
**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JULY 13, 2010 – 5:00 P.M.**

Board Members

Mayor John Schroer	P	Alderman Dana McLendon	E
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 Margaret Martin	P		

Department Directors/Staff

Eric Stuckey, City Administrator	P	Eric Gardner, Engineering Director	
Vernon Gerth, ACA Community & Economic Development	P	Shirley Harmon, HR Director	P
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
David Parker, City Engineer/CIP Executive	P	Gary Luffman, BNS Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning/Sustainability 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	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, July 13, 2010 at 5:00 p.m. in the City Hall Boardroom.

Mayor Schroer reported Alderman Dana McLendon, who is hospitalized in Stuart, Florida, is doing well, and will be back soon.

2. Citizen Comments

Jim Monsor, Senior Vice President, BioMimetics, spoke of the company's history in the City and their products. They anticipate the company will continue to grow in the next year taking on 30-40 more employees. Completion of the Nichol Mill Lane road project is essential for their growing company.

Eric Stuckey mentioned a recent Bloomberg Report that identified Franklin as one of the top ten cities to start a business highlighted the Cool Springs Life Science Center.

WORK SESSION DISCUSSION ITEMS

3. **May 1, 2010 Flood Status Update**

Eric Stuckey, City Administrator

Ten projects identified for FEMA reimbursement to the City for a grand total of \$188,852 worth of submissions to this point. These are done by department and project area per FEMA categories and funding source. TML provided \$575,000 for the City to work with those that fit into insurance categories. Of the 494 damaged structures, 393 are in the 100-year flood plain. Detailed assessments were done on 32 of the properties initially in the 50% or over damage category resulting in just 10 of the properties actually being 50% or over. The City continues to work with those property owners. Free building permits to those impacted by the flood are still being offered.

Interest was expressed in working with TEMA on a Hazard Mitigation Program. One element of the program involves the City purchasing damaged properties. Specifics of the program will be learned during a meeting with TEMA tomorrow, July 14. Additional information will be shared at the July 27 Work Session. There will be no decision made until the City receives more information.

The deadline to apply with FEMA extended to August 5, 2010. Residents and businesses must apply if they have damage or think there could be flood damage discovered in future. Otherwise, there will be no reimbursement.

4. **Status Update of Water Conservation**

Mark Hilty, Water Management Director

Eric Stuckey related a communication went out last week regarding the importance of water conservation. Highlighted were the improvements to the system that have helped flow and stopped leaks. June 2010 demand showed a 10% reduction from June 2008. Continued conservation is urged during the hot, dry months of summer. Another factor for conservation is the reservoir is off-line for repairs and that removes the "cushion" until it is back on line. Federal funding is available for this project.

Mark Hilty concurred with Mr. Stuckey's statements on repairs and the need for water conservation. Water Management is keeping close watch on the river flow; flow is at 130 CFS now but it will go down rapidly. Final grading of the reservoir will continue for two more weeks. Installation of the lining will then take approximately three weeks. The reservoir should be back on line in September. The repairs last year have saved 40 million gallons of water.

Mayor Schroer noted when the reservoir is on line the City will have 50 days of reserve within the 100 MG capacity. Currently, daily usage fluctuates from 6 MGD to 8 MGD. The City is purchasing 8 MGD from Harpeth Valley; 7.5 MGD pumped from the Harpeth River (permit allows 11 MGD).

5. Discussion of Williamson County Breezeway School Site Plan and Rezoning Process
Catherine Powers, Planning and Sustainability Director

The proposed accelerated timeline for the new “Breezeway” school allows the Williamson County School District to follow procedures and open the school in August 2011. The timeline accommodates a thorough review of the zoning and concept plan for the project including compliance with provisions for a neighborhood meeting, public notice, and the public hearing before BOMA. The first reading for rezoning and consideration of concept plan July 27, 2010 BOMA meeting with the second reading and public hearing August 10, 2010, and the third and final reading August 24, 2010.

Shauna Billingsley stated she is working on a Memorandum of Understanding stating legal positions, what is being done, and that it does not set a precedent. Catherine Powers added it does not set a precedent for other development either.

Alderman Burger had questions about sewer and water as the Mayes Creek Basin is in need of improvements. Also of concern are the one-lane tunnels on Wilson Pike. Ms. Powers advised those issues would be addressed at staff level.

- Cathy Weber, Worthington Subdivision, said she has attended several meetings and met with the school board about the sites under consideration for the new school to try to find a safe site for everyone in the area and for the children. Ms. Weber mentioned the one-way tunnels on Wilson Pike, excessive traffic coming from Nolensville, and the smaller than standard roads in Breezeway Subdivision as detriments. She wondered why better-suited, less costly sites were not chosen. The residents want rural not urban living and they do not want a school or commercial development. The Mayes Creek Basin study shows issues with water drainage and other problems. Why the push, why not know the cost for every site and why not the site on Liberty Pike where the County could use eminent domain. Listen to the people.

6. Follow Up Discussion Regarding Eastern Flank Access Road
David Parker, City Engineer/CIP Executive

This item is back for discussion because Mayor Schroer asked the Capital Investment Committee if a design/build could be considered for this project. Design/build would offer savings and partnering possibilities.

Mr. Parker pointed out the multiple options for building the eastern portion of the roadway and the costs associated with each. The western portion would probably consist of grading and gravel. Staff does not recommend that for temporary use.

Discussion:

- Ribbon curb used in alleys to protect the edge of the road
- Many roads inside/outside City paved without ribbon curbs
- Some organizations interested in in-kind services.

- \$300,000 insufficient to complete the road
- The road is to help reduce traffic on Carnton Lane
- Do the entire road with help from interested organizations rather than do it piecemeal
- Interested parties could fund amenities
- Issue an RFQ for design/build

➤ Mindy Tate, 1115 Carnton Lane, asked BOMA to listen to the residents of Carnton Lane, Carriage Park, and Heath Place as closely as to the Battlefield Task Force. Parking areas with lights and gravel roads impact these residents.

7.* Report of Emergency Purchase of a Reconditioned Comminutor to Replace a Failed Unit for the Water Reclamation Facility Division of the Water Management Department

Mark Hilty, Water Management Director

Recovery claim submitted. Reconditioned Comminutor carries the same warranty as a new one.

8. Consideration of ORDINANCE 2010-54, an Ordinance Amending the City of Franklin Municipal Code Title 9, Chapter 8, Relative to The Registration Antique, Used and Scrap Jewelry and Precious Stone and Metal Dealers

Eric Stuckey, City Administrator

Shauna Billingsley, City Attorney

Kristen Corn stated this ordinance amends the Municipal Code to comply with a recent modification by the state legislature in the Tennessee Code Annotated.

9. Consideration of RESOLUTION 2010-30, a Resolution to Establish a Sustainable Building Policy for City of Franklin Municipal Buildings

Alderman Ken Moore

Andrew Orr, Sustainability/Grant Coordinator

Vernon Gerth related they are working on municipal and community action plans. One initiative is for the City to take the lead to meet the standards of LEED certification. Staff revised the Sustainability Commission's recommendation (Resolution A) with an option to consider these projects from a cost standpoint (Resolution B).

Andrew Orr reviewed the two resolutions:

Resolution A was endorsed by the Sustainability Commission in April 2010. This resolution states that all future construction and/or renovation of City of Franklin municipal buildings in excess of 5,000 square feet shall meet the LEED Silver Certification, or higher, with an emphasis on recycling construction materials and energy and water efficiency. Buildings less than 5,000 square feet to incorporate energy and water efficiency measures and will decide on a case-by-case basis whether or not to construct or renovate buildings less than 5,000 square feet to a LEED standard.

Resolution B was created to allay financial concerns and ensure prudent use of municipal funds while remaining consistent with the intent of Resolution A. Resolution B provides the Board

the discretion to decide if a project would not be suitable for LEED Certification, an example would be a large storage facility. Staff recommends Resolution B.

Alderman Moore said taking a building up to LEED and not certifying it is comparable to a non-board certified physician vs. a board certified physician. Developers are finding non-LEED certified buildings more difficult to lease. One developer is bringing a number of buildings up to LEED standards. Cost is important, but it is important for City to lead by example for the rest of the community.

Mayor Schroer favored Resolution B but had questions and mentioned issues over actual recertification requirements. He agreed with the statement that buildings for lease to multiple tenants are problematic as some tenants have regulations to lease only sustainable spaces; however, the City is not going to lease. Resolution B allows the City to build to the certified standard but not seek certification: It provides more flexibility. The Mayor prefers to look at all the economics. For example, if it cost \$100,000 to certify, he would not be in favor of certification: If certification were \$5,000, he would be in favor.

There was some discussion on word substitution, "may" for "shall," within the resolution before it goes to vote. Alderman Moore commented commissioning is an important part of sustainability certification. It is an investment in the building.

10. **Consideration of Bid Award to Component Fabricators, d/b/a Legend Fitness of Maynardville, TN, in the Amount of \$30,150.00 for Supply, Delivery and Installation of Fitness Equipment for the Police Department (Purchasing Office Procurement Solicitation No. 2010-038)**

Jackie Moore, Police Chief

No questions or comments

11. **Consideration of ORDINANCE 2010-51, An Ordinance Amending Section 12-108 of The City of Franklin Municipal Code, Title 12 – Building, Utility, Etc. Codes, for the Purpose of Creating a Refund Policy for Building/Construction Related Permits**

Lawrence Washington, Student Intern

Kristin Corn, Staff Attorney

Lawrence Washington, volunteer intern and pre-law student at TSU, was introduced. He is working with the Law Department and Vernon Gerth. Mr. Washington developed the refund policy following thorough research.

Sometimes building permits are issued to construct, build, or modify a commercial or residential building, and then due to unforeseen circumstances, the construction does not occur. Depending on the type of construction, permits can cost \$30 to over \$2,000. The policy does have restrictions.

- In order to obtain a refund for building, electrical, and/or plumbing permits(s), a written request shall be submitted to the Building and Neighborhood Services Department within ninety (90) days from the date the

permit was issued. No refunds will be granted if construction has commenced or if the building permit was fifty (\$50) dollars or less. A processing fee shall be deducted from the original permit fee as specified in Title 22 – Comprehensive Fees and Penalties with any other incurred costs. Refund policies for Facility Taxes, Road Impact Fees, and Sewer and Water Fees are subject to the Municipal Code section pertaining to the applicable fee.

Due to the current economy, this may be an ideal time to put the policy in place.

12. **Consideration of ORDINANCE 2010-52, An Ordinance Amending the City of Franklin Municipal Code, Title 22 – Comprehensive Fees and Penalties, Chapter 12, Building, Utility, Etc. Codes to Include a Processing Fee for Refunding Building Permits**

Lawrence Washington, Student Intern

Kristin Corn, Staff Attorney

No further discussion as this ordinance related to item 11.

13. **Consideration of Bid Award to Geneva, LLC, d/b/a Nixon Power Services of Nashville, in the Amount of \$51,747.08 for Supply, Delivery and Installation of Transfer Switchgear for a Portable Generator for the Water Reclamation Facility Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2010-030; \$45,000.00 Budgeted in 431-89530-52213 for Fiscal Year 2010)**

Mark Hilty, Water Management Director

Alderman Petersen commented this is outside the budget. Eric Stuckey noted it would be recorded as FY 2011 expenditure and the FY 2011 budget amended to anticipate the purchase.

14. **RESOLUTION 2010-53, A Resolution Approving a Concept Plan for the Franklin Housing Authority (Granbury and Strahl Street Development) PUD Subdivision, 114 Dwelling Units and ± 3,700 Square Feet of Nonresidential Space on 8.84 Acres, Located North of Granbury Street, at 145 Strahl Street and 1236 Columbia Avenue, by the City of Franklin, Tennessee**

Alderman Ann Petersen, FMPC Board Representative

This project is somewhat accelerated to work with the Housing Authority schedule.

15. **RESOLUTION 2010-54, a Resolution Approving a Concept Plan for Through The Green PUD Subdivision (Shadow Green), 264 Dwelling Units and ± 125,178 Square Feet of Nonresidential Space on 43.08 Acres, Located Along Columbia Avenue at Shadow Green Drive, by the City of Franklin, Tennessee**

Alderman Ann Petersen, FMPC Board Representative

Catherine Powers related the applicant agreed to all the conditions placed. The FMPC unanimously approved the plan on June 24, 2010.

Skip Heibert, landscape architect, was present on behalf of Wolfe Development. The request is to add 68 workforce-housing units at the southwest corner of the property: 196 dwelling units previously approved. Commercial development located at the front of the property. There is a tree preservation plan. Another main change to the plan removes a culvert. There will be a

creek. A traffic study shows traffic signalization warranted at the Columbia Avenue intersection. The proposed 68 townhomes would add about 4% more traffic. Plan revisions place a sound wall and visual barrier wall on the western side of the property next to the City's solid waste transfer station, and police firing range.

The redesign reduces the original six buildings on the western line to three buildings separated by 150 feet. The three story rental units were restricted to two stories for visual impact. The site is not without limitations. However, the workforce units will fulfill a need by offering working people the opportunity to purchase condominiums. The target is for those earning \$40,000-\$50,000 per year. The price point is \$169,000 to \$199,000.

Alderman Burger distributed notes on why she believes the residential portion of this development should not be approved. She regrets voting for the project in 2007.

- Additional traffic to existing bottleneck
- Rock quarry located in close proximity that blasts at least two times a day
- Concrete company located at the end of Century Court – blasting causes damage to structures
- Fire tower behind the development emits copious amounts of smoke during fire training
- Police firing range open 24 hours
- Solid Waste facility behind proposed development = odor, truck noise, hazardous waste, no emergency exits on Century Court
- If land not developed and becomes available in future recommend City conduct feasibility study to see if it could serve future City needs to consolidate Solid Waste, Fleet Maintenance, Compost Facility, Water Management, Parks, etc.
- Southeast Parkway should be studied as a possible extension across Columbia Avenue to give City departments and businesses on the dead end of Century Court another access point.

Alderman Skinner commented it is a beautiful property, but the fly in the ointment is the close proximity of City facilities. He does not think the barrier wall will help with noise from the firing range. His constituents complain about the noise.

Mayor Schroer reminded the aldermen that the only discussion point at this time is the increase in density from 168 to 264.

Alderman Barnhill opined the Plan should have interconnectivity with Parkway Commons. Alderman Bransford stated she supports the request for increased density. Alderman Martin commented she talked with staff about a pumping odor that is apparent twice a month.

Mayor Schroer said he has looked at the property and has worked hard to get affordable workforce housing in Franklin. It is not the best piece of property for residential, that is why workforce housing can be located there. Workforce housing tends to be located on lesser properties. There is access to shopping within walking distance. The developer is taking the risk and those who move there will know the downside before buying in. The Mayor supports the recommendation and will vote for it should a tie vote occur.

16. **ORDINANCE 2010-49, to be Entitled: "An Ordinance to Amend Sections 3.3.4 [Table 3-8] and 5.3.4 of The Franklin Zoning Ordinance, which Establish the Site Development Standards for Residential Detached Units in Traditional Areas and Requirements for the Use of Transitional Features**

Alderman Ann Petersen, FMPC Board Representative

Catherine Powers related the amendment is to delete the Maximum Lot Size requirement and Lot Depth requirement in Traditional areas. These standards are problematic in allowing resubdivision and infill development, primarily within the Central Franklin Character Area.

17. **Acknowledgement of Joint Application with Williamson County Sheriff's Office for the Justice Assistance Grant (JAG) Program Offered Through The Bureau of Justice Assistance in an Award Amount of \$5,336.00 to Each Agency**

Jackie Moore, Police Chief

No comments or questions

Other Business

None

ADJOURN

Work Session adjourned @ 7:00 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 7/28/2010 1:59 PM