

---

**MINUTES OF THE WORK SESSION  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, SEPTEMBER 14, 2010 – 5:00 P.M.**

---

**Board Members**

Mayor John Schroer	P	Alderman Dana McLendon	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 Margaret Martin	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 Management Director	
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	P	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, September 14, 2010 at 5:00 p.m. in the City Hall Boardroom.

**2. Citizen Comments**

None

**WORK SESSION DISCUSSION ITEMS**

**3. Flood Mitigation Program Report**

**Eric Stuckey, City Administrator**

Mr. Stuckey reported to-date submissions for reimbursement of various costs incurred in flood response and recovery and damage total around \$372,000. The modified match approved by FEMA is now 90% from the federal government and 10% from state and local government (each pay 5%). That puts the City's match at around \$18,000 of the \$372,000. The City is about 75% through that process.

Mr. Stuckey recognized the great cooperation throughout the organization, but especially that of Assistant Fire Chief Todd Horton in working with departments and in coordinating these responses with FEMA.

The Hazard Mitigation Grant Program, as discussed last meeting, is a voluntary program in which the City submits a grant application to the State and the State then applies to FEMA on behalf of the City for mitigation dollars. This operates on a 75%/25% basis with 75% coming from the federal grant and 25% from the City (this is actually shared between state and City of 12.5% each). Staff will determine what properties fit criteria and pass muster with the grant review process. The process includes a cost benefit analysis to determine if feasible to purchase a property from a long-term mitigation standpoint and cost in terms of recovery and response required. The public process begins with a public meeting on September 22, 2010 at 6:00 p.m. in the City Hall Board Room at which time the process will be explained. A Hazard Mitigation Program page is on the City website.

#### Hazard Mitigation Grant Program Timeline

• Public Meeting	September 22
• Deadline for property owner to express interest	October 25
• Local review and determination period	2-3 month
• FEMA determination of funds available (Projected)	December 31
• Anticipated deadline for application to TEMA	2-3 months after funding announced
• State Council Review	2-3 months
• FEMA Review	6-12 months
• State Contract Process	4-6 months after grant awarded by FEMA
• Project begins property closure	To be determined

Residents have until October 25 to submit application. Residents may withdraw application at any time before submission to FEMA. Once the grant application is submitted, the City is committed and cannot withdraw. Top priority properties will be those in the floodplain and that have 50% or more damage. It is probable there will be 10 to 12 properties that fit this description.

#### ➤ REMAINING AGENDA ITEMS ADDRESSED IN THE FOLLOWING ORDER:

- 14 THROUGH 19
- 4 THROUGH 13
- 20 THROUGH 23

#### 4. Consideration of Event Permit for Franklin High School Homecoming Parade in Downtown Franklin on October 8, 2010

**Jackie Moore, Police Chief**

No comments or questions

**5. Review and Discussion of Bid Received for Surplus Property Consisting of the Two (2) Institutional Structures (the Old Jail and Old, Old Jail) Including the Single Parcel of Land (Map & Parcel No. 063N-B06400) Located at 112 and 118 Bridge Street**

**Vernon Gerth, ACA Community & Economic Development**

This property is zoned Civic/Institutional (CI). Uses are restricted as it is in the floodway fringe overlay. It was put out to bid in July with one bid received from Fred Mindermann, Battle Ground Brewery, LLC.

Staff presented four options:

1. Dismiss the bid and
  - Evaluate and amend Floodway Fringe Overlay restrictions that significantly limit uses
  - Rezone the property
  - Re-solicit
2. Dismiss the bid and
  - Tear down the rear one-story structure
  - Install new roof/minimally repair the front white structure
  - Evaluate and Amend Floodway Fringe Overlay restrictions
  - Re-solicit if/when desired
3. Accept Leasing option contingent on
  - Rezoning the base zoning district to one consistent with the desired uses and the Land Use Plan
  - Evaluating and amending the Floodway Fringe Overlay restrictions
4. Accept Purchase option contingent on
  - Rezoning the base zoning district to one consistent with the desired uses and the Land Use Plan
  - Evaluating and amending the Floodway Fringe Overlay restrictions

Staff recommends Option 1.

Mr. Mindermann's vision for this property would require rezoning as well as some changes, and would have to go back to FMPC and BOMA. That could take up to six months.

It would cost the City approximately \$50,000 to demolish the Old Jail, another \$35,000 to whitewash and install a new roof on the Old Old Jail. There is no money budgeted for this. Alderman Barnhill commented on why the City would reject a \$50,000 bid and then spend \$85,000 to fix the property.

Mr. Mindermann was present to discuss the issue. His choice would be to not demolish the Old Jail, rather take the \$85,000 to renovate the Old Jail and generate revenue. He would not have to purchase the land. The property will not generate tax revenue as it is now. Mr. Mindermann would like to put his brewing equipment in the Old Jail. He has no use for the Old Old Jail; however, he has spoken with the Heritage Foundation about the building as a possible venue for artists and musicians. He indicated that he is willing to work with the City to refurbish the property and maintain it. It would be a great tourist attraction and eventually tie into Bicentennial Park. Mayor Schroer indicated he had spoken with Mary Pearce of the Heritage Foundation as well and they would eventually be willing to help bring it back to some sort of condition.

Mr. Mindermann advised beer could be produced in the Old Jail and transported to another location as long as it is in the same county. Mayor Schroer pointed out current zoning prevents a brewery being on that property.

Mayor Schroer recommended BOMA reject the bid, proceed with rezoning and work with Mr. Mindermann on his vision for the property. He said the Old Old Jail should not be demolished as perhaps something could be worked out with the Heritage Foundation and Mr. Mindermann.

**6.\* Consideration of Terms and Conditions Agreement with Standard and Poors (COF Contract 2010-0145)**

**Russ Truell, ACA Finance & Administration**

Mr. Truell advised the rating agencies now require these contracts. The State of Tennessee is negotiating some of the language, as is the City's Law Department. Staff recommends approval subject to suggestions or modifications made by the City Attorney, and sign off by the City Attorney and City Administrator.

**7.\* Consideration of RESOLUTION 2010-68, a Resolution Authorizing the Issuance of General Obligation Refunding Bonds, in an Aggregate Principal Amount of Not to Exceed Seventeen Million Seven Hundred Twenty-Five Thousand Dollars (\$17,725,000) of The City of Franklin, Tennessee to Refund a Portion of its Outstanding General Obligation Public Improvement Bonds**

**Russ Truell, ACA Finance & Administration**

No new money involved in this transaction, rather it is an opportunity to save debt service costs by current and advance refunding certain maturities. Included is refunding some of the variable rate bonds for a fixed rate. This refunding is estimated to generate \$1.4 million (8%) in savings to the City.

**8. Review and Discussion of RESOLUTION 2010-69, a Resolution of the Board of Mayor and Aldermen for the City of Franklin, Establishing a New Retirement Plan for Employees Hired On or After February 15, 2010**

**Eric Stuckey, City Administrator**

This resolution is the result of recommendations made at the last meeting regarding a pension conversion program for new employees hired on or after February 15, 2010. It was again emphasized the new plan does NOT apply to employees enrolled in the existing plan.

The proposed plan gives employees two options and a one-time opportunity to convert to a defined benefit plan at vesting (5 years).

Option One - COF Employee Pension Plan

- Employee must contribute 5% of their gross wages to the Plan, which is similar to the existing pension program.

Option Two – COF Defined Contribution Plan

- Employee shall contribute a minimum of 5% up to a maximum of 8% of their gross wages into their individual defined contribution account.
- The City shall match the employee's contribution at a one to one ratio for a minimum of 5% up to a maximum of 8% of the employee's gross wages.
- Any matching dollars provided by the City will be made available to the employee at vesting

The final average compensation is modified to an average of five consecutive years of the last 10 years worked. It was previously three years. The early retirement option of age 62 with 20 years of service is eliminated. Early retirement discounted according to the number of years until full retirement age. The employee may still defer payment until full retirement age if meeting other eligibility requirements.

The new plan helps the bottom line goal to control costs long term and to maintain a good, competitive benefit for employees.

**9.\* Consideration of Subscription Agreement with Bailard REIT, Inc. for Management of Certain Assets of Franklin Pension Plan**

**Russ Truell, ACA Finance & Administration**

The Pension Committee voted to invest \$2 million of the \$43 million in the Pension Plan in real estate. The committee heard three managers and ultimately chose Bailard Real Estate Trust as manager.

Recommendation: Subject to final review by the City Attorney, Pension Plan Attorney, Trustee, and City Administrator, the Pension Committee recommendation is to enter into a subscription agreement with Bailard Real Estate Trust.

**10.\* Consideration of the 2009-10 Community Based Development Organization (CBDO) Agreement with Community Housing Partnership (CHP) in the Amount of \$112,244 for the Purpose of Creating Two (2) Affordable Housing Units Through the Purchase and Renovation of Existing Housing with Community Development Block Grant (CDBG) Funding (COF Contract No. 2010-130)**

**Vernon Gerth, ACA Community & Economic Development**

**Kathleen Sauseda, Interim Housing Development Coordinator**

No questions or comments

**11. Review and Discussion Regarding McEwen/Wilson Pike Improvements**

**Eric Stuckey, City Administrator**

Mr. Stuckey provided follow up on the identified roadway improvements involved in the construction of the Breezeway School. After thorough review, it was concluded improvements at Wilson Pike and McEwen Drive are top priority, as they would address the most traffic mitigation. The traffic study identified the improvements at this intersection to include a traffic

signal and a northbound left turn lane on Wilson Pike. Staff believes that an additional eastbound left turn lane on McEwen Drive should be included with these improvements. A new bridge crossing the CSX railroad is necessary to construct the left turn lane on McEwen. The improvements will be coordinated with the City's McEwen Phase IV project to ensure that the intersection will function properly in the future and meet the City's long-term needs in this location. Funds are from WCBE and Facilities Tax dollars.

Mayor Schroer has been in contact with CSX and TDOT officials about the project and will try to get this project on the MPO list. Eric Gardner thought a proposal would be ready by next meeting.

**12. Review and Discussion of January 1, 2011 2% Cost of Living Increase for City of Franklin Employees**

**Eric Stuckey, City Administrator**

BOMA in favor.

**13. Review and Approval of a Communication Tower Agreement between Clearwire Wireless, LLC and the City of Franklin for Fieldstone Park**

**Lisa Clayton, Parks Director**

Ms. Clayton related the tower would replace an existing sports light pole used for lighting two adult softball fields. Clear Wireless would construct, maintain, install, repair, secure, and operate on premises radio communications. The existing sports lighting would be reinstalled on the new pole. Staff recommends entering into a lease for an initial up to 10-year period. Clear Wireless will pay COF Parks Department \$2,000 per month.

**14. Consideration of the Alignment of Carlisle Lane West Option #3 into the Design of Carlisle Lane and Signal Design Project at Highway 96 W**

**15. Consideration of Landscaping into the Carlisle Lane and Signal Design Project at Highway 96 W**

**16. Consideration of Construction of a Retaining Wall as Part of the Carlisle Lane and Signal Design Project at Highway 96 W**

**David Parker, City Engineer/CIP Executive**

Carlisle HOA and Tomlinson Fort have verbally agreed on Concept Option #3, which meets all current design standards. This alignment moves the centerline of the road. Eric Gardner surmised it would be \$15,000 for the design. There could be more cost in acquisition of easement and right-of-way. The Capital Investment Committee recommended Option #3.

The CIC recommended the incorporation of landscaping in the common area into the design with the maintenance the responsibility of the HOA. Mr. Gardner clarified the existing landscaping will not be impacted by the construction. Mr. Parker suggested the consultant look at additional costs for sound abating landscaping.

Ron Franks, Carlisle HOA President, said the landscaping requested is for noise abatement. Their concern is the noise from stopped and idling cars and trucks and additional traffic. They do not have a specific plan, but if the money were available, they could go back to their landscaper. Large pine trees mentioned. Alderman McLendon noted pine trees would have a visual impact as well.

The CIC forwarded the matter of the retaining wall without recommendation. The HOA wants a retaining wall for aesthetics as well as sound buffer. The HOA representatives mentioned the City engineer had no specific height or design to offer. The City estimates a wall would cost around \$100,000. The HOA had an estimate of \$25,000 to \$30,000 less than that. They want something similar to the rock outcropping that will be removed during construction. There was further dialogue with the HOA representatives regarding encroachment on current landscaping, the area for landscaping, the wall, and the slope of the hill.

Mayor Schroer noted there are too many unknowns to make a decision on anything but the alignment of the road. He recommended going forward with a design for a wall and for landscaping. Once there is more information on costs and design, the issue can be discussed again. Alderman Petersen mentioned there is no tight timeframe for the project, as funds have not been approved for the construction.

---

Alderman McLendon left the meeting @ 5:41 p.m.

---

17. **Consideration of ORDINANCE 2010-17, an Ordinance Amending the Budget to Fund Condemnation of Boyd Mill and Carlisle Right-of-Way Purchase**

**Russ Truell, ACA Finance & Administration**  
**David Parker, City Engineer/CIP Executive**

Eric Stuckey asked that this item be withdrawn

18. **Consideration of Request to Abandon a Portion of the Public Right-of-Way (ROW) for the Alley Between 817 Evans Street and 108 Lewisburg Pike**

**Eric Gardner, Engineering Director**  
**Kelly Dannenfelser, Planner**

Eric Stuckey related Kelly Dannenfelser and Eric Gardner used the newly created Unused City ROW Framework in making recommendation on this request. Eric Gardner gave a brief history of what has transpired up to this point. The property owner at 108 Lewisburg wants to subdivide the property and requests a portion of the ROW be abandoned. The driveway for 817 Evans Street is located within the alley ROW in this location. To meet certain acreage requirements in the Zoning Ordinance, 108 Lewisburg would need approximately 0.04 acres added to that lot. The City understands all five property owners adjacent to the lot are in favor of abandoning that portion of the alley ROW but do not want to take possession of the

remaining portion of the alley ROW. It is believed there is an agreement between the owners of 817 Evans and 108 Lewisburg stating 108 Lewisburg would gain ownership of the abandoned ROW and would grant an easement for the owners of 817 Evans to maintain access to their property and keep their driveway as is.

There was discussion with some of the property owners present. Mayor Schroer related that if the property were subdivided, it would affect the Jones tract. Although the Joneses have verbally indicated they agree with the abandonment, Mayor Schroer requested the City receive a written statement that they are aware the property at 108 Lewisburg could be subdivided and they are in agreement with the abandonment. Their attorney was present and indicated he will have them submit a written statement to the City.

Per Mayor Schroer, the request can move forward with the requested portion abandoned and the remaining portion left as is.

**19. Review and Discussion Regarding London Lane and the Unused City Right-of-Way Recommendation Framework**

**Vernon Gerth, ACA Community & Economic Development  
Kelly Dannenfesler, Planner**

Eric Stuckey noted the City favors retaining the London Lane right-of-way. Kelly Dannenfesler explained four of the six criteria apply in favor of continuing to hold the ROW. If abandoned the parcel would become land-locked.

Discussion:

- Unbuildable lot
  - Looking at parcels and not ownership of the adjacent parcels
  - Created as a buffer from auto dealership
- Lance Maliszewski, Royal Oaks, said the 10.2-acre residential neighborhood predated Williamson Square. Mr. Alexander probably purchased the 4.22-acre property as a buffer. There is a letter, although he has not seen it, from Mr. Alexander's attorney to the neighbors whose properties are adjacent to the parcel saying the land is unbuildable. That led them to believe the right-of-way would not be used. The City has never maintained the parcel and it has been part of the neighborhood since the beginning. They do not want a commercial connection or commercial traffic there.

Staff recommends the City retain the London Lane right-of-way. Mayor Schroer asked if the Board wanted to abandon the parcel. In this instance, it would probably be divided 50/50 between the two adjacent property owners. He added that this issue needs to move forward and requested it be on the September 28 BOMA agenda under new business. Ms. Dannenfesler advised if the parcel were declared surplus costs of approximately \$5,000 would apply and payment would be the responsibility of the one requesting abandonment.



20. **Initial Discussion of The City of Franklin Sidewalk Policy – Review of City Charter**  
**Vernon Gerth, ACA community & Economic Development**  
**Jonathan Langley, Current Planner**  
 This item will be addressed at the next Work Session.
21. **Consideration of ORDINANCE 2010-64, an Ordinance to Amend Title 21, Chapter 1, Section 21-102 of The Franklin Municipal Code for the Purposes of Establishing an Affordable/Workforce Housing Advisory Commission**  
**Vernon Gerth, ACA Community & Economic Development**  
**Kathleen Sauseda, Interim Housing Development Coordinator**  
 Mayor Schroer noted this ordinance officially establishes this Advisory Commission
22. **Consideration of a Contract 2010-0118 for \$174,254 Between The City of Franklin and Community Housing Partnership of Williamson County (CHP) for Administration Services Related to the CDBG Emergency Repair Program for the 2010-11 Program Year**  
**Vernon Gerth, ACA Community & Economic Development**  
**Kathleen Sauseda, Interim Housing Development Coordinator**  
 No comments or questions. Information included in the packet.
23. **Consideration of a Request from David Crabtree for a Letter of Recommendation for Right In/Right Out Access to Mack Hatcher Parkway Approximately 900 Feet East of Hillsboro Road Between The Shoppes at Harpeth Village and the Williamson County Parks and Recreation Complex**  
**Vernon Gerth, ACA Community & Economic Development**  
**Carl Baughman, Traffic Engineer**  
 This item will be addressed at the next Work Session

**Other Business**

None

**ADJOURN**

Work Session adjourned @ 6:56 p.m.

---

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 9/29/2010 4:20 PM