

MINUTES OF THE SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
THURSDAY, JUNE 21, 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	A
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	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
David Parker, City Engineer/CIP Executive		Paul Holzen, Engineering Director	P
Shauna Billingsley, City Attorney		Catherine Powers, Planning/Sustainability Director	P
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
David Rahinsky, Police Chief		Brad Wilson, Facilities Project Manager	
Fred Banner, MIT Director	P	Lanaii Benne, Assistant City Recorder	P
Chris Bridgewater, Building/Neighborhood Services Director	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 Thursday, June 21, 2012, 7:00 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. Recognitions

None

7. **Miscellaneous Reports**

- Alderman Skinner announced the next Civil War Roundtable is scheduled on Sunday, July 8, 2012 @ 3:00 p.m. in the community room at police headquarters. Dr. Michael Bradley's program will be on David Kelly, a prominent Colonel serving under Nathan Bedford Forrest.
- Alderman Petersen reminded everyone of the change in venue for Franklin on the Fourth. The celebration will be at Harlinsdale and is a joint venture of the City of Franklin and the Franklin Lions Club.

8. **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 19-40 be placed on the Consent Agenda

Alderman Burger pulled Item 22 and moved to approve the Consent Agenda Items 19-21 and 23-40. Seconded by Alderman Bransford. Motion carried unanimously.

OLD BUSINESS

9. **Consideration of ORDINANCE 2012-26, An Ordinance to Amend Title 16 of the City of Franklin Municipal Code by Creating Chapter 7 Relating to the Display of Merchandise, Decorative Fixtures, and Sandwich Board Signs on the Public Sidewalk Within Franklin's Historic Overlay District**

[Second and Final Reading]

Vernon Gerth, ACA Community/Economic Development

Alderman Blanton moved to approve Ordinance 2012-26 on Second and Final Reading. Seconded by Alderman Bransford.

Alderman Barnhill had asked for clarification on liability insurance. Eric Stuckey said that has been addressed and Legal included changes during their review after last meeting.

Proposed changes to the ordinance:

- Section 16-704. - Physical Location Requirements and Pedestrian Clearance, (1)beginning at the point where the public sidewalk and private property meet provided a **continuous path**, a minimum of four (4) feet **width** is maintained.....
- Renumbering with the addition of -
Section 16-707. - Indemnity
As part of the permitting process set forth herein, any person or entity receiving a permit shall execute an indemnity agreement indemnifying and releasing the City of Franklin, its agents, employees, and elected officials from any and all liability against any and all claims, actions, and suits of any type whatsoever.

Alderman Petersen pointed out a typographical error on page 3.

Alderman Blanton moved to amend the motion to include the following changes to Ordinance 2012-26:

- Section 16-704. - Physical Location Requirements and Pedestrian Clearance, (1)beginning at the point where the public sidewalk and private property meet provided a **continuous path**, a minimum of four (4) feet **width** is maintained.....

- Renumbering with the addition of –
Section 16-707. – Indemnity

As part of the permitting process set forth herein, any person or entity receiving a permit shall execute an indemnity agreement indemnifying and releasing the City of Franklin, its agents, employees, and elected officials from any and all liability against any and all claims, actions, and suits of any type whatsoever.

Seconded by Alderman Bransford.

Further discussion ensued on the possibility of placing some sort of measurement indicators on the sidewalks that would make it easy to determine if tables and chairs, etc. are within their designated areas without continual measuring to see if they are in compliance. Mr. Stuckey advised such elements are more in implementation rather than stipulations in the ordinance.

Mr. Gerth said he would discuss concerns with representatives of the Downtown Franklin Association. He added the merchants have indicated they will comply with the ordinance. If they do not, BOMA has the prerogative to rescind the ordinance. The responsibility is on the merchants. Building and Neighborhood Services can be notified if there is a lack of compliance.

Alderman Blanton and Alderman Bransford moved and seconded respectively to add the correction of a typographical error to the amendment of the Main Motion as follows: Section 16-704, Exceptions: (d)located around the outer ~~parameter~~ perimeter...

Motions to Amend carried unanimously.

Further discussion ensued on measurements, obstructions, unobstructed paths, and tables and chairs on the sidewalks. Vernon Gerth advised outdoor dining is not in this ordinance. Let staff come back to a future work session with the parameters of outdoor dining areas relative to this ordinance.

Alderman Skinner said he would like staff to monitor compliance for six months and present the results to BOMA for review.

Main Motion to approve Ordinance 2012-26 As Amended on Second and Final Reading carried unanimously.

NEW BUSINESS

10. **Consideration of ORDINANCE 2012-12, An Ordinance to Amend Chapter 3, Section 3.4.4 and Section 3.4.5 of the City of Franklin Zoning Ordinance Regulating Historic Structures Within the Floodway and Floodway Fringe Overlay Districts; Establishing a Public Hearing Date of July 24, 2012**
[First of Three Readings] **Alderman Ann Petersen, FMPC Board Representative**
Alderman Martin moved to approve Ordinance 2012-12 on First of Three Readings. Seconded by Alderman Barnhill.

Alderman Petersen commented that she would vote in favor on this first reading, but that she still has concerns. Alderman Martin is in favor as long as it is a one-time thing with the six structures. She would hate to see it go further.

Motion to approve Ordinance 2012-12 on First of Three Readings carried unanimously.

ii. **Consideration of ORDINANCE 2012-22, An Ordinance to Approve a Special Permit for Carlisle Hill Barn Venue, for the Purpose of Operating a Private Event Venue, Used as a Private Recreational Facility, on 24.84 Acres, Located at 1025 Carlisle Lane; Establishing a Public Hearing Date of July 24, 2012**

[First of Three Readings]

Alderman Ann Petersen, FMPC Board Representative

Alderman Skinner moved to approve Ordinance 2012-22 on First of Three Readings. Seconded by Alderman Burger.

Discussion:

- ✦ Alderman Burger related that she had looked at the location, facility, and landscaping and that allayed many concerns about noise, etc. Mrs. Melz told her they planned to install soundboards inside. Alderman Burger thought there were not many live bands used for events at the facility. Rather, DJs are used. She felt the vegetation a substantial enough buffer between the venue and the road. Many corporate and non-profit events would use the facility for events without music. She thought it would be good for the City to allow this venue.
- ✦ Alderman Bransford said she heard from several residents. She supports the ordinance on this first reading to allow a Public Hearing.
- ✦ Alderman Martin said she had heard from residents as far away as Spencer Hall. Most Carlisle residents are not in favor of the venue and she will not support it.
- ✦ Alderman Petersen commented that she would not support the venue.
- ✦ Alderman Barnhill related he is getting the same negative comments. The big issue is the traffic generated by the anticipated number of events. Six events a year is not significant; however, if events were to escalate to 60, he could not support the ordinance.
- ✦ Alderman Blanton said she too is getting many e-mails. The majority do not support the venue. She said she would support it on first reading to get to the Public Hearing.
- ✦ Alderman Burger urged her fellow aldermen to visit the venue before making a final decision.
- ✦ Alderman Martin noted this is a commercial endeavor set in middle of residential area. As to foliage, it does not stop the noise from carrying.
- ✦ Alderman Skinner mentioned the signalization that is slated to be installed at the intersection. That should alleviate concerns about getting on Highway 96.

Motion to approve Ordinance 2012-22 on First of Three Readings carried 4-3 with Aldermen Martin, Barnhill, and Petersen voting no.

12. **Consideration of ORDINANCE 2012-25, An Ordinance to Rezone ± 72.91 Acres from Agricultural District (AG) and Medium Residential District (R-2) to Residential Variety (RX) for the Properties Located South of Clovercroft Road and Southeast of Market Street: Establishing a Public Hearing Date of July 24, 2012**
[First of Three Readings] Alderman Ann Petersen, FMPC Board Representative
Alderman Burger moved to approve Ordinance 2012-25 on First of Three Readings. Seconded by Alderman Barnhill. Motion carried 6-1 with Alderman Petersen voting no.
13. **Rejection of Bids for Biosolid Sludge Transport and/or Disposal Services for the Water Reclamation Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2012-013 through 2012-014)**
Mark Hilty, Water Management Director
Alderman Bransford moved to Reject Bids for Biosolid Sludge Transport/Disposal Services. Seconded by Alderman Skinner. Motion carried unanimously.
14. **Consideration of COF Contract Number 2012-0058 for \$15,400.00 with Everbridge, Inc. for Citizen Alert Dial Out Software System (MIT Budget 110-83550-41350)**
Fred Banner, MIT Director
Alderman Blanton moved to approve Contract 2012-0058. Seconded by Alderman Martin. Motion carried unanimously.
15. **Consideration of Replacement Software Purchase (IAPro) from C I Technologies, Inc. for the Police Department in an Amount Not to Exceed \$12,000 (PD Budget 110-835540-42100)**
Fred Banner, MIT Director
Alderman Bransford moved to approve Software Purchase. Seconded by Alderman Burger. Motion carried unanimously.
16. **Consideration of General Liability Insurance Policy for Additional Coverage (Nose Coverage) from Traveler's Insurance in an Amount Not to Exceed \$20,000 for Continuance of the City's General Liability Insurance Coverage for Claims That Are Not Known or Reported Prior to the Inception of the New July 1, 2012, Insurance Policy**
Shirley Harmon, Human Resources Director
Rodney Escobar, Risk Manager
Alderman Blanton moved to approve insurance coverage from Traveler's Insurance. Seconded by Alderman Barnhill. Motion carried unanimously.
17. **Consideration of First Amendment to the City of Franklin Employees' Pension Plan**
Russ Truell, ACA Finance & Administration
Shirley Harmon, Human Resources Director
Alderman Skinner moved to approve First Amendment to the Pension Plan. Seconded by Alderman Barnhill. Motion carried unanimously.
18. **Consideration of Bid Award to Stone Crest Construction, LLC in the Amount Not to Exceed \$167,000.00 for the New Roof Installation and Porch Reconstruction of the Hayes Home Located at Harlinsdale Farms for the City of Franklin Parks Department Located at 331 Franklin Road (COF 2012-0037)**
Brad Wilson, Facilities Project Manager

Alderman Skinner moved to defer Bid Award to the July 10, 2012 Work Session and BOMA meeting. Seconded by Alderman Blanton. Motion carried unanimously.

CONSENT AGENDA

19. **Consideration of ORDINANCE 2012-23, An Ordinance of the City of Franklin, Tennessee, Adopting a Budget for the Fiscal Year 2012-2013; Providing an Effective Date**
[Third and Final Reading] Eric Stuckey, City Administrator
Russ Truell, ACA Finance & Administration
Ordinance 2012-23 approved unanimously on Third and Final Reading
20. **Consideration of ORDINANCE 2012-24, An Ordinance of the City of Franklin, Tennessee, Establishing the Municipal Property Tax Levy for the Fiscal Year 2012-2013; Providing an Effective Date**
[Third and Final Reading] Eric Stuckey, City Administrator
Russ Truell, ACA Finance & Administration
Ordinance 2012-24 approved unanimously on Third and Final Reading
21. **Consideration of ORDINANCE 2012-29, An Ordinance to Rezone ± 2.46 Acres From High Residential District (R-3) To Residential Variety (RX) for the Properties Located West of Eleventh Avenue North, South of New Highway 96 West, and North of Boyd Mill Avenue; Establishing a Public Hearing Date of July 24, 2012**
[First of Three Readings] Alderman Ann Petersen FMPC Board Representative
Ordinance 2012-29 approved unanimously on First of Three Readings
22. **Consideration of ORDINANCE 2012-30, An Ordinance to Amend the City of Franklin Municipal Code, Title II, Chapter 4 Offenses Against the Peace and Quiet Relative to Loading and Unloading and Special Event Permits**
[Second and Final Reading] Shauna Billingsley, City Attorney
Alderman Barnhill moved to approve Ordinance 2012-30 on Second and Final Reading. Seconded by Alderman Blanton.
- Alderman Burger moved to Amend the hours to 6:00 p.m.-6:00 a.m. Monday through Friday and 6:00 p.m.-7:00 a.m. Saturday and Sunday. Motion died for lack of second.*
- Motion to approve Ordinance 2012-30 on Second and Final Reading carried 6-1 with Alderman Burger voting no.*
23. **Consideration of RESOLUTION 2012-31; A Resolution Establishing Names for Unnamed Streams in Franklin that Drain into the Harpeth River or its Tributaries**
David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director
Crystal Bishop, Stormwater Coordinator
Resolution 2012-31 approved unanimously

24. Consideration of Bid Award to American Development Corporation of Fayetteville, TN, for the Supply and Delivery Upon Demand of Sodium Hypochlorite Wastewater Treatment Chemical for a Minimum of Twelve (12) Months Effective July 1, 2012, in the Estimated Annual Amount of \$102,050.00 for the Water Reclamation Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2012-031; Contract No. 2012-0099)
Approved unanimously Mark Hilty, Water Management Director
25. Consideration of Bid Award to American Development Corporation of Fayetteville, TN, for the Supply and Delivery Upon Demand of Sodium Hydroxide Wastewater Treatment Chemical for a Minimum of Twelve (12) Months Effective July 1, 2012, in the Estimated Annual Amount of \$30,800.00 for the Water Reclamation Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2012-032; Contract No. 2012-0100)
Approved unanimously Mark Hilty, Water Management Director
26. Consideration of Bid Award to Greenway Products, Inc. of Knoxville, TN, for the Supply and Delivery Upon Demand of Muriatic Acid (Hydrochloric) Wastewater Treatment Chemical for a Minimum of Twelve (12) Months Effective July 1, 2012, in the Estimated Annual Amount of \$5,544.00, for the Water Reclamation Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2012-033; Contract No. 2012-0102)
Approved unanimously Mark Hilty, Water Management Director
27. Consideration of Bid Award to Jones Sales Company of Humboldt, TN, for the Supply and Delivery Upon Demand of Sludge Polymer Wastewater Treatment Chemical for a Minimum of Twelve (12) Months Effective July 1, 2012, in the Estimated Annual Amount of \$31,510.00, for the Water Reclamation Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2012-034; Contract No. 2012-0102)
Approved unanimously Mark Hilty, Water Management Director
28. Consideration of Bid Award to Empirical Laboratories, LLC of Nashville, TN, for the Performance Upon Demand of Industrial Pretreatment Sampling and Testing, Water Reclamation Facility Influent and Effluent Testing, and Testing of River Samples Wastewater Treatment Laboratory Contract Services for a Minimum of Twelve (12) Months Effective July 1, 2012, in the Estimated Annual Amount of \$35,220.00, for the Water Reclamation Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2012-035; Contract 2012-0103)
Approved unanimously Mark Hilty, Water Management Director
29. Consideration of Bid Award to Empirical Laboratories, LLC of Nashville, TN, for the Performance Upon Demand of Aquatic Toxicity (Biomonitoring) Testing Wastewater Treatment Laboratory Contract Services for a Minimum of Twelve (12) Months Effective July 1, 2012, in the Estimated Annual Amount of \$4,520.00, for the Water Reclamation Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2012-036; Contract No. 2012-0104)
Approved unanimously Mark Hilty, Water Management Director

30. **Consideration of Bid Award Environ International Corporation of Brentwood, TN, for the Performance Upon Demand of Annual Stream Bioassay Sampling, Testing, and Identification Wastewater Treatment Laboratory Contract Services for a Minimum of Twelve (12) Months Effective July 1, 2012, in the Estimated Annual Amount of \$3,500.00, for the Water Reclamation Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2012-037; Contract No. 2012-0105)**
Approved unanimously Mark Hilty, Water Management Director
31. **Consideration of Liquor License Retailer's Certificate (Renewal) for Westside Wine & Spirits, 188 Front Street, Suite 108 (Westhaven PUD), Franklin, Tennessee 37064 (Wesley Alexander)**
Approved unanimously Lanaii Benne, Assistant City Recorder
32. **Consideration of Liquor License Retailer's Certificate (Renewal) for Harpeth Liquors, 405 Alexander Plaza, Franklin, Tennessee 37064 (Satish Patel)**
Approved unanimously Lanaii Benne, Assistant City Recorder
33. **Consideration of Amendment No. 2 to Add Construction Administration to the Professional Services Agreement (COF Contract No. 2011-0032) with URS for the Green Branch Stream Project in an Amount Not to Exceed Cost of \$17,800.00**
Approved unanimously David Parker, City Engineer/CIP Executive
 Paul Holzen, Engineering Director
34. **Consideration of Sanitary Sewer Availability Request for Deerfield Section 2, Lot 1 (100 Deerfield Lane)**
Approved unanimously Paul Holzen, Engineering Director
35. **Consideration of the Construction Contract Award to North State Environmental, Inc. for the Harpeth River Restoration Project (COF Contract No. 2012-0017) in the Amount of \$441,995.83**
Approved unanimously David Parker, City Engineer/CIP Executive
 Paul Holzen, Engineering Director
36. **Consideration of Bid Award for the Street Department's Annual Contract for Called Bonds (COF Contract No. 2012-0043) to Tennessee Valley Paving Co., Inc.**
Approved unanimously David Parker, City Engineer/CIP Executive
 Paul Holzen, Engineering Director
 Joe York, Streets Director
37. **Consideration of Bid Award for the Street Department's Annual Contract for Concrete Curbs & Sidewalks (COF Contract No. 2012-0044) to May Construction Co., Inc.**
Approved unanimously David Parker, City Engineer/CIP Executive
 Paul Holzen, Engineering Director
 Joe York, Streets Director

38. **Consideration of Bid Award for the Street Department's Annual Contract for Maintenance & Drainage Stone (COF Contract NO. 2012-0045) to Vulcan Materials**
David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director
Joe York, Streets Director
Approved unanimously
39. **Consideration of Bid Award for the Street Department's Annual Contract for Roadway Repairs and Resurfacing (COF Contract No. 2012-0046) to Tennessee Valley Paving Co., Inc.**
David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director
Joe York, Streets Director
Approved unanimously
40. **Consideration of Bid Award for the Street Department's Annual Contract for Stormwater & Drainage Improvements (COF Contract No. 2012-0047 to Sessions Paving Company**
David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director
Joe York, Streets Director
Approved unanimously

ADJOURN

Alderman Barnhill moved to adjourn. Seconded by Alderman Bransford. Motion carried unanimously.

Meeting adjourned @ 7:50 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 7/11/2012 9:08 AM