

**MINUTES OF THE SPECIAL MEETING**  
**BOARD OF MAYOR AND ALDERMEN**  
**FRANKLIN, TENNESSEE**  
**CITY HALL BOARDROOM**  
**TUESDAY, APRIL 24, 2012 – 7:00 P.M.**

**Board Members**

|                          |   |                            |   |
|--------------------------|---|----------------------------|---|
| Mayor Ken Moore          | P |                            |   |
| Alderman Clyde Barnhill  | P | Alderman Margaret Martin   | P |
| Alderman Brandy Blanton  | P | Alderman Dana McLendon     | P |
| Alderman Pearl Bransford | P | Alderman Ann Petersen      | P |
| Alderman Beverly Burger  | P | Vice Mayor Michael Skinner | P |

**Department Directors/Staff**

|  |   |  |   |
|--|---|--|---|
| Eric Stuckey, City Administrator                 | P | Lisa Clayton, Parks Director                       |   |
| 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/CIP Executive        | P | Paul Holzen, Interim Engineering Director          | P |
| Shauna Billingsley, City Attorney                | P | Catherine Powers, Planning/Sustainability Director | P |
| Rocky Garzarek, Fire Chief                       |   | Joe York, Streets Director                         |   |
| David Rahinsky, Police Chief                     |   | Brad Wilson, Facilities Project Manager            |   |
| Fred Banner, MIT Director                        |   | Lanaii Benne, Assistant City Recorder              | P |
| Chris Bridgewater, Interim Director BNS          | P | Linda Fulwider, Board Recording Secretary          | P |
| Becky Caldwell, Solid Waste Director             |   |  |   |

**1. Call to Order**

Mayor Ken Moore called the Special Meeting of the Board of Mayor and Aldermen to order on Tuesday, April 24, 2012, 7:50 p.m.

**2. Invocation**

The invocation was given by Alderman Clyde Barnhill

**3. Pledge of Allegiance**

All present stood and pledged allegiance to the Flag of the United States of America

**4. Grievances or Statements from Citizens:** 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

**5. Communications from Williamson County Mayor and Williamson County Commission**

County officials were not present

6. **Approval of Minutes**

*Alderman Petersen moved to approve the following minutes as presented March 27, 2012 Work Session, March 27, 2012 BOMA, April 10, 2012 Work Session and April 10, 2012 BOMA. Seconded by Alderman Barnhill. Motion carried unanimously.*

7. **Recognitions**

None

8. **Miscellaneous Reports**

★ Mayor's State of the City Presentation – 7:00 a.m. April 25<sup>th</sup> at the Factory  
Citizens were invited to attend the presentation and enjoy a free breakfast as well

★ Vice Mayor Skinner announced there would not be a Civil War Roundtable in May because May 13 is Mother's Day.

9. **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 ~~16-33~~ be placed on the Consent Agenda

Regarding Item 23, Eric Stuckey advised staff had hoped to include a contract copy that no longer said "draft". However, the version currently in the packet is last years approved contract. The version distributed tonight was presented to the Finance Committee on April 19 and has the appropriate dates (July 1, 2011-June 30, 2012) and the amount (\$12,950) as shown on the agenda. When the State approves the contract in its online system, "draft" will no longer print.

Regarding Item 26, the Capital Investment Committee (CIC) acted on sewer availability for a specific property with conditions applied. The property owner is concerned about the condition that would require subsequent owner(s) be part of a special assessment should there be one in future.

*Alderman Bransford moved to pull Items 23 and 26 from the Consent Agenda and approve Consent Agenda Items 16-22, 24, 25, and 27-33. Seconded by Alderman Bransford. Motion carried unanimously.*

**OLD BUSINESS**

10. **Consideration of ORDINANCE 2012-16, An Ordinance to Amend Franklin Municipal Code Title 9, Chapter 10 to Regulate Carriages on City Streets**

**[Second and Final Reading] Eric Stuckey, City Administrator**

*Alderman Burger moved to defer Ordinance 2012-16 to the May 22, 2012 Work Session and BOMA meeting for additional information and discussion. Seconded by Alderman Petersen. Motion carried unanimously.*

11. **Consideration of ORDINANCE 2012-20 AS AMENDED, An Ordinance to Adopt the FY 2011-2015 Capital Investment Program (CIP) and the Top Ten (10) Board of Mayor and Aldermen Priorities with Associated Funding Plan**

**[Second and Final Reading]** Eric Stuckey, City Administrator  
David Parker, City Engineer/CIP Executive  
Paul Holzen, Interim Engineering Director

*Alderman Martin moved to approve Ordinance 2012-20. Seconded by Alderman McLendon.*

*Alderman Skinner moved to amend the Ordinance to include the cost of design for South Carothers Parkway Phasing and in its Entirety. Seconded by Alderman Barnhill. Motion carried 7-1 with Alderman Burger voting no.*

*Main Motion as amended carried unanimously on Second and Final Reading.*

### NEW BUSINESS

12. **Consideration of RESOLUTION 2012-20, A Resolution Setting Forth a Process for the Determination of Non-Conforming Use Status for Commercial Properties Affected by the May 2010 Flood**

Shauna Billingsley, City Attorney

*Alderman Blanton moved to approve Resolution 2012-20. Seconded by Alderman McLendon. Motion carried unanimously.*

13. **Consideration of the 2011-12 Community Based Development Organization (CBDO) Agreement with Community Housing Partnership in the Amount of \$38,218 for the Purpose of Assisting in the Construction or Rehabilitation of Single-Family Dwellings with Community Development Block Grant (CDBG) Funding (COF Contract 2012-0022)**

Vernon Gerth, ACA Community & Economic Development  
Kathleen Sauseda, Interim Housing Development Coordinator

*Alderman Bransford moved to approve the 2011-12 CBDO Agreement. Seconded by Alderman Blanton. Motion carried unanimously.*

14. **Consideration of FY 2013 Budget Goals**

Eric Stuckey, City Administrator

*Alderman Barnhill moved to approve the FY 2013 Budget Goals. Seconded by Alderman Bransford.*

*Alderman Burger moved to defer approval of the FY 2013 Budget Goals until May 8, 2012. Seconded by Alderman Petersen.*

Alderman Burger had second thoughts after the Budget & Finance Committee review. She would like to adjust some goals and add new ones as well. Eric Stuckey explained the goals could be deferred or approved and then make changes as needed.

*Motion to defer approval of the FY 2013 Budget Goals failed 1-7 with Alderman Burger voting yes.*

*Motion to approve the FY 2013 Budget Goals carried unanimously.*

15. **Consideration of Event Permit Application from Franklin Noon Rotary for the Rodeo Parade in Downtown Franklin on May 12, 2012**  
**David Rahinsky, Police Chief**  
*Alderman Skinner moved to approve Event Permit. Seconded by Alderman Blanton. Motion carried unanimously.*

### CONSENT AGENDA

16. **Consideration of ORDINANCE 2012-11, An Ordinance to Amend Chapter 4, Section 4.2.2, Section 4.2.4, and Chapter 2, Section 2.4.3 of the City of Franklin Zoning Ordinance regulating Temporary Uses and Structure**  
**[Third and Final Reading] Alderman Ann Petersen, FMPC Board Representative**  
*Ordinance 2012-11 approved unanimously on Third and Final Reading*
17. **Consideration of ORDINANCE 2012-17, An Ordinance to Rezone ± 2.85 Acres from Low Residential District (R-1) to High Residential District (R-3) for the Property Located at 3150 Boyd Mill Avenue; Establishing a Public Hearing for May 22, 2012**  
**[First of Three Readings] Alderman Ann Petersen, FMPC Board Representative**  
*Ordinance 2012-17 approved unanimously on First of Three Readings*
18. **Consideration of ORDINANCE 2012-18, An Ordinance to Rezone ± 3.83 Acres from Heavy Industrial District (HI) to Light Industrial District (LI) for the Property Located at 104 Southeast Parkway; Establishing a Public Hearing for May 22, 2012**  
**[First of Three Readings] Alderman Ann Petersen, FMPC Board Representatives**  
*Ordinance 2012-18 approved unanimously on First of Three Readings*
19. **Consideration of RESOLUTION 2012-21, A Resolution Authorizing Condemnation for the Acquisition of Property for the Hillsboro Road Project**  
**David Parker, City Engineer/CIP Executive**  
*Resolution 2012-21 approved unanimously*
20. **Consideration of RESOLUTION 2012-22, a Resolution Approving the Annual CDBG Action Plan for 2012-13 and Authorizing a Request for Housing and Urban Development and CDBG Program Funds**  
**Vernon Gerth, ACA Community & Economic Development**  
**Kathleen Sauseda, Interim Housing Development Coordinator**  
*Resolution 2012-22 approved unanimously*
21. **Consideration of Contract Award to Tennessee Risk Management Partners, LLC of Brentwood, TN, for Liability, Property, and Workers' Compensation Insurance Products and Services, for a One-Year Term Commencing July 1, 2012, with Two (2) One-Year Options to Extend Beyond the First Year, for the Risk Management Division of the Human Resources Department (Purchasing Office Procurement Solicitation No. 2012-023**

*Approved unanimously*      Shirley Harmon, Human Resources Director

22. **Consideration of Contract with Crosslin and Associates, PC of Nashville, TN, to Audit Accounts of the City of Franklin for the Period Beginning July 1, 2011 and Ending June 30, 2012, in an Amount Not to Exceed \$48,000**

*Approved unanimously*      Russ Truell, ACA Finance & Administration

23. **Consideration of Contract with Crosslin and Associates, PC of Nashville, TN, to Audit Accounts of the Cool Springs Conference Center for the Period Beginning July 1, 2011 and Ending June 30, 2012, in an Amount Not to Exceed \$12,950**

**Russ Truell, ACA Finance & Administration**

*Alderman Martin moved to approve contract with Crosslin and Associates. Seconded by Alderman Bransford. Motion carried unanimously.*

24. **Consideration of Purchase of the Danny Ray Jones and Mary Helen Luck Property (310 Fifth Avenue North) as Part of the Hillsboro Road Improvements Project**

*Approved unanimously*      David Parker, City Engineer/CIP Executive

25. **Consideration of Amendment No. 1 to the Professional Services Agreement with CDM Smith for the Jackson Lake Dredging Improvements Project (COF Contract No. 2011-0037) for Additional Services with an Additional Not to Exceed Cost of \$15,500.00**

*Approved unanimously*      David Parker, City Engineer/CIP Executive

26. **Consideration of Sewer Availability Request for Deerfield Section 2, Lot 40 (Map 52, Parcel 38)**

**David Parker, City Engineer/CIP Executive**

*Alderman Blanton moved to approve sewer availability. Seconded by Alderman Martin.*

Paul Holzen explained the property owner wanted BOMA to know that they are going through a large expense to hook on and they prefer the next owner not be subject to a special assessment should that occur in the future. However, they did want the request addressed at this meeting.

Alderman McLendon thought the chances of annexation and a special assessment happening in Deerfield were nil.

Alderman Skinner commented that he would object to having property owners on the periphery line up for sewer availability. Doing connections for just one or two houses at a time is inefficient.

*Motion to approve sewer availability carried unanimously.*

27. **Consideration of the Purchase of the Property Located at 1846 Wilson Pike for the McEwen Drive at Wilson Pike Intersection Improvements in the Amount of \$310,000.00**

*Approved unanimously*      David Parker, City Engineer/CIP Executive

28. **Consideration of the Purchase of Easements from Rochford Reality and Construction Company for the Hillsboro Road Improvements Project in the Amount of \$58,020.00**  
*Approved unanimously*      **David Parker, City Engineer/CIP Executive**
29. **Consideration of Amendment No. 3 to the Professional Services Agreement (PSA) with Benesch (COF Contract No. 2010-0152) for the SR 252 (Wilson Pike) and McEwen Drive Intersection Improvements Project in an Amount Not to Exceed \$10,400.00**  
*Approved unanimously*      **David Parker, City Engineer/CIP Executive**
30. **Consideration of the Professional Services Agreement (COF Contract No. 2012-0050 for Water at \$39,000.00 and COF Contract No. 2012-0051 for Sanitary Sewer at \$21,000.00) with Hethcoat & Davis, Inc. for the Utility Relocations for the I-65 Widening Project from North of SR 840 to North of SR 248 (Goose Creek Interchange); TDOT Project No. 94002-2181-44; in an Amount Not to Exceed \$60,000.00**  
*Approved unanimously*      **David Parker, City Engineer/CIP Executive**
31. **Consideration of the Professional Services Agreement (COF Contract No. 2012-0052) with Gresham, Smith and Partners for the West Main Water and Sewer Rehabilitation Project from Fair Street to Fifth Avenue North in an Amount Not to Exceed \$44,900.00**  
*Approved unanimously*      **David Parker, City Engineer/CIP Executive**
32. **Consideration of Change Order No. 7 for the McEwen Drive Phase 3 Project (COF Contract No. 2011-0003) for an INCREASE in the Contract Amount of \$70,495.02**  
*Approved unanimously*      **David Parker, City Engineer/CIP Executive**
33. **Consideration of Change Order Number 5 and 6 (Final Change) for the Franklin ITS ARRA Project (COF 2010-0091) for a Decrease in the Contract Amount of \$140,479.63**  
*Approved unanimously*      **David Parker, City Engineer/CIP Executive**

#### EXECUTIVE SESSION

34. **Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matters of Pending Litigation**  
**Shauna Billingsley, City Attorney**  
*Alderman Barnhill moved to enter Executive Session. Seconded by Alderman Skinner. Motion carried unanimously @ 8:10 p.m.*

#### RETURN FROM EXECUTIVE SESSION

35. **Consideration of Matters from Executive Session**  
**Dr. Ken Moore, Mayor**  
 Board members returned @ 8:14 p.m. There were no matters for consideration.

**ADJOURN**

*Alderman Burger moved to adjourn. Seconded by Alderman Barnhill. Motion carried unanimously.*

Meeting adjourned @ 8:15 p.m.

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Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 6/1/2012 11:14 AM