

**MINUTES OF THE REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, MARCH 11, 2014 – 7:00 P.M.**

Board Members

Mayor Ken Moore	P		
Vice Mayor Ann Petersen	P	Alderman Beverly Burger	P
Alderman Clyde Barnhill	P	Alderman Dana McLendon	P
Alderman Brandy Blanton	P	Alderman Margaret Martin	P
Alderman Pearl Bransford	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, Human Resources Director	P
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
David Parker, City Engineer/CIP Executive		Paul Holzen, Engineering Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning & Sustainability Director	
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
David Rahinsky, Police Chief		Brad Wilson, Facilities Project Manager	
Fred Banner, IT Director		Lanaii Benne, Assistant City Recorder	P
Chris Bridgewater, Building & Neighborhood Services Director	P	Linda Fulwider, Board Recording Secretary	P
Becky Caldwell, Sanitation & Environmental Services Director			

1. Call to Order

Mayor Ken Moore called the March 11, 2014, meeting to order at 7:37 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)

- Frank Rosato, 817 Gadsden Place, Andover, Franklin, spoke on the reasons he is against the development of five homes on a relatively small piece of land in Andover, and recommended a modification of the plan for less density.

5. Communications from Williamson County Mayor and Williamson County Commission

There were no County representatives present.

6. Approval of Minutes

Alderman Bransford moved to approve the February 25, 2104 Work Session and February 25, 2014 Board of Mayor and Aldermen minutes as presented. Seconded by Alderman Barnhill. Motion carried unanimously.

7. Recognitions

- Proclamation for American Red Cross Month

Mayor Moore read the Proclamation setting the month of March 2014 as American Red Cross Month and presented it to the two American Red Cross representatives in attendance.

8. Miscellaneous Reports

- City of Franklin Response to HRWA and SELC Notice

City Administrator Eric Stuckey presented a response to the Harpeth River Watershed Association and the Southern Environmental Law Center following the City being put on notice regarding a potential law suit. City officials were taken aback as HRWA and the City have worked in partnership several times. City staff reviewed the allegations line-by-line, item-by-item.

City of Franklin – Strong Stewardship of the River and its Resources:

- ▶ Franklin has completed and is implementing an Integrated Water Resource Plan (IWRP). The first of its kind in the State of Tennessee including a wide range of stakeholders including TDEC and HRWA.
- ▶ IWRP includes holistic, long-term view of water, wastewater, reclaimed water distribution, and storm water impact, including extensive modeling of Harpeth River
- ▶ Removal of low-head dam on Harpeth River.
- ▶ Restoration of stream through Eastern Flank Battlefield to its original, historic alignment.
- ▶ Repair of 116 million gallon raw water reservoir.
- ▶ Extended sanitary sewer to over 600 homes with aging and failing septic systems.
- ▶ City staff discovered and reported illicit discharge by Egyptian Lacquer into the Harpeth River.

SELC and HRWA Allegations:

- ▶ Sanitary Sewer Overflow
- ▶ Discharge
- ▶ Reporting violations

Sanitary Sewer Overflow:

Alleged SSO's	54
Less:	
Private property	(7)
2010 Flood	(14)
Did not reach waters of the state	(14)
Sanitary Sewer Overflows	19

Occurred over a 5-year period

The Franklin system includes 375 miles

SSO Summary – Five Year Period:

Type/Description	No. of SSO's	SSO/100 mi./year	Avg. Response Time (min.)
Blockage	4	0.2	24.8
FOG (Fat, Oil, Grease)	4	0.2	35.0
Illicit Discharge	1	0.1	30.0
Infrastructure Failure	1	0.1	22.0
Roots	1	0.1	30.0
Dry Weather Subtotal	11	0.6	29.2
Contractor Equipment Malfunction	4	0.2	15.0
Excessive Rainfall	4	0.2	24.0
Wet Weather Subtotal	8	0.4	19.5
All SSO's Total	19	1.0	25.1

Comparative SSO Data:

City of Franklin – 5 Year Average	1.0 SSO/100 miles/per year
Region 4 – “Well Performing”	5.0 SSO/100 miles/per year
Region 4 – 2005 Average 2005 Median	11.0 SSO/100 miles/per year 8.5 SSO/100 miles/per year
California EPA 2011 (80,228 miles of infrastructure)	3.99 SSO/100 miles/year
COF performance 75%-90% better than these SSO statistics	

Ammonia:

Overall 5-Year Performance

	Effluent Avg. (lbs/day)	Permit Avg. (lbs/day)	% of Permit Limit
Effluent-Summer Avg.	4.7	40	11.9%
Effluent – Winter Avg.	3.8	150	2.5%
Effluent – Annual Avg.	4.5	95	4.7%

Three Operational Disruptions

- ▶ June 22-27, 2010 – Excessive FOG discharged into the system.
- ▶ January 8-9, 2012 – Excessive single discharge into the system.
- ▶ June 12-17, 2013 - Investigation performed however a specific cause was not identified for this single operational upset.
- ▶ October 14-20, 2012 – Reported .63 mg/L vs. permitted .6 mg/L. Conventional rounding is the accepted practice for reporting, so this should have been reported as .6 mg/L, which is not a violation.

E. Coli – Two Operational Events:

- ▶ December 12, 2010 – A power surge occurred that took the City’s UV treatment offline for short period of time, causing one day of non-compliance. Equipment has since been upgraded.
- ▶ A fire on the evening of October 18, 2012 knocked out one of four UV disinfection banks.
 - October 2012 – Exceedances of the E. Coli limit of 941 cfu/100mL.
 - October 24, 2012 – Disinfection attempted using liquid chlorine (bleach) as an alternative treatment resulted in a chlorine violation (0.5mg/L).
 - October 25, 2012 – UV bank repaired, use of liquid chlorine ended.
 - Sampling was performed upstream and downstream of the outfall to observe the impact to the river from this 6-day period. The 7 days of sampling revealed E. Coli limits below our NPDES permit at all sampling points.

CBOD5:

Overall 5-year Performance

	Effluent Avg. (lbs/day)	Permit Avg. (lbs/day)	% of Permit Limit
Effluent – Summer Avg.	51.9	400	13.0%
Effluent – Winter Avg.	75.2	1001	7.5%
Effluent – Annual Avg.	63.6	700.5	9.1%

- ▶ September 9, 2009 – Permit level of 12 mg/L. Reported at 12.16 mg/L. Instructed by TDEC to use conventional rounding technique. Corrected DMR submitted. Based on this guidance, no violation occurred.
- Allegation regarding monitoring:
- ▶ December 10, 2011 – BOD incubator malfunctioned invalidating prior week samples.
- ▶ Weekly averages for week of November 27, 2011 and week of December 11, 2011 both show results well below permit limits.

** - Lowest monthly average removal of CBOD5 from 2009 through 2013 is 98.6%, well above the required 85% removal

Alleged Selenium and Cyanide Violations:

- ▶ For both instances, the City received guidance to submit a value less than the reporting limit (RDL) based on the laboratory results.
- ▶ The RDL, as stated by the laboratory, is above the permit limit, thereby resulting in an erroneous permit violation.
- ▶ City confirmed and documented that the method detection limit (MDL) was used by the laboratory, which is below the permit level, confirming there was no violation. TDEC revised guidance to City to use MDL for future reporting and submit corrected DMRs.

Alleged Reporting Violations:

- ▶ City maintains all documentation did occur using the MOR in place of the DMR, which did not allow for reporting such as influent N and P.
- ▶ All reporting was provided to both the field office and central office to ensure information was shared broadly.
- ▶ City has worked with TDEC to modify the DMR form for specific reporting and calculations.
- ▶ A small number of clerical errors have been corrected and submitted.
- ▶ City has submitted amended DMR's and MOR's.
- ▶ City has been implementing additional quality control measures for reporting.

Other Issues:

- ▶ Influent and effluent N and P claim that monitoring should take place on the same day. This is flawed and shows a misunderstanding of the treatment process. The one day difference in monitoring is consistent with the estimated hydraulic retention times. It should be noted that this is not a permit requirement.
- ▶ The City sought to use elements of the Integrated Water Resource Plan for the Nutrient Management Plan, a component of the permit not reflected in USEPA/TDEC regs. This was discussed with TDEC staff, but formal direction has not yet been received. The City will continue to work with TDEC to meet the intent of NMP and believes that the IWRP goes far and above the requirements of the NMP.
- ▶ Alleged plan bypass involves a situation for which the City received an EPA and TDEC award for "outstanding leadership" in the Tennessee Water and Wastewater Energy Efficiency Partnership.
- ▶ The City proposed 24 hour/365 day monitoring inclusive of water quality measures. A response from TDEC has not been received.
- ▶ During the 2013 CEI, TDEC commented on the influent flow monitoring. City is aware of the situation and has provided for addressing the issues during the WRF upgrades.
- ▶ Bioassessments around the WRF show an environment supporting various aquatic life.

Summary:

- ▶ Detailed review of the HRWA/SELC allegations, reveals that Franklin's Wastewater Treatment Plant and collection system are high performing.
- ▶ Number of overflows are overstated. Franklin performance is far better than other national benchmarks by 75%-90%
- ▶ Franklin's average response time to overflows is 25 minutes.
- ▶ Discharge allegations amount to a handful of isolated operational disruptions.
- ▶ Reporting violations are greatly exaggerated. Outside of a few clerical errors over a five year period, the City has reported in detail to both central and field offices. Updated forms have been submitted to regulators to eliminate any confusion.

"The city of Franklin's plant is treating its effluent to a very high standard and currently discharges effluent discharge significantly below its permit requirements..."

Statement made by the Harpeth River Watershed Association in a February 10, 2013 letter to TDEC

Mr. Stuckey gave recognition to Mark Hilty, Water Management Director, Michelle Hatcher, Assistant Director, and the Water Management team for giving this priority. He stated he had given this same presentation to the Southern Environmental Law Center, Harpeth River Watershed Association and TDEC officials. A formal letter of response will be submitted.

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 **14-23** be placed on the Consent Agenda.

Alderman Burger moved to approve the Consent Agenda Items 14-23. Seconded by Vice Mayor Petersen.

It was noted that of the three Event Permits being approved, two will close streets.

Motion to approve the Consent Agenda carried unanimously.

OLD BUSINESS

- 10. PUBLIC HEARING: Consideration of ORDINANCE 2014-03, An Ordinance Approving FY 2014 Second Quarter Budget Amendments
[Second and Final Reading] Mike Lowe, Comptroller**

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

Alderman Bransford moved to approve Ordinance 2014-03 on Second and Final Reading. Seconded by Alderman Blanton. Motion carried unanimously.

NEW BUSINESS

- 11. Consideration of RESOLUTION 2014-13, A Resolution to Adopt the Funding Plan for the FY 2014-2018 CIP (Capital Investment Program)**

David Parker, City Engineer/CIP Executive

Alderman Martin moved to approve Resolution 2014-13, Option 5, with the addition of \$150,000 to complete the design for Franklin Road. Seconded by Alderman Blanton.

Alderman Barnhill moved to delete the \$500,000 and \$300,000 for the design of City Hall until such time the issue has been discussed and brought back in a timely manner. Seconded by Vice Mayor Petersen. Motion carried 7-1 with Alderman Martin voting no.

Alderman McLendon moved to remove the \$150,000 for the Harpeth River Walk. Seconded by Vice Mayor Petersen.

Alderman McLendon said they are looking at a funding capacity of \$5M. Board members could justify \$25M worth of projects. They just voted out \$800,000 for design of a new City Hall that we need. The problem with the Harpeth River Walk is the \$1.5M that will be needed in next year's budget to build it. It is another amenity for Downtown. It doesn't move one car nor is it for safety. He cannot in good conscience leave \$1.3M worth of wants on the list.

Motion to remove \$150,000 for the Harpeth River Walk carried 6-2 with Aldermen Martin and Skinner voting no.

Main Motion to approve Resolution 2014-13, Option 5 with the addition of \$150,000 to complete the design for Franklin Road, and twice amended to delete \$800,000 for the design of a New City Hall, and to remove the \$150,000 for the Harpeth River Walk, carried unanimously.

- 12. Consideration of Cooperative Purchasing Agreement (COF 2014-0014) Between The City of Brentwood, The City of Bristol, The Town of Collierville, The City of Franklin, The City of Johnson City, The City of Kingsport, and The City of Murfreesboro for the Procurement of Re-insurance for Self-funded Health Insurance Plans**

Shirley Harmon, Human Resources Director

Alderman Blanton moved to approve Cooperative Purchasing Agreement (COF 2014-0014). Seconded by Alderman Bransford. Motion carried unanimously.

- 13. Consideration of Professional Services Agreement (COF 2014-0048) with Smith Seckman and Reid for the Southwest Basins No. 2 and No. 3 Sewer Study**

David Parker, City Engineer/CIP Executive

Alderman Blanton moved to approve Professional Services Agreement (COF 2014-0048) with Smith Seckman Reid. Seconded by Alderman Skinner. Motion carried 7-0 with Alderman Martin recused.

CONSENT AGENDA

14. **Consideration of Contract for the Disbursement of Community Based Development Organization Program Funding, Fiscal Year 2013-14 from The City of Franklin (COF Contract No. 2014-0005) (Community Housing Partnership)**
Approved unanimously **Chris Bridgewater, Building & Neighborhood Services Director**
15. **Consideration of Contract for the Disbursement of Community Based Development Organization Program Funding, Fiscal Year 2013-14 from The City of Franklin (COF Contract No. 2014-0006) (Hard Bargain Association)**
Approved unanimously **Chris Bridgewater, Building & Neighborhood Services Director**
16. **Consideration of Change Order No. 1 (Final Change Order) to the Construction Contract (COF Contract No. 2012-0075) for the Public Works Facility Access Road Project**
Approved unanimously **David Parker, City Engineer/CIP Executive**
17. **Consideration of Professional Services Agreement (COF 2014-0044) with Hazen and Sawyer for the Spencer Creek at Franklin Road Sanitary Sewer Rehabilitation Project**
Approved unanimously **David Parker, City Engineer/CIP Executive**
18. **Consideration of Professional Services Agreement (COF 2014-0045) with CDM Smith for the Sanitary Sewer System Model Assistance and Capacity Assurance Tool Program Project**
Approved unanimously **David Parker, City Engineer/CIP Executive**
19. **Consideration of Amendment No. 2 to the Professional Services Agreement (COF Contract No. 2012-0052) with Gresham Smith & Partners for the Seventh Avenue/Fair Street Intersection to Fifth Avenue North Sanitary Sewer Improvements**
Approved unanimously **David Parker, City Engineer/CIP Executive**
20. **Consideration of Event Permit Application for Fiddlin Fish 5K Sponsored by First United Methodist Church to be held on May 10, 2014 in Downtown Franklin**
Approved unanimously **David Rahinsky, Police Chief**
21. **Consideration of Event Permit Application for Franklin on the Fourth sponsored by Franklin Lions Club to be Held on July 4, 2014 in Downtown Franklin**
Approved unanimously **David Rahinsky, Police Chief**
22. **Consideration of Event Permit Application for Americana Cross County Lines Music Festival Sponsored by Americana Music Association to be Held on May 31, 2014 at Harlinsdale Farm**
Approved unanimously **Lisa Clayton, Parks Director**
23. **Items Approved by City Administrator on Behalf of the Board of Mayor & Aldermen:**
 - a) Contract Award to Stanard and Associates, Inc. of Chicago, IL for Promotional Assessment Services for Upcoming Master Patrol Officer/Detective Promotional Process and Sergeant Promotional Process for the Human Resources Department; Contract No. 2014-0026
David Rahinsky, Police Chief
 - b) Assignment of Contract with Davidson Financial Investment Management to Government Portfolio Advisors (Amendment to COF Contract 2011-0072)
Russ Truell, ACA Finance & Administration

- c) Transfer of Construction Retainage Funds on the Hillsboro Road Improvements Project (Civil Constructors, Inc., Contractor) from Republic Bank To Pinnacle Bank
Russ Truell, ACA Finance & Administration
- d) Acknowledge Report of Contract Award to Oracle American, Inc. of Redwood Shores, CA in the Total Amount of \$14,478.00 for Annual Renewal of Taleo Applicant Tracking System for the Human Resources Department (Contract No. 2011-0185)
Shirley Harmon, Human Resources Director

Approved unanimously

EXECUTIVE SESSION

24. Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matters of Pending Litigation

Shauna Billingsley, City Attorney

Alderman Burger moved to enter Executive Session. Seconded by Alderman Barnhill. Motion carried unanimously. (8:30 p.m.)

RETURN FROM EXECUTIVE SESSION

25. Consideration of Matters from Executive Session

Dr. Ken Moore, Mayor

(9:02 p.m.) The Board returned. There were no matters for consideration.

ADJOURN

Alderman Burger moved to adjourn. Seconded by Alderman Barnhill. Motion carried unanimously 5-0.

The meeting adjourned @ 9:03 p.m.

Dr. Ken Moore, Mayor