
**MINUTES OF THE REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JANUARY 8, 2019 – 7:00 P.M.**

Board Members

| | | | |
|---------------------------|---|--------------------------|---|
| Mayor Ken Moore | P | | |
| Vice Mayor Clyde Barnhill | P | Alderman Dan McLendon | P |
| Alderman Brandy Blanton | A | 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 | Lisa Clayton, Parks Director | |
| Vernon Gerth, ACA Community/Economic Dev. | P | Michelle Hatcher, Water Management Director | |
| Mark Hilty, ACA Public Works | P | Paul Holzen, Director of Engineering | |
| Kristine Tallent, ACA/CFO | P | Emily Hunter, Planning/Sustainability Director | P |
| Shauna Billingsley, City Attorney | P | Kevin Townsel, HR Director | |
| Deb Faulkner, Police Chief | | Joe York, Streets Director | P |
| Rocky Garzarek, Fire Chief | | Michael Walters Young, Budget/Analytic Mgr. | |
| Jordon Shaw, IT Director | | Lanaii Benne, Assistant City Recorder | P |
| Tom Marsh, Interim BNS Director | P | Linda Fulwider, Board Recording Secretary | P |
| Jack Tucker, SES Director | | | |

CALL TO ORDER

Mayor Ken Moore called the January 8, 2019 BOMA meeting to order at 7:10 p.m.

Eric Stuckey and Mayor Moore both paid tribute to Jim Svoboda, Assistant Director of Planning and Sustainability, who died unexpectedly this last weekend.

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 later. 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)

No one came forward to speak

COMMUNICATIONS: WILLIAMSON COUNTY MAYOR/WILLIAMSON COUNTY COMMISSION

Mayor Moore acknowledged the presence of County Commissioner Landrum.

APPROVAL OF MINUTES

1. **19-0003** *Alderman Petersen moved to approve the December 11, 2018 Work Session and December 11, 2018 Board of Mayor and Aldermen minutes as presented. Seconded by Alderman Burger. Motion carried unanimously 7-0.*

RECOGNITIONS

None

MISCELLANEOUS REPORTS

None

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 14-18 be placed on the Consent Agenda.

2. **19-0004** **Consideration of Items 14-18 on the Consent Agenda**
Alderman Bransford moved to approve Consent Agenda Items 14-18. Seconded by Alderman Martin. Motion carried unanimously 7-0.

OLD BUSINESS

3. **18-0962** **PUBLIC HEARING: Consideration of RESOLUTION 2018-83, A Resolution Initiating the Annexation Process and Draft Plan of Services for Several Properties Located East and West of Lewisburg Pike, North and South of the Intersection at Stream Valley Boulevard.**

Emily Hunter, Planning/Sustainability Director

Amy Diaz-Barriga, Planning Supervisor

Christopher Andrews, Principal Planner

Chris Andrews related this item is for a proposed plan of services for 10 properties contiguous to the city limits. Uses are compatible with Envision Franklin.

Public Hearing

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

Vice Mayor Barnhill moved to approve Resolution 2018-83. Seconded by Alderman Burger. Motion carried unanimously 7-0.

4. **18-1157** **PUBLIC HEARING: Consideration of ORDINANCE 2018-58, To Be Entitled: "An Ordinance to Rescind Ordinance 2018-45 and to Rezone 0.22 Acres from R-6 District to Office Residential (OR) District for the Property Located North of E. Fowlkes Street and East of Cummins Street at 517 Cummins Street."**

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

Emily Hunter, Planning/Sustainability Director

Josh King: No Site Plan or Development Plan submitted at this time. Staff recommends approval

Public Hearing

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

Alderman Bransford moved to approve Ordinance 2018-58. Seconded by Alderman Martin. Motion carried unanimously 7-0 on Second of Three Readings.

5. **18-1211** **PUBLIC HEARING: Consideration of Initiating the Annexation Process and Draft Plan of Services, RESOLUTION 2018-101, for the Annexation of the Bennett Property at 4321 Long Lane, by the City of Franklin, Tennessee.**

Eric Stuckey, City Administrator
Vernon Gerth, Assistant City Administrator
Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Planning Supervisor
Josh King, Senior Planner

Property is continuous to the AG Center and Ladd Park neighborhood. The proposed use is supported by Envision Franklin. Staff recommends General Office rezoning.

Public Hearing

- Steve Abernathy, 152 Clyde Circle, Franklin: In favor of initiating annexation and sees the Refuge Center as a welcome addition to the neighborhood.
- Scott Myers, 4322 Long Lane, Franklin: Not in favor. Lives across the street from property. Suggested a property on Liberty Pike for the Refuge.
- Joey Blakley, 4338 Long Lane, Franklin: Not in favor of the annexation process. Sewage easements on his property. Property values will go down.
- Michelle Sutton, 316 Irvine Lane, Franklin: Not in favor. On HOA Board. Has concerns. There are other sites.
- Allison Dudycha, 263 Irvine Lane, Franklin: Not in favor. Her home is in sight of the property. Commercial doesn't fit in.
- Nate Winters, 748 Pontwell, Franklin: Not in favor. Agreed with others.
- Greg Ross, 4321 Long Lane, Franklin: Not in favor. Property is next door. Goes against deed restrictions and covenants. Concerns with being a country road and road rage.

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

Alderman Burger moved to approve Resolution 2018-101. Seconded by Alderman Speedy.

Discussion:

- In answer to a question by Alderman Petersen, Josh King noted the map shown was incorrect as it did not show the Hillside Overlay Protection. An updated map will be forwarded to the Board.
- Alderman Speedy: The property is in the UGB and is contiguous. As to wanting development only where infrastructure exists, the widening of Carothers Parkway and the I-65 Overpass projects are forthcoming. The Refuge is currently in his subdivision and he didn't know it was there. There have been no negative effects on property values. He supports the study of annexation.
- Alderman Martin: She understands the AG Center will someday be redeveloped. They shouldn't count on being surrounded by cows forever. She supports the Refuge Center and the study of annexation.
- Alderman Bransford: This is a fitting area for this enterprise. No negative comments from Forrest Crossing residents. As for other sites mentioned, it would be the applicant's choice if they wanted to pursue that.
- Alderman Petersen asked, if the property is rezoned, what other uses would be allowed on the property. Mr. King responded that General Office Zoning includes, agriculture, civic/institutional, office, retail and commercial allowed up to a certain percentage. This little piece shown on the real Envision Franklin map should not have been included.
- Alderman Burger said she supports this as a Plan of Services will provide the information regarding utilities, etc. Covenants, as someone mention, are private.
- Alderman McLendon supported this step because regardless of outcome, because if denied we will see another applicant, taking the next step may show it should stay residential or otherwise.

- Vice Mayor Barnhill supported this process as a means for more information. It is a planning process for the Board. It is not the Board's responsibility to steer an applicant to another property.

Motion to approve Resolution 2018-101 carried by a vote of 6-1 with Alderman Petersen voting no.

6. 18-1222 **PUBLIC HEARING: Consideration of ORDINANCE 2018-60, 2nd Quarter 2019 Budget Amendments.**

[SECOND OF THREE READINGS]

Eric Stuckey, City Administrator
Michael Walters Young, Budget/Strategic Manager

Public Hearing

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

Vice Mayor Barnhill moved to approve Ordinance 2018-60. Seconded by Alderman Burger. Motion carried unanimously 7-0 on Second of Three Readings.

7. 18-0809 **PUBLIC HEARING: 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).**

[SECOND OF THREE READINGS]

Alderman Ann Petersen, FMPC Representative
Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Planning Supervisor
Christopher Andrews, Principal Planner

Chris Andrews: Ordinance is to establish zoning. Proposing only single-family dwelling units. This Ordinance is to establish density.

Public Hearing

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

Alderman Speedy moved to approve Ordinance 2018-43. Seconded by Alderman Burger. Motion carried unanimously 7-0 on Second of Three Readings.

Alderman Martin spoke against creating “donut holes” such as with this property that is causing such angst with everyone involved.

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RECONSIDERATION:

Alderman McLendon moved to approve Ordinance 2018-43 (Item 7) and defer Third and Final Reading to February 12, 2019 as opposed to wording in the caption. Seconded by Alderman Burger. Motion carried unanimously 7-0.

8. 18-0808 **PUBLIC HEARING: 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).**

Alderman Ann Petersen, FMPC Representative
Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Planning Supervisor
Christopher Andrews, Principal Planner

Chris Andrews: Development Plan, 22.07 acres with 45 single family lots with four open space lots. Lot sizes are comparable to adjacent city subdivisions and meet the guidelines of Envision Franklin. Applicant is provided connectivity to adjoining lands: ROW and pavement connections to existing Falcon Creek subdivision as an extension of Meandering Way.

Public Hearing

- Dan Horecka, 505 Biltmore Court, Franklin: Southwest corner of Cross Creek meets Envision Franklin but doesn't meet like properties standard. There are four lots next to their one-acre lots which isn't fair. The second issue is the trails walkway; 2/3 of it is along his back yard.
- Andrew Friday, 2303 Surrey Lane, Franklin: His house backs up to one of the four lots. It makes no sense and there is no buffer against their back yards. These homes could tower over their homes, especially up land where children play. The blasting can be daunting for the children.
- Doreen Parsons, 2301 Surrey Lane, Falcon Creek: The four properties are abutting their properties with no landscaping. Blasting feet away from their homes could ruin them and ruin an environmentally sensitive property.
- Charles Gospedarek, 1024 Meandering Way, Franklin: If this goes through it runs into another subdivision through Meandering Way. With 900 new homes off Carothers it will further delay the 30-40 car wait to get out. If the main entrance is on Carothers people will come down Meandering Way like a race track.
- Heather Zimmerman, 317 Crooked Oak Court, Franklin: Devastation with the short driveways and parking in driveways blocks sidewalks and takes away children's play places.
- Philip Zimmerman, 317 Crooked Oak Court, Falcon Creek, Franklin: This will be scary for people who run on the street and children who play. It will be a pass through for additional cars.
- Gail Roe, 1052 Meandering Way, Franklin: This is the fourth time trying to develop this same property. No one is listening to Falcon Creek residents.
- Wendy Warnica, 2017 Upland Drive, Franklin: Is on the HOA Board of Falcon Creek Subdivision. Concern with the Meandering Way connection that there will be a construction entrance where children play. No buffer zones, blasting, the houses are too different. Can a fire truck turn around in the cul-de-sac? No one is receiving notification of these meetings.
- Chris Andrews: Notification sent to people within 500 ft. of the property. Zoning Ordinance requirement for notice is the Planning Commission provides notice for the Initial Hearing for the FMPC.

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

Vice Mayor Barnhill moved to approve Resolution 2018-64. Seconded by Alderman Burger.

Discussion:

- Alderman Burger: Connectivity is her big issue. Roads are constructed for vehicles and not for runners and children to play. The transition is a bit abrupt. Plans could be more creative and lot size.
- Chris Andrews said this is consistent with Envision Franklin for single family lots transitioning, especially within County Class C Buffer. This would require a 50 ft. buffer for the smaller lots abutting the larger lots.
- Emily Hunter: The best compromise is an open space lot between, so it isn't considered abutting.
- Michael Dewey: Developer offered an evergreen buffer along the property line and relocated the trail. However, Mr. Horecka is not accepting the offer.
- Chris Andrews related it could be added to the documents as a condition of approval.
- Alderman McLendon pointed out this is the final vote for this resolution for Development Plan, but not for the Zoning Ordinance in previous item. This is a difficult

site with issues to be resolved. Rather vote on Development Plan as the Rezoning. The Plan locks in several things.

- Ms. Hunter: Look at alternatives/exhibit or add a condition of approval or specify that evergreen buffering be added to open space lot.

Alderman McLendon moved to defer Resolution 2018-64 (Development Plan) to February 12, 2019 to allow time for the applicant to make appropriate revisions. Seconded by Alderman Burger. Motion carried by a vote of 6-1 with Vice Mayor Barnhill voting no.

*Alderman McLendon moved to **Reconsider the previous Item 7(Ordinance 2018-43)** for the purpose of deferring it to synchronize with Resolution 2018-64. Seconded by Alderman Burger.*

- ★ *Alderman McLendon moved to approve Ordinance 2018-43 on Second Reading (Item 7) and defer Third and Final Reading to February 12, 2019 as opposed to wording in the caption. Seconded by Alderman Burger. Motion carried unanimously 7-0.*

NEW BUSINESS

9. 18-1158 ★ **Consideration of Road Impact Fee Offset Agreement (COF 2018-0231) with Sunnybrook Investment Company, LLC for the South Carothers Road Widening Project (Carothers Chase PUD).**

Paul Holzen, Director of Engineering

Jimmy Wiseman, Assistant Director of Engineering

Vice Mayor Barnhill moved to approve COF 2018-0231. Seconded by Alderman Burger.

Mr. Stuckey advised this item relates to Item 8.

Alderman McLendon moved to defer COF 2018-0231 to February 12, 2019. Seconded by Alderman Speedy. Motion carried unanimously 7-0.

10. 18-1270 ★ **Consideration of Amendment No. 4 to the Professional Services Agreement (COF Contract No. 2014-0209) with CT Consultants, Inc. for the Preparation of Final Plans and Specifications for the Franklin Road Corridor (Streetscape) Improvements Project, from the Harpeth River Bridge to Harpeth Industrial Court, at a Cost INCREASE Not-to-Exceed \$103,740.00.**

Paul Holzen, Director of Engineering

Alderman Bransford moved to approve Amendment No. 4 to COF Contract 2014-0209. Seconded by Alderman Martin. Motion carried unanimously 7-0.

11. 18-1146 **Consideration of Special Event Permit for the Pilgrimage Music and Cultural Festival at the Park at Harlinsdale Farm to be Held September 20-22, 2019 and 2018 Pilgrimage After Action Report.**

Lisa Clayton, Parks Director

Alderman Bransford moved to approve Event Permit for the Pilgrimage Music and Cultural Festival at Harlinsdale Farm scheduled September 20-22, 2019, and 2018 Pilgrimage After Action Report. Seconded by Alderman Burger.

- Alderman McLendon stated that a properly executed event like this is good for the community; however, he has concerns driven by safety issues. For the last two years he has been on the property when it is time to leave. Once, it didn't matter. The second time it did because of the weather conditions. It took more than an hour to exit the property. Deputy Chief Horton had said that of 25,000 in attendance, 15,000 would have to walk a mile to shelter, and that would take an hour. He remains concerned that this property is inappropriate for a festival? property for this size. If there is a third time he

will no longer support the event. He doesn't want somebody to die and the City to be known for holding a festival where someone died. Three strikes and out.

Motion to approve Special Event Permit and After Action Report carried unanimously 7-0.

12. 19-0001 ★ **Consideration OF RENEWAL Certificate of Compliance for Wine in Grocery Store for Publix Tennessee, LLC #1529 Located at 5021 Hughes Crossing Boulevard (Berry Farms), Franklin, TN 37064 (Michael Mayhew, Managing Agent; Executive Officers: Randall T. Jones, Sr., President; John A. Attaway, Jr., Secretary; David Patrick Phillips, Treasurer; Joseph DiBenedetto, Vice President; Jeffrey G. Chamberlain, Vice President.**

Lanaii Benne, Assistant City Recorder

Vice Mayor Barnhill moved to approve RENEWAL Certificate of Compliance for Publix #1529. Seconded by Alderman Petersen. Motion carried unanimously 7-0.

13. 18-1259 **Consideration of Mayor's Appointment of John Besser to the Housing Commission**
Mayor Ken Moore

Vice Mayor Barnhill moved to approve the appointment of John Besser to the Housing Commission. Seconded by Alderman Bransford. Motion carried unanimously 7-0.

CONSENT AGENDA

14. 18-1007 **Consideration of ORDINANCE 2018-54, An Ordinance to Rezone 75.52 Acres from Specific Development-Residential (SD-R 2.92) District to Civic Institutional (CI) District for the Property Located West of Carothers Parkway and East of Interstate I-65 (City of Franklin Owned Property.**

[Third and Final Reading]

**Alderman Ann Petersen, FMPC Representative
Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Planning Supervisor
Christopher Andrews, Principal Planner**

Ordinance 2018-64 approved unanimously 7-0 on Third and Final Reading.

15. 18-1031 **Consideration of ORDINANCE 2018-55, To Be Entitled: "An Ordinance to Rezone 126.89 Acres from Specific Development-Residential (SD-R 2.92) District to Specific Development-Residential (SD-R 5.03) District for the Property Located East of Carothers Parkway and South of South Carothers Road (Lockwood Glen PUD Subdivision)."**

[Third and Final Reading]

**Alderman Ann Petersen, FMPC Representative
Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Planning Supervisor
Christopher Andrews, Principal Planner**

Ordinance 2018-55 approved unanimously 7-0 on Third and Final Reading.

16. 18-1100 ★ **Consideration of ORDINANCE 2018-56 – An Ordinance to Rezone 43.97 Acres from Agricultural (AG) District to Specific Development – Residential (SD-R 3.00) District for the Property Located North of Del Rio Pike and West of Reese Drive, 2970 Del Rio Pike (The Fields at Reese Farm PUD Subdivision); Establishing Public Hearing Date of February 26, 2019.**

[First of Three Readings]

**Alderman Ann Petersen, FMPC Representative
Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Planning Supervisor
Christopher Andrews, Principal Planner**

Ordinance 2018-56 approved unanimously 7-0 on First of Three Readings.

17. 18-1134 **Consideration of ORDINANCE 2018-57, An Ordinance to Amend Title 2, Chapter 5 of the City of Franklin Municipal Code Pertaining to the Battlefield Preservation Commission to Amend the Name, Purpose, and Membership Structure of the Commission.**
Alderman Scott Speedy,
[SECOND AND FINAL READING] **Emily Hunter, Planning/Sustainability Director**
James Svoboda, Planning/Sustainability Asst. Director
Amana Rose, Preservation Planner
Ordinance 2018-57 approved unanimously 7-0 on Second and Final Reading.
18. 18-1199 **Consideration of ORDINANCE 2018-59, “An Ordinance to Implement a Pavement Marking and Signage Plan on 4th Avenue South Between Church Street and South Margin Street”.**
[SECOND AND FINAL READING] **Paul Holzen, Engineering Director**
Jonathan Marston, Engineering Assistant Director
Ordinance 2018-59 approved unanimously 7-0 on Second and Final Reading.

RECEIPT OF REPORTS AND ITEMS APPROVED ON BEHALF OF THE BOARD

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| 19. | 18-1136 | Procurement Agreement with Findley, Inc. of Brentwood, Tennessee, in the Estimated Annualized Amount of \$39,400 for Closed Employee Pension Plan and OPEB Actuarial Consulting Services for a Term of Award (Purchasing Office Procurement Solicitation No. 2019-001; Contract No. 2018-0225) <i>Acknowledged</i> | Kristine Tallent and Keven Townsel |
| 20. | 18-1272 | City of Franklin Contract 2018-0261 with DAC (Digital Assurance Certification) in an Annual Amount of \$2,500 for Continuing Debt Disclosures <i>Acknowledged</i> | Rocky Garzarek |
| 21. | 18-1280 | City of Franklin Contract 2018-0232 with Adashi Systems, LLC, in an Amount of \$11,063.00 for an Annual Maintenance Contract for the Mobile Command Software Portion of FireHouse. <i>Acknowledged</i> | Rocky Garzarek |
| 22. | 18-1281 | Contract with ESO Solutions, Inc, FireHouse Software for an Annual Maintenance Contract for the Web-Based Portion of FireHouse Software (COF Contract 2018-0207). <i>Acknowledged</i> | Rocky Garzarek |
| 23. | 18-1282 | Contract 2018-0253 with Hytch Rewards in an Amount of \$3,000 to Provide Ridesharing Incentives for City Employees. <i>Acknowledged</i> | Andrew Orr |

EXECUTIVE COMMITTEE DID NOT CONVENE

EXECUTIVE SESSION

24. 19-0005 **Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matters of Pending Litigation.**
Shauna Billingsley, City Attorney

RETURN FROM EXECUTIVE SESSION

25. 19-0006 **Consideration of Matters from Executive Session**
Dr. Ken Moore, Mayor

ADJOURN

Vice Mayor Barnhill moved to adjourn. Seconded by Alderman Burger. Motion carried unanimously 7-0.

Meeting adjourned @ 8:51 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office—1/30/2019 1:50 PM