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**MINUTES OF THE WORK SESSION  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, AUGUST 10, 2010 – 5:00 P.M.**

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**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	P
David Parker, City Engineer/CIP Executive	P	Gary Luffman, BNS Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning/Sustainability Director	P
Mike Culbertson, Deputy Chief Fire Operations	P	Joe York, Streets Director	P
David Rahinsky, Assistant 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, August 10, 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**

Thus far, \$207,000 worth of cost sheets for reimbursement submitted to FEMA. Federal government pays 75%, State of Tennessee 12.5% and City of Franklin 12.5%. The number of substantially damaged properties (50% or more) remains at 10. These will be reviewed with TEMA Hazard Mitigation Team later this week.

Mr. Stuckey reminded folks that the blanket provision for free building permits for those with flood damage would end August 15, 2010. The City will continue to work on a case-by-case basis with these residents.

A short video of highlights from The City Insider video on the May flood was shown. The complete video will air on Franklin TV. Mr. Stuckey recognized Milissa Reiersen and Ray Foglia and his team for their work on the video.

**4. Consideration of RESOLUTION 2010-63, A Resolution Authorizing Proration of Tax Assessments of Certain Real Property Damaged by the Flooding Disaster as Authorized by T.C.A. § 67-5-603**

**Russ Truell, ACA Finance & Administration**

Mr. Stuckey advised the recent T.C.A. amendment gives local governments the authority to prorate property taxes on flood-damaged properties for the period that those properties were not usable by the owners. Williamson County adopted a resolution on July 19 granting property owners the opportunity to apply for such relief on their county taxes. Eligibility will be driven primarily by those who can document damage that has caused them to vacate their property for more than 30 days.

Russ Truell noted the cost is undetermined as it is difficult to forecast how many homeowners will qualify for the provisions of the resolution. The County Assessor will review the applications and make a determination of whether the property qualifies for a prorated waiver. Individual cities may adopt the relief. A 2/3 majority vote is needed to enact the resolution.

**5. Discussion Regarding Monticello Project Status**

**Alderman Dana McLendon**

Eric Stuckey provided an overview of questions received from Monticello residents about the status of the project overall. A related memo is posted on the City website. The sewer line work is complete as well as the paving done by the contractor. The sewer contract awarded was \$1.25 million. When awarded a year ago it came in at 40% below the last estimate before bid. It came in at \$1.5 million. An additional \$300,000 of paving has taken place by the sewer contractor and by the Streets Department through the City's existing annual paving program. The \$300,000 is borne by the City and not part of the assessment; \$1.5 million is the contract amount for sewer work and that is what the assessment project is essentially about. When the City receives a final change order from the contractor, the process for the final assessment can be started. A two-reading ordinance will go before the Board to establish the final cost of the project and set the assessment based on that cost and spread it among the eligible residents. That process will take three to five months.

The initial assessment resolution provided for a 30-year payment period. However, during public hearings and dialogue with the neighborhood it was indicated a 20-year term was preferable, and that has been the City's assumption since that time. That action will have to be

taken when the final assessment is established. The City stated the interest rate would be approximately 4%, the City cost for the money. The first assumption a year ago was 5%, thus, the rate is a little lower than what is on the website and was shared with residents at that time.

The neighborhood had asked Lee Company to look at depths necessary to serve properties by gravity. This was incorporated into the design process and resulted in lowering the general collection lines in the neighborhood so as many properties as reasonable within costs could be served by gravity. Prior to that there were 20-25 properties that might have issues, the lowering addressed most of the issues and it is estimated there are 3-5 properties that may have issues with direct gravity service that may need help with getting to the line in the street. The exact numbers will not be known until those are addressed individually. The estimate of cost to go deeper guarantee gravity service to everyone was significant at two to three times the current cost to go to that depth. When applied to the total project it would probably be, based on estimation and with design, a ten to twenty percent total cost escalation of \$220,000 to \$250,000 based on a \$1.25 million sewer construction bid. It remains to be determined if this is an individual property issue or if there are other options to be entertained.

The State ran the stimulus funding grant money through their State Revolving Loan Program and chose projects submitted through that process. The deadline for that process was February 2009, and the direction at the time was they wanted only shovel-ready projects. City understanding of shovel-ready projects at that time, and is today, an approved project with approved design and ready to go to bid. Therefore, in the water and sewer area, every project that had approved plans was submitted to TDEC for the State Revolving Loan Fund. Monticello was not submitted at that time because it did not have approved plans. By June 2009, the Board had moved forward to approve the Monticello project. The State did not move as quickly as originally thought and ultimately the City had two smaller sewer projects, Country Road and Boyd Mill that were funded. There is no way to know if the larger Monticello project, if submitted, would have received funds. That was an unfortunate part of the process. The City acted with the best information available at the time with the deadlines stated.

Mr. Stuckey clarified how the City applies general capital funds within the sewer utility and when an assessment is applied. The typical rule of thumb is the City applies assessments when retrofitting and tying into a sewer area for a neighborhood that directly benefits that neighborhood primarily. When the City uses general capital funds it is for a broader system-wide improvement such as the installation of an interceptor line or upsizing a line to serve a larger portion of the community or somehow helps the City enhance how the overall system functions. These are not general funds as in taxpayer funds but capital funds identified within the sewer budget, which is entirely funded by ratepayers.

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Mayor Schroer opened the floor to Monticello residents

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Jay Wade, Monticello resident, stated he disagreed with everything Mr. Stuckey said about the ARRA fund. Mayor Schroer stated that would not be gone over again, to which Mr. Wade countered he was going to go over it again. A brief dialogue ensued.

Donna Rand, Monticello HOA president, indicated she was disappointed that Mr. Wade was silenced and that the Board has not heard their side.

Mayor Schroer stated the Board knows the history. There are issues the City has control over and there are issues, as Mr. Stuckey stated correctly, that the City followed the guidelines as known at that time. If there was a mistake made, the City is not aware of it. Even if there was a mistake, there is nothing that can be done about it now.

Ms. Rand stated the Monticello residents would all have felt better if the Board had allowed Mr. Wade to speak for five minutes. That is all it would have taken to make them feel better.

Mr. Wade said he has been working on sewers for Monticello since 2002. He stated he is not with the HOA Board so the following comments are his own.

In the summer of 2007, they held a neighborhood vote for the express purpose to be annexed to get sewers. They were told they would have to be annexed and would have to have a 100% gravity system. Subsequently that policy changed and county pressure systems could connect to city sewer. By that point that had already been annexed.

In 2008, Smith Seckman Reid was contracted to do the final design work for Monticello sewer.

In the fall of 2008, there was an economic collapse. Many residents lost half their retirement funds or their jobs and could no longer get home improvement loans and weren't sure they could still afford the sewers they voted for.

The stimulus package came along in February. Mr. Wade said he is a retired Federal employee and has experience with grant money, the way it comes down through cabinet departments, and in this case the EPA, down to TDEC, and out to local state governments. He thought Monticello would be an excellent choice to be on the stimulus list. He asked through our aldermen if Monticello would qualify.

On February 17, the City's response was that so far Monticello had not been part of the submission. That staff questioned if the project could be ready for construction in the timeframes given. Staff advised they still had to do design complete, easement document development and easement acquisition. Mr. Wade related that was said though on February 13 SSR had completed all construction documents, had signed the cover letter to submit them to the State.

At the CIP meeting, the City had been very aggressive to include projects.

He eventually went back to the State and got the January 8 solicitation letter that TDEC sent. He said it asks local governments to submit their water projects so they can be ranked. The form didn't say anything about needing completed construction documents, having final costs, needing to be shovel-ready, needing to have a TDEC permit or easements acquired.

One of the projects is the Clean Water State Revolving Fund. He went back to the State on what's required for that fund. Required: preliminary cost estimate, and a

preliminary design. Based on that criteria Monticello could have gone on that list the day after they were annexed in 2007.

He went back through the open records act for the City of Franklin and got copies of the three sewer documents the City submitted in response to the solicitation. He said they are each just a one-page letter.

Mr. Wade claimed if the City had taken 10 minutes to go back to the City of Franklin Monticello Sewer Report, and do a cut and paste copy on the one-page form, Monticello's project report, 10,000 linear feet of 8 inch sewer line, estimated cost \$1.8 million, estimated construction start date Fall of 2009, and submitted it, Monticello would absolutely have gotten ARRA stimulus money with 40% of their sewers paid for and the rest on low interest loans.

On March 30, they got their approved TDEC permit. On May 1, the State released the project ranking and the three sewer projects submitted by the City were 25, 26, and 27. Their construction start date is October 2009. Go back to how the State ranked the projects, and by the fact that Monticello had documented septic system failures, Monticello would have garnered enough points to likely have been the number one ranked project in the State of Tennessee.

At the Public Hearing one of the residents asked about ARRA funding and the staff didn't seem to know much about it then and said they would get back to them. When the Q & A came back, the one question on stimulus funding was omitted.

Then came the June 17 priority deadline. That was if a project had all construction documents signed by June 17 they could jump ahead of higher ranked projects that weren't quite ready to go. The funding criteria spelled out by the State: the State goal is to enter into binding commitments for projects that will proceed to construction or award of construction contracts by February 17, 2010. Monticello bids were opened July 17, one month past the June priority deadline, but it wouldn't have mattered because Monticello would have been at the top of the list. On August 27, TDEC issued the Boyd Mill construction permit. On September 25, the City is notified their ARRA sewer projects will be funded. This was the point where he started investigating why Monticello didn't make the list.

On November 5, a large group of residents held a meeting at City Hall with City officials to discuss that issue. City officials swore it was because Monticello didn't have an approved TDEC permit by February 16. That story appeared in the Tennessean on November 10.

He contacted the State Manager of all State Revolving Funds and asked if it was true that they couldn't participate in the stimulus because they didn't have an approved TDEC permit by February 16. He was told that was not true. They did not have to have a construction permit to get on the State Revolving Fund priority-ranking list.

He then confronted City staff who told him there had been a mistake. It wasn't necessary to have a TDEC permit. That the Boyd Mill water line was what they

meant to put out, but they dragged the Boyd Mill sewer line by mistake and that was why their TDEC permit was late. Mr. Wade said the mistake was funded.

More importantly, the new excuse why Monticello was unable to participate was because they weren't shovel-ready. Mr. Wade continued that "shovel-ready" doesn't appear in any of the State documents he could find. It doesn't appear in the original solicitation letter dated January 8 or the Congressional legislation signed by the President. He said what it referred to was the vernacular for that June 17 priority deadline to be what they call ready to proceed (shovel-ready). He again referred to the three documents the City submitted for the three sewer projects and each has a construction start date well past the priority deadline. So, none submitted could be considered shovel-ready. It was Monticello that was given that excuse.

Mr. Wade quoted the last paragraph of an August 4, memorandum to the aldermen about the status of the Monticello project, "At the time for submission for ARRA funding, City staff did not believe that the Monticello project would be able to meet the requirements in the timeframe required by the ARRA funding program; therefore, the project was not submitted for inclusion in this program." He reiterated that SSR had all documents signed ready for the state February 13, 2009. The absolute funding deadline to have a contract signed was February 17, 2010. He stated they know Monticello could have applied for and gotten ARRA funding if the City had taken 10 minutes to fill out the form.

It is a tough pill to swallow. Mr. Wade opined what the City got were two small projects, Country Road and Boyd Mill, for which the residents were forced to go on sewer so they could participate in ARRA funding; with the bulk of the money going to the Simmons Ridge sewer line, which is the same financial size as Monticello, and the State's lowest ranked type project. He added he personally was very sorry Monticello ever got involved with being annexed into the City.

Ms. Rand thanked the Board for hearing Mr. Wade and mentioned the large group of Monticello residents in attendance to hear Mr. Wade. Mayor Schroer noted there would be another opportunity to speak at the Public Hearing on the second reading of the ordinance. Ms. Rand expressed concerns regarding the assessment and the grinder pumps. She asked for clarification of the set cost of the \$1.2 million assessment for infrastructure and the annual reevaluation since the cost of the project remains the same. Eric Stuckey advised State law requires the City to spread the value based on the relative assessed value, at the same cost, spread amongst the residents based on assessed value at that time, and it will change over time. Ms. Rand said there are questions about Codes and transfer of the assessment to a new owner. She and Jim Mayes spoke with Alderman McLendon in June and he indicated he would support the transfer of assessments.

Alderman McLendon stated he believes the City has an obligation to place a lien. If possible, he would like the City to establish a policy that in event of notification of a pending sale, the City issue a lien waiver for the remaining balance of the assessment, allow the transfer to go through without a full payoff, and rerecord whatever is left.

As to waiver of fees, he said the City has waived all fees as allowed by State law. Ms. Rand indicated Monticello residents would feel better if they could know and understand what the State laws are regarding fees that can and cannot be waived. Alderman McLendon requested City Attorney Shauna Billingsley provide that information.

Alderman McLendon stated the City has been as accurate fair, and as forthcoming as possible. With the exception of exclusion of ARRA money, he has no regrets. Ms. Rand said they have other issues. Alderman McLendon stated they could speak at the public hearing and if they want to talk to someone prior to that, to contact him.

Jim Mayes, past president Monticello HOA, spoke of the overall process to get full gravity and the cost disadvantage to those that require grinder pumps. They would like to know the cost of the grinders prior to the final assessment to allow the cost to be offset or absorbed so those homeowners are not adversely affected by extra costs.

Mayor Schroer asked that staff look into putting the cost of the grinders into the assessment if allowed by law. Eric Stuckey advised the ability to do a waiver of the lien would be researched, and it will be confirmed that the City has waived all allowable fees as well. He clarified that fees were being waived for Boyd Mill and other retrofit assessment districts as well.

Alderman McLendon advised he is open to having a follow-up meeting with the HOA. As to one of Mr. Wade's points, he confirmed that early on the City's policy was to do only gravity sewer; however, when the City got into retrofitting the policy changed as all gravity would be too cost prohibitive in some situations. Monticello was not the first to go through the process, but they were the first to talk to the City. The combination of gravity and grinder pump met the needs and welfare of the people and that is why that evolution occurred.

In response to a comment made by Mr. Wade, Alderman Burger noted sewer was not forced on the people of Country Road and Boyd Mill; some wanted sewer availability.

**6. Consideration of Event Permit for Wine Down Main Street to be Held in Downtown Franklin on November 5, 2010**

**Jackie Moore, Police Chief**

No comments or questions

**7.\* Consideration of Rejecting all Bids for Wi-Fi Fiber Access Points Cabinet Connectivity Project to Complete the Southern Loop of the City's Wireless Network for the MIT Department (Purchasing Procurement Solicitation No. 2010-039)**

**Fred Banner, MIT Director**

May complete this project in-house.

- 8.\* **Consideration of RESOLUTION 2010-62, a Resolution to Authorize the Mayor to Submit an Application to the Tennessee Department of Environment and Conservation for Tennessee Local Parks and Recreation Grant Funds (\$81,290.00)**  
**Lisa Clayton, Parks Director**  
 Per Eric Stuckey, resolution is for the application. If awarded there would be some matching funds.
- 9.\* **Consideration of Bid Award to Sports Turf Solutions, LLC of Gallatin, TN in the Anticipated Amount of \$59,576.00 for Restoration of the Infields of the Four Adult Softball Fields at Fieldstone Park for the Parks Department (Purchasing Office Procurement Solicitation No. 2011-002; Unbudgeted Proposed Expenditure made necessary by May 1-2 Rain Event; May be Eligible for FEMA Public Assistance)**  
**Lisa Clayton, Parks Director**  
 FEMA eligible.
10. **Review and Discussion Regarding London Lane and the Unused City Right-of-Way Recommendation Framework**  
**Vernon Gerth, ACA Community & Economic Development**  
 Alderman Burger asked for deferral to first meeting in September.
11. **Consideration of ORDINANCE 2010-38, to be Entitled "An Ordinance to Rezone 0.7 Acres from Medium Residential (R-2) to Residential Variety (RX) for Property Located Along Eddy Lane Between Glencoe Court and Lucinda Court."**  
**Alderman Ann Petersen, FMPC Representative**  
 Catherine Powers advised the request is to allow the applicant to construct an additional single-family dwelling unit on this site. Two duplexes are on the existing lots.
12. **Consideration of RESOLUTION 2010-39, a Resolution Approving a Concept Plan for Eddy-Thompson PUD, Totaling 0.7 Acres, Located Along Eddy Lane Between Glencoe Court and Lucinda Court, by The City of Franklin, Tennessee**  
**Alderman Ann Petersen, FMPC Representative**  
 This is the Concept Plan for the above requested rezoning.
13. **Consideration of ORDINANCE 2010-45, to be Entitled "An Ordinance to Revise the Permitted Uses in the Scientific Research Overlay Zoning District."**  
**Alderman Ann Petersen, FMPC Representative**  
 Ms. Powers noted this is a text amendment based on feedback from the Planning Commission. The amendment will allow any existing use within the SRO to operate office and educational facilities and clinics as accessory uses, so long as they are directly related to the primary scientific research use.



14. **Consideration of ORDINANCE 2010-47, to be Entitled “An Ordinance to Amend Chapter 3, Sections 3.4.4 and 3.4.5, and Chapter 4, Section 4.3.2 of The City of Franklin Zoning Ordinance Regulating Development Within the Floodway Overlay District and the Floodway Fringe Overlay District”.**

**Alderman Ann Petersen, FMPC Board Representative**

Ms. Powers said this is the first of three ordinances for discussion and allows those who were flooded to rebuild. She called attention to an error on page 2 in 3.4.5 (b) (i) “New construction or substantial improvement of any ~~residential~~ building shall have.....” It is important the ordinance move forward since people are waiting to rebuild.

15. **Consideration of ORDINANCE 2010-46, “An Ordinance to Amend Title 16 of The City of Franklin Municipal Code by Creating Chapter 12 for the Purpose of Adopting The City of Franklin Parcel and Building Addressing Manual.”**

**Catherine Powers, Planning & Sustainability Director**

**Lori Jarosz, Planning Associate**

Vernon Gerth and Lori Jarosz addressed this item. The manual is to provide guidance to City staff, emergency personnel, service utilities, developers, and residents regarding assignment, revisions, and maintenance of numerical addresses, suite numbers, and street names. The Manual was developed by Lori Jarosz. All changes must go through proper channels.

16. **Consideration of ORDINANCE 2010-56, “An Ordinance to Amend Various Sections of The City of Franklin Municipal Code, Title 16 – Streets and Sidewalks, etc. Relating to the Codifying of Various Fees and Penalties.”**

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

No questions or comments.

17. **Consideration of ORDINANCE 2010-57, “An Ordinance Amending The City of Franklin Municipal Code, Modifying Title 22 – Comprehensive Fees and Penalties for the Purpose of Codifying the Fees and Penalties Found in Title 16.”**

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

Alderman Petersen pointed out there were no column designations for Road Impact Fees. Mr. Gerth advised corrections would be made.

18. **Consideration of Interlocal Agreement with Williamson County Government for the Transfer of Received Funds from The Justice Assistance Grant Program (JAG) in the Amount of \$5,336.00 to Williamson County Government (COF 2010-0113)**

**Jackie Moore, Police Chief**

Shauna Billingsley said an amendment would be ready for the next meeting.

19. **Consideration of Renewal of Letter of Credit for the Industrial Development Board**  
**Russ Truell, ACA Finance & Administration**

Mr. Truell explained the Industrial Board issued bonds to support the purchase of land for the Nissan headquarters project. The bonds were to be paid from the taxes generated from a “tax increment financing district” surrounding the headquarters. Fifth Third Bank issued a letter of credit to support the bonds contingent on a revolving loan agreement between the City and the Industrial Board. The Agreement specified the City would loan funds to the Industrial Board if property tax revenue from the Tax Increment Financing District were insufficient to pay the principal and interest on the bonds. The City loaned the IDB \$2.3 million to cover the tax shortfall. Although tax revenues have grown it is estimated the shortfall will continue for at least two more years. The Bank would like confirmation from the Mayor that the City will stand behind the revolving loan agreement between the City and the IDB when the letter of credit expires in December. He noted there have been discussions with PFM about alternatives while the rates are low.

**20. Consideration of Pursuance of Federal Preservation Grant for Historic Rest Haven Cemetery and City Cemetery**

**Catherine Powers, Planning & Sustainability Director**  
**Erin Reinders, Long-Range Planning Supervisor**  
**Amanda Hall, Part-Time Planner**

Amanda Hall advised staff wants to pursue the Federal Preservation Grant, as administered by the Tennessee Historical Commission, for the completion of National Register nominations for these two cemeteries. Being on the list would make more grants available.

Alderman McLendon wanted to add the Toussaint L’Overture County Cemetery to the list. Ms. Powers advised it is already on the list. His concern is the cemetery is in the heart of the City and not maintained. He would like money designated for the repair of that cemetery.

**21. Discussion of Breezeway School Rezoning and Concept Plan**

**Eric Stuckey, City Administrator**  
**Shauna Billingsley, City Attorney**

The Public Hearing for this item is on the agenda for the 7:00 p.m. BOMA meeting. Mr. Stuckey noted staff is working on an Interlocal Agreement describing conditions of approval. Staff and school representatives have outlined what has taken place over the past two weeks.

Alderman Burger told Dr. Mike Looney, Williamson County School Superintendant, the Agreement should assure the City and school board are “on the same page”, working together on a plan to move forward with the school: that the conditions will happen. She stated her responsibility as an elected official is the safety, health, and welfare of the people in her ward.

Dr. Looney responded City administration and staff have bent over backwards to find solutions to the problems and the County stands at the ready to collaborate with the City. The cost savings from locating the school at Breezeway will be used for traffic signals at Wilson and McEwen, and Wilson and Clovercroft, in addition to turn lanes and sidewalks in front of the school to allow safe passage to Chardonnay and Breezeway subdivisions.

Alderman Bransford asked if road improvements would happen concurrently with construction or would there be lag time. Dr. Looney said the improvements on Clovercroft would be concurrent to construction. Wilson Pike is a State road that must be handled through the State with the County and City working together to make it happen. Mayor Schroer added that TDOT would work with the two entities as much as it can. Eric Stuckey noted signalization is doable between now and August 2011.

**Other Business**

None

**ADJOURN**

Work Session adjourned @ 6:34 p.m.

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Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 11/22/2010 9:49 AM