

**MINUTES OF THE REGULAR MEETING  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, JUNE 9, 2009 – 7:00 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	
Vernon Gerth, ACA Community & Economic Development	P	Pam Conner for Shirley Harmon, HR Director	P
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water/Wastewater Director	P
David Parker, City Engineer	P	Gary Luffman, Interim Planning Director	P
Shauna Billingsley, Interim City Attorney	P	Tom Marsh, Interim Codes Director	P
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
Jackie Moore, Police Chief	P	Brad Wilson, Facilities Project Manager	P
Fred Banner, MIT Director		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 Regular Meeting of the Board of Mayor and Aldermen of the City of Franklin, Tennessee, on Tuesday, June 9, 2009, 7:00 p.m. in the City Hall Boardroom.

**2. Invocation**

The Invocation was offered 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**

None

**6. Approval of Minutes**

*Alderman Bransford moved to approve the May 26, 2009 Executive Session minutes as presented. Seconded by Alderman Moore. Motion carried unanimously.*

**7. 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 15-30 be placed on the Consent Agenda

Mayor Schroer pulled Item 18. Item is to be deferred.

*Alderman Klatt moved for approval of the Consent Agenda Items 15-30 excluding Item 18. Seconded by Alderman Barnhill. Motion carried unanimously.*

**OLD BUSINESS**

- 8. PUBLIC HEARING: Consideration of ORDINANCE 2009-23, To Be Entitled: "An Ordinance of The City of Franklin, Tennessee, Adopting a Budget for the Fiscal Year 2009-2010; Providing an Effective Date (Second Reading) Eric Stuckey, City Administrator**

With no comments forthcoming, Mayor Schroer declared the Public Hearing closed.

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*Alderman Moore moved to approve Ordinance 2009-23. Seconded by Alderman Burger. Motion to approve Ordinance 2009-23 on Second Reading carried unanimously.*

**OLD BUSINESS**

- 9. PUBLIC HEARING: Consideration of ORDINANCE 2009-24 As Amended, To Be Entitled: "An Ordinance of The City of Franklin, Tennessee Establishing The Municipal Property Tax Levy for the Fiscal Year 2009-2010; Providing an Effective Date" (Second Reading) Eric Stuckey, City Administrator**

With no comments forthcoming, Mayor Schroer declared the Public Hearing closed.

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*Alderman Moore moved for approval of Ordinance 2009-24 As Amended. Seconded by Alderman Bransford. Motion to approve Ordinance 2009-24 on Second Reading carried unanimously.*

- 10. PUBLIC HEARING: Consideration of ORDINANCE 2009-25, To Be Entitled: "An Ordinance to Amend Section 17-113 of The Franklin Municipal Code to Increase the Fees for Collection of Garbage and Refuse (Second Reading) Eric Stuckey, City Administrator**

With no comments forthcoming, Mayor Schroer declared the Public Hearing closed.

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*Alderman Moore moved to approve Ordinance 2009-25. Seconded by Alderman Klatt. Motion to approve Ordinance 2009-25 on Second Reading carried unanimously.*

Alderman Burger commented that although the fee will increase to \$12.00 per month, the cost to the City is \$18.00-\$20.00 per household per month.

## NEW BUSINESS

### 11. **PUBLIC HEARING: Consideration of RESOLUTION 2009-14, A Resolution Creating a Special Assessment District for Sanitary Sewer Improvements in the Monticello Subdivision Area**

**David Parker, City Engineer**

Jay Wade, 123 Jefferson Drive, Monticello Subdivision.

- In 2007 the residents of Monticello wanted annexation for the primary reason of access to sewer. At that time the estimated special assessment district cost per resident was quoted as \$12,500. Two years later the estimated cost per resident is \$20,600. There are no enhancements such as underground utilities and such. The Capital Investment Committee removed paving costs from the estimate bringing it down to around \$16,500 per household. He said he appreciates what the City is doing and asked if there would be any way to reduce the costs. As for the 180 day rule, many home owners are anxious to hook up; others have septic systems that are working well and they don't need to hook on. He feels they should not have to pay sewer fees if they are not using the sewer system.

Steve Kuhn, past president of Monticello HOA

- Regarding the letter recently sent by the City.
  1. Request the Board consider 20 years at 5% instead of 30 years at 6%.
  2. Confirm the costs can be paid up front without penalty.
  3. Explain the exact meaning of the last sentence in the second major paragraph of the letter: "It is important to understand that the assessment will be reevaluated and assessed each year to allow for any increase in any of the properties' values and/or the addition of any properties to the assessment district."
  4. Paving is scheduled when the project is complete. They do not want to wait six months until spring when the asphalt companies are open.

They want a clear explanation of the line by line cost to residents, at least a best guess estimate and cannot understand how they got to this point without knowing the costs. He referred to "cryptic code words" for fees (SDF, EDF) and asked if those are part of the tap fee? Who is responsible to remove the septic systems? He commented the whole process could have been clearer with less bureaucracy.

Bob Sistrunk, 118 Arlington Place

- He distributed copies of figures comparing the difference between the 2007 and 2009 assessments. He noted the City Administrator at that time said the 2007 figures were accurate and comprehensive. Now it is up to \$42,000 and includes \$35,000 for the sewer line and \$7,500 to tap on. He asked how it went from \$18,000 to \$42,000 in two years. As for the yearly evaluation, he believes costs will go up.

Per City code it is mandatory to tie on within 180 days. Alderman McLendon, former Mayor Tom Miller and Mayor Schroer all indicated it would not be mandatory. It would be optional.

During a previous discussion it was said there would not be "sewer police" going out to see if homeowners are tied on. That as a verbal commitment he would like to see in writing. A memo from Mr. Parker and Mr. Stuckey said they could continue on septic. He appreciates the City's flexibility in this matter. He requested three items be addressed:

1. What are the advantages and disadvantages of issuance of bonds and assessed value.
2. Wants an explanation of the 131% increase over two years.
3. Wants something in writing about the tap on fee.

Diane Lawbon, 206 Revere Lane.

- If a homeowner would sell would the loan be transferred to the new owner or does the seller have to pay it off before the sale?
- Could the assessment be classified as a tax so homeowners could take it off their federal income tax as a deduction?

Tom Sanford, 103 Revere Lane

- Told the way a similar situation was handled in Chattanooga. They could elect not to hook on and every family paid \$2,500 up front plus \$900 for a plumber for a total of \$3,400. The estimate in Franklin is a lot more for what he feels is the same situation.

Laura Smith, 106 Poteat Place, HOA secretary

- Ms. Smith read a statement from Grady DeVan (unable to attend the meeting), 303 Monticello Road, Old Monticello. "We have lived in Monticello since 1972 and have seen us surrounded by the city without being annexed...I would never have believed we would go so long without access to a sewer system. I am really thankful that to date, there have been so few major problems around our area, but we are certainly on borrowed time. I have been in construction and construction products over 40 years and I am positive this is the time to proceed. Whatever the cost, it will never be cheaper than now....and our septic system can't last forever. If we, as a subdivision, begin to show major problems, it will impact all of our property values, which will eventually impact the city."

David Bradley, Monticello resident for 40 years

- The fees being tacked on are excessive. He mentioned \$7,500 tie on fee. He is not opposed to sewer but is opposed to how it is coming about. It is unfair to the people and the cost is just wrong. He agreed with Mr. Sistrunk in that it is unfortunate how this came about and how the prices have jumped. Some neighbors cannot afford to do this.

Don Shotwell, 107 Monticello in Arlington

- He said most homeowners in the old section are retired and don't have this kind of money to put out. He thinks it should the proposal should be altered.

Rick Sims, 117 Poteat Place

- He was shocked the cost was going to be \$17,000-\$18,000 and then heard it would be \$40,000. That is a lot of money and he would imagine some of the houses didn't cost that much when new. Now they are in a situation where everyone is sort of forced to pay that kind of money for sewer. In some ways that is unfair. To put another \$40,000 into a house in that neighborhood is probably not wise. He thinks it is a good idea to have an affordable sewer in the neighborhood. He asked if there was any way to work out the situation for sewer. If it costs \$40,000 he may not stay there.

Reid Frazier, 117 Williamsburg Place.

- He commented the interest for 30 years is included in the \$42,000 cost. The cost now is almost double the first estimate. Will there be any additional costs? They don't understand the tap fees nor the tap fees waived. In the comparison with other cities he noticed some or all of the design fees were waived but in this case they are not. The City is somewhat asking the residents to pay for infrastructure as in a new development. He would like some costs to be spread over the entire City budget as opposed to one neighborhood. Has the City considered looking into ARRA funds for infrastructure and applying for funds for the sewer project? Are there any other methods to finance the project than directly taxing the neighborhood?

Kathy Hill Kramer, 120 Poteat Place

- She explained the significance of keeping her mother in her home; however, their assessment was estimated in excess of \$15,000 and that on top of paying for health needs would be a heavy burden. They do not want to sell the house. She asked BOMA to consider these situations.

With no further comments forthcoming, Mayor Schroer declared the Public Hearing closed.

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*Alderman McLendon moved to approve Resolution 2009-14 to establish an assessment district for the purpose of installing sanitary sewer in the Monticello Subdivision. Seconded by Alderman Klatt.*

Alderman McLendon said as a member of the Williamson County Water and Wastewater Authority he watched this problem for several years. Monticello is not the only neighborhood in the northern part of Franklin or just north of Franklin with these problems. County records show a failure rate of 20-35% (as he remembers) on the corridor starting at Monticello on past Grassland Middle School. The County, through the Wastewater Authority, started working on solutions. Because of the location of wastewater treatment facilities and gravity, some neighborhoods furthest north could not be offered a solution.

He said it was important to note the City was approached by the Monticello neighborhood for evaluation. Annexation was driven by the need for sewer. Costs were based on the best information the City had at the time. Those numbers have changed because engineering-wise, some of the depths needed for gravity sewer were underestimated in the estimate.

Alderman McLendon reiterated his request at the Work Session for City staff to prepare an ordinance to officially amend Section 18-204, to relieve the obligation to tie on after 180 days if there is a functioning septic system. In the end this is driven by health concerns. He believes the City will waive all fees that can be waived under State law. He supports getting to the bid as that will tell the bottom line.

Mayor Schroer reiterated that according to State law an assessment district must be established before a bid is sought. Alderman McLendon requested answers to resident's questions be in writing on City letterhead and be sent to HOA leadership. Once the bid is received there should be another chance for the residents to speak.

Alderman Burger said she learned tonight the Monticello trenches need to be deeper than the 20' stated earlier. She asked if grinder pumps were considered for Monticello. Alderman McLendon felt grinder pumps would drive up costs because homeowners would have to purchase the pumps (approximately \$3,000 per pump) and would be responsible for ongoing maintenance. Alderman Klatt stated it is the policy of the Board to install gravity sewer where it is feasible.

David Parker addressed some questions today via e-mail. Further comments or questions from residents should be directed to Eric Stuckey via e-mail.

*Motion to establish a special assessment district for Monticello Subdivision sanitary sewer carried unanimously.*

**12. Consideration of Creating an Assessment District for The Columbia Avenue Enhancement Project  
Russ Truell, ACA Finance & Administration**

*Alderman Petersen moved to create a special assessment district for the Columbia Avenue Enhancement Project like the one used for the 1989 Streetscape for Main Street. Seconded by Alderman Skinner.*

Alderman Petersen commented the 1989 streetscape on Main Street required property owners, the ones that received the greatest benefit from the project, to participate in paying for it. The proponents of the Streetscape always mention increased property values as a major benefit. E.G. & G. used data from the Downtown Franklin Association and MTSU to show that values under that project tripled in five years. The Main Street owners paid \$1 million, about 40% of what the City paid. Without a special assessment district, Columbia Avenue owners will pay nothing. She continues to support credit for donated easements to offset the assessment, but she feels the property owners should pay part of the project cost because they are the ones that will reap the greatest direct benefits.

Alderman Klatt remarked it is unfair to say the property owners who have contributed easement or ROW are paying nothing because in fact they are contributing something of value the City does not have to acquire. The other point is that on Main Street the value of the property increased because the individual property owners felt comfortable reinvesting in their own properties. We are asking to move forward with a project that will create economic incentives for this underutilized area to improve itself.

Alderman McLendon said he disagrees with encouraging redevelopment by spending taxpayer money. His opinion is that too much has been done for too few while some have too little or none, and it is not a compelling argument to say it is ready for bid or that eventually the money will come back with redevelopment and taxes. It is still \$4 million. Brick pavers and excessive landscaping are too much to do in today's economy. He doesn't like the term underutilized for Columbia Avenue. When was a judgment made that businesses on Columbia aren't fine the way they are? He cannot advocate \$4 million to make a handful of properties prettier. More infrastructure and less landscaping should be done with public money today.

Alderman Barnhill said a special assessment should have been considered in the beginning and not after some the work has been done. Further, the City would be accumulating debt not spending money.

Mayor Schroer commented if Item 12 passes, Item 13 will be moot.

Alderman Petersen commented for the amount previously proposed for the Downtown Corridors and Connectors Economic Development Project the City could have built Mack Hatcher thereby helping Westhaven, Willowsprings and those subdivisions west of downtown. The schedule proposed would eat up most of the City's bonds in the years the City is having little growth in revenue. It would crowd out a lot of other improvement projects such as McEwen East and four lanes on Mack Hatcher from Highway 96 to Lewisburg. These subdivisions paid road impact fees and those fees are supposed to benefit the developments that paid it. This project does not add any extra traffic capacity.

Alderman Skinner said as long as he has lived in Franklin Columbia Avenue has been an economically depressed area with empty buildings. Vacant buildings do not produce jobs, and of all the areas for Streetscape, this area warrants attention more than anything else. He has a vision that one day those properties will look like Main Street and be a contiguous tourism base all the way to the historical properties. The people building the bank on Columbia told him they did not consider Columbia Avenue until they heard streetscape was going to be revived there. This is an investment that will eventually get higher property values.

Alderman Bransford said long time residents of the older neighborhoods along the periphery of Columbia Avenue conveyed excitement about the area being beautified. Comments included, "It's about time someone thought about us". They very excited about the possibility of this becoming a reality.

Alderman Barnhill said there are vacant properties all over the City not just Columbia Avenue. The Board has to decide if it is a wise use of \$4 million of debt or if that money could be used to greater advantage for traffic relief or another project considered more worthy.

Alderman Burger related parts of messages she received: In essence, the residents want McEwen done yesterday but voting for this project would not hurt them in the long run since nothing is ready to bid there except one section; an e-mail referred to Columbia Avenue as a gateway corridor ready to bid; another indicated whether or not a Gateway Corridor, Columbia Avenue is certainly the highest priority ready to bid. A \$4 million investment would surely pay off as a whole with similar dividends as the 1989 streetscape; further, the aldermen should stop pitting projects and neighborhoods against each other and framing every argument as if one person's gain is someone else's loss. Columbia Avenue is not a project for a specific neighborhood as the City would benefit from revitalization of a neglected area. Alderman Burger added improved connectivity to The Carter House would be a positive for tourism. Without tourism dollars taxes would be raised.

Alderman McLendon countered one thing that doesn't help tourism is traffic problems and this project does nothing to help traffic. There are many more millions of dollars of infrastructure and traffic improvements that must be done.

Alderman Moore added the ball is already rolling on Columbia Avenue. He believes that was part of the original vision when the transit building was built there. The city has already invested \$35 million in the new police headquarters and he supports finishing Columbia Avenue as fast as possible. The Civil War Sesquicentennial is coming 2011-2015. The Carter House is one of the most visited sites in Tennessee and many more visitors will come to Franklin. The sidewalks in that area are unacceptable and paving must be done. He stated there will be impact fees from redevelopment on Columbia Avenue and probably other significant fees; therefore, it is not necessarily taking away impact fees from other areas. This will be an economic stimulus for that whole corridor.

Alderman Skinner asked for clarification that the limit for special assessment would be 15% of the value of the properties that are adjacent. Mr. Stuckey said that is correct and it is about \$435,000. Alderman Skinner reiterated Alderman Petersen's recommendation that those who donated ROW should be given credit. Aldermen Petersen confirmed that was part of her statement because it levels the playing field.

Alderman Klatt believes an assessment district in this quadrant is not appropriate because of the way the current properties are valued. Defeating an assessment district for this segment does not preclude doing an assessment district for other projects. Why is an assessment district downtown being considered when it isn't done in the suburbs or other neighborhoods? If an assessment isn't done a TIF district could be considered. A TIF does not have to be drawn prior to bidding and certain funds from that can be dedicated to the streetscape program for the next 20 years. An assessment on Columbia won't generate enough revenue, especially if credit is given for what has already been donated.

David Parker noted property owners with 50% of the appraised value can defeat the assessment district per Tennessee Code Annotated. He clarified it is not the number of property owners but if they own 50% of the assessed value. Alderman Petersen's motion was for a special assessment district as was done on Main Street in 1989. When the 1989 assessment was done the Board was petitioned to go forth on the project. This time there is no petition and it is unknown what the Columbia Avenue property owners want; however, 14 of 24 property owners are protesting, including the biggest property owner who does not want to be involved with the streetscape project.



*Alderman McLendon called the question. Mayor Schroer indicated there was a motion to call the question. Motion carried by more than two-thirds of the majority.*

*Motion to create an assessment district for the Columbia Avenue Enhancement Project was a tie 4-4 with Aldermen McLendon, Skinner, Barnhill and Petersen voting in favor and Aldermen Burger, Klatt, Bransford and Moore voting against the assessment district. Mayor Schroer broke the tie with a vote against the assessment district and the motion FAILED with a vote of 4-5.*

- 13. Consideration of Moving Forward on Approval for Advertising and Receiving of Bids for the Construction of The Franklin Corridor and Connector Streets Economic Development Project: Columbia Avenue**

**David Parker, City Engineer**

*Alderman Klatt moved to approve going forward with advertising and receiving bids for the construction of the Franklin Corridor and Connector Streets Economic Development Project: Columbia Avenue. Seconded by Alderman Bransford.*

*Alderman Petersen moved to amend by adding Option 3, to put this project on hold and move forward with replacing the storm drainage and repaving Columbia Avenue at an estimated cost of \$320,000. Seconded by Alderman McLendon. Motion to Amend FAILED 2-6 with Aldermen Petersen and McLendon voting in favor and Aldermen Klatt, Skinner, Burger, Barnhill, Bransford and Moore voting against the amendment.*

*Main Motion to move forward with advertising and receiving bids for the Columbia Avenue Project carried 6-2 with Aldermen McLendon and Petersen voting no.*

- 14. Consideration of the Improvements to Jim Warren Park Stormwater Pond by Installing a Geomembrane Line (Option 3)**

**David Parker, City Engineer**

*Alderman Klatt moved to approve Option 3. Seconded by Alderman Burger. Motion carried unanimously.*

### **CONSENT AGENDA**

- 15. Consideration of ORDINANCE 2009-16 As Amended, An Ordinance to Amend Chapter 2, Section 2.4.3(7) of The City of Franklin Zoning Ordinance to Revise the Site Plan Extension Process (Third and Final Reading)**

**Vernon Gerth, ACA Community & Economic Development**

*Ordinance 2009-16 approved unanimously on Third and Final Reading.*

- 16. Consideration of RESOLUTION 2009-17, A Resolution to Adopt a Fire Service Automatic Aid Agreement with the City of Brentwood for Fire Protection Services within Targeted Areas**

*Approved unanimously*

**Rocky Garzarek, Fire Chief**

- 17. Consideration of Approval of CYM Productions for Three (3) Summer Movies at Pinkerton Park for the Total Cost of \$3,000 for the Months of June, July and August, 2009**

*Approved unanimously*

**Lisa Clayton, Parks Director**



18. **Consideration of Replacement of Pitney Bowes Mailing System**  

**Jackie Moore, Police Chief**

*Alderman Burger moved to defer this item to the next meeting, June 23. Seconded by Alderman Moore. Motion carried unanimously.*
19. **Consideration of Bid Award to Sessions Paving of Nashville, TN for Emergency Construction Repairs of Stormwater and Drainage Improvements**  

*Approved unanimously* **Joe York, Streets Director**
20. **Consideration of Bid Award to Vulcan Materials of Franklin, TN for Renewal of Contract to Purchase Maintenance and Drainage Stone**  

*Approved unanimously* **Joe York, Streets Director**
21. **Consideration of Bid Award to Tennessee Valley Paving of Franklin, TN for Renewal of Contract for Roadway Repairs and Resurfacing**  

*Approved unanimously* **Joe York, Streets Director**
22. **Consideration of Bid Award to Tennessee Valley Paving of Franklin, TN for General Construction of Roadway Repairs and Improvements for Called Bonds**  

*Approved unanimously* **Joe York, Streets Director**
23. **Consideration of Bid Award to TriStar Curbing and Concrete of Franklin, TN for General Construction of Concrete Roadway Repairs and Resurfacing (White Topping)**  

*Approved unanimously* **Joe York, Streets Director**
24. **Consideration of Bid Award to M.A.Y. Construction of Franklin, Tennessee, for Renewal of Contract for Concrete Sidewalk Repairs**  

*Approved unanimously* **Joe York, Streets Director**
25. **Consideration of Revision to Human Resource Policy Regarding Employee Initial Probationary Period**  

*Approved unanimously* **Shirley Harmon, Human Resources Director**
26. **Consideration of Event Permit for The Jazz Festival to be Held in Downtown Franklin on September 5 and 6, 2009**  

*Approved unanimously* **Jackie Moore, Police Chief**
27. **Consideration of Event Permit for Franklin on the Fourth in Downtown Franklin on July 4, 2009**  

*Approved unanimously* **Jackie Moore, Police Chief**
28. **Consideration of Event Permit for Bluegrass Along the Harpeth in Downtown Franklin on July 24-25, 2009**  

*Approved unanimously* **Jackie Moore, Police Chief**
29. **Consideration of Event Permit from St. Paul's Episcopal Church for Annual BBQ on July 25, 2009**  

*Approved unanimously* **Jackie Moore, Police Chief**
30. **Consideration of Event Permit from the Heritage Foundation for The Heritage Ball to be Held at Harlinsdale Park on September 26, 2009**  

*Approved unanimously* **Lisa Clayton, Parks Director**

**ADJOURN**

*Alderman McLendon moved to adjourn. Meeting adjourned 8:34 p.m.*

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Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 7/17/2009 1:28 PM