

**MINUTES OF THE SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, NOVEMBER 23, 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	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, Human Resources Director	
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 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	P	Linda Fulwider, Board Recording Secretary	P
Anna Shuford for Lisa Clayton, Parks Director	P		

Alderman Ken Moore moved to adjourn Executive Session. Seconded by Alderman Bev Burger. Motion carried unanimously.

Executive Session adjourned at 7:12 p.m. There were no matters for consideration.

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, November 23, 2010, 7:12 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 Bransford moved to approve the October 26, 2010 Work Session, November 9, 2010 Work Session and November 9, 2010 BOMA meeting minutes as presented. Seconded by Alderman Moore. Motion carried unanimously.

7. Recognitions by Mayor John Schroer

➤ City of Franklin Firefighters Annual Holiday Toy Drive

The Toy Drive runs from November 15 – December 10, 2010. Monetary gifts are accepted as well as toys. Stop by any fire station, City Hall or First Community Bank & Trust on Carothers Parkway. Last year the firefighters were able to gift 300 children in the community.

8. Consideration of the Mayor's Appointments to the Historic Zoning Commission

Mayor John Schroer

Mayor Schroer presented the names of Mary Pearce (reappointment), Jay Sheridan, and Kate Reynolds for appointment.

Alderman Barnhill moved to accept the appointments to the Historic Zoning Commission. Seconded by Alderman Moore. Motion carried unanimously.

9. Miscellaneous Reports

None

10. 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 25-43 be placed on the Consent Agenda

Alderman Burger moved to approve the Consent Agenda, Items 25-43. Seconded by Alderman McLendon.

Eric Stuckey advised Item 33 should be voted on separately due to an adjustment in administrative authority and staff continues to work with TDOT. Alderman Skinner pulled item 33.

Alderman Burger amended the motion to approve the Consent Agenda, Items 25-43, with the exception of Item 33. Motion carried unanimously.

OLD BUSINESS

11. **PUBLIC HEARING: Consideration of 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**
[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 2010-66 on Second of Three Readings. Seconded by Alderman Barnhill. Motion carried unanimously.

12. **PUBLIC HEARING: Consideration of 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

◇ Masoud Fathi, representing Simmons Ridge, asked if there were any questions. There were no questions.

With no one else coming forward to speak, Mayor Schroer declared the Public Hearing closed

Alderman Petersen moved to approve Resolution 2010-70. Seconded by Alderman Moore.

Alderman Bransford moved to amend the table located under number 2 on page 2 for the entitlement heading of "Number of Dwelling Units" to read: 240 total units 9 of which shall be affordable units in accordance with Section 21-705 of the City of Franklin Municipal Code. Seconded by Alderman Petersen. Motion to amend carried 7-1 with Alderman McLendon opposed.

Main Motion to approve Resolution 2010-70 as amended carried unanimously.

13. **PUBLIC HEARING: 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**
[Second and Final Reading] David Parker, City Engineer/CIP Executive

◇ Michael Cain, Restoration Manager, Harpeth River Watershed Association, said the HRWA supports the ordinance. He went on to say the City of Franklin is a leader in stormwater management. He mentioned they would like to see the City address retrofit as the ordinance is only for new development.

No one else came forward to speak, thus Mayor Schroer declared the Public Hearing closed

Alderman Moore moved to approve Ordinance 2010-68 on Second and Final Reading. Seconded by Alderman Skinner. Motion carried unanimously.

14. **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**

**[Second and Final Reading] Alderman Ann Petersen, Chair
Budget & Finance Committee**

Alderman Moore moved to approve Ordinance 2010-72 on Second and Final Reading. Seconded by Alderman Petersen. Motion carried unanimously.

15. **Consideration of ORDINANCE 2010-75, An Ordinance to Amend Title 18, Section 18-129 and Section 18-210 to Establish New Water and Sewer User Rates**

**[Third and Final Reading] Mark Hilty, Water Management Director
Russ Truell, ACA Finance & Administration**

Alderman Martin moved to approve Ordinance 2010-75 on Third and Final Reading. Seconded by Alderman Moore.

Alderman Petersen thanked staff for the information she requested. She remains concerned about the possibility ratepayers may be subsidizing the development/extension of sewer. She alluded to the previous policy whereby developers extended water and sewer out to their developments. This was done as recently as Westhaven. Since then there have been quite a number of expensive projects where the developers were not required to foot the bill up front. She said she would not support this for that reason.

Motion to approve Ordinance 2010-75 on Third and Final Reading carried 7-1 with Alderman Petersen voting no.

16. **Consideration of RESOLUTION 2010-72, A Resolution Amending Resolution 2009-28, Adoption of an Estimate of Revenues and Expenditures for The Water and Sewer Utility Fund, Fiscal Year 2009-2010 and Fiscal Year 2010-2011**

Russ Truell, ACA Finance & Administration

Alderman Burger moved to approve Resolution 2010-72. Seconded by Alderman Moore.

Alderman Petersen said one part of the document says that the ratepayers will pay for the debt service for operating expenses. She does not support that.

Motion to approve Resolution 2010-72 carried 7-1 with Alderman Petersen voting no.

17. **Consideration of ORDINANCE 2010-61, An Ordinance of The City of Franklin for Amending, or Transferring Funds Within, a Budget for the Fiscal Year 2010-2011 and Subsequent Years; Providing an Effective Date**

[First of Two Readings] Russ Truell, ACA Finance & Administration

Alderman Petersen moved to approve Ordinance 2010-61 on First of Two Readings. Seconded by Alderman Bransford. Motion carried unanimously.

NEW BUSINESS

18. **Consideration of 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 December 14, 2010**
[First of Two Readings] David Parker, City Engineer/CIP Executive
Alderman Bransford moved to defer First Reading of Ordinance 2010-76 to the December 14, 2010 BOMA meeting. Seconded by Alderman Barnhill. Motion carried unanimously.
19. **Consideration of 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 December 14, 2010**
[First of Two Readings] David Parker, City Engineer/CIP Executive
Alderman Moore moved to defer First Reading of Ordinance 2010-77 to the December 14, 2010 BOMA meeting. Seconded by Alderman Bransford. Motion carried unanimously.
20. **Consideration of the Professional Services Agreement (COF Contract No. 2010-0174) with Gresham Smith and Partners for the Construction Engineering Inspection (CEI) Services for the McEwen Drive, Phase III Improvements Project in an Amount Not to Exceed \$619,000**
David Parker, City Engineer/CIP Executive
Alderman Burger moved to approve the Agreement with Gresham Smith. Seconded by Alderman Bransford. Motion carried unanimously.
21. **Consideration of RESOLUTION 2010-81, A Resolution Declaring Certain Right of Way on Evans Street, Namely the Alley Between 817 Evans Street and 108 Lewisburg Pike as Surplus Property and Quitclaiming Said Property to James and Madeline Jewell**
Eric Garner, Engineering Director
Alderman Martin moved to approve Resolution 2010-81. Seconded by Alderman Bransford. Motion carried unanimously.
22. **Consideration of RESOLUTION 2010-83, A Resolution to Adopt The 2010 Defined Contribution 457 Plan**
23. **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
24. **Consideration of Amendment Number 3 to City of Franklin Employee Pension Plan Document**
Russ Truell, ACA Finance & Administration
Alderman Burger moved to defer items 22, 23, and 24 to the December 14, 2010 BOMA meeting. Seconded by Alderman Barnhill. Motion carried unanimously

CONSENT AGENDA

25. **Consideration of ORDINANCE 2010-62 To Be Entitled: "An Ordinance to Amend Various Sections of The City of Franklin Municipal Code, Title 18 – Water and Sewers Relating to the Codifying of Various Fees and Penalties"**
[Second and Final Reading] Vernon Gerth, ACA Community & Economic Development
Ordinance 2010-62 approved unanimously on Second and Final Reading

26. **Consideration of ORDINANCE 2010-63 To Be Entitled: "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 18"**
[Second and Final Reading] Vernon Gerth, ACA Community & Economic Development
Ordinance 2010-63 approved unanimously on Second and Final Reading

27. **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 Purpose of Combining the City's Existing Technical Boards of Appeals Into a Single Building and Streets Standards Board of Appeals"**
[Second and Final Reading] Vernon Gerth, ACA Community & Economic Development
Ordinance 2010-69 approved unanimously on Second and Final Reading

28. **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"**
[Second and Final Reading] Vernon Gerth, ACA Community & Economic Development
Ordinance 2010-70 approved unanimously on Second and Final Reading

29. **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**
[Second and Final Reading] Alderman Ann Petersen, Chair
Budget & Finance Committee
Ordinance 2010-73 approved unanimously on Second and Final Reading

30. **Consideration of ORDINANCE 2010-74, An Ordinance to Establish Two-Way Stop Control at the End of Century Court and 426 Century Court**
[First of Two Readings] David Parker, City Engineer/CIP Executive
Ordinance 2010-74 approved unanimously on First on Two Readings

31. **Consideration of RESOLUTION 2010-80, A Resolution to Authorize the Construction of the McEwen Drive at Wilson Pike Intersection Improvements Project**
David Parker, City Engineer/CIP Executive
Resolution 2010-80 approved unanimously

32. **Consideration of the Professional Services Agreement (COF Contract No. 2010-0163) with RPM Transportation Consultants, LLC for the Central Business District Signal Timing Project in the Lump Sum Amount of \$79,750**
Approved unanimously **David Parker, City Engineer/CIP Executive**
33. **Consideration of the Utility Relocation Contract (COF Contract No. 2010-0184) with the Tennessee Department of Transportation (TDOT) for the Mack Hatcher Parkway, From SR 96 East of Franklin to SR 6 (US 31) North of Franklin; PIN Number 101202.00**
David Parker, City Engineer/CIP Executive
 David Parker advised staff continues to work with TDOT on some of the language in the contract. He asked for approval contingent on staff (City Attorney, City Administrator, and Mr. Parker) approving final changes.

Alderman Bransford moved to approve the Utility Relocation Contract with TDOT contingent on final language approval by City Attorney, City Administrator, and City Engineer. Seconded by Alderman Moore. Motion carried unanimously.
34. **Review and Approval of a Five Year Lease Agreement Between Williamson County Parks & Recreation Department for Adult Softball Leagues and the City of Franklin Fieldstone Park**
Approved unanimously **Lisa Clayton, Parks Director**
35. **Consideration of Events Permit for Habitrot for Humanity 5K Run on November 25, 2010**
Approved unanimously **Jackie Moore, Police Chief**
36. **Consideration of Event Permit for Dickens of a Christmas (Sponsored by Heritage Foundation/Downtown Franklin Association) in Downtown Franklin on December 11-12, 2010**
Approved unanimously **Jackie Moore, Police Chief**
37. **Consideration of Event Permit for Christmas Parade Sponsored by Kiwanis Club on December 4, 2010**
Approved unanimously **Jackie Moore Police Chief**
38. **Consideration of Renewal of Liquor License Retailer's Certificate for Estela Guzman, Estela's Fine Wine and Spirits, 327 Independence Square, Franklin, Tennessee**
Approved unanimously **Lanaii Benne, Assistant City Recorder**
39. **Consideration of Renewal of Liquor License Retailer's Certificate for Jigisha S. Patel, Holiday Wine and Liquors, 108 North Royal Oaks Boulevard, Franklin, Tennessee**
Approved unanimously **Lanaii Benne, Assistant City Recorder**
40. **Consideration of a Request to Authorize the Purchase of a Demonstrator Knuckleboom to Replace One (1) That is Now Out of Service, in an Amount Not to Exceed \$113,883**
Approved unanimously **Becky Caldwell, Solid Waste Director**

41. **Consideration of Award for Replacement of Awnings on Battle Park Hall at Eastern Flank Battle Park for the Parks Department (Purchasing Office Procurement Solicitation No. 2011-008)**

Approved unanimously

Lisa Clayton, Parks Director

42. **Consideration of the Revised Agreement Between the City of Franklin and Christ United Methodist Church (COF Contract No. 20120-0166)**

Approved unanimously

David Parker, City Engineer/CIP Executive

43. **Items approved by the City Administrator**

- a) Authorization of an addendum to an agreement by and between The City of Franklin and GovDeals, dated January 11, 2006, said addendum to authorize and direct GovDeals (1) to collect from the buyer all proceeds from the sale of any surplus personal property of the City sold by means of electronic auction facilitated by GovDeals, and (2) to remit to the City said proceeds less the GovDeals fee for services rendered. Brian Wilcox, Purchasing Manager
- b) Consideration of Award for One (1) Multifunction Copier for the Parks Department (Purchasing Office Procurement Solicitation No. 2011-007). Lisa Clayton, Parks Director
- c) Professional Services Agreement with Leane Cox for FastTrack Infrastructure Development Grant Program Application (Jackson National Life Project)
- d) Professional Services Agreement with Lisa Gregory for Review of Development Process and Customer Service Within the Department of Building and Neighborhood Services, in an Amount Not to Exceed \$2,500.

Approved unanimously

ADJOURN

Alderman Bransford moved to adjourn. Seconded by Alderman Burger. Motion carried unanimously.

Meeting adjourned 7:40 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 11/30/2010 4:23 PM