

**MINUTES OF THE SPECIAL MEETING
 BOARD OF MAYOR AND ALDERMEN
 FRANKLIN, TENNESSEE
 CITY HALL BOARDROOM
 TUESDAY, MARCH 26, 2013 – 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, Vice Mayor	A
Alderman Pearl Bransford	P	Alderman Ann Petersen	P
Alderman Beverly Burger	P	Alderman Michael Skinner	P

Department Directors/Staff

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

1. Call to Order

Mayor Ken Moore called the March 26, 2013, meeting to order at 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. Approval of Minutes

Alderman Burger moved to approve the March 12, 2013 Work Session and March 12, 2013 Board of Mayor and Aldermen minutes as presented. Seconded by Alderman Blanton. Motion carried unanimously (7-0).

7. Recognitions

- **Fair Housing Month Proclamation - April**

April 2013 marks the anniversary of the 1968 Fair Housing Act, which strives to ensure equal housing opportunity for all. The law prohibits discrimination based on race, color, creed, national origin, sex, familial status or handicap, and applies to homeowners, landlords, mortgage lenders and appraisers.

The Board of Mayor and Aldermen hereby designates April as Fair Housing Month in the City of Franklin, Tennessee and reaffirms its commitment to combating unlawful housing discrimination and encouraging the development of balanced residential living patterns. The Board of Mayor and Aldermen recognize and claim our dedication to the principles guaranteed under the Fair Housing Act for the existing residents and future generations.

- **Autism Awareness Day – April 2, 2013**

Mayor Moore presented a Proclamation to Erica Gholson that proclaims April 2, 2013 to be Autism Awareness Day in Franklin, and encourages all to learn more about autism and what they can do to support individuals on the autism spectrum and their families:

Autism Spectrum Disorders (ASDs) affect young people and adults of every background, and millions of American families know the weight of their impact. On World Autism Awareness Day, we recognize ASDs as a growing public health issue and recommit to supporting those living with an ASD and their loved ones. As a Nation, we share a responsibility to ensure persons living with ASDs have the opportunity to pursue their full measure of happiness and achieve their greatest potential.

Since Autism Speaks inception in 2005, the organization has become the nation's largest autism science and advocacy organization dedicated to funding research into the causes, prevention, treatments, and cure for autism.

8. Miscellaneous Reports

- **Fort Granger**

Alderman Skinner announced Saturday, April 6, 8:00 a.m.-Noon, is Park Day at Fort Granger. Volunteers are needed to help spruce up the park.

- **Civil War Roundtable**

The next Roundtable is scheduled Sunday, April 14, 2013 at the Lotz House on Columbia Avenue. J. T. Thompson will tell the story of the Lotz House.

- **Love Your Neighborhood Event**

Alderman Barnhill noted another event taking place on April 6, 8:00 a.m. – 1:00 p.m. the City and the Housing Commission is sponsoring a clean-up day at Hill Estates off Liberty Pike.

- **Parks Audio Tour – Toussaint L'Overture County Cemetery**

Mayor Moore announced that on April 5th a new audio tour for parks, in cooperation with the Battlefield Commission, and Leadership Franklin, will be initiated regarding local dignitaries buried in the Toussaint L'Overture County Cemetery.

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 15-28 be placed on the Consent Agenda.

Alderman Burger pulled Item 20 and Alderman Martin pulled Item 16.

Alderman Burger moved to approve the Consent Agenda Items 15, 17-19, and 21-28. Seconded by Alderman Bransford. Motion carried unanimously (7-0).

OLD BUSINESS

10. **PUBLIC HEARING: Consideration of ORDINANCE 2013-11, An Ordinance Amending the Table of Organization for the Franklin Fire Department**
[Second and Final Reading] Rocky Garzarek, Fire Chief
With no one coming forth to comment, Mayor Moore declared the Public Hearing closed.

Alderman Bransford moved to approve Ordinance 2013-11. Seconded by Alderman Petersen. Motion carried unanimously (7-0) on Second and Final Reading.

NEW BUSINESS

11. **Consideration of RESOLUTION 2013-15, a Resolution of the Integrated Growth Plan for Carothers Parkway and McEwen Drive**

David Parker, City Engineer/CIP Executive
Paul Holzen, Engineering Director
Dan Allen, Assistant Engineering Director

Alderman Burger moved to approve Resolution 2013-15. Seconded by Alderman Martin. Motion carried unanimously (7-0).

12. **Consideration of RESOLUTION 2013-12, a Resolution Amending Resolution 2012-53 Non-Residential Building Plan Review Alternatives and Performance Standards for the City of Franklin, TN, to Simplify Process for Identifying Consultants by Using a Handbook**

Chris Bridgewater, BNS Director

Alderman Skinner moved to approve Resolution 2013-12. Seconded by Alderman Bransford. Motion carried unanimously (7-0).

13. **Consideration of RESOLUTION 2013-13, a Resolution Declaring Certain Right-of-Way on Liberty Pike as Surplus**

David Parker, City Engineer/CIP Executive

Alderman Martin moved to approve Resolution 2013-13, Option One. Seconded by Alderman Blanton. Motion carried unanimously (7-0).

14. **Consideration of Event Permit Application from Heritage Foundation for Main Street Festival to be Held in Downtown Franklin on April 27-28, 2013**

David Rahinsky, Police Chief

Alderman Bransford moved to approve Event Permit for Main Street Festival but deny the request to locate the carnival at Harlinsdale Farm (per staff recommendation). Seconded by Alderman Martin. Motion carried unanimously (7-0).

CONSENT AGENDA

15. **Consideration of ORDINANCE 2013-03, As Amended, An Ordinance to Amend Various Chapters and Sections of the City of Franklin Zoning Ordinance to Clarify Requirements and Correct Minor Textual Errors**
[Third and Final Reading] Alderman Ann Petersen, FMPC Representative

Ordinance 2013-03 approved unanimously on Third and Final Reading (7-0)

16. **Consideration of ORDINANCE 2013-06, an Ordinance to Rezone ±1.08 Acres from Civic and Institutional (CI) to Central Commercial (CC) for the Property Located at 510 Columbia Avenue (Five Points)**

[Third and Final Reading]

Alderman Ann Petersen, FMPC Representative

Alderman Barnhill moved to approve Ordinance 2013-06. Seconded by Alderman Bransford.

Alderman Martin commented on the City talking about saving taxpayer money on improving Carothers Parkway and that a small two-bedroom house on a tiny lot on a busy street downtown rents for \$1,675 dollars a month, compared to a allowing a bank to lease prime property at minimal cost thus denying the City income comparable to other prime property. She could not support this ordinance.

Motion to approve Ordinance 2013-06 on Third and Final Reading carried 6-1 with Alderman Martin voting no.

17. **Consideration of ORDINANCE 2013-08, an Ordinance to Rezone ±10.03 Acres from Agricultural District (AG) to Estate Residential District (ER) for the Properties Located at 252 and 256 Spencer Creek Road; Establishing a Public Hearing for April 25, 2013**

[First of Three Readings]

Alderman Ann Petersen, FMPC Representative

Ordinance 2013-08 approved unanimously on First of Three Readings (7-0)

18. **Consideration of Proposal from NetMotion for Mobile VPN Communication Software in an Amount of \$52,545.71**

Approved unanimously (7-0)

Fred Banner, MIT Director

19. **Consideration of Construction Contract Award to S & R Excavation in the Amount of \$409,045.75 for the West Main Street Water and Sanitary Sewer Replacement, Phase 2 Project (COF Contract No. 2012-0193)(Budgeted in Water and Sewer Funds)**

Approved unanimously (7-0)

David Parker, City Engineer/CIP Executive

20. **Consideration of Sanitary Sewer Availability for 395 Franklin Road, Map 053, Parcel 04500**

David Parker, City Engineer/CIP Executive

Applicant requested denial. Capital Investment Committee recommended denial of sanitary sewer.

Alderman Burger moved to deny request for sanitary sewer for 395 Franklin Road. Seconded by Alderman Barnhill. Motion carried unanimously (7-0).

21. **Consideration of the Final Change Order with Garney Construction for the West Main Water and Sewer Rehabilitation Project (COF Contract No. 2012-0080)**

Approved unanimously (7-0)

David Parker, City Engineer/CIP Executive

22. **Consideration of the Construction Contract Award to Viking Products, Inc. for the Maplewood/Green Branch Stream Restoration Project (COF Contract No. 2012-0081) in the Amount of \$103,605.50 (Budgeted in FY 2012-2013 Stormwater Capital Budget)**

Approved unanimously (7-0)

David Parker, City Engineer/CIP Executive

- 23. **Consideration of Change Order Number 2 with Modern Day Wrecking in the Amount of \$6,940 for the City of Franklin Properties Demolition and Debris Removal (COF Contract Number 2012-0088) (Funded as Part of the Hillsboro Road Project)**
Approved unanimously (7-0) David Parker, City Engineer/CIP Executive
- 24. **Consideration of a Road Impact Fee Offset Agreement (COF Contract No. 2013-0016) with Trillium Farms, LP, for the Construction of a Portion of the Carothers Parkway South Improvements**
Approved unanimously (7-0) David Parker, City Engineer/CIP Executive
- 25. **Consideration of Instrument of Accession with Westwood Global Fund (COF Contract 2013-29)**
Approved unanimously (7-0) Russ Truell, ACA Finance & Administration
- 26. **Consideration of RESOLUTION 2013-14, a Reimbursement Resolution for US Bank**
Resolution 2013-14 approved unanimously (7-0) Russ Truell, ACA Finance & Administration
- 27. **Consideration of Intent to Amend FY 13 Transit Budget for Transit Vehicle Grant**
Approved unanimously (7-0) Debbie Henry, TMA Group
- 28. **Items Approved by the City Administrator on Behalf of the Board of Mayor and Aldermen:**
 - A. Agreement with Diverse Computing, Inc., Tallahassee, Florida (COF Contract 2013-0131) for Licensing and Maintenance of Software in the Police Department in an Amount Not to Exceed \$8,000.
Approved unanimously (7-0)

There were no matters for Executive Session

EXECUTIVE SESSION

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

RETURN FROM EXECUTIVE SESSION

- 30. **Consideration of Matters from Executive Session**
Dr. Ken Moore, Mayor

ADJOURN

Mayor Moore called for all in favor of adjournment to specify by saying “aye”. Unanimous (7-0).

Meeting adjourned @ 7:17 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator’s Office - 4/10/2013 9:40 AM