
MINUTES OF THE *WORK SESSION*
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JANUARY 12, 2010 – 5:00 P.M.

Board Members

Mayor John Schroer	P	Alderman Margaret Martin	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 Dana McLendon	P		

Department Directors/Staff

Eric Stuckey, City Administrator	P	Eric Gardner, Engineering Director	P
Vernon Gerth, ACA Community & Economic Development	P	Shirley Harmon, HR Director	P
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water/Wastewater Director	P
David Parker, City Engineer/CIP Executive	P	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	P
David Rahinsky, Deputy Chief for 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		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, January 12, 2010 at 5:00 p.m. in the City Hall Boardroom.

2. Citizen Comments

None

WORK SESSION DISCUSSION ITEMS

3. Overview of Voluntary Neighborhood Inspection Program and Pilot Project

Vernon Gerth, ACA Community & Economic Development

Tom Marsh and Vernon Gerth addressed the recent Voluntary Exterior Neighborhood Inspection Pilot Program. The program was initiated at a Ron Crutcher Estates HOA meeting staff attended. The premise is neighborhood resident's work with staff to bring the exteriors of properties up to minimum code standards. One-on-one meetings were held with residents and neighborhood pride was accomplished. Mr. Gerth reported the exterior of all the properties in the neighborhood were in compliance by the end of November.

The Voluntary Neighborhood Inspection Program is available to any City neighborhood. All pertinent information will be available online when the City's new website is launched. A list of churches and other entities that provide assistance will be available for those residents physically or financially unable to take care of code deficiencies.

4. Presentation of Project Charts for Top Priority Capital Projects

Eric Stuckey, City Administrator

Project charts for Hillsboro Road Widening, Columbia Avenue Streetscape, McEwen Drive-Phase III, Carlisle Lane/Boyd Mill at SR 96 W Signalization, South Carothers Parkway, Third Avenue North Extension, and Mack Hatcher Parkway Extension NW Quadrant were provided. Mr. Stuckey noted the report format is another capability of the WennSoft program.

5.* Consideration of ORDINANCE 2009-52, An Ordinance to Amend Table 3-5: Base District Density and Building Height of The Franklin Zoning Ordinance

Alderman Michael Skinner

Gary Luffman distributed charts depicting an 81' high building with a 75' buffer with trees 20' tall, 100' buffer with trees 25' tall, and 200' buffer with trees 20-25' tall. Mr. Luffman said he and Alderman Skinner had discussed possible alternatives to requirements of building heights adjoining residential areas in the existing Zoning Ordinance. Alderman Skinner noted the new Zoning Ordinance has had some unintended consequences with higher buildings and buffers not as protective as they should be. This happened with Breckinridge and he thinks it will happen again. Residents must be protected.

Six options were offered in the accompanying memo:

- 1) Create a transition height zone for all buildings over two stories next to residential districts.
- 2) Increase the minimum building setback zone for each incompatible use buffer classification next to residential districts.
- 3) Increase the minimum landscape buffer distance based on the number of stories of an adjacent building.
- 4) The building setback shall be measured from the minimum landscape buffer.
- 5) The building setback shall increase one foot for every foot over 35 feet and measured from the minimum landscape buffer
- 6) Take to a joint workshop with the Franklin Planning Commission for further study.

Discussion ensued on the omission of the Interstate Commercial District from the new Zoning Ordinance that would have covered this issue.

Staff recommends the issue be addressed during the joint FMPC/BOMA workshop February 25, 2010.

6.* Consideration of Liquor License Retailer's Certificate Renewal for Red Dog Wine and Spirits (Mr. Bard Quillman), 1031 Riverside Drive, Franklin Tennessee

Lanaii Benne, Assistant City Recorder

No objections, questions or comments

7.* Consideration of Approval for Plaza Street Work and Additional Fill Material Associated with the Police Facility Project

Brad Wilson, Facilities Project Manager

Mr. Wilson noted bad soil on the Plaza side of the building and sections on Ninth Avenue necessitated these areas be undercut. Inclement weather has caused construction delays.

8.* Consideration of RESOLUTION 2010-05, Initial Resolution Authorizing the City of Franklin, Tennessee to Borrow Funds and Incur Indebtedness in the Aggregate Principal Amount of Not to Exceed Five Million Seven Hundred Twenty-Nine Thousand Dollars (\$5,729,000) Through the Issuance of its General Obligation Bonds and Rescinding Prior Authorization for the Issuance of Certain Debt

Russ Truell, ACA Finance & Administration

Thompsons Station opted out of this program. The \$4.179 million for Franklin has been approved. The County will consider distributing this bonding capacity to other cities (Spring Hill and Fairview have expressed interest) and/or increasing Franklin's allocation.

9. **Consideration of Bid Award to Neely Coble Co., Inc. of Nashville in the Amount of \$50,048.00 for One (1) Landscape Truck for the Parks Department (Purchasing Office Procurement Solicitation No. 2010-025; \$55,000.00 Budgeted in 110-89520-44700 for Fiscal Year 2010)**

Lisa Clayton, Parks Director

No objections, questions or comments

10. **Consideration of RESOLUTION 2010-01, A Resolution to Participate in the Three-Star Program**

Eric Stuckey, City Administrator

The City of Franklin and Williamson County participate in this State program for economic and community development best practices.

11. **Consideration of RESOLUTION 2010-02, A Resolution to Affirm Compliance with Federal Title VI Regulations**

Eric Stuckey, City Administrator

Mr. Stuckey advised a resolution affirming compliance with non-discriminatory practices is done every year. This ties into the Three-Star Program and other programs for federal moneys.

12. **Consideration of RESOLUTION 2010-03, A Resolution to Authorize the City Administrator to Approve Right-of-Way and/or Easement Agreements for the Mack Hatcher Parkway, Northwest Extension Without the Prior Approval by the Board of Mayor and Aldermen**

David Parker, City Engineer/CIP Executive

The proposed delegation of authority is recommended to improve the efficiency of City operations and of Board meetings as well as to save money in the property acquisition process. Otherwise, the process would take a minimum of two weeks (possibly up to four weeks) to get relocation items through BOMA.

Federal guidelines must be followed to ensure federal funding will be available for property acquisition reimbursement and construction. There are 45 properties involved. Ten of these properties require relocation assistance and immediate response is desirable because of the limitations. Each property is based on appraised value but could increase up to a 10% maximum. The City will purchase the majority of properties in TDOT's name. Estimated overall cost of right-of-way, including utility relocation is somewhat over \$12 million. There will be an initial appraisal of the properties followed by a review appraisal. The review appraisal takes precedence. As soon as the figures are available BOMA will be appraised. Mr. Parker speculated all right-of-way would be acquired by the end of March 2011.

Alderman Barnhill related he has no problem with the City Administrator doing the parcels and thought the \$50,000 limit set was too low as he doesn't want anything to get in the way of doing Mack Hatcher. Eric Gardner noted there are 18 parcels at \$50,000.

13. **Consideration of Property Acquisition (Map 63N D, Parcel 6.01) from Robert N. Moore, Jr. for the Third Avenue Extension Project, in an Amount of \$186,500.00, Offer Open Until February 1, 2010**

David Parker, City Engineer/CIP Executive

BOMA directed staff to renegotiate with Mr. Moore. Mr. Parker advised Mr. Moore proposed \$186,500 to acquire the property contingent upon BOMA acceptance before February 1, 2010. The amount is \$12,000 less than the amount reported in the May 19, 2009 appraisal.

14. Consideration of Various Charter Amendments

**Shauna Billingsley, Interim City Attorney
Russ Truell, ACA Finance & Administration**

Mr. Stuckey advised there are various Charter amendment ideas collected over time. What would likely be brought to BOMA would be a resolution for each of the three areas listed.

a) Franchise

Shauna Billingsley advised currently there is a section in the Charter that authorizes the City to grant franchises but does not apply to certain telecommunication services or information services. Ms. Billingsley suggested the sentence be removed and add that it applies regardless of residential or commercial services and regardless of zone. The idea is to get telecommunications through the Franklin Charter. There may be a reason why the state would not want to give the City authority; therefore, this may not be approved.

b) Text Clean Up

A general clean up of words.

c) Budget

Russ Truell said the restrictive budget causes a lot of activity with moving money around and moving people around. According to the Charter, any transfer between departments, for example, must be done by ordinance with three readings and a public hearing. It would streamline the process to change that and allow some amendments and some transfers within the budget to be done without three readings. The Board may not want to give that power to staff, but may want to do some things by resolution for one or possibly two readings without a public hearing when money is being moved from one department to another. Their recommendation is to amend the Charter to eliminate the language stating how it will be done to language that states the procedure will be done by ordinance. Mr. Stuckey noted any change that would entail an increase or decrease in the Budget would come back through with the three-reading ordinance and public hearing. Mr. Truell noted the change is to move this from the City Charter to the City Code. The other change in budget is to eliminate the description of treasurer since the City no longer has a treasurer.

**15. Consideration of ORDINANCE 2009-43, An Ordinance to Amend Chapter 5 and Table 5-8: Fence and Wall Height Relating to Requirements for Chain Link or Wire Fencing in the Franklin Zoning Ordinance
Alderman Ann Petersen, FMPC Board Representative**

Alderman Burger researched the cost of fencing and has driven around the City talking to residents in different neighborhoods. She is against the proposed requirement that requires a permit to erect a fence, and if chain link fences are allowed in front yards a height restriction is needed.

Alderman McLendon commented that people want the government to build roads and keep the peace. The City is not an HOA. There are bigger and better things to do than decorate every neighborhood in the City. It was noted that both aldermen on the Planning Commission voted against this ordinance.

- Ron Crutcher, Adams Street, agreed with Alderman McLendon that the City doesn't need this ordinance because there are more important things to be done. Further, some citizens interpret this as the City getting involved in property rights. The ordinance concerns only chain link and woven wire but not all other type fences.

Alderman Bransford recommended letting the ordinance die. Ordinance died by consensus.

16. The Interstate 65/Goose Creek Interchange Reconstruction

David Parker, City Engineer/CIP Executive

a) Diamond vs. SPUI

Mr. Parker referred to the memo in the packet that details research and discussions to date. The most recent study found was Missouri in 2004, with no conclusive evidence of increased capacity with a SPUI. Tennessee was one of several states that participated in the study. TDOT indicated the SPUI provided increased capacity.

Multiple plans have been approved in the general area of the interchange. Studies and estimates for increased employment, development, residential are conflicting and/or deemed inaccurate. There appears to be no definitive answer as to which type interchange is safer. Some studies show serious accident fatalities are reduced with a SPUI, and that the SPUI lends itself to better coordination. Traffic counts have remained steady for ten years.

Mayor Schroer spoke with Ed Cole of TDOT today and Mr. Cole indicated TDOT would not be concerned if the City opted for the diamond interchange; however, there would be an 8-12 month delay for a new design. Mr. Cole remarked TDOT doesn't see much difference between the two interchanges. Funding is not available until at least 2012, thus, no impact with a design delay.

Discussion:

- The \$4.8 million difference in interchanges could be put to better use.
- Tennessee has more SPUI's than any other state
- Anticipated growth should be considered by constructing the interchange that will handle more traffic.
- SPUI has less right-of-way impact and increased traffic capacity
- Concern if opt for diamond that down the line a do-over for increased traffic would be necessary
- Alderman Skinner related an outside traffic engineer said traffic coming from all ways equally with less curb cuts saves land is the better choice
- Traffic counts were questioned
- Although the money is not spent until TDOT begins construction, the funds are reserved for the project.

Mr. Stuckey recommended this issue be moved forward to a BOMA meeting. Any additional information will be presented at that time.

b) Consideration of a Professional Services Agreement with Wilbur Smith Associates for Services Required for a Sub Area Analysis of Project(s) to Determine Short and Long Term Traffic Mitigation for Anticipated Problems for a Lump Sum Amount of \$52,500.00 (Not Budgeted)

Mayor Schroer noted this item involves what measures need to be taken while the interchange is under construction.

- Jerry Stump, Wilbur Smith Associates, joined the discussion. It was asked if the construction of Highway 840 would enter into the mix. Mr. Stump noted the completion date for Highway 840 is late 2012 or in 2013.

Mr. Parker said it is too early in the process to get information on traffic plans for any of the closures. Regardless, either interchange will require periodic closures. He added staff is trying to earmark funds to offset problems that will be encountered.

17. Discussion Regarding Receiving Proposals on the Property at 112 Bridge Street (Old Old Jail)

Eric Stuckey, City Administrator

Mayor Schroer explained this was declared surplus property. Proposals will be sought.

18. Consideration of CDBG Fair Housing and Home Ownership Counseling Program Contract with GAP Community Development Resources, Inc. for \$15,000

Clay Matthews, Housing Development Coordinator

This allocation is to provide counseling to those receiving assistance.

19. Consideration of RESOLUTION 2010-04, A Resolution to Authorize the Mayor to Submit an Application to the Tennessee Department of Environment and Conservation for Tennessee Recreation Trails Program Grant Funds

Lisa Clayton, Parks Director

The maximum grant for each RTP project is \$80,000 with the applicant providing a 20% match of the total project cost. The Parks Department will match the 20% with labor and materials. Harlinsdale Park around Spencer Creek will benefit from this grant.

20. Consideration of Professional Services Agreement with AECOM for CEI Services for the Construction of the Raw Water Reservoir Rehabilitation Project at a Cost of \$183,600.00

Mark Hilty, Water Management Director

Staff will perform day-to-day general inspections. The agreement with AECOM is for specialized services due to the complexity of some of the components. The grant stipulates the contract must be approved by February 17, 2010.

21. Discussion and Consideration of Staff's Recommended Priority Ranking for Small Projects to be Funded as Approved in the Capital Funding Plan; \$500,000 Set Aside Per Year

David Parker, City Engineer/CIP Executive

Due to time constraints this item will be addressed at the next Work Session.

22. Consideration of Interlocal Agreement with Williamson County Concerning Funding of Construction Activities for the Oxford Glen Drive at Clovercroft Road Improvements

David Parker, City Engineer/CIP Executive

Withdrawn

23. Discussion Regarding a Limited Parking Pass for Downtown Area

Eric Stuckey, City Administrator

Mayor Schroer explained the reason for the request. Those leasing offices above the retail shops from 409 Main Street west to Fifth Avenue North feel the four-hour parking limit in the Fifth Avenue surface parking lot is detrimental to their operation as their conferences run longer than the four hour limit. The request is for two guest parking passes per office on the north side of Main Street in the area stated above. Other downtown visitors, residents and workers could continue to use existing parking options that include the two downtown parking garages, other surface lots and on-street parking. Office visitors are getting tickets and the lack of convenient parking makes it difficult to lease the offices. Prior to the restriction unlimited parking was allowed. A property owner in that area spoke to the issue as well.

Discussion

- Alderman McLendon: Time limits favored retail business, now offices are unhappy. There is no solution to please each group. Why not free parking anywhere anytime all day.
- Alderman Burger: Why can't the office visitors park in the parking garage? The property owner said many are from out of town and are here for conferences. They don't want to park that far away.
- Alderman McLendon mentioned parking meters.

Mayor Schroer suggested the discussion continue when more information is available.

24. Discussion Regarding Change of an Existing Position/Pay Grade in Police Department to Create an Assistant Police Chief Position

Eric Stuckey, City Administrator

To better manage the organization Police Chief Moore proposed a change to the department leadership structure. Currently there are three deputy chiefs; organization, administration and investigation. The proposal is to appoint one of the deputy chiefs as Assistant Chief (second in command) while retaining current duties. The position is one grade higher than deputy chief thus a 7.5% increase in pay. The additional cost to be absorbed within the department's existing budget.

25. Other Business

David Parker announced the ARRA project award has been approved.

ADJOURN

Work Session adjourned @ 6:57 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 2/16/2010 4:14 PM