

**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, DECEMBER 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	Candace Connell for Shirley Harmon, HR Director	P
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
David Parker, CIP Executive/City Engineer		Gary Luffman, BNS Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning/Sustainability Director	P
Rocky Garzarek, Fire Chief	P	Joe York, Streets Director	P
Jackie Moore, Police Chief	P	Brad Wilson, Facilities Project Manager	
Fred Banner, MIT Director	P	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, December 14, 2010 at 5:00 p.m. in the City Hall Boardroom.

2. Citizen Comments

Noel Jones, contractor, and Patrick Terry, Auto Body America, said the request for sewer availability for 1665 Mallory Lane was submitted too late to get on tonight's agenda. They asked if the Board would be willing to vote on the request at the 7:00 p.m. meeting, as a large construction team is waiting to proceed and the delay is quite costly.

Discussion ensued with staff noting the property in question is outside Franklin's UGB. However, sewer in that area flows into the Franklin system and Franklin provides service for other properties in the area. The property is on Mallory Lane across from Stewart Lumber.

Eric Gardner said the only reason he didn't approve the request was that the property is outside the city limits. Upon discussing options, staff and the aldermen agreed to a called meeting on Thursday, December 16 @ 5:00 p.m. Mayor Schroer said everything must be in order and service available. The Board agreed this would relieve the cost burden. Eric Stuckey

said public notice would go out right away and would be on the City website. The scheduled Budget and Finance Meeting will convene immediately following the special meeting.

WORK SESSION DISCUSSION ITEMS

3.* **Consideration of Proposed ORDINANCE 2010-76, An Ordinance to Establish the Special Assessments for the Sanitary Sewer Improvements in the Boyd Mill Avenue Area; Establishing a Public Hearing for January 11, 2011**

David Parker, City Engineer/CIP Executive

Eric Stuckey stated the amount to spread among property owners is \$85,954.44, the net of 40% loan forgiveness.

After the last meeting, one of the residents, Mrs. Bennett, expressed concern regarding a change in the assessment as it relates to the cell towers and trailer located on her property. She said since that portion does not get sewer it should not be assessed. However, staff must include it, as everything on her property must be included in the assessment. It is regrettable that it wasn't realized at the original calculation last year. If the trailer were ever moved off the property, it would change the assessment.

Alderman Barnhill thought Margaret Ford's property should be excluded as it is on top of a hill, 1,200 feet from the road.

Boyd Mill area resident Lucille Rosenthal requested the City send a letter to any property owner who pays the assessment in full. The letter should state the owner is free and clear of the assessment for sanitary sewer, and it should be signed by the Mayor, City Administrator and Engineering Director. Mayor Schroer indicated this would be done.

Margaret Ford asked to be excluded from the assessment because her 6.9-acre property is at the top of the hill some distance from the line and it would be price prohibitive to run the line to her home. Eric Stuckey said the Ford property was always included in the assessment, and evidently, a tap would be provided to that location. Property owners are not forced to tap on; however, the owner will have to pay the assessment and a monthly minimum bill. It was learned that the Ford property does go all the way to the road.

The issue is not with the Fords, but with those that come after. Sewer availability adds value to the property. Future owners may want to tap on or may want to subdivide the property. This ordinance provides the mechanism for sewer availability to all the properties whether or not they tap on. Eric Gardner added there were several properties at some distance from the lines. They are included and can be served.

Libby Marley asked if there could be a compromise as the Ford property is of sufficient size to install another septic system should the current system fail. She asked for a waiver to repair the septic system. Alderman Skinner noted that would depend on the percolation rate and the

County must make that decision. The City cannot authorize that. There were no objections to initiating an amendment. It was again pointed out there are two or three other properties in the same situation as the Fords. Alderman Petersen suggested the amendment specify properties with an assessment, over "x" number of acres, and acceptable to the County.

First reading will be at the 7:00 p.m. BOMA meeting with the second reading and Public Hearing scheduled January 11, 2011.

4.* **Consideration of Proposed ORDINANCE 2010-77, An Ordinance to Establish the Special Assessments for the Sanitary Sewer Improvements in the Country Road Estates Area; Establishing a Public Hearing for January 11, 2011**

David Parker, City Engineer/CIP Executive

\$66,269.07 will be spread among these property owners. The 40% loan forgiveness applies to this assessment as well.

5.* **Consideration of the Road Impact Fee Offset Agreement (COF Contract No. 2010-0191) with Boyle 1175 Meridian Joint Venture for the Carothers Parkway at Cool Springs Boulevard Intersection Improvements**

David Parker, City Engineer/CIP Executive

Eric Stuckey explained this provides an additional right turn lane making a safer environment for travelers in the Cool Springs East area, and is a joint venture with Boyle 1175 Meridian in preparation for an additional office building in that area. The draft agreement recommends they only get credit for the true cost of the additional turn lane. Proposed:

New southbound deceleration (right-turn) lane on Carothers Parkway at the Cool Springs Boulevard intersection and traffic signalization modifications required due to roadway improvements.

The total eligible costs of construction and right-of-way of the improvements are \$460,000.00 and the total offset to be applied to impact fees due the City is an identical amount.

The offset shall be applied to the total impact fees due in the Development Project as identified prior to issuance of the building permit to the Developer or its successors in interest. Any impact fees already paid within the Development Project area shall be reimbursed within 30 days. Pursuant to the ordinance, the eligible offset may not exceed the total of impact fees due for the development project.

Consideration of signalization in the area that comes out by Corporate Center Drive and the Conference Center is not in this agreement. Staff will determine if it should be included. Additional development will be in that area, such as the new IRS building. Other tenants are expanding as well.

Alderman McLendon joined the meeting at 5:38 p.m.

Mr. Stuckey said this is in lieu of fees when they pull the building permit. Alderman Petersen said it should state money would be paid before the Certificate of Occupancy is issued for the office building. She asked if there are other projects such as this since those projects could eliminate other small projects.

6.* Consideration of Proposed ORDINANCE 2010-83, An Ordinance to Establish Three-Way Stop Sign Controls at the Intersection of McEwen Drive and Wilson Pike

Eric Gardner, Engineering Director

Two options offered:

Option 1 – Approve an Ordinance to install an all-way stop at the three legs of this intersection. As the school seeks to open in August 2011, the all-way stop would be in effect from about January through the activation of the signal.

Option 2 - No. action, the intersection has a moderate safety record based on the number of crashes here, although there was one injury crash earlier in 2010.

Staff recommends Option 1. It would add safety to the right-of-way situation there and prepare the motoring public for the eventual signalization. A side benefit would be safety during the signal construction.

Alderman Petersen asked if the interim measure were necessary. Wilson Pike has twice as much traffic that would be delayed. She asked that be taken into consideration since it doesn't have to be done right away and would further burden traffic on Wilson Pike. Mr. Stuckey responded this is based on advice from the City Traffic Engineer and staff as this would improve the traffic there and be a step in right direction until signalization.

Alderman Burger was of the opinion this measure would cause other problems. As it is now, McEwen traffic can't get out. Buses and concrete trucks can't make the right turn because of the cars lined up at the stop sign. Cars do stay back and allow the big vehicles to make the turn. When school is in session there will be problems with the traffic signal as well. Mayor Schroer advised the item could be deferred if BOMA chose to do so.

7.* Consideration of the Contract Award (COF Contract 2010-0182) to Stansell Electric in the Amount of \$257,998.30 for the Mallory Station Road at General George Patton and Duke Drive Signal Installation Project

Eric Gardner, Engineering Director

The only comment was Alderman Burger's Hurrah!

8.* Consideration of RESOLUTION 2010-83, A Resolution to Adopt the 2010 Defined Contribution 457 Plan

9.* Consideration of RESOLUTION 2010-84, A Resolution to Adopt the 2010 Defined Contribution 401 Plan

Russ Truell, ACA Finance & Administration

Shirley Harmon, Human Resources Director

Candace Connell, Assistant Human Resources Director

10.* Consideration of Amendment Number 3 to City of Franklin Employee Pension Plan Document

Russ Truell, ACA Finance & Administration

8,9,10 taken together. Items 8 and 9 are the 2010 Defined Contribution 457 Plan and the 2010 Defined Contribution 401 Plan for employees hired on or after February 15, 2010. Item 10 is an amendment pertaining to regulation of the plans. At this time, there are 12 employees to be enrolled in these plans.

11.* Consideration of RESOLUTION 2010-91 Granting Certain Authority for the Administration of the City of Franklin Pension Program

Eric Stuckey, City Administrator

Mr. Stuckey stated this item should be deferred to the January meeting, as the Trustee wants specific authority granted.

12.* Consideration of RESOLUTION 2010-90, A Resolution to Implement the Fiscal Year 2011 Cost of Living Pay for Employees Who Have Reached the Maximum of Their Pay Grade

Candace Connell, Assistant Human Resources Director

Mr. Stuckey related this involves the general 2% increase for employees scheduled in January: 34 employees will be above the maximum of their pay grade with the increase. The Human Resources Manual states an employee's base pay is to be no less than the minimum or more than the maximum for their current pay grade. Therefore, it is recommended a one-time salary supplement be given to the 34 employees involved. A comprehensive study of pay grades and alignment and responsibilities of positions is anticipated. Candace Connell pointed out that most of the 34 employees have 20 or more years of service.

13.* Consideration of Finding of Default of Contract #2010-0018 for the Sale of Structure at 1009 Hillsboro Road

Shauna Billingsley, City Attorney

Brian Wilcox and Shauna Billingsley noted this property is part of the Mack Hatcher expansion project. The 180-day deadline to remove the structure expired in August. There have been repeated efforts to contact the contractor. Staff would ultimately like to put this property in with the other properties in Rebel Meadows to be demolished. Staff recommends BOMA find the contract in default, reclaim ownership of the dwelling effective immediately, and retain the proceeds (\$575.00) from the February 17, 2010 sale of the surplus property.

14.* Consideration of Bid Award to Happy Tree, Inc. of Franklin, TN, in the Amount of \$19,956.00 for Tree Supply, Planting and Related Contract Services for the Parks Department (Purchasing Office Procurement Solicitation No. 2011-009; Up to \$30,000.00 Authorized by Tree Commission to be Transferred from Tree Bank to 110-84620-44700 for Fiscal Year 2011)

Lisa Clayton, Parks Director

No questions or comments

- 15.* **Consideration of Bid Award to Golden Circle Ford of Jackson, TN in the Amount of \$44,264.00 for One (1) Landscape Truck with Dump Body for the Stormwater Division of the Streets Department (Purchasing Office Procurement Solicitation No. 2011-010; \$40,000.00 Budgeted in 135-89520-43120 for Fiscal Year 2011)**

Joe York, Streets Director

No questions or comments.

- 16.* **Consideration of RESOLUTION 2010-86, A Resolution to Extend the Temporary Assignments for Housing Development Coordinator Clay Matthews, Planning Associate Kathleen Sauseda, and Permit Tech Pat Springer through June 30, 2011**

Candace Connell, Assistant Human Resources Director

Mr. Stuckey advised these were temporary six-month assignments and he now needs the authority to extend the assignments to the end of the fiscal year.

- 17.* **Consideration of New Liquor License Retailer's Certificate for Mallory Lane Wine and Spirits (Ms. Alka Patel), 3070 Mallory Lane, Suite 100, Franklin, TN 37067**

Lanaii Benne, Assistant City Recorder

No questions or comments

18. **Consideration of RESOLUTION 2010-85, A Resolution Authorizing Expenditure for Drainage Culvert Rehabilitation on Sugartree Lane in the Amount of \$75,000 (Amount to be Obtained Through the Stormwater Reserve Fund)**

Eric Gardner, Engineering Director

No questions or comments

19. **Consideration of Proposed ORDINANCE 2010-78, An Ordinance to Amend Various Chapters and Sections of the City of Franklin Zoning Ordinance to Clarify Requirements and Correct Minor Textual Errors**

Alderman Ann Petersen, FMPC Representative

Catherine Powers noted these are primarily clarifications.

20. **Consideration of Proposed ORDINANCE 2010-81, An Ordinance Amending the City of Franklin Municipal Code, Amending Title 22 – Comprehensive Fees and Penalties for the Purpose of Deleting Certain Fees in Title 16 – Streets and Sidewalks, Etc. Ordinance**

Vernon Gerth, ACA Community & Economic Development

No questions or comments

21. **Consideration of Proposed ORDINANCE 2010-82, An Ordinance Amending the City of Franklin Municipal Code, Amending Title 22 – Comprehensive Fees and Penalties for the Purpose of Codifying the Fees and Penalties Found in Title 23 – Stormwater Management Ordinance**

Vernon Gerth, ACA Community & Economic Development

No questions or comments

22. **Consideration of Proposed ORDINANCE 2010-84, An Ordinance Amending the City of Franklin Municipal Code, Amending Title 22 – Comprehensive Fees and Penalties, Chapter 18 - Water & Sewers for the Purpose of Updating Water User Rates**

Vernon Gerth, ACA Community & Economic Development

No questions or comments

23. **Continuation of Discussion on Road Impact Fees**

Eric Stuckey, City Administrator

Since this was discussed at a Work Session, a public meeting with community members and stakeholders was held. Some want to include collector roads. Staff suggested pulling the collector issue off the table, with one exception. Look at the classification of the collectors, ones connecting to arterial roads with heavy traffic and an abundance of commercial development, such as Jordan Road.

Another suggestion was that residential contributions be tiered by the size of the home. Mr. Stuckey said if the purpose of that is to look at affordable housing, tiering is not the answer. Just because a house is larger does not mean there will be more roadway use. Other steps can be taken to look at affordability.

Lengthy discussion ensued regarding collector roads. The area of most concern is the commercial collector category. Mr. Stuckey said he would like to keep the option of including ROW open.

ADJOURN

Work Session adjourned 6:32 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 1/12/2011 9:43 AM