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**MINUTES OF THE WORK SESSION  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, OCTOBER 12, 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, CIP Executive/City Engineer	P	Gary Luffman, BNS Director	P
Shauna Billingsley, City Attorney		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		Lanaii Benne, Assistant City Recorder	
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, October 12, 2010 at 5:00 p.m. in the City Hall Boardroom.

**2. Citizen Comments**

None

**WORK SESSION DISCUSSION ITEMS**

**3. Status Update on Flood**

**Eric Stuckey, City Administrator**

The Hazard Mitigation Program remains open until the close of business October 25, 2010. People may volunteer for the program until that deadline. The Mitigation Program is on the City Website. E-mail address is [hazard.mitigation@frankltn.gov](mailto:hazard.mitigation@frankltn.gov).

To date 15 residents have provided an initial indication of interest. Of those, it is estimated

seven (7) properties sustained substantial damage. Two (2) others may meet the substantially damaged definition as well.

Submissions for recovery from the federal government total \$619,000 in eligible costs. The City is approximately 95% through submissions. Anticipate finishing within the next week. Staff will meet with FEMA representatives tomorrow for an update.

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- Mayor Schroer announced two birthdays: Today – Chief Rocky Garzarek and tomorrow, Chief Jackie Moore

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#### 4. **Franklin's Participation in the Electric Vehicle (EV) Project**

**Andrew Orr, Sustainability/Grants Coordinator**

**Stephanie Cox, ECOtality**

Andrew Orr noted the City would likely have an opportunity to host electric car chargers on municipal property through this program.

Stephanie Cox, Area Manager for the State of Tennessee, ECOtality North America gave a presentation on the Electric Vehicle (EV) Project. On display were prototypes of the equipment, one for home use, the other for commercial use. A swipe card will be used to access charging stations with RFID readers. The host site pays the electric bills. The grant is to prime the pump and get the car charging station industry going.

Mayor Schroer stated municipalities would not provide free car charging. Ms. Cox noted part of the access fee goes to the host (City). Public stations are to boost or extend a charge. Primary chargers will be in homes. An AC 240V single phase current will go into the car; the car turns it into DC. The number of DC chargers will be limited. The AC/ Japanese model was chosen because of the Nissan presence in Tennessee. Eventually there will be a standard by automobile manufacturers. Stations have different limits of charging anywhere from one to three hours.

Mayor Schroer asked if the grant is through her company and are they the only company to receive funds. Ms. Cox responded they are the only grant recipient in the state of Tennessee. There are other grants outside Tennessee and there are other companies. The company is also in five other states and the District of Columbia. Tennessee could be the launch for other electric vehicle companies as well.

Her job is to bring in all stakeholders and discuss issues such as how do consumers want to use this, where do people want to charge vehicles. The goal is to make the chargers easily accessible and to provide a sufficient number of chargers. They do not want to saturate any one area; they want the grant to provide geographic coverage instead of multiples at any one site and then grow as needed.

The City of Franklin participates in the Nashville Advisory Board. Nashville is hosting a Partner Forum November 15 at the Airport Marriott. They want to reach out to all stakeholders at that meeting. Installations expected to be January through September 2011.

**5.\* Consideration of ~~Franchise~~ Right-of-Way Use Agreement with tw telecom, Inc.**

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

**Shauna Billingsley, City Attorney**

Eric Stuckey stated a company representative along with company counsel attended the last meeting regarding right-of-way access. David Parker noted a franchise agreement is not appropriate in this case; instead, an agreement was struck that includes language to the effect that rates can be raised without coming to BOMA, and that the work will be bonded. Section 14, last sentence addresses fees, and Exhibit B contains language on bonding. The company will be responsible for maintenance in that they must restore the ground, pavement, or take care of any damage caused on public or private property.

**6.\* Consideration of Event Permit for Pumpkinfest (sponsored by Heritage Foundation/Downtown Franklin Association) in Downtown Franklin on October 30, 2010**

**Jackie Moore, Police Chief**

No questions or comments

**7.\* Consideration of an Amended Lease Agreement with Battle Ground Brewery, LLC, for Storage and Parking Space at Old Jail, 118 Bridge Street**

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

No questions or comments

**8.\* Consideration of Master Services Agreement (COF Contract No. 2010-0154) with AMEC for Stream Restoration Projects**

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

**9.\* Consideration of Master Services Agreement (COF Contract No. 2010-0155) with CEC for Stream Restoration Projects**

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

**10.\* Consideration of Master Services Agreement (COF Contract No. 2010-0156) with URS for Stream Restoration Projects**

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

8, 9, and 10 addressed as one. Through RFPs three companies were chosen, AMEC, CEC, and URS. All three expressed concern about additional liability insurance requirements. Staff is addressing this with the companies. All three items to be deferred from the BOMA voting meeting.

**11. Initial Discussion of the City of Franklin Sidewalk Policy – Review of City Charter**

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

**Jonathan Langley, Current Planner**

Vernon Gerth said that 11 years ago today BOMA adopted the first sidewalk policy. Staff has been working with various departments to develop a new policy.

**Article II, Section 1, Subsection 35** of the **City Charter** states, “require abutting owners to construct and repair sidewalks; upon failure of such owner to comply, to construct and repair and charge the cost against the owner; and to make such costs a lien against the property, which may be added to and collected as property tax.”

This contradicts the policy adopted in 1999:

- Priority 1: Repair and replacement of existing deteriorated, broken sidewalks.
- Priority 2: Completion of “gaps” between existing/replaced sidewalks by construction of new sidewalk.
- Priority 3: Construction of new sidewalks, within the public right-of-way, within areas without sidewalks, which lie within the vicinity of public or neighborhood facilities i.e. schools, parks, county buildings, city buildings, etc.

Vicinity is general described as a two (2)-block radius, or “linkage” with another site.

Sidewalks are a property improvement, and reflect the community character. Sidewalk construction and maintenance promotes the public health, safety, and welfare by protecting pedestrian traffic from vehicular traffic.

All new city initiated roadway projects, as well as new developments, subdivision, shall construct sidewalks per city policy.

Mr. Gerth asked if BOMA wants to endorse the 1999 policy or change the Charter. Staff needs direction.

Discussion:

- Citizens should not have to pay for sidewalks. Alderman Martin preferred to remove that from the Charter.
- Fees in lieu of were paid by residents on some streets without sidewalks.
- Need a sidewalk fund
- If want to charge something let property owner donate the ROW in their yards
- Should there be a maintenance policy and a fund established for sidewalks.
- Mayor Schroer said there are many issues: Streetscape, every subdivision today has sidewalks (paid for in purchase of home), why should they then pay for sidewalks for someone else.

Alderman McLendon told, from his perspective, how the 1999 policy came about, plus there was an unwritten rule to complete the repair of every sidewalk downtown that was placed on an elusive list compiled by summer interns sent on walkabouts to find broken sidewalks. He does not agree with residents paying for sidewalks. He did not recall a mention of the Charter when the 1999 policy was established.

Alderman Petersen asked what happened to the idea of putting money aside for sidewalks. Eric Stuckey said that the existing budget has some funding for sidewalk repair. He added

there would be separate discussions regarding maintenance and new sidewalks for future budgets.

BOMA consensus was to go forward. Mr. Gerth said staff would draft a policy to bring back to the Board.

**12. Consideration of Amendment No. 1 to COF Contract No. 2009-0039 with Mallory Valley Utility District for Mallory Station Road Resurfacing (Cost to City is \$110,670.00 to be Paid from Nichol Mill Lane Relocation Budget)**

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

Mallory Valley Utility District is willing to relocate the waterline vault meter prior to the start of roadwork on the Nichol Mill project. Staff recommends they be allowed to do the work. The cost can be subtracted from the Nichol Mill budget.

**13. Consideration of ORDINANCE 2010-68; an Ordinance to Establish Title 23 of the City of Franklin Municipal Code, Stormwater Management and to Delete Chapters 7, 8, and 9 from Title 16 of the City of Franklin Municipal Code (Recommended by Stormwater Appeals Board)**

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

David Parker, Eric Gardner, and Crystal Bishop addressed this item. Issues to address, the TDEC permit, and the Stormwater Ordinance.

Mr. Gardner gave a power point presentation.

Historical Overview

- 2001 Adoption of the Stormwater Management Ordinance (Title 16, Chapter 7)
- 2003 TDEC issued the MS4 NPDES Permit
- 2004 Adoption of the Stormwater User Fee
- 2006 Creation of Stormwater Task Force
  - Examine Stream Buffer requirements
- 2008 Expiration of MS4 NPDES Permit
  - Extended coverage of expired permit until new is issued

Extended Coverage Period

- |                           |   |
|---------------------------|---|
| • Late 2008               | Began Stream Buffer Revisions   |
| • Early 2009              | Began receiving Public Input on Stream Buffer Language                              |
| • October 2009            | Reestablished Stormwater Appeals Board  |
| • Late 2009               | Began Updating Entire Stormwater Management Ordinance                               |
| • January 2010            | TDEC advised City Staff to delay Ordinance changes until issuance of new MS4 Permit |
| •March 2010               | TDEC Issues Draft Small MS4 Permit  |
| • April through July 2010 | TDEC Receives Public Comment  |

Small MS4 NPDES Permit Issued

- August 31, 2010 - Tennessee Small MS4 NPDES Permit issued to City of Franklin
  - Effective date: October 1, 2010
  - Notice of Intent Deadline: January 1, 2011
  - Expires: September 1, 2015
- September 21, 2010 - Stormwater Appeals Board unanimously voted to endorse staff revisions to the Stormwater Management Ordinance

- October 6, 2010 - *Stormwater Program Changes*
  - Design Professionals Group
- October 12, 2010 - BOMA Work Session
  - First Reading October 26, 2010
  - Second and Final Reading (Public Hearing) November 9, 2010

Minimum Control Measures

1. Public Education and Outreach
2. Public Involvement/Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Stormwater Runoff Control
5. Permanent Stormwater Management in New Development and Redevelopment
6. Pollution Prevention/Good Housekeeping for Municipal Operations

Construction Site Runoff Control

- No major effect on Stormwater Management Ordinance language
- Requires procedures for public input on projects
- Changes effect staff training and reporting

Permanent Stormwater Management in New Development and Redevelopment

1. Water Quality Buffer
  - A. **30 feet minimum** with streams or waters with drainage areas less than 1 square mile
  - B. **60 feet minimum** with streams or waters with drainage areas greater than 1 square mile
2. Implement and Enforce Permanent Stormwater Controls that are comprised of runoff reduction and pollutant removal
  - A. Volume Control
  - B. Pollutant Removal

Runoff Reduction: Green Infrastructure

1. **The first inch of rainfall must be 100% managed with no stormwater runoff being discharged to surface waters.**
2. The MS4 may develop and apply criteria for determining circumstances in which runoff reduction and/or pollutant removal cannot be fully accomplished on-site
  - A. **Pollutant Removal** – 80% TSS Removal
  - B. **Off-site Mitigation** – in same HUC 12
    - Used only for retrofits or redevelopment projects
  - C. **Payment into Public Stormwater Project Fund**
3. Codes and Ordinance Review and Update
  - (EPA Water Quality Scorecard)

Stormwater Ordinance Revisions

- Create Municipal Code Title 23
- Comply with MS4 NPDES Permit
- Revises Appeals Process
- Clean-up language
- Correct grammatical/typographical errors

Title 23 chapter 1 Major Changes

- 23-106 (3): Green Infrastructure – Runoff Reduction
  - Effective July 1, 2013 for all New Development and Redevelopment
  - Meets State MS4 NPDES permit minimum requirements
- 23-107: Stream Side & Water Resources Buffer
  - Applied to all Water Bodies serving more than 25 acres of Tributary Area, and Waters of the State in, or adjacent to, New Construction, Development, or Significant Redevelopment
  - Meets State MS4 NPDES permit minimum requirements

Title 23, Chapter 3 – SAB

- Establishes the Stormwater Appeals Board
  - Replaces Stormwater Regulations Board
- Establishes Variance Procedure
- Revises Hearing Procedure and Judicial Review

Educating the Public

- TDEC held 4 Public Hearings
  - City Staff held 2 Meetings after March 22, 2010
- Stream Buffer Language
  - City Staff held 13 Public Meetings
- Drafts of the Stormwater Management Ordinance revision were reviewed at 7 Public Meetings
  - 5 held after March 22, 2010

Implementation of New Requirements

Any development that has submitted construction plans or had a pre-application conference for a site plan prior to November 9, 2010\* or any future site plan that is part of a larger common development that has an active Notice of Coverage under the State General Construction Permit may be reviewed under the Stormwater Ordinance 2001-53. All other development site plans and grading plans shall comply to the requirements of Ordinance 2010-68.

\*Estimated Adoption Date of Title 23

Ms. Bishop noted it was recommended a map based website using GIS be established to make the requirements readily available. There is a mapping tool for construction projects. Development projects will be included.

Brian Echols stepped to the podium to say the Design Professionals Group has questions. They did not receive the document until after their last meeting. He requested the City hold a Work Session to talk about the ordinance and to deal with their questions.

Mayor Schroer said a work session would be scheduled to discuss the Stormwater Ordinance.

**14. Consideration of Amendment No. 2 to the Professional Services Agreement with Neel-Schaffer, Inc., for the State Route 96 West at Carlisle Lane and Boyd Mill Avenue Intersection Improvements (COF Contract No. 2010-0151) in an Amount Not to Exceed \$39,000.00**

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

Mr. Stuckey said as discussed, the engineering costs related to this project are provided:

1. Realignment of Carlisle Lane to the west
  - ◆ Design cost of \$13,000
  - ◆ Additional ROW cost estimated at \$4,000 (actual cost may vary from estimate after property appraisal)
2. Retaining wall design
  - ◆ Design cost of \$17,000
  - ◆ Additional cost for construction of a retaining wall versus the 3:1 slope is estimated at approximately \$100,000
3. Additional landscaping
  - ◆ Design cost of \$9,000

- ◆ Construction/installation costs unknown until approved plan is developed. Existing landscape will not be altered by the proposed intersection improvements. It does not appear to staff that there is adequate room in the existing buffer for additional landscaping. Upon maturity of existing trees, there should be substantial buffering from the roadways.

Total design cost for all three \$39,000.

Staff recommends amending the Agreement to include the cost of design to realign Carlisle Lane (\$13,000), but not include the design costs for landscaping or a retaining wall.

Alderman Skinner pointed out most of the ROW where they want landscaping is State ROW and they would have to grant approval. Alderman Moore asked why the City would want to pay for a design if the State wouldn't approve using their ROW.

This item goes to BOMA for vote October 26, 2010, but not on the Consent Agenda. The three items will be separate rather than one \$39,000 design cost.

- 15. Consideration of Amendment No. 1 to COF Contract No. 2009-0080 with Middle Tennessee Electric Membership Corporation to Include City's Responsibility for the Acquisition of Pole and Guy Wire Easements**

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

Mr. Parker noted this is for the Hillsboro Road project. Legal is reviewing the language of the special condition. There is no estimate on cost at this time.

- 16. Consideration of RESOLUTION 2010-76, a Resolution to Approve the City's Commitment for the Jackson National Life Fast-track Infrastructure Development Program (FIDP) and to Authorize the Request to Incur Costs Prior to Contract Execution Under the FIDP**

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

Item deferred

- 17. Presentation of Proposed 2011-2015 Capital Improvement Plan (CIP)**

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

Time constraints prohibited adequate review and discussion during this work session. The consensus was to schedule a special work session.

- 18. Consideration of Proposed ORDINANCE 2010-66, an Ordinance to Rezone 88.67 Acres from Medium Residential (R-2) To Residential Variety (RX) and from Seward Hall Character Area Overlay-3 (SWCO-3) to McEwen Character Area Overlay-6 (Meco-6) for Property Located at 4408 South Carothers Road**

**Alderman Ann Petersen, FMPC Representative**

Catherine Powers related the property had been zone Estate Residential (ER) prior to the approval of the Simmons Ridge PUD. The adoption of the 2008 Zoning Map translated the Planned Residential (PR) zoning to Medium Residential (R-2). A Land-Use Plan Amendment was approved at the June 24, 2010 FMPC meeting to move this property from the Seward Hall



Character Area 3 to the McEwen Character Area 6. A Concept Plan accompanies this rezoning request.

Alderman Petersen reiterated the need to see the Concept Plan with the rezoning and said it was important to have the density noted. Eric Stuckey noted staff is working on that.

Alderman Martin expressed concern that the allowable building height is three stories. Greg Gamble, representing the applicant, said all homes would be two stories. Mr. Gamble noted there would be sidewalks and a greenway trail along Carothers as well.

Alderman Skinner said he met with Simmons Ridge representatives regarding traffic flow if Carothers were not finished out to Goose Creek. He asked Carl Baughman to do a traffic count on what it could be if all these were built out without Carothers being extended.

Mr. Baughman included Nichol Bend, Ladd Park, Simmons Ridge, etc. in the studies he did with Carothers improvements and without Carothers improvements using a timeframe of 2016. If all the development would occur without Carothers, it would be a failed condition on two lanes in 2016. Alderman Skinner noted if something doesn't happen with South Carothers, it will be out of control. Mayor Schroer commented both developments are approved. The City cannot go back and undo that. Ms. Powers noted the amendment is to add units to Simmons Ridge.

**19. Consideration of Proposed RESOLUTION 2010-70, a Resolution Approving a Concept Plan for Simmons Ridge PUD Subdivision, 240 Dwelling Units on 88.67 Acres, Located at 4408 South Carothers Road, by the City of Franklin, Tennessee**

**Alderman Ann Petersen, FMPC Representative**

See above

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Time ran out and it was determined the remainder of this agenda would be addressed at the October 26 Work Session.

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**20. Consideration of ORDINANCE 2010-69, to be Entitled "An Ordinance Amending Various Sections of the City of Franklin Municipal Code Title 12 – Building, Utility, etc. Codes for the Purposes of Combining the City's Existing Technical Boards of Appeals into a Single Building and Streets Standards Board of Appeals"**

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

**21. Consideration of ORDINANCE 2010-70, to be Entitled "An Ordinance Amending Title 7, Sections 7-206 and 7-505 of the City of Franklin Municipal Code for the Purpose of Combining the City's Existing Building Related Boards of Appeals into a Single Building and Streets Standards Board of Appeals"**

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

22. **Consideration of RESOLUTION 2010-77, a Resolution to Determine Property at 200 Downs Boulevard as Surplus for Acquisition**  
**Vernon Gerth, ACA Community & Economic Development**
23. **Consideration of ORDINANCE 2010-72, an Ordinance to Increase from \$10,000.00 to \$25,000.00 the Dollar Amount of Purchases At or Above Which is Required Public Advertisement and Competitive Bidding**  
**Brian Wilcox, Purchasing Manager**
24. **Consideration of ORDINANCE 2010-73, an Ordinance to Increase From \$4,000.00 to \$10,000.00 the Minimum Value of City Surplus Personal Property for Which is Required Sealed Bids or Public Auction Pursuant to Public Notice for Disposal Thereof**  
**Brian Wilcox, Purchasing Manager**
25. **Consideration of Changing the Method for Calculating Building Permit Fees for New Detached, Single-Family Dwellings and Additions Moving Away from Estimated Value of Construction to Habitable Square Footage**  
**Vernon Gerth, ACA Community & Economic Development**  
**Tom Marsh, Zoning & Development Coordinator**

## **ADJOURN**

Work Session adjourned @ 6:53 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 9:51 AM