
MINUTES OF THE *WORK SESSION*
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, FEBRUARY 23, 2010 – 5:00 P.M.

Board Members

Mayor John Schroer	P	Alderman Margaret Martin	P
Alderman Clyde Barnhill	P	Alderman Ken Moore	P
Alderman Pearl Bransford	P	Alderman Ann Petersen	P
Alderman Beverly Burger	P	Alderman Michael Skinner	P
Alderman Dana McLendon	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	P
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 Director	P
Rocky Garzarek, Fire Chief	P	Joe York, Streets Director	P
Jackie Moore, Police Chief	P	Brad Wilson, Facilities Project Manager	P
Fred Banner, MIT Director	P	Lanaii Benne, Assistant City Recorder	
Becky Caldwell, Solid Waste Director	P	Linda Fulwider, Board Recording Secretary	P
Lisa Clayton, Parks Director	P		

1. Call to Order

Mayor John Schroer called the BOMA Work Session to order on Tuesday February 23, 2010 at 5:05 p.m. in the City Hall Boardroom.

2. Citizen Comments

- Daniel Wischhof, attorney, and his client Marion Beech were present. Mr. Wischhof said Eleventh Avenue South is a major collector street on Franklin’s Major Thoroughfare Plan. It is used as a cut through to Columbia Avenue, school buses and emergency vehicles use this 20 ft. wide street. A parking ban existed on the east side of the street before the first petition originated by the Beech’s resulted in an ordinance to ban parking on the west side as well. Following the approval of Ordinance 2009-59, petitions to restore parking on the west side were submitted by other neighborhood residents. City Engineering conducted a survey of the residents as well and stood by their recommendation to ban parking on the west side. The results of the surveys appeared to be to restore parking on the west side of the street. Mr. Wischhof said Mr. Beech wondered why Eleventh Avenue South should not have the same protection as the wider Eleventh Avenue North (no parking on either side of the street). Mr. Wischhof alluded to his correspondence to the City and the petitions of the opposing side, and said one petition had only one Eleventh Avenue resident on it. He went on to say that one-third of the people signing those petitions live in Ward 3, with the remainder from other wards or outside Franklin. He asked the Board to let Ordinance 2009-59 stand.
- Patricia Scruggs, 300 Natchez Street, said she circulated a petition but it was mostly for people on Park Street and Eleventh Avenue because they are affected by this. She also got signatures from people at the church because they park on her property. They were not included in the City survey.

- Calvin Malone, 1102 Park Street, owner of Calvin Malone’s Barber Shop said Mr. and Mrs. Beech are concerned about safety issues. He submitted pictures of safety issues: a large truck parked on the sidewalk from 8:30 to 12:30 and from 1:00 to 2:30, Mr. Beech standing on a porch talking on a cell phone in front of a large truck, a police car parked on the street, and several vehicles parked in a row on the sidewalk. He feels he is targeted to run him out of business. He is fighting to keep his business of 21 years. He went to the City Codes office and since has received many emails about floodlights, parking, and reminders that the City owns five to eight feet of property. If the City owns all this property why weren’t the cars and trucks parked up there on the other side. He submitted a photo of a house that has been for sale since July 7, 2007 that is listed as being in Historic Downtown Franklin. Theirs is a historic neighborhood so keep it as it is. In these economic times, he wants to be left alone to make an honest living for his family.
- Matt Abrams, 1611 Cooper Creek Lane, Carlisle Subdivision, spoke regarding an item on the BOMA agenda, Resolution 2010-15 condemnation for intersection improvements of SR 96 at Boyd Mill Avenue and Carlisle Lane. Mr. Abrams said he just found out about these improvements a few days ago. He would like the Board to consider an alternative design to improve traffic flow that would take less of their neighborhood and look at other neighborhoods in the area. Give the residents a little more time.

Alderman McLendon indicated he would ask to defer Resolution 2010-15 at the 7:00 p.m. meeting to give the Carlisle neighborhood more time to be involved and perhaps choose another option.

WORK SESSION DISCUSSION ITEMS

3.* Consideration of Event Permit Application from My Father’s House for the Cinco de Mayo Event in Pinkerton Park on May 1, 2010

Lisa Clayton, Parks Director

No comments or questions

4. Consideration of Event Permit Application from Franklin First United Methodist Church for Franklin’s Fiddlin’ Fish 5K on May 15, 2010

Jackie Moore, Police Chief

No comments or questions

5. Consideration of Event Permit Application from Mellow Mushroom for Downtown Franklin on May 8 (Quadrant of Square)

Jackie Moore, Police Chief

No comments or questions

6. Consideration of Event Permit Application from Heritage Foundation for Heritage Ball on October 2, 2010 (EFBP)

Lisa Clayton, Parks Director

No comments or questions

7. Presentation of Establishing a Franklin Parks Foundation

Anna Shuford & Deanna Scheffel, Parks Department

Lisa Clayton introduced Anna Shuford, Parks Program Coordinator, and Deanna Scheffel, Parks Program

Specialist who gave a presentation on establishing a Parks Foundation.

Some of the key factors leading to consideration of a 501c3 Foundation:

- Park acreage has more than doubled in the last six years (over 700 acres)
- The economic slowdown has limited funding for capital improvements
- Public demand and growth has created a demand for completed parks and greenways
- 40% of City parts are incomplete

Why a Foundation:

- Opportunity to involve community groups – Battlefield Task Force, Franklin’s Charge, Friends of Harlinsdale - to work toward the common goal of park improvements, preservation and support
- Alternate funding source needed

Incomplete Parks:

- | | |
|---|---|
| <ul style="list-style-type: none">• The Park at Harlinsdale Farm
All historic buildings restored
Amenities and Utilities
Restrooms
Trails
Fencing
Signage• Liberty Park
Amphitheater
Skate Park
Restroom facilities
Tennis Courts
Dog Park
Amenities | <ul style="list-style-type: none">• Bicentennial Park
Design completed
Construct all features
Structures
Bridges
Landscape Trails and Overlooks
Parking• Eastern Flank Battlefield Park
Restore Battlefield
Construct Visitor Center
Entry Road and Parking
Interpretive Signage
Landscape
Trail amenities |
|---|---|

Park Upgrades or Renovations Due:

- | | |
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| <ul style="list-style-type: none">• Jim Warren Park
Pavilion & Concession Stand
Restroom
Parking Lots• Pinkerton
Parking lots
Playgrounds
Restroom and Trails | <ul style="list-style-type: none">• Winstead Hill
Restroom facilities• Collins Farm
Restore building
Parking
Landscape
Signage |
|--|---|

Why Initiate a Foundation:

- Be on the front end of developing a unique and entirely independent foundation
- Drive the process and set the guidelines in advance
- Citizen involvement in collaboration with the Parks Department
- Foundation would be the filter for special groups (partners) and projects that enhance the City park facilities, greenways and trails
- Grantors look favorably on Foundations over donating directly to a government entity
- Utilization of alternative funding sources (Grants become more available to non-profits)
- Foundation would be the non-profit umbrella for volunteer and fundraising groups whose goals parallel the City Parks Department’s goals and mission

What would a Parks Foundation do for the City:

- Fundraising, volunteers, donations and supplementing shortfalls from tax revenue and program fees
- Foster conservation and educational efforts
- Preservation and protection of the many natural, historical, and scenic features that exist within the system of parks

Core Foundation Board composed of:

- Local Business Leaders
All fields – Real Estate, Attorneys, Architects, Consultants, Medical, Financial Educators, Accountants, Utilities, Transportation, Computer, and Construction, etc.

- Community Volunteers
- Civic Leaders

Key Factors:

- Formal MOA between the City of Franklin Parks and Franklin Parks Foundation establishing the responsibilities of each organization and defining their joint purposes
- Elected Officials and Parks Designee serve on the Board as non-voting members (ex-officio)
- Foundation Group work in conjunction with Parks Department Designee to establish projects and park system needs and priorities
- Agree to partner in fundraising, education and citizen involvement
- Policy and Procedures
- Partner Groups

Initial Costs:

- Legal expenses (City Attorney) incurred for required documents for IRS 501c3 and State Department of Revenue (minimum \$1,500)
- No cost to City if Foundation uses volunteer attorney to file (in-kind value minimum \$1,500)
- City would incur varying costs if agree to provide the Foundation a meeting place, phone, computer, copier, fax, etc.
- Department Designee's time for meetings and discussion (ongoing expense)
- Foundation Group (private company specializing in setting up 501c3) fees on City's behalf (starting at \$1,200)

Filing Fees:

- Federal IRS Charges to file for tax exemption
As of January 3, 2010
\$400 = under \$10,000 gross receipts per year
\$850 = over \$10,000 gross receipts per year
- State fees to file as Charitable Organization
\$600 Certificate of Authority
\$150 Registering Charter

Mailing and copying expenses estimate \$100

Benefits:

- All contributions tax deductible
Including corporate, in-kind, and individual gifts and memberships
Public and corporations more likely to give when they receive a tax benefit
- Promotes stewardship and pride in the Community
- Allows volunteers to give service and support community facilities
- Parks Department can accomplish goals without expanding personnel and/or incurring more costs

Action Plan, process, resources, and alternate name mentioned.

Alderman Petersen commented that it was a good idea but thought an independent foundation should not be funded by the City, not even to start it, and should not pay for phones and other services or office equipment. If it is to be an independent foundation, it should start independently.

There was discussion on other places that have foundations and how those work.

Lisa Clayton related they want to work with City Administration and the Law Department to establish a document to see if a foundation would work here as a separate entity. Eric Stuckey noted initially there might be citizens and corporations who want to help enhance parks. This is a creative approach to cultivate that resource. Ultimately, the Board decides what is done in the parks. Foundations are not uncommon in other places in Tennessee.

- Mindy Tate, Franklin Tomorrow President, said earlier this year they collaborated with Franklin Special School District for a grant (FSSD was not a 501c3 or were not established as a 501c3 long enough to accept that grant). Franklin Tomorrow set up an agreement to work with the FSSD as the vehicle for

financing since education is one of Franklin Tomorrow's nine goals. Recreation and environment are other goals. They are looking for opportunities to work with the City and would offer their 501c3 as a mechanism for financing if that would help the situation.

The Board gave the okay for Parks to draw up a foundation document for review.

8.* Discussion of SPUI vs. Diamond Interchange (continued discussion and additional subject material information)

David Parker, City Engineer/CIP Executive

Alderman Burger told of her research and conversations with experts on SPUI and Diamond interchanges as well as her survey of constituents. There appears to be nothing conclusive that one is better than the other in most cases. Alderman Martin said she would vote for the SPUI as being best for the future.

Mayor Schroer related representatives from Boyle and the City met with TDOT to discuss diamond interchanges versus SPUI's. Steve Allen, an expert in interchanges, told them the location of the SPUI is critical. The SPUI is more efficient when traffic is equal on both sides, and if it is not, a SPUI can be worse than a diamond. Traffic on I-65 is uneven, with the heaviest traffic traveling north. Problems can occur if there is not enough distance from the traffic signals at the interchange to the next signals; however, this should not be a problem at Goose Creek now or in future. The delay to design the diamond will move the funding of right-of-way back to the next year. This is not a problem as it could be two or three years before the project gets in the queue for construction funding. TDOT agreed to reconcile the traffic numbers to make sure their numbers and the count done by Boyle are in accord. Mayor Schroer said he left feeling fully comfortable with their commitment.

9.* Consideration of ORDINANCE 2010-14, An Ordinance to Amend Title 5, Section 8 Relative to Disposal of Surplus Real Property for Use in the Affordable and Workforce Housing Program

Shauna Billingsley, Interim City Attorney

Item pulled.

10. Review and Discussion of Policy for Sewer Connection

Alderman Michael Skinner

Alderman Skinner referred to the resolution approved on March 10, 1992 that adopted a policy on extension of sewer service outside Franklin City limits. He thinks there is confusion about the policy and his primary concern is that the City knows what the capacity is for the UGB before making sewer available to properties outside the UGB.

Mayor Schroer indicated this is something that should be included with the Integrated Water Plan.

Discussion:

- Emergency situations outside the UGB with failing septic systems
- Septic systems within and outside the City as health issues
- Boundaries and capacity can be addressed through the Regional Integrated Water Plan
- Look at the watershed
- Stop piecemeal fixes
- Continue on case by case basis until the Plan is in place
- Key to planning is defining the service area

- Need further facts and information

11. Status Update on ORDINANCE 2099-55, Offenses Against the Peace and Quiet
Eric Stuckey, City Administrator

Additional information was collected on noise readings and regulations in other communities. The current ordinance is very difficult to enforce. Need clearer guidelines that are easy to enforce. Perhaps define by different districts, timeframes, etc. Many complaints are received during the summer when venues close to residential areas have bands outside. Some readings were done during the summer. Consensus was to get additional data, further studies, and take additional summer readings.

12. Small Projects Prioritization Follow-Up
David Parker, City Engineer/CIP Executive

No scoring as two individuals have not submitted priority rankings. Mayor Schroer said it is important that everybody rank ten projects instead of one or two because it skews the weighting.

Alderman Barnhill commented the \$500,000 was to do smaller projects that come in that are not budgeted. Mayor Schroer said this does not mean every project will be funded. He reiterated it is important for everyone to rank ten projects.

13. Consideration of Month-to-Month Lease Agreement with Battle Ground Brewery, LLC for Office and Parking Space at Old Old Jail, 118 Bridge Street
Vernon Gerth, ACA Community & Economic Development

This is surplus property to be put out for bid. In the meantime, Fred Mindermann made a request to use the office on a month-to-month lease and pay proportionate utilities. Consensus was to allow.

14. Other Business
None

ADJOURN

Work Session adjourned @ 6:30

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office – 3/10/2010 10:49 AM