

MINUTES OF THE *SPECIAL MEETING*
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, SEPTEMBER 28, 2010 – 7:00 P.M.

Board Members

Mayor John Schroer	P	Alderman Dana McLendon	P
Alderman Clyde Barnhill	P	Alderman Ken Moore	P
Alderman Pearl Bransford	A	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 Dev		Shirley Harmon, Human Resources 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 Dir	P
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
Jackie Moore, Police Chief		Brad Wilson, Facilities Project Manager	P
Fred Banner, MIT Director		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**
The *Special* Meeting of the Board of Mayor and Aldermen of the City of Franklin, Tennessee, was called to order by Mayor John Schroer on Tuesday, September 28, 2010, 7:00 p.m. in the City Hall Boardroom.

2. **Invocation**
The Invocation was offered by Alderman Clyde Barnhill

3. **Pledge of Allegiance**
All present stood and pledged allegiance to the Flag of the United States of America

4. **Grievances or Statements from Citizens:** Citizen Comments (Open for Franklin citizens to be heard on items not included on this Agenda. As provided by law, the Board of Mayor and Aldermen shall make no decisions or consideration of action of citizen comments, except to refer the matter to the City Administrator for administrative consideration, or to schedule the matter for Board consideration at a later date. Those citizens addressing the Board of Mayor and Aldermen are requested to come to the microphone and identify themselves by name and address for the official record)
None

5. **Communications from Williamson County Mayor and Williamson County Commission**
County officials were not present
6. **Approval of Minutes**
Alderman Moore moved to approve the September 14, 2010 Work Session and September 14, 2010 BOMA meeting minutes as presented. Seconded by Alderman Barnhill. Motion carried unanimously.
7. **Recognitions by Mayor John Schroer**
 - Receipt of Fieldstone Farms Appreciation Plaque
Mayor Schroer read a letter of appreciation to the City from the 84 homeowners in Fieldstone Farms whose homes were flooded in May. They expressed their thanks and gratitude to all City officials and staff that helped them through the disaster. The Mayor presented the framed letter to City Administrator Eric Stuckey to display in a prominent place.
8. **Miscellaneous Reports**
None
9. **CONSENT AGENDA**

All items under the Consent Agenda are deemed non-controversial and routine in nature by the governing body. They will be approved as recommended by Committee or staff by one motion of the governing body. The items on the Consent Agenda will not be discussed. Any member of the governing body desiring to discuss an item on the Consent Agenda may request that it be removed from the Consent Agenda and be placed on the Regular Agenda. It will then be considered at that time. Staff recommends that Item Numbers 22-33 be placed on the Consent Agenda

Mayor Schroer pulled item 28 for deferral.

Alderman Barnhill moved to approve the Consent Agenda Items 22-33 excluding Item 28. Seconded by Alderman Moore. Motion carried unanimously.

OLD BUSINESS

10. **PUBLIC HEARING: 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."**
[Second of Three Readings] Alderman Ann Petersen, FMPC Representative
With no one coming forward to speak, Mayor Schroer declared the Public Hearing closed

Alderman Petersen moved to approve Ordinance 2010-38. Seconded by Alderman Barnhill.

Alderman Martin said concerns were conveyed to her about the development that anything could be built in the RX zone. Catherine Powers responded that five units are allowed on the property and there are four existing units; thus, one additional unit. There are entitlements attached to the Concept Plan.

Motion to approve Ordinance 2010-38 carried unanimously on Second of Three Readings.

11. **PUBLIC HEARING: 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
With no one coming forward to speak, Mayor Schroer declared the Public Hearing closed
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Alderman Petersen moved to approve Resolution 2010-39. Seconded by Alderman Barnhill.

Alderman Petersen commented that it had been discussed to send the Concept Plan along with a request for rezoning. Mayor Schroer indicated he would have staff to look into that.

Motion to approve Resolution 2010-39 carried unanimously.

12. **PUBLIC HEARING: Consideration of ORDINANCE 2010-45, to be Entitled, "An Ordinance to Revise the Permitted Uses in the Scientific Research Overlay Zoning District."**
[Second of Three Readings] Alderman Ann Petersen, FMPC Representative
Public Hearing

- Brian Echols, Sites & Harbison, representing Iron Horse, LLC, indicated he had e-mailed comments to the aldermen. Permitted use of "clinics" is the concern. Although a hospital is allowed in this zone, a smaller scale clinic with no inpatients is not. There is no intent to build a hospital, but there is the possibility for a clinic on this property. He asked that the ordinance be amended to remove "clinics" from permitted accessory uses in Section I, Chapter 3, Section 3.4.9 (2) (b) and add "clinics" as a permitted use in Section I, Chapter 3, Section 3.4.9 (2) (a).

With no further comments forthcoming, Mayor Schroer declared the Public Hearing closed

Alderman Petersen moved to approve Ordinance 2010-45. Seconded by Alderman McLendon.

Alderman Burger agreed with Mr. Echols saying she could not understand why a hospital would be a preferred use when most cancer facilities are outpatient clinics.

Alderman Burger moved to amend; remove "clinics" from permitted accessory uses in Section I, Chapter 3, Section 3.4.9 (2) (b) and add "clinics" as a permitted use in Section I, Chapter 3, Section 3.4.9 (2) (a). Seconded by Alderman Moore.

Alderman Petersen was not in favor of opening this up again as the original intent was for scientific overlay and to ensure everything ties into that. Clinics as a permitted use could allow any type clinic.

Eric Stuckey said he did see the e-mail from Mr. Echols and the flavor of the message did not indicate he had met with staff. They met with him frequently. They do not agree on the "clinics" point. Catherine Powers added that at first there were no accessory uses. The word "clinics" could mean anything. Staff is concerned about that in future. The project has not taken place, staff is trying to deal without plans yet, and by that time, the zoning would be in place.

Alderman McLendon commented it seemed the permitted use hospital and accessory use clinics would be reversed for this. Hospitals are larger in scale than clinics. This is not being done just for a specific project, as no one may ever apply for this rezoning; however, the rules have to be right. Clinics should be permitted. If passed as written without the amendment a private hospital could come in and build there. If the overlay is intended to assure what is there is scientific research with patient treatment does it matter if it is called hospital or clinic.

Mr. Stuckey noted the Master Plan for the scientific research campus indicates hospital, labs, offices, and secondary uses such as clinics. Alderman McLendon pointed out this restricts use to scientific research, hospital and clinic should both be in same category. Ms. Powers responded that staff felt "clinics" was too broadly drawn.

Mayor Schroer called for a vote on the amendment.

Motion to amend to add "clinics" as a permitted use carried 5-2 with Aldermen Petersen and Skinner voting no.

Main Motion as amended to approve Ordinance 2010-45 carried unanimously on Second of Three Readings.

13. **PUBLIC HEARING: Consideration of ORDINANCE 2010-47, as Amended, 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."**
[Second of Three Readings] Alderman Ann Petersen, FMPC Representative
With no one coming forward to speak, Mayor Schroer declared the Public Hearing closed

Alderman Petersen moved to approve Ordinance 2010-47. Seconded by Alderman Barnhill. Motion to approve Ordinance 2010-47 on Second of Three Readings carried unanimously.

NEW BUSINESS

- 14. Consideration of ORDINANCE 2010-67, an Ordinance to Amend Ordinance No. 2009-23 Adopting a Budget for the Fiscal Year 2009-2010 (Year End Budget Amendment Ordinance); Establishing a Public Hearing on October 26, 2010**
[First of Three Readings] Eric Stuckey, City Administrator
Alderman Petersen moved to approve Ordinance 2010-67 on First of Three Readings. Seconded by Alderman Moore. Motion carried unanimously.
- 15. Consideration of Letter of Engagement with PFM Asset Management for Swap Valuation Service**
Russ Truell, ACA Finance & Administration
Alderman Moore moved to approve LOE with PFM Asset Management. Seconded by Alderman Petersen. Motion carried unanimously.
- 16. Consideration 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 Administration
Alderman Moore moved to approve Resolution 2010-69. Seconded by Alderman Barnhill. Motion carried unanimously.
- 17. Rejection 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 and Parcel No. 063N-B06400) Located at 112 and 118 Bridge Street**
Vernon Gerth, ACA Community & Economic Development
Alderman Martin moved to reject the Bid. Seconded by Alderman Petersen. Motion carried unanimously.
- 18. Consideration of Request to Abandon Unused Right-of-Way (ROW) on London Lane**
Vernon Gerth, ACA Community & Economic Development
Kelly Dannenfelser, Planner
Alderman Burger moved to Abandon Unused ROW on London Lane. Seconded by Alderman Petersen. Motion carried unanimously.
- 19. 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

Alderman Moore moved to approve request to Abandon a Portion of ROW. Seconded by Alderman Burger. Motion carried unanimously.

20. Consideration of the Draft 2010 Road Impact Fee Study Update

David Parker, City Engineer/CIP Executive

Alderman Barnhill moved to defer to October 14, 2010 Special Work Session. Seconded by Alderman Petersen. Motion carried unanimously.

21. Consideration of Professional Services Agreement with Clinard Engineering Associates for the Design of the McEwen Drive at Wilson Pike Intersection Improvements Project

Eric Gardner, Engineering Director

Alderman Burger moved to approve Agreement with Clinard Engineering. Seconded by Alderman Barnhill. Motion carried unanimously.

CONSENT AGENDA

22. Consideration of ORDINANCE 2010-58, an Ordinance to Amend Various Sections of The City of Franklin Municipal Code, Title 17, Refuse and Trash Disposal Relating to the Codifying of Various Fees and Penalties

[Second and Final Reading] Vernon Gerth, ACA Community & Economic Development Ordinance 2010-58 approved unanimously on Second and Final Reading.

23. Consideration of ORDINANCE 2010-59, an Ordinance Amending The City of Franklin Municipal Code, Title 22 – Comprehensive Fees and Penalties for the Purpose of Codifying the Fees and Penalties Found in Title 17

[Second and Final Reading] Vernon Gerth, ACA Community & Economic Development Ordinance 2010-59 approved unanimously on Second and Final Reading

24. 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

[First of Two Readings] Vernon Gerth, ACA Community & Economic Development Kathleen Sauseda, Interim Housing Development Coordinator

Ordinance 2010-64 approved unanimously on First of Two Readings

25. Consideration of RESOLUTION 2010-75, a Resolution Approving a 2% Cost of Living Increase for All Full Time City of Franklin Employees Employed as of July 1, 2010

Eric Stuckey, City Administrator

Resolution 2010-75 approved unanimously

26. **Consideration of Event Permit for Franklin High School Homecoming Parade in Downtown Franklin on October 8, 2010**
Approved unanimously Jackie Moore, Police Chief
27. **Consideration of COF Contract No. 2010-0150, an Annual Agreement with USGS for Harpeth River Gauging Stations Operations & Maintenance**
Approved unanimously David Parker, City Engineer/CIP Executive
28. **Review and Approval of a Communication Tower Agreement Between Clearwire Wireless, LLC and the City of Franklin for Fieldstone Park**
 Lisa Clayton, Parks Director
Alderman Petersen moved to defer to October 12, 2010. Seconded by Alderman Barnhill. Motion carried unanimously.
29. **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**
Approved unanimously Vernon Gerth, ACA Community & Economic Development
 Kathleen Sauseda, Interim Housing Development
 Coordinator
30. **Consideration of Software Annual Renewal Agreement with Hewlett Packard in the Amount of \$72,989 for the City's Wi-Fi Access Points (TROPOS)**
Approved unanimously Fred Banner, MIT Director
31. **Consideration of the Request for Water Availability for Security Central Storage**
Approved unanimously David Parker, City Engineer/CIP Executive
32. **Consideration of the Bid Award to Stansell Electric (COF Contract 2010-0107) in the Amount of \$48,300 for the Cool Springs Boulevard and Carothers Parkway CCTV Project**
Approved unanimously David Parker, City Engineer/CIP Executive
33. **Items approved by the City Administrator on Behalf of the Board of Mayor and Aldermen**
 a) Water Billing Adjustment for COF Customer at 108 Foxwood Lane due to Flood Leak \$176.00
Approved unanimously

EXECUTIVE SESSION

Consideration of Motion to Enter Executive Session for the Purpose of Reviewing Various Matters of Pending Litigation

Shauna Billingsley, City Attorney

Alderman Skinner moved to enter Executive Session at 7:41 p.m. Seconded by Alderman Barnhill. Motion carried unanimously.

RETURN FROM EXECUTIVE SESSION

Alderman Barnhill moved to adjourn Executive Session at 7:59 p.m. Seconded by Alderman Skinner. Motion carried unanimously.

Consideration of Matters from Executive Session

Mayor John Schroer

There were no matters to consider.

ADJOURN

Alderman Barnhill moved to adjourn. Seconded by Alderman Skinner. Motion carried unanimously.

Meeting adjourned @ 8:00 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 9/29/2010 12:40 PM