
**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JANUARY 11, 2011 – 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	Shirley Harmon, HR Director	
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	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	P
Fred Banner, MIT Director	P	Lanaii Benne, Assistant City Recorder	P
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, January 11, 2011 at 5:00 p.m. in the City Hall Boardroom.

2. Citizen Comments

None

WORK SESSION DISCUSSION ITEMS

3. Discussion on Hazard Mitigation Grant Program (HMGP)

Tom Marsh, Zoning and Development Coordinator

Initially, 25 property owners presented statements of interest for 26 properties. A property owner with two properties withdrew both from consideration. Of the 24 properties, staff saw 19 as good candidates for consideration and began working to assemble the detailed information required.

Official notice of eligibility received from TEMA on December 27, 2010. Application for HMGP

is in three phases.

Phase 1 allows applications for acquisition of residential homes located in the floodplain

- ◆ Application deadline March 31, 2011
- ◆ City of Franklin share is \$1,133,097 and includes a 75% Federal Share of \$849,823, a 12.5% State Share of \$141,637, and a 12.5% Local Share of \$141,637.

Phase 2 accepts applications for projects that mitigate potential flood and/or tornado damage, i.e., drainage improvement, flood control, reinforced corridors, etc. Per TEMA, application could also include additional property acquisitions

- ◆ Application deadline June 30, 2011
- ◆ No dedicated “share” of funds; distributions based on funds remaining after Phase 1 awards determined

Phase 3 allows applications that mitigate any natural hazard only if funds available

- ◆ Application deadline September 30, 2011
- ◆ All entities can apply, not limited to those with disasters declared in the May floods

The total funds available, \$1,133,097, greatly limit what the City can accomplish with Phase 1 – anticipate five or six homes, dependent on the value of the homes.

Criteria for acquisition

- ◆ Substantially damaged properties located in the floodplain
- ◆ Properties not substantially damaged, but in floodplain and benefit community from a mitigation standpoint
- ◆ Higher priority given to properties located actually in or close to floodway not just floodway fringe
- ◆ Does the geographic location represent a benefit to the City?
- ◆ What are the anticipated long-term maintenance costs?

The City must purchase homes and then be reimbursed by FEMA. Based on the grant funding identified, the total amount of expenses that will not be reimbursed will be at least \$141,637.

Eric Stuckey asked if the Board wished to go forward with the criteria, build a program around Phase 1, and be prepared for Phase 2 without knowing the funding.

Discussion

- ◆ Acquiring a cluster of properties would be beneficial over a lone small home on a street
- ◆ Acquired property ideal for green space
- ◆ Must consider long-term maintenance
- ◆ City cannot sell or give away acquired property
- ◆ City is limited as to type of structure placed on acquired property
- ◆ Consensus – move forward with Phase 1

4. Discussion of Board Support for State Legislation Amending Provisions for the Serving of Alcohol in a Historic Performing Arts Center

Eric Stuckey, City Administrator

Mayor Schroer said the ruling is specific, pinpointing Franklin and Williamson County. Our state legislators are requesting the City's support on the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(19), is amended by adding the following language as a new subdivision thereto:

(E) "Historic performing arts center" also means a facility possessing each of the following characteristics:

- (i) Is on the National Register of Historic Places;
- (ii) Was built in 1937;
- (iii) Is located on Main Street;
- (iv) Is an entertainment venue for live performances, movies and other events. Alcoholic beverages shall only be sold at the center before, during or after the performances, movies or other events; and
- (v) Is located in any county having a population of not less than one hundred twenty-six thousand seven hundred (126,600) nor more than one hundred twenty-six thousand seven hundred (126,700) according to the 2000 federal census or any subsequent federal census.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

A resolution of support will be presented at the January 25, 2011 meeting.

- 5.* **Consideration of Renewal of Liquor License Retailer's Certificate for Bard Quillman, Jr., Red Dog Wine and Spirits, 1031 Riverside Drive, Franklin, Tennessee**
Lanaii Benne, Assistant City Recorder

No questions or comments

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

Eric Stuckey, City Administrator

Resolution requested by the Trustee to formalize unwritten policy in place. The following have authority: City Administrator, Human Resources Director, Chief Financial Officer, Controller, and Assistant Director Human Resources.

- 7.* **Discussion of Proposed ORDINANCE 2010-76, an Ordinance to Establish the Special Assessments for the Sanitary Sewer Improvements in the Boyd Mill Avenue Area**
David Parker, City Engineer/CIP Executive

Mayor Schroer noted this ordinance passed on first reading and is back because there were some questions. Public Hearing and second reading on the 7:00 p.m. BOMA meeting agenda.

Residents are concerned about septic systems that may need repair or replacement. The City does not have the authority to grant approval; the county makes that determination. If the county allows repair or replacement of a septic system, the City will allow it. The residents should petition the county in this regard. Currently, the county will not allow repair or replacement if there is sewer availability. The City does have a program in place to review septic systems every five years and to verify septic systems are functional should the county

grant an exception for repair or replacement.

8. 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

At the December 14, 2010 Work Session the Board expressed concern about the turning movements of larger vehicles and the impact that would have on the functionality of this intersection. The Board asked staff to review the turning movements to ensure large vehicles could maneuver the turns without negatively impacting vehicles traveling in the other direction. The vehicle movements will occur in a three-way stop condition or a signalized condition. Staff will make sure the stop bars are positioned correctly to eliminate conflicts when large vehicles must swing into opposing lanes.

Staff recommends approval of 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. Even though the overall intersection average vehicle delay worsens, it would add safety to the right-of-way situation and prepare motorist for the eventual signalization. A side benefit would be safety during the signal construction.

Signals at both McEwen and Wilson and Clovercroft and Wilson are expected to be in place prior to the opening of the Clovercroft School in August 2011.

9. Consideration of ORDINANCE 2011-01; An Ordinance to Amend Chapter 1 of the Franklin Transportation & Street Technical Standards, as Adopted by Reference in Title 16, Chapter 11 of the Franklin Municipal Code, to Provide for Appealing the City Engineer's Order or Decision

David Parker, City Engineer/CIP Executive

10. Consideration of ORDINANCE 2011-03; An Ordinance to Amend the City of Franklin Municipal Code, Section 12-1204 – Relative to an Appeal Fee for the Building and Street Standards Board of Appeals

Vernon Gerth, ACA Community & Economic Development

11. Consideration of ORDINANCE 2011-04; An Ordinance to Amend the City of Franklin Municipal Code, Title 22 – Comprehensive Fees and Penalties, Chapter 12 Relating to an Appeal Fee for The Building and Street Standards Board of Appeals

Vernon Gerth, ACA Community & Economic Development

The ordinances in items 9, 10, and 11 are to amend Franklin's Transportation and Street Technical Standards Manual that is adopted by reference in the Municipal Code, establish a \$250 appeals fee for the recently created Building and Street Standards Board of Appeals, and codify the fee.

12. Inter-Planning Commission Review of Site Plan and Conditional-Use Review for Mid American Distributors for a Temporary Fireworks Stand, on 1.32 Located at 1270 Lewisburg

Pike in the Second Voting District

Catherine Powers, Planning & Sustainability Director

This item is to notify the City that the County approved an action within Franklin's UGB.

13. **Consideration of Amendment to the Professional Service Agreement with Smith Seckman Reid, Inc. (SSR) to Add Flow Monitoring of the Sanitary Sewer System (COF Contract No. 2011-0001) at a Not to Exceed Cost of \$125,000**

David Parker, City Engineer/CIP Executive

Mark Hilty, Water Management Director

The contract amendment is to provide for temporary flow monitoring of the wastewater collection system and will amend the Sanitary Sewer Master Plan contract with SSR. Flow monitoring ties into the Integrated Water Plan and the sewer line maintenance program. Funds are available by transfer of funds within the Water/Sewer budget. The request is brought forward now to take advantage of the months when rainfall is more likely to occur. They would like to begin in February.

14. **Discussion and Consideration of the Updating of the Franklin Road Impact Fees as Presented in the 2010 Duncan Associates Road Impact Fee Study Dated November 2010**

David Parker, City Engineer/CIP Executive

Eric Gardner, Engineering Director

Five Options offered on how to proceed with the update:

1. Do nothing – leave the Fees as they now exist (established in 2005)
2. Revise the Road Impact Fee Schedule based on the cost of Arterial Roadways without including the cost of the right-of-way
3. **Revise the Road Impact Fee Schedule based on the cost of Arterial Roadways including the cost of the right-of-way**
4. Revise the Road Impact Fee Schedule based on the cost of Arterial and Collector Roadways without including the cost of the right-of-way
5. Revise the Road Impact Fee Schedule based on the cost of Arterial and Collector Roadways including the cost of the right-of-way

Staff recommends Option 3 because construction costs have increased by approximately two-thirds since the last update to the Fees and the costs for right-of-way are extremely high and significantly add to the overall cost of the projects. Including collectors defined as major arterial collectors is not feasible. This also allows offset for cost of ROW.

Discussion:

- ◆ Some fees would double. Suggested three-year phase in of fees.
- ◆ Offsets discussed
- ◆ Kris Pascarella - another way to mitigate the economic impact could be for the City to grandfather projects with Site Plan approval since they already have budgets and funding in place, including Site Plans with extensions.
- ◆ Charles Carlyle, Bristol Development Group working on the remaining Jamison Station

project agreed that phasing in Fees over time would be appropriate. Their Regulating Plan was submitted yesterday. They have a substantial investment in the project and everything is based on the current fee schedules. Any increase from this point forward would mean finding ways to cut costs or save in another aspect of the project. Would greatly affect financing and ability to complete the apartment project.

- ◆ Attorney Brian Echols wanted to clarify that residential is a fixed fee and has nothing to do with square footage. The lower end, smaller residences, bear a higher portion of their overall price than the higher end. In other words, it is regressive and not based on square footage.

Mayor Schroer suggested staff draft an ordinance to bring back to Work Session and then take it back to the builders/stakeholders group. Include right-of-way but show costs with and without ROW for comparison.

15. **Consideration of RESOLUTION 2011-01; A Resolution to Participate in The Three-Star Program**
16. **Consideration of RESOLUTION 2011-02; A Resolution to Confirm Compliance with Federal Title VI Regulations**

Eric Stuckey, City Administrator

Items 15 and 16 are resolutions done every year regarding best practices for economic and community development participation.

17. **Discussion of Mayor John Schroer's Succession and Vacated At-Large Alderman Process**
Board of Mayor and Aldermen

As recently announced, Governor-Elect Bill Haslam appointed John Schroer as Commissioner of Transportation. He will officially resign as Mayor January 25, 2011, although he will step into the Commissioner role on Monday, January 17, 2011 (a holiday, it was noted). The Board will accept a letter of resignation at the January 25th meeting and Vice Mayor Moore will be sworn in as Mayor for the remainder of the term. This will be followed by the election of a Vice Mayor to replace Dr. Moore.

Discussion:

- ◆ Requirements in existing Charter
- ◆ Clarification of the Charter to address such situations in future
- ◆ The Charter says in part that the Vice-Mayor shall serve until the next City election at which time the office of mayor shall be filled. Ms. Billingsley interprets this to mean the vice-mayor becomes mayor and shall serve as mayor until the next election.
- ◆ The Board has the option to fill the at-large vacancy or hold a special election
- ◆ Charter does not make the distinction of at-large or ward alderman
- ◆ If the vice-mayor were a ward alderman, that seat would be vacant and the ward would have no representation during the interim period until election
- ◆ Alderman McLendon advocated letting the people decide, not the elected officials. The

seven remaining aldermen can get by until the October election.

- ◆ Alderman Barnhill preferred to leave the at-large seat open until election.
- ◆ Different options should be looked at for the Charter, ward alderman, at-large alderman, timeframe of vacancy, and option to choose a special election. The Board should have all the choices the state allows.
- ◆ In changing the Charter, do not be so specific as to block the Board in a corner. Provide “wobble room.”
- ◆ The Charter indicates the Board shall decide what they are going to do; therefore, the Board may act as early as January 25 to give direction regarding the at-large vacancy.

18. Discussion of At-Large Alderman Election

Alderman Clyde Barnhill

Alderman Barnhill said the current method of electing at-large aldermen is not ideal. The at-large candidates are essentially campaigning against one another. He asked legal to look into what could be done. He suggested the Board look at something similar to the election of judges by designation of a, b, c or 1, 2, 3. Ms. Billingsley said many cities across the state do designate, while an equal number vote with a pool. The State provides for electing with numbered positions.

Eric Stuckey pointed out the Board would need to vote on a Charter change January 25th, send documentation to the state for action, and receive approval from the state by the second week in March prior to petition availability April 22, 2011. The Board could then take action in April to have it apply to the October election. Two-thirds (2/3) majority needed for approval.

The discussion will continue at the January 25, 2011 Work Session.

ADJOURN

Alderman Bransford moved to enter Executive Session. Seconded by Alderman Skinner. Motion carried unanimously.

Work Session adjourned 6:52 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 1/26/2011 2:40 PM