

**MINUTES OF THE SPECIAL MEETING
 BOARD OF MAYOR AND ALDERMEN
 FRANKLIN, TENNESSEE
 CITY HALL BOARDROOM
 TUESDAY, APRIL 23, 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	P
Alderman Pearl Bransford	P	Alderman Ann Petersen	P
Alderman Beverly Burger	P	Alderman 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	P	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		Steve Sims, Business Process Improvement Manager	P
Chris Bridgewater, BNS Director	P	Lanaii Benne, Assistant City Recorder	P
Becky Caldwell, Solid Waste Director		Linda Fulwider, Board Recording Secretary	P

1. Call to Order

Mayor Ken Moore called the April 23, 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 Blanton moved to approve the April 2, 2013 Special Work Session, April 9, 2013 Work Session and April 9, 2013 Board of Mayor and Aldermen minutes as submitted. Seconded by Alderman Petersen. Motion carried unanimously.

7. **Recognitions**

- Building Safety Month
- Historic Preservation Month
- Municipal Clerk's Week May 5-11

Mayor Moore related that he appreciated the hard work of all who work within these three areas.

8. **Miscellaneous Reports**

- Alderman Skinner announced there would not be a Civil War Roundtable in May as the designated date is Mother's Day.
- Alderman Blanton reminded everyone of the 30th Annual Main Street Festival on Saturday and Sunday, April 27 & 28, beginning at 10:00 a.m. on Saturday and Noon on Sunday. The carnival will be located on First Avenue next to the silos.

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 16-28 be placed on the Consent Agenda.

Alderman Blanton pulled item 26, Alderman Petersen pulled item 17, Alderman Burger pulled item 23, and Alderman Skinner pulled item 16.

Alderman Bransford moved to approve the Consent Agenda Items 16-28 with the exception of items 16, 17, 23, and 26. Seconded by Alderman Burger. Motion carried unanimously.

OLD BUSINESS

10. **PUBLIC HEARING: Consideration of ORDINANCE 2013-08, An Ordinance to Rezone +/- 10.03 Acres from Agricultural District (AG) to Estate Residential District (ER) for the Property Located at 252 Spencer Creek Road**

[Second and of Three Readings] Alderman Ann Petersen, FMPC Representative

With no one coming forth to comment, Mayor Moore declared the Public Hearing closed.

Vice Mayor McLendon moved to approve Ordinance 2013-08. Seconded by Alderman Petersen. Motion carried unanimously on Second of Three Readings.

NEW BUSINESS

11. **Consideration of RESOLUTION 2013-25, a Resolution to Authorize Staff to Enter Into Contract Negotiations with Selected Architect for the Design of the Prototypical Fire Stations**

David Parker, City Engineer/CIP Executive

Alderman Skinner moved to approve Resolution 2013-25. Seconded by Alderman Bransford. Motion carried unanimously.

12. **Consideration of RESOLUTION 2013-28, a Resolution Approving the Annual CDBG Action Plan for 2013-2014 and Authorizing a Request for Housing and Urban Development CDBG Program Funds**

Chris Bridgewater, Building & Neighborhood Services Director

Kathleen Sauseda, Interim Housing Development Coordinator

Alderman Bransford moved to approve Resolution 2013-28. Seconded by Alderman Blanton. Motion carried unanimously.

13. **Consideration of Interlocal Agreement with Williamson County Government (COF Contract No. 2013-0043) for Transferring the Billing and Collection of Property Taxes to the Williamson County Trustee**

Russ Truell, ACA Finance & Administration

Steve Sims, Business Process Improvement Manager

Alderman Martin moved to approve the final form of the Interlocal Agreement with Williamson County Government upon final approval by the City Administrator and the City Attorney. Seconded by Alderman Blanton. Motion carried unanimously.

14. **Consider Authorizing the Immediate Issuance of a Purchase Order to Stringfellow, Inc. of Nashville for Two (2) Side-Loading Refuse Collection Trucks at \$258,377 Each for a Total of \$516,754, with Delivery and Payment Scheduled for After July 1, 2013, for the Collection Division of the Solid Waste Department (To be reflected in the Proposed Budget for Fiscal Year 2014, Account Number 124-89520-46110**

Becky Caldwell, Solid Waste Director

Alderman Martin moved to approve authorizing the immediate issuance of a Purchase Order to Stringfellow, Inc. Seconded by Alderman Blanton. Motion carried unanimously.

15. **Consideration of Mayor's Nomination to the Board of Zoning Appeals**

Dr. Ken Moore, Mayor

Mayor Moore nominated Joel Tomlin III to serve on the Board of Zoning Appeals.

Alderman Bransford moved to approve the appointment of Joel Tomlin III to the Board of Zoning Appeals. Seconded by Alderman Burger. Motion carried unanimously.

CONSENT AGENDA

16. **Consideration of ORDINANCE 2013-01, An Ordinance to Amend Title 12, Chapter 1, Section 107 of the Franklin Municipal Code relating to Contractor's Security Deposits to Insure Restoration of Damaged City Streets, Sidewalks, Landscaping, Stormwater Drainage Improvements, and Other Approved and Accepted Infrastructure Associated with Construction Activity**

[Second and Final Reading]

Vernon Gerth, ACA Community & Economic Development

Alderman Bransford moved to approve Ordinance 2013-01 on Second and Final Reading. Seconded by Alderman Barnhill.

Alderman Skinner asked to discuss clarification of when a subdivision is 90% finished and the streets are top-coated for protection. His concern is the other 10% that goes to the contractor's security deposit. Ten percent can be significant with heavy traffic and heavy trucks. He wants to make sure the City won't have to go back and repave.

Alderman Petersen responded that is no longer required that 90% of the lots be developed before the topcoat is applied. Because of the downturn, some of the streets in developments started to deteriorate. The developer can now apply the top coat. Bond is posted for the lots built after that.

Vernon Gerth added that it is about protecting neighborhoods. The base and sub-coat deteriorated after 4-5 years during the downturn. Requirements were changed. Upon approval and acceptance of the final topping, the Performance Agreement could be released provided a Maintenance Obligation is in place until one year beyond the 90% lot completion threshold. During the period of the Maintenance Obligation and thereafter, a Contractor's Security Deposit will be collected at the time a Building Permit is issued to insure the finished Street, Greenway, Landscaping, Stormwater drainage improvements, and other approved and accepted infrastructure not covered by a Performance Agreement remain in good repair after the construction activity is completed. That assures the City damages will be covered by contractors.

* Vice Mayor McLendon left the meeting @ 7:16 p.m.

Staff worked with design professionals to put this in place. Mr. Stuckey explained that ultimately the Street Department makes the final call to put this in place. It gives them more flexibility in inspecting and making the right call to place the asphalt.

Motion to approve Ordinance 2013-01 on Second and Final Reading carried unanimously 7-0 (Vice Mayor McLendon was not present)

17. **Consideration of RESOLUTION 2013-23; A Resolution Funding the Hunters Bend Elementary Safe Routes to School Project and Approval of TDOT Locally Managed Safe Routes to School Agreement No. 120296; PIN 118151.00**

David Parker, City Engineer/CIP Executive

Alderman Barnhill moved to approve Resolution 2013-23. Seconded by Alderman Skinner

Alderman Petersen said originally it was indicated the City wouldn't incur any cost for this project. She was under the impression \$200,000 would cover the costs. Now the City is being asked to pay \$86,000.

Mr. Stuckey related additional costs were not in the grant. Paul Holzen noted a cost estimate was done and submitted to TDOT. When the contract was returned the additional cost was discovered: staff thought the CEI and design were part of the grant, but they are not. Additionally, restoration to shore up the wall raised the price. Staff decided to bring this to the Board before signing the contract.

Discussion:

- Alderman Martin remembered that before the grant, the Board decided to take responsibility for maintenance of the tunnels, walls excluded.
- Mr. Holzen related the walls are unstable and rocks are falling onto the pedestrian trail. Staff feels the project should go forward.
- Mr. Stuckey commented there is probably not an opportunity to get more grant money.
- Stipulations of the grant were touched upon as well as stipulations and additional costs incurred with grants.
- School children regularly use these tunnels and they need to be safe.

* Vice Mayor McLendon rejoined the meeting @ 7:27 p.m.

- Ward Alderman McLendon stated the additional requirements are from TDOT and the work has to be done. He is of the opinion the wall is stable and they are not trying to fix a dangerous situation. They just want to bring it into compliance. As to children pushing rocks that are falling onto the path, those are boulders that were put in place by machine.
- Eric Stuckey stated that were the City to do the entire project, it most certainly could not be done for \$86,000.

Motion to approve Resolution 2013-23 carried unanimously.

18. **Consideration of Request to Deny Sanitary Sewer Availability for 124 Spencer Creek Road (Map 052 Parcel 01702)**
Approved unanimously David Parker, City Engineer/CIP Executive
19. **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
20. **Consideration of Professional Services Agreement, COF Contract No. 2013-0040, with TRC Solutions for the Archaeological Monitoring for the Eastern Flank Battlefield Access Roadway Improvements for an Amount Not to Exceed \$38,720.00**
Approved unanimously David Parker, City Engineer/CIP Executive
21. **Consideration of Amendment No. 1 to the Professional Services Agreement (COF Contract No. 2012-0052) with Gresham, Smith & Partners (GS&P) for Additional Design Services for the Seventh Avenue/Fair Street Intersection to Fifth Avenue North Sanitary Sewer Line Improvements Project in an Amount Not to Exceed \$11,040.00 (Budgeted in Water and Sewer Funds)**
Approved unanimously David Parker, City Engineer/CIP Executive
22. **Consideration of Amendment No. 3 (COF Contract 2012-0097) with Kimley Horn and Associates in an Amount Not to Exceed \$7,200 for Carothers Corridor Development Study Project (Funded under TOC FY2012-2013 Budget Line Item 82560, Consultant Services)**
Approved unanimously David Parker, City Engineer/CIP Executive
23. **Consideration of Crosswalk Maintenance Agreement (COF Contract 2013-0038) for a Proposed Paver Crosswalk to be Installed on Franklin Green Parkway**
David Parker, City Engineer/CIP Executive
Alderman Martin moved to approve the Crosswalk Maintenance Agreement. Seconded by Alderman Bransford.

Alderman Burger asked about the options and annual maintenance cost.

* Vice Mayor McLendon left the meeting at 7:31 p.m.

Alderman Burger asked why the HOA doesn't maintain the crosswalk. David Parker explained the agreement stipulates the HOA will install and maintain the crosswalk. Since this is a special crosswalk, they are obligated to do so. Staff recommends Option 1 which in essence is that they will build, pay for, and maintain it.

Motion to approve the Crosswalk Maintenance Agreement with Franklin Green carried unanimously 7-0 with Vice Mayor McLendon absent.

24. **Consideration of a Professional Services Agreement, COF Contract No. 2013-0039, with Hazen and Sawyer for the Design of the South Prong of Spencer Creek Sanitary Sewer Collector Upgrade for an Amount Not to Exceed \$337,095.00 (Sewer Fund)**

Approved unanimously

David Parker, City Engineer/CIP Executive

25. **Consideration of a Professional Services Agreement, COF Contract No. 2013-0034, with CDM Smith, Inc., for Revisions to Final Construction Plans for the Mack Hatcher Parkway Extension Project (TDOT Pin 101454.01) for an Amount Not to Exceed \$277,500.00 (This Cost is to be a Reimbursement from TDOT)**

Approved unanimously

David Parker, City Engineer/CIP Executive

26. **Consideration of Sale of Surplus Property Located at 112 Bridge Street, Commonly Known as the Old, Old Jail (COF Contract 2013-33)**

Eric Stuckey, City Administrator

Alderman Barnhill moved to approve sale of Surplus Property Located at 112 Bridge Street. Seconded by Alderman Burger.

Alderman Blanton wanted a clarification for the general public that this sale is not being handled any differently than any surplus property sales and no partiality is being shown to the Heritage Foundation.

Mr. Stuckey explained that this is a unique circumstance. City ordinance provides for the City to dispose of surplus property. This property was declared surplus in 2009. In 2010 there was a formal request for proposal, a proposal limited in scope to use the old jail as storage. This was not viable. The old, old jail is a contributing structure in the historic district. Bringing it to standard as a valued historic building will be a challenge as it is in a state of great disrepair. It will take at least a half million dollars to get it to a place to go to go forward to make it habitable. The proposal that came in February from an entity that invests and restores property. It will easily be more than a \$1.5 million project to get the property to a state where the community can be proud of it, and revitalize that part of town. They have restored, updated, and revitalized other historic properties. Over the past year, the City has worked to partner with various entities to preserve, restore and enhance historic properties owned by the City of Franklin including: The Park at Harlinsdale Farm with the Friends of Franklin Parks and state preservation grants, \$3.5 million to change the use and preserve the character of the Five Points Post Office building, and now the old, old jail, so, \$6-7 million worth to leverage that doesn't involve City dollars entirely, turning into long term assets.

Motion to approve sale of Surplus Property Located at 112 Bridge Street to the Heritage Foundation carried unanimously 7-0 with Vice Mayor McLendon absent.

27. **Consideration of Special Event Permit for Wounded Warrior Project 8K and Soldier Ride for November 16, 2013**

Approved unanimously

David Rahinsky, Police Chief

28. **Items Approved by the City Administrator on Behalf of the Board of Mayor and Aldermen:**

- Annual Housing Consultant Contract for 2013-14 CDBG Program Year, The Housing Fund, Inc.
– Contract Number 2013-0036

Approved unanimously.

EXECUTIVE SESSION

29. **Consideration of Motion to Enter Executive Session for the 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. (7:39 p.m.)

RETURN FROM EXECUTIVE SESSION

30. **Consideration of Matters from Executive Session**

Dr. Ken Moore, Mayor

There were no matters for consideration.

ADJOURN

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

Meeting adjourned @ 7:53 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 5/20/2013 9:52 AM