from 10 p.m. to 7 a.m. Sunday through Thursday and 11 p.m. to 7 a.m. Friday and Saturday. Mixed-use districts also prohibit any sound within the residential sections from 10 p.m. to 7 a.m. Sunday through Thursday and 11 p.m. to 7 a.m. Friday and Saturday.

- The ordinance also provides for the ability to prohibit “unreasonably loud” noise at any other times notwithstanding the time restrictions described above.

The goal continues to be to provide a stronger, more enforceable and more understandable noise ordinance under which the City of Franklin Police can issue citations for violations. An ordinance that can be more easily understood by citizens and business owners should ultimately facilitate compliance with the ordinance.

Discussion

- Make sure that 11 p.m. and 10 p.m. means turn down the music
- Definitions included at the beginning of the ordinance
- Commercial abutting residential a problem: Alderman Martin of the opinion the music cut-off times should be 9 p.m. week nights, 10 p.m. Friday and Saturday, and require a permit for Sunday. Music is too loud for people living downtown. It can be heard clearly in their bedrooms and it is an invasion of privacy.
- Alderman McLendon: Do we want a downtown people come to or do we want to roll up the streets at 9 p.m.
- Alderman Skinner: a residence could be inside the 100 feet.
- Special events are event specific. Festivals end at 9 p.m. or 10 p.m.
- Reasonableness for garage bands, etc. mentioned
- Alderman McLendon: The ordinance effectively eliminates the ice cream man since it spells out no bells or whistles.
- Alderman Burger would like to address the bells and whistles portion of the ordinance
- Mark Goodson, Bunganut Pig, asked if the Board wants a vibrant, alive downtown or not. He said the Bunganut Pig has had live music for 25 years. He and his team are diligent about not being a nuisance and never run percussion or live bands outside, just soloists, etc. with amplified music. He stated he works well within the confines of the City ordinance and diligently performs decibel checks at different distances. Do not focus on amplified sound; a lawnmower can be as loud. Make the standards apply to everything, high school football games, churches, festivals, etc. He cuts off an hour before the specified times and is 10-decibel points below the limit.
- Chief Rahinsky pointed out decibel levels are unenforceable as ambient noise measures louder than other noise, traffic noise is louder.
- Matt Woodburn, 235 Third Avenue South, said what is in force now is not working. Residents are complaining and it affects the quality of life. Business owners are trying to make a living. He is willing to see a change to middle ground and that will not be perfect for either side. The issue is the length of time the noise can go on and how loud it can be. Decibel meters are not accurate. He wants to stop amplified noise Sunday night through Thursday night (school nights) at 9 p.m. and said he would tolerate 11 p.m. on Friday and Saturday nights. He suggested trying it for a time to see if it works.
- Bob Flowers, 11102 South Course Vw, said he is a patron of these establishments and was shocked by what he heard: people trying to turn Franklin into a fuddy-duddy place. He does not agree with the 9 p.m. stopping point. Residents living near knew the businesses were there when they moved in. The town is built commercial right next to residential. Look at the number of residents affected versus the number of employees

and patrons.

- Alderman Burger said with all due respect to Alderman Martin and those living downtown, downtown Franklin has changed, commercial next to residential has been allowed, and they are finding out mixed-use creates issues.
- Ernie Bacon, 224 Fourth Avenue South, said he applauds the efforts being made and generally echoes Mr. Woodburn. Work together to address this issue. He thought the ordinance enforceable. He mentioned giving further consideration to school nights. If the City and citizens cooperate, the amended ordinance could work.
- Will Jordan, 238 First Avenue South, has lived in Franklin his whole life. The City has changed and more music venues are wanted. Now have the Franklin Theatre and Harlinsdale as music venues. He has lost money trying to soundproof Kimbro's. They regularly hold fundraisers for soldiers, kids, etc. How will they measure a violation of 100 ft. from the property? He has made a serious effort and obviously, they wanted a midnight cutoff on Friday and Saturday nights, but they can do the 11 p.m. The 9 p.m. cutoff is too early. Strict guidelines will break the fabric of the City. His business is his life. He wants to work together, but thinks people are not being rational.
- Faye Clark, 305 Third Avenue South, related she and her husband bought their home in 1991 and had no idea they would be across the street from a noisy place. Often there are people outside the establishment picking and singing. The police come and after they leave the noise starts over again outside. She said it keeps going after midnight many nights. She stopped calling the establishment and it is not working with the police.
- Alderman Petersen asked how many citations had been issued for excessive noise in the last year or so. Chief Rahinsky responded that none had been issued to businesses. They respond to complaints and speak to managers and owners and have found a happy medium. He wants it to be enforceable. The police are aware of the problem locations and stay on top of things before the calls come in.
- Alderman McLendon stated it must be governed in the middle, not by the most complaining or by those who want no rules. There are different ideas of reasonable – 9 p.m. is unreasonable as many baseball ballgames last until 10:30 p.m. 9 p.m. is two standard deviations from the middle and anything after midnight is too late: 10 p.m., 11 p.m., or midnight will be where it ends. To live in a city is to tolerate noise from neighbors. The time to decide has come. In addition, distinguishing by zone is not the answer.
- Alderman Martin interjected that to set 11 p.m. or midnight as the cutoffs is going against the wishes of every downtown resident.
- Wanda Shepherd, ChillBand, said she has played outside and inside the Bunganut Pig, Kimbro's, Main Street Festivals, and Wine Down Main Street, and can remember when there was no one on Main Street at 8 p.m. Now there is a lot going on. These venues draw people from other places that spend their money in Franklin. Her belief is that the non-smoking rules pushed people outside to listen to music. She said to keep in mind that Franklin used to be a desolate downtown.

11. **Consideration of Contract No. 2011-0088 Between The City of Franklin, Tennessee and GAP Community Development Resources, Inc. for Administering The Fair Housing and Home Ownership Counseling for the Current Program Year**

Vernon Gerth, ACA Community & Economic Development

Kathleen Sauseda, Interim Housing Development Coordinator

Mr. Stuckey noted this is an ongoing program.

ADJOURN

Work Session adjourned 6:41 PM

Mayor Ken Moore

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office – 6/29/2011 1:38 PM