

**MINUTES OF THE SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, AUGUST 26, 2014 – 7:00 P.M.**

Board Members

Mayor Ken Moore	P		
Vice Mayor Ann Petersen	A	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	P
Vernon Gerth, ACA Community & Economic Dev.	P	Shirley Harmon, Human Resources 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	P	Catherine Powers, Planning/Sustainability Director	P
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
Deb Faulkner, Interim Police Chief	P	Brad Wilson, Facilities Project Manager	
Fred Banner, IT Director		Lanaii Benne, Assistant City Recorder	P
Chris Bridgewater, BNS Director	P	Linda Fulwider, Board Recording Secretary	P
Becky Caldwell, SES Director			

1. Call to Order

Mayor Ken Moore called the August 26, 2014, 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)

- Matt Dobson, 2020 Hillsboro Road, Franklin, said the Harpeth River has been impaired since 2002 and cited causes as effluent discharge and the sewer treatment plant. How is the City measuring that impact?
- Laurie Bruno, 388 Sims Lane, Fieldstone Farms, Franklin, is a ratepayer for water and sewer. She kayaks and appreciates the access to the river. The river needs to meet water quality standards. It cannot be used from May to October because of the chemical odor, and sewer overflow. The river is dirty with trash and appliances. There is algae behind Bicentennial Park, and steel beams are in the river. Use the

river as an asset to bring more dollars. If it is more beautiful more people will use it. Make sure the river meets state regulation standards.

- John Mattox, 1182 Westhaven Boulevard, Franklin, said he is a taxpayer and water ratepayer. He asked the City to protect the Harpeth and to abide by state and federal standards so the river is viable for years to come. He owns Paddle Dog Adventures. Some areas are more beautiful than others such as the West Harpeth. He would like to showcase downtown, but the treatment plant and trash are a hindrance. Solid waste is a concern. He mentioned the standards on how much water can be taken out for drinking water and how much can be put in. Protect the resource.

5. Communications from Williamson County Mayor and Williamson County Commission

There were no commissioners present.

6. Approval of Minutes

Alderman Blanton moved to approve the August 12, 2014 Work Session and August 12, 2014 Board of Mayor and Aldermen minutes as presented. Seconded by Alderman Barnhill. Motion carried unanimously 7-0.

7. Recognitions

▶ Service Recognition:

The Honorable Tom Taylor, Judge of the City of Franklin Municipal Court

Mayor Moore thanked Judge Taylor for his 27 years of presiding over City Court with honesty and fairness, and presented him with a plaque commemorating the occasion.

Shauna Billingsley, City Attorney, presented Judge Taylor a framed memento that was signed by all who attended the reception held for him earlier in the day at City Hall.

Judge Taylor said he appreciated all the attention during the last few days. He declared this was the best job a lawyer could have in the entire world. He compared it to being like the judge at Disney World. He added that he loved everybody at the City of Franklin and Franklin is a marvelous City to work for.

▶ Proclamation: The American Cancer Fund for Children and Kids Cancer Connection

Mayor Moore read a proclamation recognizing the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. as being dedicated to helping children with cancer and their families for over 25 years. Mayor Moore proclaimed September as Childhood Cancer Awareness Month in Franklin, Tennessee.

8. Miscellaneous Reports

- ▶ Eric Stuckey, in answer to those who spoke during citizen comments, related the City has a large amount of detailed information available for review by the public: City wastewater treatment functions; the entire Integrated Water Resource Plan; answers to common questions, including the City's performance against permit standards which are established to be protective of the receiving water; and, a

summary of the City's 23-page response to the Harpeth River Watershed Association's concerns expressed at the first of the year presented to the Board of Mayor and Aldermen in March.

Mr. Stuckey emphasized the City's performance is exceptional compared to the permit's performance standards.

City officials are willing to meet with those who have questions and to explaining how the City operates and what is being done in planning for the long-term viability of the community and its river. He urged people to look at the information that is available to them.

- Alderman Dana McLendon referred to a packet received today from the Harpeth River Watershed Association, including their complaint for declaratory and injunctive relief and civil penalties, as well as a lot of propaganda. He said it occurred to him the HRWA has gone out of its way to advise that any penalties would not be paid to the HRWA rather they would be paid to the government. But, on page 51 of the complaint filed yesterday by the HRWA, at paragraph 200 the HRWA demands that the court order an award of litigation costs including reasonable attorney fees and expert witness fees. Alderman McLendon continued that if the HRWA wants to be a white knight, and a do-gooder, then strike that demand. Otherwise, don't tell people that you're not in it to get fines and fees awarded to the HRWA. Do it without asking for fees and expert witness fees. Then come back and tell me you're a white knight.

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 18-32 be placed on the Consent Agenda.

Alderman Bransford moved to approve the Consent Agenda Items 18-32. Seconded by Alderman Burger. Motion carried unanimously 7-0.

OLD BUSINESS

10. **PUBLIC HEARING:** Consideration of ORDINANCE 2014-18, To Be Entitled, "An Ordinance to Rezone 77.7 Acres From General Commercial (GC) to Specific Development-Variety District (SD-X 12.23/480,000/450) for the Property Located at the Southeast Corner of East McEwen Drive and Carothers Parkway." (Ovation Subdivision).

[Third and Final Reading] Vice Mayor Ann Petersen, FMPC Representative

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

Alderman Burger moved to approve Ordinance 2014-18. Seconded By Alderman Bransford. Motion to approve Ordinance 2014-18 carried unanimously (7-0) on Third and Final Reading.

11. **Consideration of RESOLUTION 2014-51, A Resolution Approving a Development Plan for the Williamson County Performing Arts and Enrichment Centers PUD Subdivision, Located at 1236 Columbia Avenue; Relative to Modification of Standards.**

Vice Mayor Ann Petersen, FMPC Representative

Mayor Moore related the Board voted to approve Resolution 2014-51 at the August 12 meeting, but neglected to vote on the Modification of Standards (MOS).

*Alderman Barnhill moved to **deny**, per staff recommendation, MOS 1: Planting strip width – waive the Columbia Avenue Overlay District requirement for a planting strip of at least six feet along Columbia Avenue due to an existing sidewalk already in place that does not conform with this requirement. Seconded by Alderman Martin. Motion to **deny** MOS 1 carried unanimously 7-0.*

Alderman Barnhill moved to approve MOS 2: Façade width – modify the Columbia Avenue Overlay District maximum building width requirement to allow a structure up to 217 feet in width. Seconded by Alderman Skinner. Motion to approve MOS 2 carried unanimously 7-0.

Alderman Barnhill moved to approve MOS 3: Roof slope – modify Columbia Avenue Overlay District roof slope requirement to allow roof slope of 4:12. Seconded by Alderman Bransford. Motion to approve MOS 3 carried unanimously 7-0.

Alderman Barnhill moved to approve MOS 4: Nonresidential architecture – modify Columbia Avenue Overlay District requirement to allow nonresidential structures to not resemble residential building types. Seconded by Alderman Martin. Motion to approve MOS 4 carried unanimously 7-0.

Alderman Barnhill moved to approve MOS 5: Siding – modify Columbia Avenue Overlay District wood siding and fibrous cement siding requirement to allow brick veneer in lieu of wood or cement siding. Seconded by Alderman Skinner. Motion to approve MOS 5 carried unanimously 7-0.

NEW BUSINESS

12. **Consideration of ORDINANCE 2014-16, An Ordinance to Annex a Portion of the Ingraham Property, Consisting of 61.01 Acres, Located on the Property at 4101 Clovercroft Road; Establishing a Public Hearing for September 23, 2014 (Tap Root Hills PUD Subdivision).**

[First of Three Readings] Vice Mayor Ann Petersen, FMPC Representative

Alderman Bransford moved to approve Ordinance 2014-16. Seconded by Alderman Blanton. Motion to approve Ordinance 2014-16 carried unanimously (7-0) on First of Three Readings.

13. **Consideration of ORDINANCE 2014-17, An Ordinance to Zone 61.01 Acres Specific Development-Residential (SD-R 2.28) for a Portion of the Property Located at 4101 Clovercroft Road; Establishing a Public Hearing for September 23, 2014 (Tap Root Hills PUD Subdivision).**

[First of Three Readings] Vice Mayor Ann Petersen, FMPC Representative

Alderman Burger moved to approve Ordinance 2014-17. Seconded by Alderman Blanton.

Alderman McLendon stated he was supporting this to get it to the second reading; with no commitment.

Motion to approve Ordinance 2014-17 carried unanimously (7-0) on First of Three Readings.

- 14. Consideration of RESOLUTION 2014-57, A Resolution of the Board of Mayor and Aldermen for the City of Franklin Adopting a Five-Year Rate Plan and Five-Year Financial Plan for the Water and Sanitary Sewer Utility Funds, Fiscal Year 2015 through Fiscal Year 2019; Providing an Effective Date.**

Mark Hilty, Water Management Director

Alderman Martin moved to approve Resolution 2014-57, adopting a 5-Year Rate Plan and 5-Year Financial Plan for the Water and Sanitary Sewer Utility Funds. Seconded by Alderman Barnhill. Motion to approve Resolution 2014-57 carried unanimously 7-0.

- 15. Acknowledge Emergency Use of Funds for the Emergency Sanitary Sewer Interceptor Repair Performed on the Harpeth River Interceptor in the Vicinity of 109 South Margin Street (COF Contract No. 2014-0111 with Civil Constructors in the Amount of \$691,676; COF Contract No. 2014-0131 with Smith Seckman Reid, Inc. [SSR] in the Amount of ~~\$14,900~~ \$14,950)**

David Parker, City Engineer/CIP Executive

Mark Hilty, Water Management Director

Alderman Barnhill moved to approve Emergency Use of Funds. Seconded by Alderman Blanton.

David Parker noted the amount \$14,900 was incorrect and should be \$14,950.

Motion to approve Emergency Use of Funds in the correct amount of \$14,950 carried 6-0, with Alderman Martin recused.

- 16. Consideration of Nomination for Employee Pension & Trust Committee Appointment.**

Dr. Ken Moore, Mayor

Mayor Moore nominated Howard Ragsdale, Jr. to serve on the Employee Pension & Trust Committee as a Citizen Member.

Alderman Barnhill moved to approve Howard Ragsdale, Jr. as a Citizen Member of the Employee Pension & Trust Committee. Seconded By Alderman Burger. Motion carried unanimously 7-0.

- 17. Consideration of Nomination of Representative of the African American Heritage Society to the Battlefield Preservation Commission.**

Dr. Ken Moore, Mayor

Mayor Moore nominated Alma McLemore as representative of the African American Heritage Society to the Battlefield Preservation Commission.

Alderman Skinner moved to approve Alma McLemore as representative of the African

American Heritage Society to the Battlefield Preservation Commission. Seconded by Alderman Blanton. Motion carried unanimously 7-0.

CONSENT AGENDA

18. **Consideration of RESOLUTION 2014-53, A Resolution of the Board of Mayor and Aldermen for the City of Franklin Amending the Estimate of Revenues and Expenditures for the Water and Sanitary Sewer Utility Fund for Fiscal Year 2014-2015; Providing an Effective Date.**
Mark Hilty, Water Management Director
Resolution 2014-53 approved unanimously 7-0.
19. **Consideration of ORDINANCE 2014-20, An Ordinance Directing Nonresident Property Owner Voters to Cast Ballots in City of Franklin Elections by Mail as Absentee Voters.**
[Second and Final Reading] Shauna Billingsley, City Attorney
Ordinance 2014-20 approved unanimously (7-0) on Second and Final Reading.
20. **Consideration of ORDINANCE 2014-10, An Ordinance to Amend Section 2.4.3(3) of the Franklin Zoning Ordinance which Regulates Exemption to Site Plan Review.**
[Third and Final Reading] Vice Mayor Ann Petersen, FMPC Representative
Ordinance 2014-10 approved unanimously (7-0) on Third and Final Reading.
21. **Consideration of ORDINANCE 2014-26, An Ordinance to Amend the 2014-2015 Budget by Amending the Table of Organization for the Information Technology Department; Establishing a Public Hearing September 9, 2014.**
[First of Three Readings] Fred Banner, IT Director
Ordinance 2014-26 approved unanimously (7-0) on First of Three Readings.
22. **Consideration of Housing Consultant Contract between the City of Franklin and the Housing Fund, Inc., for Consultant Services Associated with Developing and Implementing Affordable Housing Programs in Conjunction with Franklin's Community Development Block Grant (CDBG) Program for Fiscal Year 2014-2015 in the Amount of \$25,000 (COF Contract 2014-0145).**
Chris Bridgewater, BNS Director
Kathleen Sauseda, Housing Development Coordinator
Approved unanimously 7-0.
23. **Consideration of Agreement by and between City of Franklin and Bridges of Williamson County for Administration of Emergency Shelter Programs for the Homeless (COF Contract No. 2014-0130).**
Chris Bridgewater, BNS Director
Kathleen Sauseda, Housing Development Coordinator
Approved unanimously 7-0.
24. **Consideration of Emergency Shelter Grant with the Tennessee Housing Development Authority (COF Contract 2014-0147) for \$54,635.00.**
Chris Bridgewater, BNS Director
Kathleen Sauseda, Housing Development Coordinator
Approved unanimously 7-0.

25. **Consideration of RESOLUTION 2014-61, A Resolution Extending the Interim Position of Deputy Police Chief in the Police Department to December 31, 2014.**

Deb Faulkner, Interim Police Chief

Resolution 2014-61 approved unanimously 7-0.

26. **Consideration of Contract Award to Propertyroom.Com, Inc. of Frederick, MD for the Nonexclusive Disposition of Personal Property Seized or Otherwise Held by the Franklin Police Department as a Result of Law Enforcement Proceedings and Not Returnable to its Owner (Contract No. 2014-0142)**

Approved unanimously 7-0. **Deb Faulkner, Interim Police Chief**

27. **Consideration of RESOLUTION 2014-58 Authorizing the Mayor and City Administrator to Execute a Master Lease Agreement with JPMorgan Chase Public Capital Corporation for Items Included in the FY 2014-2015 Operating Budget.**

Russ Truell, ACA Finance & Administration

Resolution 2014-58 approved unanimously 7-0.

28. **Consideration of Bid Award to Sutphen Corporation of Dublin, OH in the Total Amount of \$1,581,153.10 (\$790,576.55 Each) for Two (2) Fire Pumper Ladder Trucks for the Fire Department (Purchasing Office Procurement Solicitation No. 2015-001; One (1) to be Financed by Means of City's FY 2015 Master Lease Arrangement, for which \$800,000 is Budgeted; Funds to be Budgeted in 130-89520-42200 of the Facilities Tax Fund for Fiscal Year 2015 for the Other; Contract No. 2014-0174).**

Approved unanimously 7-0. **Rocky Garzarek, Fire Chief**

29. **Consideration of Event Permit Application for History of the Battle of Franklin Event at Eastern Flank Battlefield Park on September 13, 2014.**

Approved unanimously 7-0. **Lisa Clayton, Parks Director**

30. **Consideration of Event Permit Application for Franklin High School Homecoming Parade on September 26, 2014 at 10:30 a.m. in Downtown Franklin.**

Approved unanimously 7-0. **Deb Faulkner, Interim Police Chief**

31. **Consideration of Renewal of Liquor License Retailer's Certificate for Mallory Lane Wine & Spirits (Robert Scales, Managing Agent), 3070 Mallory Lane, Suite 100, Franklin, Tennessee 37067.**

Approved unanimously 7-0. **Lanaii Benne, Assistant City Recorder**

32. **Consideration of Renewal of Liquor License Retailer's Certificate for Franklin Wine & Spirits (James D. Clark, Managing Agent), 1400 Liberty Pike, Suite 300, Franklin, Tennessee 37067.**

Approved unanimously 7-0. **Lanaii Benne, Assistant City Recorder**

EXECUTIVE SESSION

33. **Consideration of Motion to Enter Executive Session for the 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 7-0. (7:27 p.m.)

RETURN FROM EXECUTIVE SESSION

34. Consideration of Matters from Executive Session

Dr. Ken Moore, Mayor

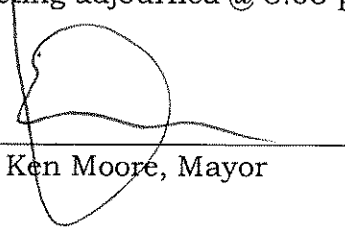
(Returned 8:05 p.m.)

There were no matters for consideration.

ADJOURN

Alderman Blanton moved to adjourn. Seconded by Alderman Burger. Motion carried unanimously 7-0.

Meeting adjourned @ 8:05 p.m.



Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office – Updated: 9/8/2014 12:13 PM