
**MINUTES OF THE SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, APRIL 23, 2019 – 7:00 P.M.**

Board Members

Mayor Ken Moore	A		
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	
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	
Shauna Billingsley, City Attorney	P	Emily Hunter, Planning & Sustainability Director	P
Deb Faulkner, Police Chief		Kevin Townsel, Human Resources Director	
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
Jordon Shaw, IT Director		Lanaii Benne, Assistant City Recorder	P
Tom Marsh, BNS Interim Director		Linda Fulwider, Board Recording Secretary	P

CALL TO ORDER

Vice Mayor Clyde Barnhill called the April 23, 2019, meeting to order at 7:00 p.m.

INVOCATION

Vice Mayor Clyde Barnhill gave the invocation.

PLEDGE OF ALLEGIANCE

Alderman Scott Speedy 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)

No one came forward to speak.

COMMUNICATIONS FROM WILLIAMSON COUNTY MAYOR AND WILLIAMSON COUNTY COMMISSION

Representatives were not present

APPROVAL OF MINUTES

1. 19-0389 Alderman Blanton moved to defer the April 9, 2019 Work Session minutes and the April 9, 2019 Board of Mayor and Aldermen minutes to the May 14, 2019 BOMA meeting as they were not ready to be submitted for approval. Seconded by Alderman Bransford. Motion carried unanimously 7-0.

RECOGNITIONS

None

MISCELLANEOUS REPORTS

- ♦ The Capital Investment Committee will not meet April 25th as listed. The items will be moved to the May 14th Work Session.

- ♦ The annual Main Street Festival is scheduled this coming Saturday and Sunday.

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. 19-0390 Consideration of Items 14-18 on the Consent Agenda

Alderman McLendon moved to approve Consent Agenda Items 14-18. Seconded by Alderman Martin. Motion carried unanimously 7-0.

OLD BUSINESS

3. 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)."

[THIRD AND FINAL READING]

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

Eric Stuckey explained this Ordinance was approved at First and Second Reading, based on the failure to pass the Development Plan at the previous BOMA meeting, staff now recommends that this zoning be denied.

Alderman Martin moved to deny Ordinance 2018-43 on Third and Final Reading as recommended by staff. Seconded by Alderman Blanton. Motion to deny carried unanimously 7-0.

4. 19-0196 PUBLIC HEARING: Consideration of ORDINANCE 2019-02, An Ordinance to Rezone 10.03 Acres from General Commercial (GC) District to Civic-Institutional (CI) District for the Property Located South of East McEwen Drive and West of Carothers Parkway (Future City Park).

[SECOND OF THREE READINGS]

Franklin Municipal Planning Commission
Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Planning Supervisor

Emily Hunter: (Huffine Ridge PUD) Rezoning of 10 acres from General Commercial to Civic-Institutional District for the area of land to be dedicated to the City for a future City park. It is part of the HHO-Hillside Overlay Zone, which in Envision Franklin is a Conservation Area, to be used for permanent conservation or for recreational purposes. Meets the intent of Envision Franklin. The historic Carothers House is in this area. It is to be restored as part of the Parkland Offset Agreement. Staff recommends approval.

Public Hearing:

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

Alderman Bransford moved to approve Ordinance 2019-02 with inclusion of the legal description. Seconded by Alderman Burger. Motion carried unanimously 7-0 on Second of Three Readings.

5. 19-0195 PUBLIC HEARING: Consideration of ORDINANCE 2019-03, "An Ordinance to Rezone 12.67 Acres from General Commercial (GC) District to Specific Development-Variety (SD-X) (18.8, 150000, 170) District for the Property Located South of East McEwen Drive and West of Carothers Parkway (Huffines Property PUD Subdivision)".

[Second of Three Readings]

Franklin Municipal Planning Commission
Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Planning Supervisor

Emily Hunter: This rezoning of approximately 12 acres to SD-X is also associated with the Huffines Ridge PUD. The uses proposed include multi-family residential, office and hotel, a

layout that meets the intent of Envision Franklin, and the design requirements stated in the policy. Staff recommends approval with the addition of the legal description.

Public Hearing:

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

Alderman Burger moved to approve Ordinance 2019-03 with inclusion of the legal description. Seconded by Alderman Petersen. Motion carried unanimously 7-0 on the Second of three Readings.

6. 19-0197 **PUBLIC HEARING: Consideration of RESOLUTION 2019-09, "A Resolution Approving a Development Plan for Huffines Property PUD Subdivision with 2 Modifications of Development Standards (Maximum Retaining Wall Height, Evergreen Shrubs), for the Property Located South of East McEwen Drive and West of Carothers Parkway".**

Franklin Municipal Planning Commission
Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Planning Supervisor

Emily Hunter: Huffines Ridge Development Plan. For this portion of the parcel, Envision Franklin recommends a Regional Commerce design concept. The mix of uses and layout meet the intent of Envision Franklin. MOS 1: Maximum Retaining Wall Height – The Zoning Ordinance states there can be one retaining wall at a maximum of 10 ft. The proposal is a retaining wall of 14 ft. This would be immediately adjacent to the HHO where the hill is to be reserved for City park purposes. Due to the unique circumstances, staff recommends approval of MOS 1. MOS 2: Evergreen shrubs at the base of a different retaining wall. There are existing trees on other side of the retaining wall to screen it eliminating the need for shrubs. Staff recommends approval of MOS 2.

Public Hearing:

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

Alderman Burger moved to approve Resolution 2019-09 with Staff Conditions. Seconded by Alderman Petersen.

Alderman Burger moved to approve MOS 1. Seconded by Alderman Martin. Motion carried unanimously 7-0.

Alderman Burger moved to approve MOS 2. Seconded by Alderman Bransford. Motion carried unanimously 7-0.

Main Motion to approve Resolution 2019-09 with Staff Conditions and inclusion of MOS 1 and MOS 2 carried unanimously 7-0.

7. 19-0267 **Consideration of Contract No. 2019-0094 Road Impact Offset Agreement with Goldberg Companies, INC for the Huffines Property PUD Subdivision.**

Paul Holzen, Engineering Director
Jimmy Wiseman, Engineering Assistant Director

Alderman McLendon moved to approve Contract No. 2019-0094. Seconded by Alderman Burger. Motion carried unanimously 7-0.

8. 19-0279 **Consideration of COF Contract No. 2019-0096, Parkland Dedication and Construction, an Agreement between the City of Franklin and Legacy, LLC Concerning the Development known as Huffines Ridge.**

Lisa Clayton, Parks Director
Kevin Lindsey, Facilities Superintendent

Alderman Blanton moved to approve COF Contract 2019-0096. Seconded by Alderman Burger. Motion carried unanimously 7-0.

NEW BUSINESS

9. 19-0293 **Consideration of RESOLUTION 2019-22, a Resolution to Establish Decision Points for the Transition of Sanitation and Environmental Services Department (SES) Recycling and Commercial Services.**

**Mark Hilty, Assistant City Administrator/Public Works
Jack Tucker, SES Director**

Alderman McLendon moved to approve Resolution 2019-22. Seconded by Alderman Speedy.

Discussion:

Eric Stuckey: This resolution relates to changes in residential recycling and commercial dumpsters.

- ♦ Effective January 2020, the City will change from blue bags to roll-out containers for recycling. An administrative fee of \$4 per month for a 12-month period will be added to recover a portion of the City's expenses related to the transition.
- ♦ The City is moving out of the commercial dumpster business. A 90-day notice will be sent to dumpster customers to give them time to get a private dumpster service.

The Municipal Code will be amended to reflect the changes.

Motion to approve Resolution 2019-22 carried unanimously 7-0.

10. 18-1239 Consideration of RESOLUTION 2018-102, "A Resolution Providing Design Direction for the SR-96 West Multipurpose Trail Project (Vera Valley Drive to 5th Avenue North).

**Vernon Gerth, ACA/Economic & Community Dev.
Paul Holzen, Engineering Director**

Mr. Stuckey noted this issue has been discussed a number of times and there have been meetings with the property owner impacted by the trail. Of the four options presented, staff recommends Option 3 which would provide the City Administrator with the authority to spend up to \$50,000 on this site to relocate merchandise display tables, modify/rebuild the freestanding canopy, and install additional pavement for off-street parking adjacent to the existing concrete pad.

Alderman McLendon moved to approve Resolution 2018-102, Option 3. Seconded by Alderman Martin.

Discussion:

- ♦ Alderman McLendon: He repeatedly heard the owner say they thought they could get sufficient parking on site. Does the property owner prefer Option 3?
- ♦ Mr. Stuckey: We don't know that for sure. The owners haven't given a clear answer.
- ♦ Alderman Blanton: Concerned about a long-standing business in the community being displaced and would like to know which option best suits the owner.
- ♦ Mr. Stuckey: Option 3 provides authority for the City Administrator to work with the owners on modifications to keep them in business.

Motion to approve Resolution 2018-102, Option 3, carried unanimously 7-0.

11. 19-0228 Consideration of RESOLUTION 2019-18, a Resolution for Select a Design Concept for the Intersection Upgrade Project at Liberty Pike and North Royal Oaks Boulevard/Mallory Lane.

Paul Holzen, Engineering Director

Vice Mayor Barnhill noted the Board received a letter from the law firm Adams and Reese, LLP, regarding this intersection as it relates to Viera Cool Springs Apartment Community.

Alderman McLendon moved to approve Resolution 2019-18 (with selected option included). Seconded by Alderman Burger.

Discussion:

- ♦ Vice Mayor Barnhill: In answer to Alderman Burger's question about what is in the letter from Adams and Reese, he said it pertains to the options for the design, property rights, etc.
- ♦ Mr. Stuckey: The letter can be entered into record. Staff has not seen the letter. The letter will be filed with the minutes.

- ♦ Alderman Blanton: She lives very close to this intersection in the Andover subdivision. With the growth, such as Huffines Ridge development, Columbia State, etc., the intersection needs to be addressed sooner rather than later. In her opinion the roundabout doesn't make sense for this intersection: All the new teen drivers at Centennial High School; additional backed up traffic going north down the hill; Roundabouts are the new vogue way of moving traffic, but as Alderman Martin said previously, roundabouts need to happen in new construction and not retro-fit. The 7-lanes of traffic design isn't feasible either. Need to be careful about carving too much from the apartment real estate. Totally against roundabouts.
- ♦ Alderman Burger: Not worried about student drivers, they can be educated on how to maneuver a roundabout. Traffic signals would cause more backup problems. The big thing for the future is to avoid gridlock, move the traffic. Supports the roundabout.
- ♦ Alderman Speedy: The roundabout is a clear-cut winner to move traffic and there is less impact on the apartment complex. If not, the City should get the numbers on how much damage will be done to Viera Cool Springs.
- ♦ Alderman McLendon: Agreed with Alderman Speedy.
- ♦ Alderman Bransford: Stacking is a concern with signalization. She recommends the roundabout.

Alderman McLendon moved to amend the motion to approve Resolution 2019-18 to include Option 2, Roundabout Intersection. Seconded by Alderman Burger. Motion as Amended carried by a vote of 5-2 with Aldermen Blanton and Petersen voting no.

12. 19-0338 Consideration of RESOLUTION 2019-53, a Resolution Providing Staff with Funding Direction for the Home Raising Project Developed by the United States Army Corps of Engineers as Part of the Harpeth River Feasibility Study.

Paul Holzen, Engineering Director

Jonathan Marston, Engineering Assistant Director

William Banks, Staff Engineer II

Alderman Blanton moved to approve Resolution 2019-53, Option 3 – the 35% remaining Non-Federal project costs are split 50/50 between the City and the Homeowner. Seconded by Alderman Burger.

Discussion:

- ♦ Alderman McLendon: In other circumstances in the City, what percentage of cost have homeowners been asked to pay when improvements are made to their homes using taxpayer funds to mitigate a small number of homeowners. He supports the City paying 100% of the remaining portion of costs.
- ♦ Lengthy discussion ensued regarding the Battle Avenue project, if more homes will be added to this house raising project, and comparisons to other similar projects and if the improvements would be of benefit to homeowners only or to others as well.

Alderman McLendon moved to amend the motion to approve Option 2 – the 35% of remaining Non-Federal project costs are solely paid for by the City. Seconded by Alderman Blanton. Motion as Amended fails by a vote of 3-4 with Aldermen Petersen, Blanton, McLendon voting in favor and Aldermen Bransford, Burger, Speedy and Martin voting no.

Original motion to approve Resolution 2019-53, Option 3 – the 35% remaining Non-Federal project costs are split 50/50 between the City and the Homeowner. Motion carried by a vote of 5-2 with Aldermen Petersen, Bransford, Blanton, Burger, McLendon voting in favor and Aldermen Speedy and Martin voting no.

13. 19-0358 ★Consideration of Event Permit for Mellow Mushroom Live on the Square Concert Series May-September 2019 in Downtown Franklin.

Deb Faulkner, Police Chief

Alderman McLendon moved to approve Event Permit for Mellow Mushroom Live on the Square Concert Series. Seconded by Alderman Burger. Motion carried unanimously 7-0.

CONSENT AGENDA

14. 19-0322 **Consideration of Event Permit for Derby Day Party at the Park at Harlinsdale Farm sponsored by the Downtown Franklin Rotary Club on May 4, 2019.**
Lisa Clayton, Parks Director
Approved unanimously 7-0.
15. 19-0333 **Consideration of On-Call Engineering and/or Surveying Contracts with Alfred Benesch & Company (COF Contract No. 2019-0083), Civil & Environmental Consultants, Inc. (COF Contract No. 2019-0084), Stantec Consulting Services, Inc. (COF Contract No. 2019-0085), and Civil Infrastructure Associates, LLC (COF Contract No. 2019-0086).**
Paul Holzen, Engineering Director
Jonathan Marston, Engineering Assistant Director
Approved COF Contracts 2019-0083, 2019-0084, 2019-0085, 2019-0086 unanimously 7-0.
16. 19-0334 **Consideration of RESOLUTION 2019-27, "A Resolution to Award the Construction Contract (COF Contract No. 2019-0057) for the West McEwen Drive Roundabout Improvements Project (COF Project No. 2017-010) to Sessions Paving Company in the Amount of \$1,324,963.45 and to Establish a Project Contingency in the Amount of \$150,000.00.**
Paul Holzen, Engineering Director
Approved Resolution 2019-27 unanimously 7-0.
17. 19-0335 **Consideration of a Local Agency Project Agreement (COF Contract No. 2019-0097) with the Tennessee Department of Transportation for the SR-96 (Murfreesboro Road) Traffic Signal Improvements (TDOT PIN 127913.00).**
Paul Holzen, Engineering Director
Approved COF Contract 2019-0097 unanimously 7-0.
18. 19-0336 **Consideration of a Professional Services Agreement (COF Contract No. 2019-0098) with Alfred Benesch & Company for the Design of the Southeast Park Bridge & Carothers Parkway Intersection Improvements in the Lump Sum Amount of \$358,656.00.**
Paul Holzen, Engineering Director
Approved unanimously 7-0.

RECEIPT OF REPORTS AND ITEMS APPROVED ON BEHALF OF THE BOARD

19. 19-0262 **Filming Agreement with Chrisley Knows Best/Bright Road Productions (COF Contract No. 2019-0088)**
Acknowledged Rocky Garzarek, Fire Chief
20. 19-0180 **Acknowledgement of a Professional Services Agreement (COF Contract No. 2019-0058) with John M. Hahn, Jr. for Appraisal Services on the Franklin Road Corridor Improvements Project in the Amount of \$23,500.00.**
Acknowledged
21. 19-0222 **Acknowledgement of Rental Agreement with Rolling Hills Community Church (COF Contract 2019-0082) in the Amount of \$1,525.00 for the 2019 State of the City.**
Acknowledged Milissa Reiersen, Communications Manager
22. 19-0252 **Acknowledgement of a Professional Services Agreement (COF Contract No. 2019-0090) with CDM Smith, Inc. for the SR-96 East Sidewalk Project to Finalize the FEMA Letter of Map Revision in the Amount of \$11,400.**
Acknowledged Paul Holzen, Engineering Director
23. 19-0327 **Acknowledgement of Agreement Between Tennessee Department of Health and City of Franklin (COF 2018-0271).**
Acknowledged

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24. 19-0375 **COF Contract 2019-0105 with Wood Environment and Infrastructure Solutions Inc. for Technical Support Related to the Cannon Street Sinkhole.**
Acknowledged **Mark Hilty, Assistant City Administrator/Public Works**
Joe York, Streets Director
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EXECUTIVE SESSION

25. 19-0391 **Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matter of Pending Litigation.**
Shauna Billingsley, City Attorney
Alderman McLendon moved to enter Executive Session. Seconded by Alderman Burger. Motion carried unanimously 7-0. (Entered Executive Session 8:05 p.m.)

RETURN FROM EXECUTIVE SESSION

26. 19-0392 **Consideration of Matters from Executive Session**
Dr. Ken Moore, Mayor
(Returned 8:28 p.m.) There were no matters for consideration

ADJOURN

Alderman Blanton moved to adjourn. Seconded by Alderman Bransford. Motion carried unanimously 7-0.
Meeting adjourned @ 8:28 p.m.

Clyde Barnhill, Vice Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office 5/28/2019 9:24 AM