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**MINUTES OF THE WORK SESSION  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, MARCH 12, 2019 – 5:00 P.M.**

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**Board Members**

Mayor Ken Moore	P		
Vice Mayor Clyde Barnhill	P	Alderman Dana McLendon	P
Alderman Brandy Blanton	P	Alderman Margaret Martin	P
Alderman Pearl Bransford	P	Alderman Ann Petersen	P
Alderman Beverly Burger	P	Alderman Scott Speedy	P

**Department Directors/Staff**

Eric Stuckey, City Administrator	P	Jack Tucker, SES Director	P
Vernon Gerth, Assistant City Administrator	P	Lisa Clayton, Parks Director	P
Mark Hilty, ACA Public Works	P	Michelle Hatcher, Water Management Director	
Kristine Tallent, ACA/CFO	P	Paul Holzen, Engineering Director	P
Shauna Billingsley, City Attorney	P	Emily Hunter, Planning & Sustainability Director	P
Deb Faulkner, Police Chief	P	Kevin Townsel, HR Director	P
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
Jordon Shaw, IT Director	P	Lanaii Benne, Assistant City Recorder	P
Tom Marsh, Interim BNS Director	P	Linda Fulwider, Board Recording Secretary	P

**Call to Order**

Mayor Ken Moore called the Work Session to order at 5:00 p.m.

**Citizen Comments**

Brandi McCutchan, 503 Braylon Circle, Franklin: Disappointed by the County Commissioners' vote that excludes the Franklin Special School District from sharing the distribution of the new half-cent sales, 3-year distribution, not allocated for schools. The resolution stated the intent to include the FSSD. She thinks she wouldn't have voted for it had she known the FSSD wouldn't get any money. The County ran with money with no regard for City parents. They were misled by old fashioned greed.

**WORK SESSION DISCUSSION ITEMS**

**1. 19-0174 Mobile Food Vending Presentation**

**Vernon Gerth, Assistant City Administrator  
Christopher Andrews, Principal Planner**

Mobile Food Vending Ordinance

Process:

- ♦ Chris Andrews, Vernon Gerth, and staff working group (Admin, BNS, Parks, Law, Planning)
- ♦ Researched municipal codes of nearby Tennessee cities, other cities.
- ♦ Draft ordinance
- ♦ Public comment (City website, open houses 11-7-2018 and 11-9-2018)
  - Public invitation; DFA; Nashville Food Truck Association
  - Comments received via City website and open houses.

Points of Discussion – Staff needs Board direction to complete the draft ordinance.

1) Restrooms

- Required to provide access for employees if MFV is operating for more than three hours except when:  
\*Part of a Special Event, or

\*When restroom facilities are available on the same parcel and are available to the general public.

2) Operation, as proposed:

- On private property within zoning districts that permit restaurant uses
- Special Events
- Parks

3) Dual vending classifications (Is this a good direction?)

- Similar to METRO Nashville
- Self-contained vs. Semi-permanent
- Self-contained (moves each night)
- Semi-permanent (criteria to meet, staff review, tap fees)

\*Definition of MFV includes ability to be moved by a licensed motor vehicle

Two vending classifications similar to METRO Nashville

- ♦ Semi-permanent (criteria to meet, staff review, tap fees)
  - Definition of MFV includes ability to be moved by a licensed motor vehicle
  - 8 criteria found in Nashville provides a model:
    1. Site plan layout/permit (primarily for setback requirements)
    2. Permit from the fire marshal
    3. Clearance to structures
    4. Public water supply connection
    5. Permanent electrical connection
    6. Public wastewater connection
    7. Grease trap
    8. Restroom accessibility (for employees, within 500')
    9. Not allowing in the floodplain.

Comments/Concerns:

- ♦ There are no requirements for distances between restaurants, so why should there be for mobile vendors.
- ♦ Some brick and mortar restaurants say they must pay for all the overhead and think this is putting them in competition with the mobile vendors. Food trucks are a choice as well as restaurants. Perhaps the wording should be changed.
- ♦ HOA's can hire food trucks for an event in a common area. Individuals may hire a food truck for a private party if the resident is paying and does not sell to the public and the truck is parked on the private property.
- ♦ It was asked if a B & B could book a food truck. Mr. Gerth indicated he would take that issue to the team.
- ♦ This regulatory regime should differentiate between those who move all the time and the semi-permanent. Some caterers have the equivalent of a mobile kitchen.
- ♦ If a semi-permanent mobile eatery stays in place every night it could evolve into tables and chairs being set up outside, and the need for outside water and other things. Look at what is applicable in Franklin.
- ♦ Use the floodplain for food trucks.

Citizen/Food Truck Vendor Comments:

- ♦ Landon Lyon, President of Nashville Food Truck Association, PO Box 406, Pegram, TN: Thinks Franklin is doing the right thing. Trucks won't pull into a driveway and sell to the public. They are essentially caterers for private property.
- ♦ Lynne Freeman, Vendor, 1505 Pear Tree Circle, Brentwood TN: One city asks that the application be notarized. No other municipality asks for that. Not in favor of limiting the vendors to restaurant zoning. The vendors usually do lunches. Why does this say just ice cream trucks can be hired for a private party. What about requiring permits for private parties.
- ♦ Alderman McLendon commented on the difference between being authorized to have the truck in the driveway for a few hours is that the property owner pays a flat fee for a single payer event by invitation of the property owner.
- ♦ Keith Covington, 113 Fitzgerald St., Franklin: He is an advocate for these businesses and commends City leadership and staff for tackling the issue. Mobile Food Vendors provide choices that are different and unique. It's a great way for a purveyor who can't afford to build. His research shows the General Office District is the place for food vendors. He cautioned

about the restrooms for employees only and has some concern about using the Nashville criteria. The issue of placing them in the floodplain is important.

- ♦ Mark Mogul, Vendor, 328 5<sup>th</sup> Avenue North, Franklin: Referring to other cities' ordinances, he believed some could be 20 years old and not as well thought-out. Regarding the comment that to build costs more than a food truck, he has over \$100,000 in his Airstream. He could have built for less. His business is semi-permanent and in the floodplain. When it rains he keeps a close watch on the river and can pack-up and exit the property within 10-15 minutes.
- ♦ Alderman Burger requested the vendors and staff set a date for a roundtable discussion and include the Aldermen.

**2. 19-0244 Follow-up Discussion of Transition of Monthly Payment Dates for the City of Franklin Employee Pension Plan.**

**Eric Stuckey, City Administrator**  
**Kristine Tallent, Assistant City Administrator**  
**Kevin Townsel, HR Director**

This was discussed last month. The Pension Committee met on March 4 with some retirees' present. The process for transition from paying the first of the month to paying the last of the month was explained and discussed. The memo in the packet has the all the background information and recommendations from the Pension Committee and BOMA. Following the Pension meeting staff did an additional review of the three options presented and acted up by BOMA previously:

**Option 1 – Maintain the current approach.** First scenario, BOMA maintains the status quo and does not provide additional benefits. For a year, the issue was discussed and deliberated in accordance with the direction provided in 2016 to transition management of the pension plan to TCRS. All actions were taken in accordance with provisions of the pension plan and as stated in the agreement between the City and TCRS. Furthermore, retirees were notified in writing in September and October and BOMA did not receive any comment at public meetings until after the transition occurred. Finally, no current recipient received less benefit due in 2018 or will receive less benefit in 2019 resulting from the transition. The only difference is in the timing of the monthly payment.

**Option 2 – Provide an additional benefit to current retirees.** Second scenario provides current retirees a double payment on a future 2019 payment date. An additional payment would require a Plan Amendment adopted by BOMA which allows for a benefit enhancement to this group of 219 retirees (also referred to as a "Window Amendment") since their total 2019 benefit will exceed the benefit calculation as allowed by the plan document. There is an actuarial impact for payment of additional 2019 benefits. If this issue is remedied by a one-time payment of \$440,000, the impact on the funding ratio would be a decline of approximately 0.33%. The impact on the annual contribution would be amortized over a period of 20 years, resulting in an annual contribution increase of roughly \$39,600.

**Option 3 – Provide a payment for a potential damage amount.** Third scenario based upon a financial calculation of potential damage incurred by retirees during the transition. Some retirees have stated that they or other retirees incurred penalties on mortgage payments, loss of interest from savings accounts (moving money from savings to checking due to timing of bills) and borrowing money for 15 extra days during the transition of payment dates. Using estimates of reasonable mortgage penalties (5%), savings rates (2%) and borrowing rates (6%), damage incurred per person could range from \$7 to \$100. Reasonable estimates of incurred damage are far less than the value of the average payment of \$2,006. If BOMA wishes to grant additional benefit tied to a high estimate of potential damage, \$100 of additional benefit could be granted to 219 persons for a plan cost of \$21,900. Amortized over 20 years, the plan impact would be approximately \$1,100 per year.

Discussion:

- ♦ Lengthy discussion with all Aldermen saying they were sorry for the hardship this caused the retirees. Most Aldermen agreed that Option 1 (as approved previously) is the best option considering the impact an extra payment would have on the Plan, while others gave reasons why they were not in favor.

Retiree Comment:

- ♦ Harry L. Reed, 1112 Allisona Road, Eagleville, TN: He was a fire captain with the City of Franklin for almost 30 years. He disagrees with most of the opinions. Because of the change of the payment from the first day of the month to the last day of the month people were late with payments and had to work through it the best way they could. Yes, there were 12 payments, but how to pay bills when payment is on the last day of the month. He asked the retirees who were in attendance to stand and commented many others were ill or working and couldn't attend. He said they will never catch up on payments. This shouldn't have been at the expense of the retirees.
- ♦ Vice Mayor Barnhill: This transition is for the long-term future of the employees and deals with long-term investments and security of the plan.

**3. 19-0038 Proposed Revisions & Updates to Franklin Forward: City of Franklin's Strategic Plan**  
**Michael Walters Young, Budget/Strategic Manager**

Before Mr. Walters Young presented his item, it was announced that his mother was visiting and in attendance at this meeting. She was asked to stand and was given a round of applause.

Creation of FranklinForward:

- ♦ City staff in conjunction with BOMA developed FranklinForward as the Vision for 2033 for the community in 2012-2013.
- ♦ BOMA formally adopted the Strategic Plan in 2013
- ♦ Staff began integration into the budget document in FY 2015 (CY 2014).
- ♦ <http://performance.franklinTN.gov> – the City's online home for FranklinForward the City's first Open Performance/Data website was launched in 2016.

Progress to Date:

- ♦ Over 95% of the goals have data to evaluate in a proper manner.

Process for Review:

- ♦ Theme Teams consisting of 4 to 5 Department Heads and the Assistant City Administrators, City Administrator and Budget & Strategic Innovation Manager were recreated and reviewed, goal by goal, each aspect of the strategic plan.
- ♦ Recommendations made fall into one of four possibilities:
  1. Leave as is
  2. Modify
  3. Delete
  4. Create New

Focus of Review:

Teams when choosing how to evaluate measured each goal or baseline as follows:

1. Gauge the effectiveness and performance of each goal
2. Adjust any component to reflect current needs and demands of the community
3. Modify or change any component which has proven not to be measurable
4. Determine with BOMA guidance any goals to add or delete

Results of Review:

- No Themes or Sub-Themes recommended to be changed
- Changes recommended are "technical" in nature; they primarily ensure that each goal is measurable annually and/or the measurement is of a more effective and meaningful nature than originally proposed.

Next Steps:

- If BOMA agrees with the proposed changes, staff will revise the FY 2020 budget and present the new strategic plan by May 2019 as part of the formal recommended budget submission.
- Staff will work over the winter and spring to update the Open Performance website.
- Staff will produce a formal document showing progress annually in meeting Strategic Plan goals to accompany the website and budget demonstrations.

Discussion:

- Aldermen Petersen and Martin had questions that were answered by staff.

- Mayor Moore thought the Silver Level LEED Certification might be a better measure this year.

4. 19-0227 **Consideration of Event Permit for Main Street Festival sponsored by the Heritage Foundation on April 27-28 in Downtown Franklin.**

**Deborah Faulkner, Police Chief**

No questions or comments.

5. 19-0216 **Consideration of Liquor License Renewal for West Main Street Liquors, (Mr. Jose Arredondo, Managing Agent), 1326 West Main Street, Franklin, TN 37064**

**Lanaii Benne, Assistant City Recorder**

No questions or comments.

6. 19-0214 **Consideration of Liquor License Renewal for the Corner Wine and Spirits (Ramesh Surati and Manharbhai Patel, Managing Agents), 1110 Hillsboro Road, Suite 1102a, Franklin, TN 37064**

**Lanaii Benne, Assistant City Recorder**

No questions or comments.

7. 19-0212 **Consideration of Valet Parking Permit for Shalom Foundation Event on May 18<sup>th</sup> at 132 3<sup>rd</sup> Avenue S.**

**Tom Marsh Interim BNS Director**

Repeat event.

8. 18-0809 **★Consideration of ORDINANCE 2018-43: “An Ordinance to Rezone 22.07 Acres from the Detached Residential 1 District (R-1) to the Specific Development-Residential (SD-R 2.04) District for the Property Located North of South Carothers Road and East of Carothers Parkway, 4338 and 4340 South Carothers Road (Carothers Chase)”. Establishing a Public Hearing for April 9, 2019.**

**Alderman Ann Petersen, FMPC Representative**

**Emily Hunter, Planning/Sustainability Director**

**Amy Diaz-Barriga, Planning Supervisor**

**Christopher Andrews, Principal Planner**

**[First of Three Readings]**

9. 18-0808 **Consideration of RESOLUTION 2018-64: “A Resolution Approving a Development Plan for Carothers Chase PUD Subdivision, for Property Located North of South Carothers Road, and East of Carothers Parkway (4338 and 4340 South Carothers Road).” Establishing a Public Hearing for April 9, 2019.**

**Alderman Ann Petersen, FMPC Representative**

**Emily Hunter, Planning/Sustainability Director**

**Amy Diaz-Barriga, Planning Supervisor**

**Christopher Andrews, Principal Planner**

Items 8 and 9 taken together.

Item 8, Ordinance 2018-43 was previously addressed by the FMPC on November 15, 2018 with a 7-0 recommendation for approval. On February 12, 2019 it was referred for FMPC reconsideration of screening for two lots in the Falcon Creek Subdivision.

Citizen Comments:

- ♦ Christopher Caffyn-Parsons, 2301 Surry Lane, Falcon Creek, Franklin: Concerned about the blasting near established homes and wanted to know what kind of charges would be used and who would do it. The cul-de-sac doesn't fit. It would be an island and not connected. Safety concerns for children at the crossroad and thinks it will become a through road.

- ♦ Gail Roe, 1052 Meandering Way: Asked the Board how they can discuss current plans for the four houses when no specifics or connectivity, no elevation plans, or square footage is known. There is nothing on the paperwork submitted.
- ♦ Bill Munson, 2011 Upland Drive: They weren't notified of previous meetings. 2.04 acres represents two houses per acre. 41 of the 45 homesites not identified – makes three houses per acre. The cul-de-sac is the only access. Blasting a concern as well.
- ♦ Andrew Friday, 2303 Surrey Lane: This plan is lacking a lot of specifications. There are more specs on the ones on the website. The Planning Commission made an amendment that isn't on this plan. It should be updated quickly. Also blasting from South Falcon Creek and they would get blasting from both sides.
- ♦ Dan Horecka, 515 Biltmore Court: reiterated what he has said each time he has spoken. Envision Franklin consistent with neighborhoods, smaller lots hold them accountable. The walkway should be on lakes and not in the backyards of residents. Hold accountable like was done with Coletta Park.
- ♦ Cindy Peden, 4348 South Carothers Road: Same concerns. Envision Franklin says new development should be comparable to existing residents. She has five-acres. No barrier between.
- ♦ Kendra Correia, 129 Delta Boulevard, 1070 Meandering: Mentioned home owners are required to have home inspections before and after blasting to show proof of damage after blasting.
- ♦ Charles Gospobarek, 1024 Meandering Way: They are still blasting behind his home but with bigger blasts. He was told there would be 2-3 years of blasting. He has damage and checked with the Fire Marshal. The sensors were placed far away but on the same rock where his house is. The homeowners should not have to pay for home inspections for blasting damage. since they are not the ones initiating the blasting.

Discussion:

- ♦ The Aldermen had questions regarding a slope at the site of the trail, a grading plan, 50' buffer, lot sizes, blasting surveys, the cul-de-sac, square footage and topography, which were answered by the Applicant Michael Dewey, Dewey Engineering.
- ♦ Emily Hunter explained square footage isn't usually evaluated in the development plan or site plan.
- ♦ Alderman Martin said she was horrified to hear the blasting was within 300 ft. of homes. That is unacceptable. Landscaping should be 500' with evergreens.
- ♦ More questions and concerns discussed. Mr. Dewey was asked to provide more information.

10. 19-0226 **★Consideration of RESOLUTION 2019-17, A Resolution Awarding the Construction Contract (COF Contract 2018-0252) for the Jim Warren City Park Tennis Court Repair Project to Tennessee Valley Paving Company, Inc. in the Amount of \$779,321.00.**

Lisa Clayton, Parks Director  
Paul Holzen, Director of Engineering

No questions or comments.

11. 19-0241 **★Consideration of an Interlocal Agreement with Williamson County and the City of Brentwood for Mutual Aid Related to Vehicle Burglaries.**

No questions or comments.

12. 18-1273 **Consideration of COF Contract 2018-0270, Cumberland River Compact Partnership Agreement.**

Deferred to April 23, 2019 Work Session.



13. 19-0129 **Consideration of RESOLUTION 2017-73, "A Resolution to Amend the Franklin Police Department Wrecker Service Policy and Agreement.**

**Deborah Faulkner, Police Chief**

**Shauna Billingsley, City Attorney**

Alderman Petersen asked if the car owners always know where their cars are after they've been impounded? It was explained that at the time a car is towed by the City, it is documented in the CAD system. The police can then review that information and provide the information.

14. 19-0116 **Consideration of COF Contract 2019-0033, Engagement Agreement with Bass, Berry & Sims, PLC, for Outside Counsel Services for Review and Drafting Contract Forms for General City Use.**

**Shauna Billingsley, City Attorney**

Alderman Speedy ask how many billable hours are charged. Shauna Billingsley advised they are to do construction contracts and litigation. A well-constructed contract can save a lot of money for the City.

15. 19-0249 **Discussion of Disposition of Surplus Property.**

Deferred to the March 26, 2019 Work Session.

16. 18-1215 **Discussion Regarding the Development Process for Property Owned by The City of Franklin Located at 405 Fifth Avenue (The Hill Property).**

**Eric Stuckey, City Administrator**

**Vernon Gerth, Assistant City Administrator**

Deferred to the March 26, 2019 Work Session.

#### **Other Business**

None

#### **Adjournment**

Work Session adjourned @ 7:12 p.m.

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Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office 4/23/2019 12:05 PM