
**MINUTES OF THE REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, NOVEMBER 12, 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 Dev.	P	Shirley Harmon, HR Director	
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 Dir.	
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		Linda Fulwider, Board Recording Secretary	P
Becky Caldwell, Sanitation Services Director			

1. Call to Order

Mayor Ken Moore called the November 12, 2013, meeting to order at 7:28 p.m.

2. Invocation

The invocation was offered by Alderman Clyde Barnhill

3. Pledge of Allegiance

All present 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

There were no County representatives present.

6. Approval of Minutes

Alderman Petersen moved to approve the following minutes as submitted September 24, 2013 Work Session, September 24, 2013 Board of Mayor and Aldermen, October 8, 2013

Work Session, and October 8, 2013 Board of Mayor and Aldermen. Seconded by Alderman Burger. Motion carried unanimously.

7. Recognitions

- Presentation to Board of Mayor and Aldermen

Franklin Transit Authority and the Girl Scouts Council of Middle Tennessee Council developed the first transportation patch available for Girl Scouts in the state of Tennessee. The patch is age appropriate for the various levels of scouting. Girl Scouts and their leaders from Franklin and Williamson County were in attendance for the presentation.

Preston Elliott, Chairman, Franklin Transit Authority, and Agenia Clark, CEO of the Girl Scouts of Middle Tennessee, both spoke about the partnership and Mayor Moore accepted a framed Girl Scout Transportation Patch to the City of Franklin.

- Boy Scouts

Mayor Moore recognized Cub Scout Troop 188 from Moore Elementary and Webelo Scouts from Liberty Elementary and their troop leaders.

8. Miscellaneous Reports

- Eric Stuckey announced the scheduled workshop for the Harpeth River Feasibility Study is tomorrow night at 6:00 p.m. in the Board Room. The Study is a joint effort with the U.S. Army Corps of Engineers, the cities of Franklin and Brentwood, Williamson County, and Metro Nashville, Davidson County. The meeting is one of two public workshops.

9. Acknowledge Receipt of Williamson County Elections Commission Report, 2013 City of Franklin Municipal Election

Eric Stuckey, City Administrator

Eric Stuckey read the election report for the 4-year terms of the four ward aldermen.

	Total Votes	%	Election Day	Early Voting	Absentee
Precincts counted (of 17)	17	100.00%			
Registered voters TOTAL	44,963				
Ballots Cast TOTAL	914		531	367	16
Voter turnout TOTAL		2.03%			
ALDERMAN-WARD 1					
Beverly K. Burger	391	65.06%	218	172	1
Jeff Walker	210	34.94%	137	73	0
Write-in	0		0	0	0
ALDERMAN, WARD 2					
Dana C. McLendon, III	61	95.31%	32	25	4
Write-in	3	4.69%	2	1	0
ALDERMAN, WARD 3					
Michael J. Skinner	78	90.70%	33	38	7
Write-in	8	9.30%	6	2	0
ALDERMAN, WARD 4					
Margaret Martin	126	77.78%	69	53	4
Write-in	36	22.22%	33	3	0

10. Administration of Oath of Office to Newly Elected Ward Aldermen in Accordance with the City Charter, Article IV, Section 4

The Honorable Judge Robbie Beal swore in the newly elected aldermen:

Beverly Burger	1 st Ward Alderman	Joined by Team Burger
Dana McLendon	2 nd Ward Alderman	Joined by his mother, wife, and son Ben
Michael Skinner	3 rd Ward Alderman	
Margaret Martin	4 th Ward Alderman	

Mayor Moore thanked Judge Beal and congratulated the aldermen.

11. Election of Vice Mayor Pursuant to the City Charter, Article IV, Section 5
Dr. Ken Moore, Mayor

Mayor Moore thanked outgoing Vice Mayor Dana McLendon, saying he appreciated his service and dedication during this past year.

Alderman Skinner nominated Ann Petersen to serve as Vice Mayor. Seconded by Alderman Burger. Motion carried unanimously.

Mayor Moore congratulated Vice Mayor Petersen.

12. Mayor's Appointments to Board of Aldermen Committees

Dr. Ken Moore, Mayor

Appointments to committees will be effective as of December 1, 2013:

Budget & Finance Committee

Alderman Clyde Barnhill
Alderman Pearl Bransford
Alderman Margaret Martin
Alderman Dana McLendon

Capital Investment Committee

Alderman Brandy Blanton
Alderman Beverly Burger
Alderman Ann Petersen
Alderman Michael Skinner

13. Consideration of Mayor's Appointments to the City of Franklin Beer Board

Dr. Ken Moore, Mayor

Mayor Moore appointed the following alderman to the Beer Board:

Alderman Clyde Barnhill
Alderman Pearl Bransford
Alderman Margaret Martin

Mayor Moore thanked Alderman Burger for her many years of serving on the Beer Board.

14. Consideration of Mayor's Nomination(s) to the Historic Zoning Commission

Dr. Ken Moore, Mayor

Mayor Moore noted that Commission chair Tim Kearns did not seek reappointment. He then nominated Rusty Womack for reappointment, and the appointment of Jim Roberts to the Commission.

Alderman Martin moved to approve the nominations for reappointment of Rusty Womack and new appointment of Jim Roberts to the Historic Zoning Commission. Seconded by Alderman Blanton. Motion carried unanimously.

15. Consideration of Mayor's Nomination(s) to the Battlefield Preservation Commission

Dr. Ken Moore, Mayor

Mayor Moore reappointed Alderman Michael Skinner as the BOMA representative to the Battlefield Preservation Commission.

16. Consideration of Mayor's Reappointment of L. K. Browning and Ken Scalf to the Sustainability Commission

Dr. Ken Moore, Mayor

Mayor Moore nominated L. K. Browning and Ken Scalf for reappointment to the Sustainability Commission.

Alderman Blanton moved to approve reappointment of L. K. Browning and Ken Scalf to the Sustainability Commission. Seconded by Alderman Barnhill. Motion carried unanimously.

17. 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 **25-37** be placed on the Consent Agenda.

Alderman Bransford pulled Items 30 and 31 moved to approve the remainder of the Consent Agenda, Items 25-29 and 32-37. Seconded by Alderman Burger. Motion carried unanimously.

OLD BUSINESS

18. PUBLIC HEARING: Consideration of ORDINANCE 2013-49, An Ordinance to be Entitled, "An Ordinance to Rezone ±43.20 Acres To the Height Overlay District (HTO) for the Property Located at 9009 Carothers Parkway
[Second of Three Readings] Alderman Ann Petersen, FMPC Representative

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

Vice Mayor Petersen moved to approve Ordinance 2013-49 on Second of Three Readings. Seconded by Alderman Burger. Motion carried unanimously.

19. PUBLIC HEARING: Consideration of ORDINANCE 2013-37, To Be Entitled, "An Ordinance to Rezone ±.29 Acres From Historic Core Residential District (R-6) To Residential Variety District (RX) for the Property Located at 411 Cummins Street"
[Second of Three Readings] Alderman Ann Petersen, FMPC Representative

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

Vice Mayor Petersen moved to approve Ordinance 2013-37 on Second of Three Readings. Seconded by Alderman Skinner. Motion carried unanimously.

20. PUBLIC HEARING: Consideration of RESOLUTION 2013-54, To Be Entitled, “A Resolution Approving a Development Plan for The Cottages on Cummins Street PUD Subdivision, Located at 411 Cummins Street, by the City of Franklin, Tennessee”

Alderman Ann Petersen, FMPC Representative

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

Alderman Barnhill moved to approve Resolution 2013-54. Seconded by Alderman Burger.

Alderman Martin referred to page 5, regarding elevations being fully evaluated at the Site Plan stage. She alluded to a building on Second Avenue that was raised 18 inches making the sidewalk more of a ramp, and that should not have happened.

Catherine Powers advised they were aware of the Second Avenue property, and they are working to make sure that the existing grade is what is conforming to the built up grade and that the height is no higher than that existing grade.

Motion to approve Resolution 2013-54 carried unanimously.

NEW BUSINESS

21. Consideration of Engagement Contract with Hall and Associates (COF Contract Number 2013-0185)

Shauna Billingsley, City Attorney

Alderman Martin moved to approve contract with Hall and Associates. Seconded by Alderman Blanton. Motion carried 7-1 with Alderman Skinner voting nay.

22. Consideration of RESOLUTION 2013-67, A Resolution Authorizing Condemnation for the Acquisition of Property for Sanitary Sewer Main for the West Basin

David Parker, City Engineer/CIP Executive

Alderman Bransford moved to deny Resolution 2013-67. Seconded by Alderman Blanton.

Alderman Barnhill moved to amend the motion to accept Options 2 and 3, to accept the pump station and low-pressure sewer system as discussed at the Work Session. Seconded by Alderman Burger.

David Parker explained since this is a Resolution for condemnation it has nothing to do with how the sewer is to be built. Condemnation should be denied without an amendment. The amendment would be appropriate on item 23, which is the agreement with the developer. However, since staff will be working on this agreement, it would be better to deny item 22 and item 23. He clarified it is not a pump station and low-pressure system, rather a pump station and force main system.

Alderman Barnhill said he didn't want to lose momentum on this project since the developer and the property owner have resolved their issues.

Alderman Barnhill withdrew his motion to amend and Alderman Burger withdrew her second to the motion.

*Motion to **deny** request for **condemnation** carried unanimously.*

23. Consideration of Agreement (COF 2013-0144) with Mike Ford Custom Builders for the Extension of Sanitary Sewer for the Blossom Park Development

David Parker, City Engineer/CIP Executive

Eric Stuckey clarified what should be considered in the motion.

Alderman Bransford moved to deny the agreement for extension of sanitary sewer for Blossom Park development, with the direction that staff develop a new agreement to specify a pump station option for providing service to this area. Seconded by Alderman Blanton.

Alderman Martin wanted to make sure, if Option C were chosen for the sewer going through Cornerstone that those residents approve of it being there. The developer came to the podium and began answering Alderman Martin's questions about the options discussed at the Work Session. He then turned to Mrs. Chapman to confirm her choice of options. At this point, Mayor Moore declared the discussion inappropriate, and told the developer he was out of order. Mayor Moore advised the motion on the floor states staff will work out an acceptable plan and it is unknown if will be B or C or what it will be. That is for staff to bring back to BOMA. Alderman Bransford confirmed that was her motion.

Other comments: Alderman Burger doesn't want maintenance of the pump station to rest with the HOA or developer. It is the City's responsibility. Alderman Skinner clarified the ratepayers would absorb this cost.

Motion to deny the agreement until an acceptable plan can be put in place via a new agreement carried 7-1 with Alderman Skinner voting nay.

24. Consideration of a Professional Services Agreement with Smith Seckman Reid, Inc. for the Watson Branch (Section East of I-65) Basin Study (COF Contract No. 2013-0175) for an Amount Not to Exceed \$7,000.00

David Parker, City Engineer/CIP Executive

Alderman Martin recused herself.

Alderman Barnhill moved to approve PSA with Smith Seckman Reid for Watson Branch Basin Study. Seconded by Alderman Burger. Motion carried unanimously 7-0 with Alderman Martin recused.

Alderman Martin rejoined the meeting.

CONSENT AGENDA

25. Consideration of ORDINANCE 2013-13, A Rezoning Request for 1034 & 1035 Windcross Court from General Commercial District (GC) to Residential Variety District (RX) on 11.21 Acres

[Third and Final Reading]

Alderman Ann Petersen, FMPC Representative

Ordinance 2013-13 approved unanimously on Third and Final Reading.

26. **Consideration of ORDINANCE 2013-14, An Ordinance to Amend Section 5.10.4(3) of The City of Franklin Zoning Ordinance Relating to Cross Access Between Adjacent Use**
[Third and Final Reading] **Alderman Ann Petersen, FMPC Representative**
Ordinance 2013-14 approved unanimously on Third and Final Reading.
27. **Consideration of ORDINANCE 2013-44, A Rezoning Request for 3003 Del Rio Pike (Blossom Park) from Estate Residential District (ER) To High Residential District (R-3) on 9.04 Acres**
[Third and Final Reading] **Alderman Ann Petersen, FMPC Representative**
Ordinance 2013-44 approved unanimously on Third and Final Reading.
28. **Consideration of ORDINANCE 2013-48, An Ordinance to Amend Title 23 of The City of Franklin Municipal Code Regarding Green Infrastructure Runoff Reduction Requirements and Clarifying Existing Terms; Establishing a Public Hearing for December 10, 2013**
[First of Two Readings] **David Parker, City Engineer/CIP Executive**
Paul Holzen, Engineering Director
Ordinance 2013-48 approved unanimously on First of Two Readings.
29. **Consideration of Term Amendment to Harpeth Valley Utility District Contract (COF Contract 2013-0133)**
Approved unanimously **David Parker, City Engineer/CIP Executive**
30. **Consideration of COF Contract 2013-0137 with Energy Source Partners (ESP) for a Second Solar Installation at the Wastewater Treatment Plant Located at 135 Claude Yates Drive**
Andrew Orr, Principal Planner
Alderman Bransford moved to approve Contract 2013-0137 pending additional follow-up by the City Administrator and City Attorney. Seconded by Alderman Barnhill. Motion carried unanimously.
31. **Consideration of COF Contract 2013-0050 with the Tennessee Valley Authority (TVA) for the Sale of Electricity from a Second, Larger Solar Installation (1 Megawatt Project) at the Wastewater Treatment Plant Located at 135 Claude Yates Drive**
Andrew Off, Principal Planner
Alderman Bransford moved to approve Contract 2013-0050 pending additional follow-up by the City Administrator and the City Attorney. Seconded by Alderman Burger. Motion carried unanimously.
32. **Consideration of a Professional Services Agreement with URS Corporation for the Charlton Green Sanitary Sewer Improvements Project (COF Contract No. 2013-0176) for an Amount Not to Exceed \$19,895.00**
Approved unanimously **David Parker, City Engineer/CIP Executive**
33. **Consideration of Easement Agreement for Woodlands Subdivision, Lot 19 (COF Contract No. 2013-0177)**
Approved unanimously **David Parker, City Engineer/CIP Executive**

- 34. Consideration of Change Order No. 1 (Time Extension) to the Construction Contract for the McEwen Drive Temporary Connector Project (COF Contract No. 2012-0151)**

Approved unanimously

David Parker, City Engineer/CIP Executive

- 35. Consideration of Change Order No. 1 (Completion Time Extension) to the Construction Contract for the SR 96W at Boyd Mill Avenue & Carlisle Lane Roadway Improvements and Traffic Signal Installation (COF Contract No. 2012-0148)**

Approved unanimously

David Parker, City Engineer/CIP Executive

- 36. Consideration of Change Order No. 1 to the Construction Contract for the Carothers Parkway South Extension Project (COF Contract No. 2013-0048)**

Approved unanimously

David Parker, City Engineer/CIP Executive

- 37. Items Approved by the City Administrator on Behalf of the Board**

- Repair of Damaged Irrigation System Along Carlisle Subdivision at Highway 96
- Sole Source Purchase of Traffic Signal Activation Equipment for the Hillsboro Road Improvements Project
- McEwen/Wilson CIP Project Inspection Fees (\$1,325.13)

Approved unanimously

EXECUTIVE SESSION

- 38. Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matters of Pending Litigation**

Shauna Billingsley, City Attorney

Alderman Barnhill moved to enter Executive Session. Seconded by Alderman Burger. Motion carried unanimously.

(8:08 p.m.)

RETURN FROM EXECUTIVE SESSION

- 39. Consideration of Matters from Executive Session**

Dr. Ken Moore, Mayor

(Returned @ 8:19 p.m.) There were no matters for consideration.

ADJOURN

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

The meeting adjourned @ 8:19 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 1/3/2014 8:53 AM