
MINUTES OF THE *WORK SESSION*
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, OCTOBER 13, 2009 – 5:00 P.M.

Board Members

Mayor John Schroer	P	Alderman Dana McLendon	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 Dan Klatt	P		

Department Directors/Staff

Eric Stuckey, City Administrator	P	Eric Gardner, Engineering Director	P
Vernon Gerth, ACA Community & Economic Development		Shirley Harmon, HR Director	P
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water/Wastewater Director	
David Parker, City Engineer/CIP Executive		Gary Luffman, Interim Planning Director	P
Shauna Billingsley, Interim City Attorney	P	Tom Marsh, Interim Codes Director	P
Rocky Garzarek, Fire Chief	P	Joe York, Streets Director	
Jackie Moore, Police Chief	P	Brad Wilson, Facilities Project Manager	P
Fred Banner, MIT Director	P	Lanaii Benne, Assistant City Recorder	P
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 to order the Work Session of the Board of Mayor and Aldermen, City of Franklin, Tennessee, on Tuesday, October 13, 2009 at 5:00 p.m. in the City Hall Boardroom.

2. Citizen Comments

None

WORK SESSION DISCUSSION ITEMS

3. Highlights of New “Inside The City” Program

Milissa Reierson

Milissa Reierson showed a highlight reel from the “Inside the City” program. The three newest parks were featured, Harlinsdale, Liberty, and Eastern Flank Battlefield. Participants were Monique McCullough, Anna Shuford, Milissa Reierson, Lisa Clayton, Anna Shuford, Kevin Lindsey, Todd Snackenber, Mayor Schroer, and Alderman Burger. Jim Hayes spoke from the burial site of Midnight Sun at Harlinsdale. Rose Steagall, Community Relations Officer, presented a public service announcement about a self-defense training program for women.

4.* Consideration of Events Permit for AAU Junior Olympics Cross Country Event at Harlinsdale on November 21, 2009

Lisa Clayton, Parks Director

Mayor Schroer advised the applicant asked this item be pulled from this agenda as well as from the regular meeting agenda.

➤ **Non Agenda**

The Mayor received an email today from David and Carla Landrum, who raise and show walking horses: "This is a formal request to have the renowned Tennessee Walking Horse, General's Major General, long time breeding stallion of Harlinsdale Farm, buried on the grounds of Harlinsdale Farm, now called Harlinsdale Park. General's Major General at age 24 was euthanized on October 13th due to an accident that resulted in a broken shoulder. He spent his entire show and breeding career as a resident of Williamson County. MG, as he was affectionately known, was a two-time World Grand Champion, and a three-time World Champion, and one of the most prominent sires of his time. MG was owned by David and Carla Landrum of Franklin, Tennessee, and Connie Bryant, Carla's mother, of Tupelo, Mississippi. He was shown his entire career by David Landrum Stables or Franklin, Tennessee, until 1998 when he was retired to Harlinsdale Farm for breeding purposes and to live out the rest of his life. He was named Sire of the Year in 2001 and 2003 by the Tennessee Walking Horse Breeders & Exhibitors Association as well as two-times Horse of the Year by the Walking Horse Trainers Association. Along with many other champion accolades, MG is the sire of the highest selling Walking Horse, Jose Jose, who sold for \$1.5 million. MG left his legacy on many of the industry's finest walking horses that will be carried on for years to come. This request has the endorsement of Mr. Bill Harlin of Harlinsdale Farm as well as the entire Harlinsdale staff. The Landrum-Bryant families along with Harlinsdale Farm will be responsible for all arrangements, both physical and financial in accordance with the protocol outlined by the Board of Mayor and Aldermen."

Mayor Schroer explained they want to bury the horse close to Midnight Sun and create a small area around the plot. The City does not intend to create a cemetery for horses on the farm, but this horse has special attachment to Harlinsdale. This does not require Board action, but is something the City deems appropriate. Members of the Board agreed.

5.* Consideration of Events Permit for Habitrot for Humanity 5K Run on November 26, 2009

No objections or comments

Jackie Moore, Police Chief

6. Consideration of Event Permit for Kiwanis Club/Atmos Energy Christmas Parade in Downtown Franklin on December 6, 2009

No objections or comments

Jackie Moore, Police Chief

7.* Consideration of Bid Award to Arborcare Tree Specialist, Inc. of Franklin, TN in the Amount of \$43,345.00 for Tree Supply, Planting and Related Contract Services for 433 Trees for the Parks Department (Purchasing Office Procurement Solicitation No. 2010-016; Up to \$60,000.00 Tree Bank Reserves Authorized by the Tree Commission to be Transferred to 110-84620-44700 For Fiscal Year 2010)

Lisa Clayton, Parks Director

The requested trees are for five different parks to increase canopies. The recommendation for this amount came from the Tree Commission. Some of the trees will be hardwood.

8.* Consideration of Bid Award to PDC Services of Millington, TN in the Amount of \$16,810.00 for Vehicular Traffic Data Collection Contract Services for Peak Hour Turning Movement Counts for Thirty (30) Signalized Intersections and 24-Hour Bi-Directional ADT (Tube) Counts at Six (6) Locations for the Traffic Operations Division of the Engineering Department (Purchasing Office Procurement Solicitation No. 2010-017; \$20,000.00 Budgeted in 110-82560-41610 for the Fiscal Year 2010)

Eric Gardner, Engineering Director

Result should be a better understanding of the traffic situation to provide a better flow.

9.* **Consideration of ORDINANCE 2009-70, An Ordinance to Authorize the Establishment of a Special Assessment District For And the Construction of Sanitary Sewer Improvements in the Country Road Estates Area; Establishing a Public Hearing for November 10, 2009**

David Parker, City Engineer/CIP Executive

10.* **Consideration of ORDINANCE 2009-71, An Ordinance to Authorize the Establishment of a Special Assessment District For And the Construction of Sanitary Sewer Improvements in the Boyd Mill Avenue Area; Establishing a Public Hearing for November 10, 2009**

David Parker, City Engineer/CIP Executive

Items 9 & 10 discussed together, but will be voted on separately. Mr. Stuckey reviewed these proposed Sanitary Sewer Projects for Special Assessment Districts for Boyd Mill Avenue and Country Road Estates. The presentation was given and discussed at the Capital Investment Committee on October 8.

Overview

- As provided by Tennessee Code Annotated the City of Franklin extends the sanitary sewer system into existing residential neighborhoods through a special assessment district
- Applies to property owners that directly benefit from the project
- Property owners reimburse over time for expenses related to design, construction and easement acquisition related to public infrastructure (connection to the home is not part of the assessment and is funded by the individual property owner, should they decide to connect).
- Property owners pay for a portion of the overall cost based on the assessed value of their property as a percentage of the assessed value of all properties in the assessment district.
- Properties shall be reassessed annually.

Timeline

- February 2009 – City submitted to the Tennessee Department of Environment and Conservation (TDEC) for SRF/ARRA funding for 16 projects.
- September 28, 2009 – City receives loan package identifying projects that are eligible for SRF/ARRA funding.
- September 29, 2009 – Emergency BOMA meeting to pursue funding through SRF/ARRA.
- October 2, 2009 – Loan package due/submitted to TDEC
- October 13, 2009 – BOMA considers ordinance establishing assessment districts (first of two readings)
- October 15, 2009 – Plans and specifications due to TDEC
- November 10, 2009 – BOMA considers ordinance (second of two readings)
- December 21, 2009 – Bids required to be received by City for construction
- January 4, 2010 – Submit Authority to Award package to TDEC.
- February 17, 2010 – Deadline for construction contract execution or start of construction

Public Infrastructure Construction – Boyd Mill Avenue

- Low Pressure System
- Intended to reduce capital costs
- Estimated Assessment District Cost - \$130,234 (Full Cost)
 - Average total cost = \$4,341
 - 20-years = \$28.56/month
- Estimate with 40% reduction = \$78,0000
 - Average total cost \$2,605
 - 20 Years = \$17.19/month

Public Infrastructure Construction – Country Road

- Estimated cost for gravity system - \$300,000+
- Low Pressure System – estimate total cost = \$112,202
 - Average total cost = \$14,025
 - 20-years = \$92.56/month
- Estimate with 40% reduction = \$67,321
 - Average total cost = \$8,415
 - 20-years = \$55.54/month

Connection to the Public Infrastructure

- Upon completion and final acceptance of the public infrastructure by Franklin, a letter will be issued to all properties within the assessment area indicating sanitary sewer availability

Ordinance 2009-31

• **5. Use of Septic System where public sewers are provided**

If public sewer is available to properties having functioning septic systems (i.e. sewer lines are adjacent to or within two hundred (200) feet of the property line or easement on which the principal structure is located) property owners may elect not to connect to the public sanitary sewer system provided all of the following requirements and conditions are met.

- 5 (a) A sanitary sewer service charge, based upon water usage, shall be assessed from the date the public sanitary sewer is available. Payment is due monthly. At such time it is determined to connect to the public sanitary sewer system, payment of the sanitary sewer service charge shall not relieve the property owner from the requirements of payment of all connection and tap fees as applicable prior to obtaining the permit and authorization to commence work.
- 5 (b) On-Site Septic System Inspection. To determine whether existing septic systems in the City are functioning properly or should be required to connect to the public sewer, property owners with active systems shall have their septic systems inspected by the City of Franklin or by a company that is certified by the City to perform these inspections at such time the public sewer is available and a minimum of every three (3) years, thereafter. Upon receipt of the inspection notice from the City, property owners shall allow City staff or a certified contractor to perform an inspection of the septic system.
- 5 (c) Upon inspection, if it is determined a septic system is functioning and in compliance with applicable Williamson County Board of Health regulations or with Tennessee Code Annotated § 68-221-401 *et seq.* the property may remain on septic for an additional three (3) years. At such time a septic system is determined to be non-functioning, the property owner shall be required to hook up to public sanitary sewer within ten (10) days.

Connection to Public Sanitary Sewer – Water Management Fees

- The connection fees are \$4,282 at this time:
 - Access - \$2,100
 - System Development Fee (SDF) - \$1,444
 - Installation w/tap made - \$263
 - Effluent Disposal Fee (EDF) - \$450
 - Application - \$25
- To be paid in full prior to initiating the inspection process at Building and Neighborhood Services.

Connection to Public Sanitary Sewer – BNS Fees

- Building and Neighborhood Services fees to be paid prior to installation
 - Plumbing Inspection Fee - \$37
 - Electrical Inspection Fee - \$27

Open Issues

- Length of time for resident repayment
- Tap Fee charge
- Neighborhood feedback process
- How to handle residents not on City water

Mr. Stuckey pointed out that previously homeowners were required to tap on within 180 days of the availability. That requirement was deleted. Following the meetings this week a letter will be sent to the homeowners with full disclosure of all the costs known at that time. Return mail cards will be included to send back to the City giving all homeowners an equal chance to ask questions or express whether or not they want sanitary sewer.

There is a water line extended along Boyd Mill; however, not all residents are tapped in, some have wells. For these homeowners there would be no water usage on which to base a sewer charge. In such case the minimum bill charged for water is used for the sewer charge.

Discussion:

- When will the City know about the money? Eric Stuckey advised the City would need to know by January to award the bid.
- The interest rate used for calculations was 5.5%. The actual rate is unknown at this time.
- Some residents own more than one parcel of land. Will the owner get a vote for each parcel?

Boyd Mill Comments:

- Claudia Seaberg, 3104 Horton Lane, resident since 1978 said they were annexed in 1997. Most of the homes are not in a subdivision or a neighborhood. They were told they could get City services and so far they have none, but are paying taxes. The actual cost to homeowners should be shown and she wants to know what they are getting.
- Susan Joyner, 3198 Boyd Mill Avenue, said it was hard to make an informed decision because the letter she received had incorrect numbers. Mr. Stuckey said he would follow up on that.
- David Potts, owner of 3169 and 3175 Boyd Mill Avenue (3175 is his residence), spoke about the ordinances, the numbers, and that it would be a hardship for some of the residents. He knows proper maintenance of a septic system includes periodic pumping. If a property is an acre or more a system can be repaired. Properties less than an acre would not have enough space for repair. Eight of these properties are not large enough for septic repair. His septic system is functioning. He has no reason to connect. If the City paid the cost of the sewer main he could understand and would be for this. Remember the job of government is to benefit citizens and not burden them with cost.
- Robert Selby related he owns several properties on Boyd Mill Avenue. They've been paying taxes year after year since they were annexed. He said they want to know what the City will contribute as so far it has been just the residents paying. If the City takes care of its share it would be more appetizing for the residents. The cost seems prohibitive for these services. Why couldn't they say what they wanted? Make them privy to the costs. Gravity feed would work perfectly well. The numbers don't jibe with what was said previously. They want more clarity on some of the issues.
Mayor Schroer explained Water and Sewer Funds are Enterprise Funds that are required by law to break even. There are many people in Franklin that are not on City water. When annexed services include police, fire, parks, etc. They are not charged for water/sewer at this point. That is the reason for the assessments. Gravity vs. low pressure, the assumption was they would want to go the least expensive way so the minimum amount of billing would be more palatable.
- An unidentified man in the audience said; based on what was just said, why not have the government cover the more expensive system.
Eric Gardner related staff is in favor of gravity, but thought the low pressure system made more sense in this area. The plans for low pressure are finished and because of deadlines there may not be enough time to put gravity plans together. Mayor Schroer added the low pressure system plans were drawn up quite some time ago.
- The same gentleman asked how much more it would cost to dig deeper. Eric Gardner calculated it would be a half-mile across with an 8" line. Mr. Gardner surmised it would approach \$500,000 or more.
- Chuck Sugg, 3222 Boyd Mill Avenue, said his concern is communication. Two years ago it was said there would be no chance to get sewer. Now it is being moved forward quickly toward the least expense. He is concerned regarding the research to do it quick and cheap.

Alderman Barnhill explained Franklin Green went in under County building permits. Spencer Hall and Claremont were approved by Franklin for out of the City sewer. Those projects paid about 100%. The developer paid for Franklin Green. Sanitary sewer for Grassland was granted and the County and homeowners are paying for it.

- Libby Marley, 3214 Boyd Mill Avenue, the residents were informed that after the public hearing on November 10, they could have their say. They would like to meet informally with staff for detailed information on the technical aspects. They aren't sure how the votes are counted, small lot vs. big lot, allocation by assessment fees seems fairer to her.

Eric Gardner if want to meet staff, it could be done during the day as staff would be more flexible. She wants to meet at 2:00 p.m. some day. Mr. Stuckey stated enough time should be provided to make decisions and get to staff. It is better to do as a group.

- Joe Marley, 3214 Boyd Mill Avenue, provided copies of the statements he made at the Capital Investment Committee meeting, and expressed at this meeting as well. He heard several views of the current proposal. Many do not like the proposal. The low pressure system is less costly but not as good. Mr. Marley went into the details of low pressure systems. Questions included: what is the installation cost, maintenance cost, how long do they last, less capacity, power outages. Submerged, maintained by HOA? House pumping problems by owner, power failure pump doesn't work items not to flush into system, provide alternate gravity system, residents not required to tap and sign a document to waiver monthly sewer fee.
- Jimmy Bennett, Boyd Mill Avenue, said since the Capital Investment Committee meeting, 11 people signed a petition that they do not want sewer availability as presented to them. He said two more would sign as well.

Country Road Comments:

- An unidentified man said he agreed with the Boyd Mill residents. They don't want it. There are eight parcels and six homes. One non-resident family is pushing for sewer. If sewer is approved the family will sell the parcel that is below street level.
- Jeff Parris, 1226 Country Road, said there is not a majority now.

Mayor Schroer said personally, this isn't anything he wants to cram down anyone's throat. This opportunity came up and they wanted to provide the residents a chance to consider it. His concern is if this is turned down, and residents want sewer in three to five years because the septic systems have failed, it will be more expensive than it is now. He alluded to Meadowgreen with 300 homeowners. A large portion of these properties have failing septic systems. It was either sewer or risk condemnation. He asked them to think of the long term ramifications.

The City didn't impose the time issue, the federal government did. The City is trying to work under this constraint. If the ordinances are approved tonight it will be just to make sure it goes to the second step. It doesn't mean it will happen.

Discussion:

- Will tap fees be waived? A portion was waived for Monticello. Treat everyone fairly.
- The difference between 20 and 30 years to repay is not that much.
- The terrain drives whether gravity or low pressure is chosen.
- The City cannot continue to reinvent this every time it comes up. All septic systems will obsolesce sometime.

11.* Consideration of a Professional Services Agreement; COF Contract No. 2009-0070; With CDM for the Development of the Regional Integrated Water Resources Plan (IWRP) at a Cost Not to Exceed \$502,800.00 for Phase I with Phase II Cost to be Negotiated Upon Completion of Phase I

David Parker, City Engineer/CIP Executive

Eric Stuckey related this is the funding for Phase I. The additional \$23,000 is for potential stakeholder meetings. The costs are spread out over two budget years.

12.* Consideration of RESOLUTION 2009-50, A Resolution Authorizing the Use of Cooperative Purchasing Agreements

Eric Stuckey, City Administrator
Brian Wilcox, Purchasing Manager

These are alternatives to help save money in procurement. If approved tonight the City will be able to get furniture for the new police headquarters in this manner. This is a step further than the State contracts used now.

13.* Consideration of RESOLUTION 2009-51, A Resolution Authorizing and Directing the Mayor to Make Application To and Enter Into Agreement With the Tennessee Department of Transportation for Funding Under the Provision of the Transportation Enhancement Program

Eric Stuckey, City Administrator

This was brought to Mr. Stuckey's attention by John Grossmann. The resolution authorizes the Mayor to make application for funding for providing pedestrian and bicycle facilities, landscaping, and other scenic beautification on Hillsboro Road.

14. Consideration of ORDINANCE 2009-45, An Ordinance to Amend Various Sections of Chapter 4, Section 4.1 and Chapter 5, Section 5.12 of The City of Franklin Zoning Ordinance Pertaining to Signs

Alderman Ann Petersen, FMPC Board Representative

Freestanding signs in front of businesses: external illumination and internal illumination rules were changed. Canopy signs in non-residential districts redefined. Changes were discussed.

15. Consideration of ORDINANCE 2009-56, An Ordinance to Revise Certain Chapters of the Franklin Zoning Ordinance in Order to Create A Scientific Research Overlay Zoning District

Alderman Ann Petersen, FMPC Board Representative

Gary Luffman related the Planning Commission recommended unanimously that this zoning be established. This was first discussed because of a request to rezone the Iron Horse property as a potential site for a facility providing proton therapy.

Alderman Klatt expressed this sets a dangerous precedent to create a zoning district because of one applicant.

Discussion ensued on pros and cons. Alderman Barnhill said the FMPC had no problem with the zoning. Alderman Burger thought it appropriate.

16. Consideration of ORDINANCE 2009-60, An Ordinance to Amend Table 3-2: Permitted Uses in the Franklin Zoning Ordinance to Permit Recreational Facilities (Private) and Personal Services in the Light Industrial (LI) Zoning District

Alderman Ann Petersen, FMPC Board Representative

Alderman Skinner said because of the adjacent residential areas he wants a more explicit definition of 'personal services', night lighting, etc. Mr. Luffman will comply and bring the ordinance back for review.

17. Consideration of ORDINANCE 2009-63, An Ordinance to Amend Chapter 6, Section 6.3.4, and of Chapter 6, Section 6.3.7 of The City of Franklin Zoning Ordinance to Revise Requirements Relating to Performance Agreements

Alderman Ann Petersen, FMPC Board Representative

The amendment will allow a realistic reduction on the amount of surety held for improvements more than 50% complete.

18. **Consideration of ORDINANCE 2009-65, An Ordinance to Amend Various Sections of the City of Franklin Municipal Code, Title 11 – Miscellaneous Offenses, Relating to the Codifying of Various Fees and Penalties**
Not discussed Vernon Gerth, ACA Community & Economic Development
19. **Consideration of ORDINANCE 2009-66, An Ordinance to Amend Various Sections of the City of Franklin Municipal Code, Title 15 – Motor Vehicles, Traffic and Parking, Relating to the Codifying of Various Fees and Penalties**
Not discussed Vernon Gerth, ACA Community & Economic Development
20. **Consideration of ORDINANCE 2009-67, An Ordinance to Amend Various Sections of The City of Franklin Municipal Code, Title 20 – Miscellaneous , Relating to the Codifying of Various Fees and Penalties**
Not discussed Vernon Gerth, ACA Community & Economic Development
21. **Consideration of ORDINANCE 2009-68, An Ordinance Amending The City of Franklin Municipal Code, Title 22 – Comprehensive Fees and Penalties for the Purpose of Codifying the Various Fees and Penalties found in Titles 11, 15, and 20.**
Not discussed Vernon Gerth, ACA Community & Economic Development
22. **Consideration for Approval of Installation of Additional GFCI Trip Breaker Located on Emergency Generator Docking Main in an Amount of \$9,011.00**
Brad Wilson, Facilities Project Manager
The GFCI trip breaker will bring the facility into compliance with code officials’ recommendations.
23. **Consideration for Approval the Required Installation of a 6 inch Water Meter and Valve Meter Vault per The COF Water Department \$10,409.00**
Brad Wilson, Facilities Project Manager
This was not in the original programming.
24. **Consideration of Inter-Planning Commission Review of Site Plan and Conditional Use Review for Freedom Reins (Commercial Stables) on 5.14 Acres Located at 4468 Pratt Lane in the Third Voting District**
Not discussed Alderman Ann Petersen, FMPC Board Representative

ADJOURN

Work Session adjourned 6:58

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator’s Office - 2/2/2010 3:44 PM