
**MINUTES OF THE REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JANUARY 12, 2016 – 7:00 P.M.**

Board Members

Mayor Ken Moore	P		
Vice Mayor Brandy Blanton	A	Alderman Dana McLendon	P
Alderman Clyde Barnhill	P	Alderman Margaret Martin	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	Lisa Clayton, Parks Director	
Vernon Gerth, ACA Community & Economic Dev.	P	Shirley Harmon-Gower, Human Resources Director	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
Shauna Billingsley, City Attorney	P	Paul Holzen, Engineering Director	P
Rocky Garzarek, Fire Chief		Bob Martin, Interim Planning/Sustainability Director	P
Deb Faulkner, Police Chief		Joe York, Streets Director	
Fred Banner, IT Director		Brad Wilson, Facilities Project Manager	
Chris Bridgewater, BNS Director		Lanaii Benne, Assistant City Recorder	P
Becky Caldwell, SES Director	P	Linda Fulwider, Board Recording Secretary	P

Call to Order

Mayor Ken Moore called the January 12, 2016, meeting to order at 7:10 p.m.

Invocation

The invocation was given by Alderman Clyde Barnhill.

Pledge of Allegiance

Mayor Moore led the Pledge of Allegiance to the Flag of the United States of America.

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

Communications from Williamson County Mayor and Williamson County Commission

None in attendance

1. 16-0041 Approval of Minutes

Alderman Bransford moved to approve the December 8, 2015 Work Session and December 8, 2015 Board of Mayor and Aldermen minutes as presented. Seconded by Alderman Barnhill. Motion carried unanimously 7-0.

Recognitions

None

Miscellaneous Reports

- * Eric Stuckey reported that an item the November 24, 2015 that was deferred to this meeting regarding a language change in the Zoning Ordinance, was inadvertently left off this agenda and will be included in the January 26, 2016 agenda.

2. 16-0042 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 15-30 be placed on the Consent Agenda.

Alderman Barnhill moved to approve the Consent Agenda Items 15-30. Seconded by Alderman Burger. Motion carried unanimously 7-0.

OLD BUSINESS

3. 15-0827 PUBLIC HEARING: ORDINANCE 2015-50, to be Entitled, "An Ordinance to Rezone 7.43 Acres from Estate Residential (ER) District to Residential 3 (R-3) District for the Properties Located at 1034 and 1040 Carlisle Lane."

**[SECOND OF THREE READINGS] Alderman Ann Petersen, FMPC Representative
Public Hearing**

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

Alderman McLendon moved to approve Ordinance 2015-50. Seconded by Alderman Burger.

Discussion:

- Alderman Petersen: Made the motion to disapprove this at the FMPC meeting.
- Alderman Martin: This is a good project, but with condition with road she will not support the project.
- Alderman Barnhill: The road improvements and the project should be separated. The road must be improved. He will support the project and requested additional discussion on plans for the road improvement and the costs involved. The road must be made safe and should not keep the project from being approved.
- Alderman McLendon: Reading from the memo, the proposed subdivision meets the intent of the Land Use Plan, and is designed to be compatible with the property to the north. There were no objections voiced during the public hearing. Staff disapproval states "until construction of safety improvements to Carlisle Lane have begun." In the recent past the Board has approved numerous subdivisions on that road. Carlisle Lane has been inadequate for many years, yet other subdivisions were approved. This development has been caught up in a higher level policy discussion, and extensive discussion about Road Impact Fees and the cost this developer must bear. This developer should pay no more than what is required. Because he doesn't want to pay \$3 million for road improvements he is being denied, although the project meets requirements. Westhaven increased the traffic on this road. The City should find a way to fund this project whether this development is approved or not. The City has a responsibility to improve Carlisle Lane. To deny this project because, suddenly staff feels enough is enough, is arbitrary.
- Alderman Bransford: What do we do when the next 20-lot development comes in that effects Carlisle Lane? Who do we say no to?
- Eric Stuckey: The existing zoning allows 3 residential lots.
- Alderman Petersen: Development Plan notes – "However, if the Rezoning is approved, the applicant shall be required to upgrade Carlisle Lane along the frontage of the development to include ROW dedication, curb and gutter, sidewalk, and 4' shoulder for future bike lane along the frontage of the development. In addition the applicant shall work with Engineering to address the alignment issues on Carlisle Lane per the approved alignment."
- Paul Holzen noted the reason is because no impact fees are collected.
- Alderman McLendon: Encouraged staff to develop a list of areas that cannot handle further development until infrastructure is improved or built.

- Vernon Gerth: Have identified City policy that when the last development comes in, they are burdened to provide the infrastructure. This is a collector road. If we keep accepting more and more development, need to look at how this fits with the Land Use Plan.
- Alderman Barnhill: If the road is the issue, go back and look at the CIP list and make Carlisle Lane a higher priority. The road is what is being discussed; not the 20 lots. The road is needed for 3,000 plus homes in numerous subdivisions. The project doesn't need to be denied because of the road. That should be a City project.
- Alderman Burger: 20 homes a drop in the bucket for cars put on the road. This is not the time to turn this down. She supports the project.

Motion to approve Ordinance 2015-50 for Rezoning carried 4-3 with Aldermen McLendon, Burger, Barnhill, and Petersen, voting in favor of rezoning and Aldermen Skinner, Martin, and Bransford voting against rezoning on Second of Three Readings.

Alderman Burger requested this road go to CIP immediately for discussion. Eric Stuckey noted this will be in the Capital Projects up for discussion and review in March or April.

4. 15-0828 PUBLIC HEARING: Consideration of RESOLUTION 2015-79, To Be Entitled, "A Resolution Approving A Development Plan For The Cardel Village PUD subdivision, Located At 1034 And 1040 Carlisle Lane, By The City Of Franklin, Tennessee."
Alderman Ann Petersen, FMPC Representative

Public Hearing

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

Alderman Barnhill moved to approve Resolution 2015-79. Seconded by Alderman McLendon.

Discussion:

- Alderman Petersen reiterated the condition of approval regarding requirements on frontage. Also, there are a lot of questions about stormwater and drainage.
- Paul Holzen noted these issues are addressed in the Site Plan.
- Mr. Melz stated he wants to build a sidewalk for safety of the children.
- Alderman McLendon: If approved, the developer is required to make improvements on the developer's property. What is the road impact rate paid as proposed?
- The response to the road impact fee question was it would be the fee everyone pays.

Motion to approve Resolution 2015-79 approved unanimously 7-1.

5. 15-1030 PUBLIC HEARING: Consideration of Initiating the De-annexation Process for the De-annexation of Certain Areas Adjacent to Murfreesboro Road, Specifically 4113 Murfreesboro Road.

Vernon Gerth & Planning/Sustainability Department

Public Hearing

- Troy Mizell, 4113 Murfreesboro Road, Franklin: Owner of the property in question, reiterated the reasons he wants to de-annex the properties: owns 35 acres, with two of the lots in the City, the rest in Williamson County. He teaches handgun safety, is building a garage the County tells him he can't finish nor can he build a second garage because of conflicts between City/County lots. He wants to achieve one big farm on all County property. Several supporters of his de-annexation were present to support his request. The property was annexed six years ago, and he didn't know part of the property was in the City until he closed on the property. There are not City services on the two parcels

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

Alderman Burger moved to initiate the process of de-annexation. Seconded by Alderman Bransford.

Discussion:

- Alderman Martin: Sorry about his problems, but thinks the parcels are of no value for the City because they would not have control of them. Does not support de-annexation.

- Alderman McLendon: Reasonable request for small stub-out lot. Supports request.
- Mayor Moore: What effect would the de-annexation of this parcel have on the requested annexation of the Adams Property in respect to contiguous/non-contiguous regulations? It adds complexity to the de-annexation once it is not contiguous. Suggest these two requests move in sync with one another. There are complexities to be considered.
- Aldermen McLendon and Burger questioned how this affects the de-annexation.
- Eric Stuckey advised it affects the City process and how we structure a plan in the UGB.
- Alderman Skinner: In favor of addressing the two requests at the same time.
- Shauna Billingsley: Law Department needs to research this. At this time there is no State law that allows de-annexation. It would require public notice, a slow-down of the Adams Property request. There are unknowns.
- Alderman Barnhill: Because of unknowns in the process of de-annexation and the tie to the Adams Property, supports deferral.

Alderman Skinner moved to defer de-annexation request to March 22, 2016 BOMA meeting. Seconded by Alderman Barnhill.

Alderman McLendon suggested the two items be linked together.

Motion to defer de-annexation request to March 22, 2016 BOMA meeting carried 4-3 with Aldermen Skinner, Barnhill, Bransford and Martin voting in favor of deferral and Aldermen McLendon, Petersen, and Burger voting no.

6. 15-0945 PUBLIC HEARING: Consideration of ORDINANCE 2015-21, To Be Entitled, "An Ordinance To Amend Chapter 8, Section 8.3, And Chapter 4, Sections 4.1.4 And 4.1.6, of the Franklin Zoning Ordinance, Which Regulate Accessory Uses and Structures, And Chapter 3, Section 3.5.6, Central Franklin Character Area Overlay District, To Permit Accessory Dwellings in Certain Special Areas"

[SECOND OF THREE READINGS] Alderman Ann Petersen, FMPC Representative
Public Hearing

- Paul Lebovitz, 102 Winslow Road, Franklin: Spoke in favor of the Resolution even though it is in a strongly limited area. He thought a previous ordinance allowing accessory dwellings had been Citywide.

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

Alderman Barnhill moved to approve Ordinance 2015-21. Seconded by Alderman Martin.

Discussion:

- Alderman Petersen spoke to the comment made by Mr. Lebovitz, saying there was no previous ordinance allowing accessory dwellings, although there may have been some that were built.
- Alderman Petersen express concern that in some areas shown on the maps would not have adequate room for additional parking. Also, were the people in these areas notified of this change? Were signs posted?
- Bob Martin responded that signs were not posted since this is not a rezoning.

Motion to approve Ordinance 2015-21 carried unanimously 7-0 on Second of Three Readings.

7. 15-0997 PUBLIC HEARING: Consideration of ORDINANCE 2015-92 – FY 2016 Budget Amendment #3. [SECOND OF THREE READINGS] Eric Stuckey & Michael Walters Young

Public Hearing

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

Alderman Barnhill moved to approve Ordinance 2015-92. Seconded by Alderman Bransford. Motion carried unanimously 7-0 on Second of Three Readings.

8. **15-0998 PUBLIC HEARING: Consideration of ORDINANCE 2015-66, An Ordinance to Change the Organizational Chart of the Finance Department.**
[SECOND AND FINAL READING] Eric Stuckey & Russ Truell
Public Hearing
With no one coming forward to speak, Mayor Moore declared the Public Hearing closed
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- Alderman Bransford moved to approve Ordinance 2015-66. Seconded by Alderman Burger. Motion carried unanimously 7-0 on Second and Final Reading.*
9. **15-1014 PUBLIC HEARING: Consideration of ORDINANCE 2015-56, To Be Entitled, "An Ordinance to Amend The Zoning Ordinance of The City of Franklin, Tennessee, Chapter 5, Section 5.3, Subsection 5.3.5 (2)(a) Pertaining to Reverse Frontage."**
[SECOND OF THREE READINGS] Alderman Ann Petersen, FMPC Representative
Public Hearing
With no one coming forward to speak, Mayor Moore declared the Public Hearing closed
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- Alderman Martin moved to approved Ordinance 2015-56. Seconded by Alderman Skinner. Motion carried unanimously 7-0 on Second of Three Readings.*
10. **15-1019 PUBLIC HEARING: Consideration of ORDINANCE 2015-45, To Be Entitled, "An Ordinance To Amend Chapter 3, Section 3.5, Subsection 3.5.6, The CFCO, Central Franklin Character Area Overlay District, Of The Franklin Zoning Ordinance."**
[SECOND OF THREE READINGS] Alderman Ann Petersen, FMPC Representative
Public Hearing
With no one coming forward to speak, Mayor Moore declared the Public Hearing closed
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- Alderman Petersen moved to approve Ordinance 2015-45. Seconded by Alderman Bransford.*
- Alderman Petersen referred to the Ordinance, page 2 of 5, Figure 3-15: remove text "Conceptual redevelopment illustrating traditional development standards, mid-block vehicular access, and shared parking. A future vehicular connection, shown in this illustration, is not required as part of this Ordinance.", and remove arrow in illustration. Seconded by Alderman Martin. Motion to amend carried unanimously 7-0.*
- Motion to approve Ordinance 2015-45 as amended carried unanimously 7-0 on Second of Three Readings.*
11. **15-1021 PUBLIC HEARING: Consideration of ORDINANCE 2015-47, To Be Entitled, "An Ordinance To Rezone +/- 0.25 Acres From General Commercial (GC) District To Civic Institutional (CI) District And To Rezone +/- 2.75 Acres from Central Commercial (CC) To Civic Institutional (CI) District for City-Owned Properties In and Near Bicentennial Park, East of 5th Avenue North and North of North Margin Street."**
[SECOND OF THREE READINGS] Alderman Ann Petersen, FMPC Representative
Public Hearing
With no one coming forward to speak, Mayor Moore declared the Public Hearing closed
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- Alderman Barnhill moved to approve Ordinance 2015-47 on Second of Three Readings. Seconded by Alderman McLendon. Motion carried unanimously 7-0.*

NEW BUSINESS

12. **15-1060 Consideration of RESOLUTION 2015-99, a Resolution to Adopt Budget Goals for FY 2016-2017**
Eric Stuckey & Michael Walters Young
Alderman Barnhill moved to approve Resolution 2015-99. Seconded by Alderman Burger. Motion carried unanimously 7-0.

13. 16-0046 Consideration of Appointments to the Housing Commission: Reappointments: Ron Crutcher, J. Edward Campbell, Paul Lebovitz, Mary Ann Dotson, and Mort Stein. New Appointments: Nancy Conway, Peter Dellos, Kari Scott, Tina Edwards, John Besser, and Jeffrey Caruth.
Dr. Ken Moore, Mayor
Alderman Bransford moved to approve the appointments and reappointments to the Housing Commission. Seconded by Alderman Barnhill. Motion carried unanimously 7-0.

CONSENT AGENDA

14. 16-0017 Consideration of ORDINANCE 2015-75 (RESOLUTION 2015-107) To Be Entitled, "A Resolution and Ordinance to Annex 4150 Clovercroft Road And The Property Immediately Adjacent To The East, Consisting Of 13.6 Acres, Property Located North Of Clovercroft Road And East Of McKay's Mill Subdivision And Adjoining The City Limits Within The Northeastern Part Of The Franklin Urban Growth Boundary (UGB)."; Establishing a Public Hearing for February 9, 2016.
[FIRST OF THREE READINGS] Alderman Ann Petersen, FMPC Representative
Ordinance 2015-75, Resolution 2015-107 approved unanimously 7-0 on First of Three Readings.
15. 16-0015 Consideration of ORDINANCE 2015-76 To Be Entitled, "An Ordinance To Zone 13.6 Acres CI – Civic and Institutional District, SWCO – Seward Hall Character Area Overlay District And Designate As Conventional Area Standards, For The Property Located North Of Clovercroft Road and East of McKay's Mill Subdivision, 4150 Clovercroft Road And The Property Immediately Adjacent To The East"; Establishing a Public Hearing for February 9, 2016.
[FIRST OF THREE READINGS] Alderman Ann Petersen, FMPC Representative
Ordinance 2015-76 approved unanimously 7-0 on First of Three Readings.
16. 16-0023 Consideration of ORDINANCE 2015-79, To Be Entitled, "An Ordinance To Rezone 10.09 Acres From AG Agricultural District and ER Estate Residential District To NC Neighborhood Commercial For The Property Located At The Southeast Corner of South Carothers Parkway And South Carothers Road"; Establishing a Public Hearing for February 9, 2016.
[FIRST OF THREE READINGS] Alderman Ann Petersen, FMPC Representative
Ordinance 2015-79 approved unanimously 7-0 on First of Three Readings.
17. 15-1086 Consideration of an ORDINANCE 2015-74, To Be Entitled, "An Ordinance To Rezone 4.66 Acres From Central Commercial (CC) District And Specific Development-Variety (SD-X 34.17/33650/115) District To Specific Development-Variety (33.4/35000/115) District For Multiple Properties Located Within The Block Of 1st Avenue North, Bridge Street, 2nd Avenue North and East Main Street"; Establishing a Public Hearing for February 9, 2016.
[FIRST OF THREE READINGS] Alderman Ann Petersen, FMPC Representative
Ordinance 2015-74 approved unanimously 7-0 on First of Three Readings.
18. 15-1096 Consideration of ORDINANCE 2015-61, To Be Entitled: "An Ordinance To Amend The Zoning Ordinance Of The City Of Franklin, Tennessee To Remove The Fee In-Lieu Of Option For Open Space Set Aside Requirements By Amending Chapter 5, Subsections 5.5.3 (1), Table 5-7 Entitled "Required Open Space Set-Aside" And Subsection 5.5.3 (3)"; Establishing a Public Hearing for February 9, 2016.
[FIRST OF TWO READINGS] Alderman Ann Petersen, FMPC Representative
Ordinance 2015-61 approved unanimously 7-0 on First of Two Readings.
19. 15-0931 Consideration of ORDINANCE 2015-55, To Be Entitled, "An Ordinance To Amend The Zoning Ordinance Of The City Of Franklin, Tennessee, Chapter 3, Section 3.2, Subsection 3.2.3, Table 3-2, Entitled "Permitted Uses," And Chapter 3, Section 3.2, Subsection 3.2.5(1)(B), To Add The Use Classification Clinics As A Permitted Use In The CC – Central Commercial District, And Amend Chapter 5, Section 5.9, Subsection 5.9.4, Table 5-9, Entitled "Minimum Off-Street Parking Standards [1] [2] [3] [4] [6]" To Revise The Use Type for Clinics."
[THIRD AND FINAL READING] Alderman Ann Petersen, FMPC Representative
Ordinance 2015-55 approved unanimously 7-0 on Third and Final Reading.

20. 15-0933 Consideration of ORDINANCE 2015-54, To Be Entitled, "An Ordinance To Amend The Zoning Ordinance Of The City Of Franklin, Tennessee, Chapter 3, Section 3.3, Subsection 3.3.2, Table 3-5, Entitled "Base District Density And Building Height [1], [2]," And Section 3.5, Subsection 3.5.6(2)(b)(xi), Entitled "Landscape", And Chapter 5, Section 5.5, Subsection 5.5.3(1), Table 5-7, Entitled "Required Open Space Set-Aside", In Order to Revise The Landscape Surface Ratio and Open Space Requirements Within Central Franklin Character Area Overlay District, Special Area CFCO-1 And Special Area CFCO-9."
[THIRD AND FINAL READING] Alderman Ann Petersen, FMPC Representative
Ordinance 2015-54 approved unanimously 7-0 on Third and Final Reading.
21. 15-0935 Consideration of ORDINANCE 2015-59, To Be Entitled, "An Ordinance To Rezone 5.19 Acres From Specific Development-Residential District (SD-R 9.16) to Attached Residential 20 District (RM-20) For Property Located At 780 Oak Meadow Drive."
[THIRD AND FINAL READING] Alderman Ann Petersen, FMPC Representative
Ordinance 2015-59 approved unanimously 7-0 on Third and Final Reading.
22. 15-0936 Consideration of ORDINANCE 2015-58, To Be Entitled, "An Ordinance To Rezone 38.5 Acres From Specific Development-Residential District (SD-R 9.16) To Specific Development-Residential District (SD-R 10.6) For Property Located at Southwinds Drive, 1801 Brockton Place, And 549 Oak Meadow Drive."
[THIRD AND FINAL READING] Alderman Ann Petersen, FMPC Representative
Ordinance 2015-58 approved unanimously 7-0 on Third and Final Reading.
23. 15-1023 Consideration of ORDINANCE 2015-49, An Ordinance to Amend Appendix A, Chapter 17, of the Franklin Municipal Code to Increase the Tipping Fees for Transfer Station Services
[SECOND AND FINAL READING] Eric Stuckey & Becky Caldwell
Ordinance 2015-49 approved unanimously 7-0 on Second and Final Reading.
24. 15-1031 Consideration of an ORDINANCE 2015-60 to Amend The City of Franklin Municipal Code, Appendix A – Comprehensive Fees and Penalties, Published by the International Code Council to Calculate Non-Residential Building Permit Fees.
[SECOND AND FINAL READING] Chris Bridgewater & BNS Department
Ordinance 2015-60 approved unanimously 7-0 on Second and Final Reading.
25. 15-1065 Consideration of ORDINANCE 2015-62, "An Ordinance To Establish A No Right Turn On Red Regulation on South Royal Oaks Boulevard At The Northbound Approach To Murfreesboro Road."
[FIRST OF TWO READINGS] Paul Holzen, Engineering Director
Ordinance 2015-62 approved unanimously 7-0 on first of Two Readings.
26. 15-1066 Consideration of ORDINANCE 2015-63, "An Ordinance to Revise the No Right Turn On Red Regulation on Mack Hatcher Memorial Parkway at the Northbound Approach to Liberty Pike."
[FIRST OF TWO READINGS] Paul Holzen, Engineering Director
Ordinance 2015-63 approved unanimously 7-0 on First of Two Readings.
27. 15-1068 Consideration of RESOLUTION 2015-96; "A Resolution Declaring a Portion of Right-of-Way on Huffines Ridge Drive as Surplus Property
Paul Holzen, Engineering Director
Resolution 2015-96 approved unanimously 7-0.
28. 15-1071 Consideration of Event Permit for Friends for Healing 5K/10K sponsored by Pastoral Counseling Centers of Tennessee on March 19, 2016.
Approved unanimously 7-0. Deb Faulkner, Police Chief

ITEMS APPROVED ON BEHALF OF THE BOARD

29. 16-0037 **Acknowledge Report of Sole-Source Purchase from CMI Equipment Sales, Inc. of Nashville, TN in the Total Amount of \$29,500 for Mower Equipment Replacement Parts for the Fleet Division of the Streets Department (COF Requisition No. 1018.)**
Approved unanimously 7-0. Joe York, Streets Director

30. 16-0036 **Acknowledge Purchase of Trakstar Employee Evaluation Software.**
Approved unanimously 7-0.

EXECUTIVE SESSION

31. 16-0043 **Consideration of Motion to Enter Executive Session for the Purpose of Reviewing Various Matters of Pending Litigation**

Shauna Billingsley, City Attorney

Alderman Burger moved to enter Executive Session. Seconded by Alderman Barnhill. Motion carried unanimously 7-0. [Entered Executive Session @ 8:36 p.m.]

RETURN FROM EXECUTIVE SESSION

32. 16-0044 **Consideration of Matters from Executive Session**

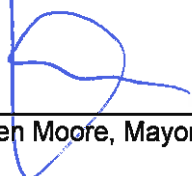
Dr. Ken Moore, Mayor

[Returned from Executive Session @ 9:16 p.m.] There were no matters for consideration.

ADJOURN

Alderman McLendon moved to adjourn. Seconded by Alderman Burger. Motion carried unanimously 7-0.

Meeting adjourned @ 9:17 p.m.



Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office – Updated: 2/2/2016 9:51 AM