

MINUTES OF THE *SPECIAL MEETING*
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JANUARY 26, 2010 – 7:00 P.M.

Board Members

Mayor John Schroer	P	Alderman Margaret Martin	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 Dana McLendon	A		

Department Directors/Staff

Eric Stuckey, City Administrator	P	Eric Gardner, Engineering Director	P
Vernon Gerth, ACA Community & Economic Development	P	Shirley Harmon, HR Director	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
David Parker, City Engineer/CIP Executive	P	Gary Luffman, Interim Planning Director	P
Shauna Billingsley, Interim City Attorney	P	Tom Marsh, Interim Codes Director	P
Rocky Garzarek, Fire Chief		Joe York, Streets Director	
Jackie Moore, Police Chief	P	Brad Wilson, Facilities Project Manager	
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, January 26, 2010, 7:20 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)

Citizen Michael Skinner announced the Franklin Civil War Roundtable would meet at the Williamson County Library on Sunday, February 14, 2010 at 3:00 p.m. Special guest speaker Bill Radcliffe is a well-known reinactor of the United States Color Troops and their role in the Union Army. His presentation will be on the trials and tribulations of African-American soldiers during the Civil War. The event is free and open to the public.

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 minutes of the December 17, 2009 Special Meeting, the January 12, 2010 Work Session and the January 12, 2010 Board Meeting. Seconded by Alderman Moore. Motion carried unanimously.

7. **Recognition of Distinguished Budget Award from the Government Finance Officers Association
Mayor John Schroer**

For the second year in a row, the City received the Distinguished Budget Presentation Award from the GFOA. Russ Truell said putting the Budget together is an enormous collaboration between the Administrative Department and the Finance Department. He recognized Department Directors they too worked hard to get their budgets together. Performance measures were put in place for the first time last year. Eric Stuckey added putting together a Budget is an organizational team effort with many people putting in countless hours.

➤ **Proclamation – O’More College of Design**

Mayor Schroer asked Mark Hilliard, President of O’More College, to come forward to accept the proclamation. Mayor Schroer read the proclamation that included the history of Mrs. O’More and the school she established, and paid tribute to Mrs. O’More and to the school on its 40th anniversary.

Mark Hilliard conveyed his appreciation for this honor. Mr. Hilliard has seen significant growth in his 11 years at the College with the number of students doubling to 200. Goals this year include increased community involvement, they have already participated in service projects, and increased global initiative, which they have done with the Irish connection. He thanked his management team who accompanied him, Amy Shelton, Sherrie Fox, Lance Westbrook and Chris Lee.

8. **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 17-41 be placed on the Consent Agenda
Items pulled; 22 and 32 by Alderman Petersen.

Alderman Burger moved to approve the Consent Agenda Items 17-41, excluding items 22 and 32. Seconded by Alderman Moore. Motion carried unanimously.

OLD BUSINESS

9. **PUBLIC HEARING: Consideration of ORDINANCE 2010-02, An Ordinance of Correction to Amend Ordinance 2009-46 to Increase Water and Wastewater User Rates
[Second of Three Readings] Russ Truell, ACA Finance & Administration**

Public Hearing:

- Susan Russell, 2002 Kensington Court, expressed concern about rising utility rates. The City should be considerate of the average citizen when raising fees.

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

Russ Truell explained an error in the rate-change ordinance (2009-46) was discovered after Board approval. Ordinance 2010-02 corrects that error. Had it not been corrected it would have been more costly to consumers. The minimum bill for water includes 1,000 gallons; the next 9,000 gallons are at a different rate. The error in Ordinance 2009-46 reflected the next 1,000 gallons. The new rates became effective January 1, 2010.

Alderman Bransford moved to approve Ordinance 2010-02 on the Second of Three Readings. Seconded by Alderman Moore.

Eric Stuckey explained water funds must be self-sustaining. It is a balancing act of the cost to run the facility yet maintain competitive rates with other water utilities in the area. All those utilities have higher rates save one.

Motion to approve Ordinance 2010-02 carried on the Second of Three Readings.

NEW BUSINESS

- 10. Consideration of the Interstate 65/Goose Creek Interchange Reconstruction (Diamond vs. SPUI)
David Parker, City Engineer/CIP Executive**

Alderman Petersen moved to defer this issue to February 9, 2010. Seconded by Alderman Bransford. Motion carried unanimously.

- 11. Consideration of a Professional Services Agreement with Wilbur Smith Associates for Services Required for a Sub Area Analysis of Project(s) to Determine Short and Long Term Traffic Mitigation for Anticipated Problems for a Lump Sum Amount of \$52,500.00 (Not Budgeted)
David Parker, City Engineer/CIP Executive**

Alderman Skinner moved to approve the Agreement, Option One. Seconded by Alderman Petersen.

There was brief discussion on funding smaller projects. Alderman Skinner explained this request is to be proactive in alleviating local traffic congestion when I-65 is widened and a new interchange is built.

Motion to approve Agreement, Option One, with Wilbur Smith Associates carried unanimously.

- 12. Consideration of Investment Contract with Landmark Partners (for Pension Plan)
Russ Truell, ACA Finance & Administration**

Alderman Burger moved to defer this item to February 23, 2010. Seconded by Alderman Skinner. Motion carried unanimously.

- 13. Consideration of the Professional Services Agreement (COF Contract No. 2010-0004) with Smith Seckman Reid, Inc (SSR) for the Resident Project Inspection Services for the ARRA Funded Clean Water Projects (COF Contract No. 2009-0098 & 2009-0099) in an Amount Not to Exceed \$163,000
David Parker, City Engineer/CIP Executive**

Alderman Moore moved to approve the Agreement with SSR. Seconded by Alderman Barnhill. Motion carried 6-0 with Alderman Martin recused.

14. Consideration of an Amendment to the Professional Services Agreement (COF Contract No. 2009-0021 with Smith Seckman Reid, Inc. (SSR) to Add the Resident Project Inspection Services for the Fieldstone Farms Pump Station No. 2 Upgrades (COF Construction Contract No. 2009-0089) in an Amount Not to Exceed \$72,000 (This Cost is Reimbursable from Williamson County as per Agreement)

David Parker, City Engineer/CIP Executive

Alderman Burger moved to approve the Agreement with SSR. Seconded by Alderman Petersen. Motion carried 6-0 with Alderman Martin recused.

15. Consideration of Sanitary Sewer Service Availability for 3105 Boyd Mill Pike, Tax Map 64, Parcel 26.00

David Parker, City Engineer/CIP Executive

Alderman Bransford moved to allow the extension of sanitary sewer service to 3105 Boyd Mill Pike based on one SFUE on the condition the property is annexed effective January 26, 2012 (the fourth Tuesday is January 24, 2012), authorizing staff to move forward with an ordinance to annex as appropriate. Seconded by Alderman Burger.

Alderman Skinner moved to amend the motion that in conjunction with the annexation the applicant allows a Historic Zoning Overlay on the property to coincide with the annexation. Seconded by Alderman Martin.

Alderman Moore commented the amendment would be approval without knowing the implications or requirements. Alderman Burger was against the amendment as it wasn't the proper time to do this.

Motion to amend failed 3-4 with Aldermen Skinner, Martin and Petersen voting aye, and Aldermen Burger, Bransford, Barnhill and Moore voting nay.

Discussion on Main Motion – Alderman Barnhill asked if this meant the annexation process would start January 26, 2012 with three readings before it is actually annexed in 2012. Vernon Gerth took exception, it must go to the Planning Commission, but would be effective no later than that date. Alderman Bransford clarified her motion did indicate effective January 26, 2012. Alderman Barnhill did not support the motion, as the application process should start on a date certain with the applicant advised when to start the annexation process.

Alderman Barnhill moved to amend the Main Motion to state the annexation process will start on January 22, 2012 (the fourth Tuesday is January 24, 2012). Seconded by Alderman Burger. Motion to amend carried unanimously 7-0.

Main Motion as amended carried unanimously 7-0.

16. Report from Sister Cities

Alderman Michael Skinner

The Sister Cities Committee is planning a strategic planning meeting Friday, February 5, 2010 from 8:00-10:00 a.m. at the Williamson County Library. It is an important meeting and all members are encouraged to attend.

CONSENT AGENDA

17. **Consideration of ORDINANCE 2009-60, An Ordinance to Amend Table 3-2: Permitted Uses in the Franklin Zoning Ordinance to Permit Recreational Facilities (Private) and Personal Services in the Light Industrial (LI) Zoning District**
[Third and Final Reading] Alderman Ann Petersen, FMPC Board Representative
Ordinance 2009-60 approved unanimously on Third and Final Reading.

18. **Consideration of ORDINANCE 2009-72, An Ordinance to Amend Various Chapters and Sections of the City of Franklin Zoning Ordinance to Clarify Requirements and Correct Minor Textual Errors**
[Third and Final Reading] Alderman Ann Petersen, FMPC Board Representative
Ordinance 2009-72 approved unanimously on Third and Final Reading.

19. **Consideration of ORDINANCE 2009-82, An Ordinance Approving Budget Amendments for FY 2008-2009 – Final Audit Adjustments**
[Third and Final Reading] Russ Truell, ACA Finance & Administration
Ordinance 2009-82 approved unanimously on Third and Final Reading

20. **Consideration of RESOLUTION 2010-01, A Resolution to Participate in the Three-Star Program**
Approved unanimously Eric Stuckey, City Administrator

21. **Consideration of RESOLUTION 2010-02, A Resolution to Affirm Compliance with Federal Title VI Regulations**
Approved unanimously Eric Stuckey, City Administrator

22. **Consideration of RESOLUTION 2010-03, A Resolution to Authorize the City Administrator to Approve Right-of-Way and/or Easement Agreements for the Mack Hatcher Parkway, Northwest Extension, Without the Prior Approval by the Board of Mayor and Aldermen**
David Parker, City Engineer/CIP Executive
Alderman Barnhill moved to approve Resolution 2010-03. Seconded by Alderman Moore.

Alderman Petersen expressed elected officials should approve financial decisions. She was not in favor of having the City Administrator authorize an expense(s) that could be \$100,000 or more without BOMA approval.

Motion to approve Resolution 2010-03 carried 4-3 with Aldermen Burger, Bransford, Barnhill and Moore voting in favor, and Aldermen Martin, Skinner and Petersen voting against the motion.

23. **Consideration of RESOLUTION 2010-04, A Resolution to Authorize the Mayor to Submit an Application to the Tennessee Department of Environment and Conservation for Tennessee Recreation Trails Program Grant Funds**
Approved unanimously Lisa Clayton, Parks Director

24. **Consideration of RESOLUTION 2010-08, A resolution to Authorize Condemnation for the Acquisition of Properties Required for the Construction of the South Carothers Road Improvements**
Approved unanimously David Parker, City Engineer/CIP Executive

25. **Consideration of RESOLUTION 2010-09, A Resolution to Amend the Franklin City Charter Relative to the Budget**
Approved unanimously Shauna Billingsley, Interim City Attorney

26. **Consideration of RESOLUTION 2010-10, A Resolution to Amend the Franklin City Charter Relative to Franchises**
Approved unanimously Shauna Billingsley, Interim City Attorney
27. **Consideration of RESOLUTION 2010-11, A Resolution to Amend the Franklin City Charter Providing Language Revisions (General Clean-up)**
Approved unanimously Shauna Billingsley, Interim City Attorney
28. **Consideration of RESOLUTION 2010-12, A Resolution to Authorize the City to Enter into Equipment Purchase Agreement with ATT; COF Contract Number 2009-0083**
Approved unanimously Brad Wilson, Facilities and Project Manager
29. **Consideration of RESOLUTION 2010-13, A Resolution to Authorize the City to Enter into Equipment Purchase Agreement with Motorola; COF Purchase Order Number PO2165**
Approved unanimously Brad Wilson, Facilities and Project Manager
30. **Consideration of RESOLUTION 2010-14, A Resolution to Reclassify an Existing Deputy Police Chief Position/Pay Grade in Police Department to an Assistant Police Chief Position**
Approved unanimously Eric Stuckey, City Administrator
31. **Consideration of Bid Award to Neely Coble Co., Inc. of Nashville in the Amount of \$50,048 for One (1) Landscape Truck for the Parks Department (Purchasing Office Procurement Solicitation No. 2010-025; \$55,000 Budgeted in 110-89520-44700 for Fiscal Year 2010)**
Approved unanimously Lisa Clayton, Parks Director
32. **Consideration of Property Acquisition (Map 63N D, Parcel 6.01) from Robert N. Moore, Jr. for the Third Avenue Extension Project, in an Amount of \$186,500; Offer Open Until February 1, 2010**
David Parker, City Engineer/CIP Executive
Alderman Moore moved to approve the Bid Award. Seconded by Alderman Bransford

Alderman Petersen said research shows this item is part of Bicentennial Park and not one of the Top Ten Projects. Large parts of the property have nothing to do with the road. \$3.9 million to build a quarter-mile road with aspects for Bicentennial Park; BOMA needs to give direction. Things have changed since the original plans were done. Need to see what aspects are important to trails and the priorities.

Eric Stuckey explained in totality this is park and road, about \$7 million inclusive of this street element. Actual construction is \$3.1 million. A bridge must be replaced. It makes sense to do the grading and other things that tie into grants for trail systems and other aspects. It is a unique opportunity to pull some of the elements together. Third Avenue North is the roadway, trails and park. When the project is closer to bid, staff will bring the project to BOMA for additional discussion. Mayor Schroer interjected that is not the issue for vote; acquisition of property is the issue.

Motion to approve Bid Award for acquisition of property carried unanimously.

33. **Consideration of CDBG Fair Housing and Home Ownership Counseling Program Contract with GAP Community Development Resources, Inc. for \$15,000**
Approved unanimously Clay Matthews, Housing Development Coordinator

34. **Consideration of Professional Services Agreement with AECOM for CEI Services for the Construction of the Raw Water Reservoir Rehabilitation Project at a Cost of \$183,600**
Approved unanimously Mark Hilty, Water Management Director
35. **Consideration of Change Order No. 1 to the Construction Contract for the Carlisle Lane/Boyd Mill Water Construction Project with McMillan Construction Company, LLC for an Increase in the Contract Price of \$5,990 for a New Total Contract Amount of \$185,562**
Approved unanimously David Parker, City Engineer/CIP Executive
36. **Consideration of the Road Impact Fee Offset Agreement (COF Contract No. 2009-0040) with Crescent Resources in the Amount of \$97,266 for Dedication of Right-of-Way and Easements for the McEwen Drive Phase III Project**
Approved unanimously David Parker, City Engineer/CIP Executive
37. **Consideration of Requests by Synergy Bank Regarding their Site Construction and the Columbia Avenue Streetscape Project**
Approved unanimously David Parker, City Engineer & CIP Executive
38. **Consideration of the Request for Water Availability for 414 Lake Valley Drive**
Approved unanimously David Parker, City Engineer & CIP Executive
39. **Consideration of Award of Construction Contract (COF Contract No. 2009-0086) to L&C Contractors, Inc. in the Amount of \$434,185.90 for the Carter Street Area Water and Sewer Upgrade Project**
Approved unanimously David Parker, City Engineer/CIP Executive
40. **Consideration of CSX Transportation Facility Encroachment Agreement, COF Contract No. 2010-0007, for the Installation/Crossing of the Fiber Optic Cable for the TOC Phase 3 Infrastructure and Upgrades Project at a Cost of \$5,200**
Approved unanimously David Parker, City Engineer/CIP Executive
41. **Consideration of Interlocal Agreement with Williamson County Concerning Funding of Construction Activities for the Oxford Glen Drive at Clovercroft Road Improvements**
Approved unanimously David Parker, City Engineer/CIP Executive

OTHER BUSINESS

None

ADJOURN

Alderman Barnhill moved to adjourn. Motion carried unanimously.

Meeting adjourned @ 7:56 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 1/13/2011 1:06 PM