

**MINUTES OF THE REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, FEBRUARY 8, 2011 – 7:00 P.M.**

Board Members

Mayor Ken Moore	P	Alderman Margaret Martin	P
Alderman Clyde Barnhill	P	Alderman Dana McLendon	P
Alderman Pearl Bransford	P	Alderman Ann Petersen	P
Alderman Beverly Burger	P	Alderman Michael Skinner	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	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	
David Parker, City Engineer/CIP Executive		Gary Luffman, BNS Director	
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		Lanaii Benne, Assistant City Recorder	P
Becky Caldwell, Solid Waste Director		Linda Fulwider, Board Recording Secretary	P
Anna Shuford for Lisa Clayton, Parks Director	P		

1. Call to Order

Mayor Moore called the February 8, 2011, Regular BOMA meeting to order at 7:09 p.m. in the City Hall Boardroom.

2. Invocation

Pastor Chris Williamson, founder and Senior Pastor of Strong Tower Bible Church in Franklin, gave the Invocation.

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 Burger moved to approve the January 25, 2011 Work Session and January 25, 2011 BOMA meeting minutes as presented. Seconded by Alderman Bransford. Motion carried unanimously.

7. **Recognitions**

◆ Finance Department – Distinguished Budget Award

This is the third consecutive year the City of Franklin has won the distinguished budget award from the Government Finance Officers Association of the United States and Canada (GFOA). It reflects the commitment of the governing body and staff to meet the highest principles of governmental budgeting. Guidelines are designed to assess how well an entity's budget serves as a policy document, a financial plan, an operations guide, a communications device. Congratulations to the Finance Department, Directors, and all City staff who assisted in putting together the budget and achieving this prestigious award.

◆ CFMO Recognition – Russ Truell, ACA Finance and Administration

Russ Truell was a member of the inaugural graduating class of the State of Tennessee Certified Municipal Finance Officers program. The class was recognized in a ceremony in the Tennessee House Chamber on January 27th. Tennessee is one of the first states in the country to enact a program of this nature that requires each municipality to designate and have a certified Municipal Finance Officer. Mr. Truell plans to use the training materials and the CMFO program to develop a career ladder and promotional process for all employees in the Finance Department that would like to improve their knowledge and their value to the City.

◆ Police Chief Jackie Moore

Mayor Moore asked Police Chief Jackie Moore to come forward. Chief Moore will retire February 17, 2011. Accompanying the Chief were his wife, Kathie, daughter Julia, son T. John and wife Sarah, and granddaughter Lilly, the Princess. Chief Moore came to the Franklin Police Department in 1995 after serving several years in law enforcement in other cities. Mayor Moore thanked him for his leadership and dedicated service to the citizens of the community.

Eric Stuckey noted a retirement reception would be held at Police Headquarters on February 17th. He said it was an honor to have worked with Chief Moore, and thanked him for his leadership. Chief Moore received a standing ovation.

8. **Miscellaneous Reports**

Alderman Skinner reminded everyone of the Sunday, February 13, 2011 Civil War Roundtable presentation on the African Americans' role in the Civil War.

9. **CONSENT AGENDA**

All items under the Consent Agenda are deemed to be 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 21-34 be placed on the Consent Agenda.

Alderman Burger pulled item 33, Alderman Martin pulled item 23, and Mr. Stuckey advised item 30 should be pulled to defer.

Alderman Bransford moved to approve the Consent Agenda items 21-34, excluding items 23, 30 and 33. Seconded by Alderman Barnhill. Motion carried unanimously.

OLD BUSINESS

10. **PUBLIC HEARING: Consideration of ORDINANCE 2010-78; An Ordinance to Various Chapters and Sections of The City of Franklin Zoning Ordinance to Clarify Requirements and Correct Minor Textual Errors**

[Second of Three Readings]

Alderman Ann Petersen, FMPC Representative

With no one coming forward to speak, Mayor Moore declared the Public Hearing Closed

Alderman Petersen moved to approve Ordinance 2010-78 with the correction of a typographical error on page 5, (3) (e) "...requirement for cross-access may be waived if ~~that~~ appropriate.....". Seconded by Alderman Bransford. Motion to approve Ordinance 2010-78 on Second of Three Readings approved unanimously.

NEW BUSINESS

11. **ORDINANCE 2011-06, An Ordinance to Amend Ordinance 2006-18 by Deleting Condition of Approval 14 Relating to Contributions for Franklin Road Improvements for Dwelling Units Within the Jamison Station PUD Subdivision, Located East of The Factory and Bisected by Liberty Pike; Establishing a Public Hearing Date of March 8, 2011**

[First of Three Readings]

Alderman Ann Petersen, FMPC Representative

Alderman Burger moved to approve Ordinance 2011-06 with requirement to reduce the contribution by one-half. Motion died for lack of a second.

Alderman Barnhill moved to approve Ordinance 2011-06 on First of Three Readings. Seconded by Alderman Bransford.

Alderman Skinner commented the City did not have money for sidewalks last year and probably will not have money for sidewalks this year. He is opposed to giving away money to help install sidewalks. He will vote no. Alderman Petersen indicated she would vote no because the Planning Commission unanimously voted against it. Alderman Martin commented that one of the conditions of approval was to use this money, \$500,000, to improve the infrastructure, which included sidewalks from downtown to The Factory area. She was opposed to anything less than what has already been approved. There is a lot of foot traffic from downtown to that area.

Alderman Barnhill said some of the statements made are misleading. The City is not giving away anything. This is the first reading. This is an opportunity for the Board to explore opportunities and possibly get the money ahead of time. His second issue was it should not have gone to the Planning Commission for a vote. It is a Board decision. There may be some give and take until the March 8 meeting. Alderman Bransford agreed with Alderman Barnhill and saw an opportunity for negotiation; however, that does not assure she will vote in favor on second reading.

Alderman McLendon said the Board just spent the last 2½ hours in “let’s make a deal” and he is concerned about renegotiating. It is a disservice to the Board and the community when meetings become taken up with items people want renegotiated, even though there is an established policy, or something has already been approved. For this project the City is not the bank and has no money at stake, is not trying to cover an investment, and is not trying to salvage anything. What is at stake is the final result. If what you want is 300 units with no way to connect pedestrians from just across the river to downtown then entertain this ordinance. It will take every bit of \$500,000. He understands the developer and the bank have a problem, but it is not the Board’s responsibility to bail them out. The Board’s responsibility to make sure the end result is the best one.

Mayor Moore clarified an affirmative vote would support to remove item 14, and would move the ordinance to second reading. If voted down, the ordinance fails and stops.

Alderman McLendon said he understood the deal is dead. If a developer wants to come and run a proposal through the process, then fine. The bank owns the property.

Alderman Burger said she wanted to see it pass the first reading to get it to the second reading and public hearing. Policies are in place, but cannot close eyes to what going on with the economy and people are saying they want apartments.

Motion to approve Ordinance 2011-06 failed 3-4 with Aldermen Barnhill, Bransford, and Burger voting in favor and Aldermen Martin, Skinner, McLendon, and Petersen voting against.

12. Consideration of ORDINANCE 2011-08, An Ordinance Amending the City of Franklin Municipal Code Section 12-1202, Relative to Composition of the Building and Streets Standards Board of Appeals

[First of Two Readings] **Vernon Gerth, ACA Community & Economic Development**
Alderman Petersen moved to approve Ordinance 2011-08 on the First of Two Readings. Seconded by Alderman Burger. Motion carried unanimously.

13. Consideration of ORDINANCE 2010-80, An Ordinance to Establish the Special Assessments for the Sanitary Sewer Improvements in the Monticello Subdivision Area; Establishing a Public Hearing on March 8, 2011

[First of Two Readings] **David Parker, City Engineer/CIP Executive**
Alderman McLendon moved to approve Ordinance 2010-80 on First of Two Readings. Seconded by Alderman Burger.

Alderman McLendon moved Ordinance 2010-80 be amended to withdraw from the total assessment amount the line item of Engineering in the amount of \$143,132.32. Seconded by Alderman Petersen. Motion to amend carried 6-1 with Alderman Skinner voting no.

Alderman McLendon noted this has been done for almost every other assessment.

Alderman McLendon moved to amend the ordinance to eliminate from the total assessment amount the line item for Trench Repair the amount of \$325,793.73. Seconded by Alderman Barnhill.

Alderman McLendon said he had made a commitment to Monticello that he would take action to try to remove the paving costs and he understands there is a difference between the trench and the paving. This appears to be more like paving. Alderman Barnhill was in agreement with eliminating the trench cost.

Alderman Skinner commented BOMA should establish a firm and fair policy and not negotiate every installation of sewer. Need to think of the future and the costs of sewer assessment to overall ratepayers. Alderman Petersen said the paving cost on the chart indicates paving cost (trenching) is included in the assessment for the other four assessments.

Motion to eliminate Trench Repair Paving cost failed 2-5 with Aldermen McLendon and Barnhill voting in favor and Aldermen Martin, Skinner, Burger, Bransford and Petersen voting no.

Alderman McLendon moved to add in all of the Paving and remove from the assessment amount the sum of \$450,000.

The reason is that is what was budgeted and proposed to the citizens of Monticello as the Board had when the citizens were asked to participate. They relied upon that. Paving costs equal \$550,000. Mr. Stuckey said the City has already absorbed \$212,500. The paving cost in the assessment would actually be \$88,293.73.

Alderman Bransford seconded the motion.

Alderman Martin asked if this was waived for Boyd Mill. Mayor Moore asked what would be the affect on other developments. Mr. Stuckey explained on the others the paving (trenching) was part of the project and included in that budget and spread through the assessment from the beginning. The \$212,000 was absorbed by the City. This is the compromise number. The bid was 32% below the cost. Alderman Skinner asked if the City is prepared to refund that money to the other assessments. Mr. Stuckey said would have to go back and figure if the number.

Motion to remove \$450,000 from total assessment failed 3-4 with Aldermen McLendon, Bransford and Burger voting in favor and Aldermen Barnhill, Petersen, Martin and Skinner voting no.

Alderman McLendon moved to modify this ordinance to waive System Development Fees in addition to the tap/connection fees. Seconded by Alderman Burger.

Alderman McLendon pointed out other assessments may need to be amended.

Alderman Burger asked what waiving these fees meant. Mr. Stuckey advised it would be \$1,119.00 of system development fees included in the other assessments. Cumulative figure \$779,000. Alderman Skinner mentioned the Board thought this appropriate when it was discussed before, now on the backside against it. Alderman Martin stated properties with sewer availability increase in value. Alderman McLendon pointed out a typo on page 7, #8; the 2010 date should be 2011. Mr. Stuckey will make sure the change is made. Alderman Barnhill advised engineering cost is the only thing eliminated so far. Alderman Petersen commented system development fees are paid to the Enterprise Fund but would be something other ratepayers would have to pay.

Motion to waive System Development Fees in addition to tap fees and connection fees failed 1-6 with Alderman McLendon voting in favor and Aldermen Martin, Skinner, Burger, Barnhill, Bransford and Petersen voting no.

Main Motion as amended to waive Engineering Costs of \$143,132.32, making total assessments \$1,052,259.65, carried 6-1 on First of Two Readings with Aldermen Martin McLendon, Burger, Barnhill, Bransford, and Petersen voting in favor and Alderman Skinner voting no.

14. Consideration of RESOLUTION 2010-82, A Resolution to Establish a Preferred Parking Program for Green Vehicles

Andrew Orr, Sustainability/Grant Coordinator

Alderman Bransford moved to approve Resolution 2010-82. Seconded by Alderman Martin.

Alderman Skinner asked for feedback in six months. Alderman McLendon said he respects the initiative, but this is out of the purview of local government far away from building roads and keeping the peace.

Motion to approve Resolution 2010-82 failed 3-4 with Aldermen Bransford, Martin and Skinner voting in favor, and Aldermen McLendon, Burger, Barnhill and Petersen voting no.

15. Consideration of RESOLUTION 2011-11, A Resolution to Rescind Resolution 2011-06 and to Propose Charter Amendment Adopting Election of At-Large Aldermen by Position

Eric Stuckey, City Administrator

Shauna Billingsley, City Attorney

Alderman McLendon said he wanted this on the October ballot to see if Franklin voters want to change the method of voting for at-large aldermen.

Alderman McLendon moved to approve Resolution 2011-11 that rescinds Resolution 2011-06 and proposes a Charter amendment to change the method of voting for at-large aldermen becoming effective when approved by referendum at the next regularly scheduled election. Seconded by Alderman Burger

Discussion ensued on majority or 2/3 vote, wording on the ballot and the legislature. Eric Stuckey and Shauna Billingsley answered questions and clarified the process.

Alderman Petersen said this is a major change and there should be more time to review and study. Alderman Bransford agreed saying the October date is a rush. If approved by the legislature it does not come back to the Board for another vote, the referendum will be on the ballot.

Motion to approve Resolution 2011-11 carried 5-2 with Aldermen Martin, Skinner, McLendon, Burger, and Barnhill in favor and Aldermen Bransford and Petersen voting no.

16. Consideration of the Mayor's Appointment to The Board of Zoning Appeals

Mayor Ken Moore

Mayor Moore thanked Gene Turns who is coming off the Board having served since December 1990. The Mayor then proposed the appointment of Dave Rittenberry, a Franklin resident who has worked in corporate real estate for over 12 years.

Alderman Bransford moved to approve the Mayor's appointment to the Board of Zoning Appeals. Seconded by Alderman Barnhill. Motion carried unanimously.

17. Consideration of the Mayor's Appointment to The Public Building Authority

Mayor Ken Moore

Mayor Moore proposed the appointment of Joe Walker, a Franklin resident with 25 years experience with SunTrust who is now Senior Vice President of First Tennessee.

Alderman Martin moved to approve the Mayor's appointment to the Public Building Authority. Seconded by Alderman Burger. Motion carried unanimously.

18. Consideration of the Mayor's Appointments to The Franklin Housing Authority

Mayor Ken Moore

Mayor Moore reappointed Al Gregory to the Franklin Housing Authority. No vote required.

19. Consideration of the Mayor's Appointments to The Building and Street Standards Board of Appeals

Mayor Ken Moore

Mayor Moore proposed the following appointments to the new Building and Street Standards Board of Appeals:

- **Ron Crutcher** retired in 2009. He was a principal at the Parent Company, Inc. He holds a Tennessee Engineering license.
- **Sara Salge** is a licensed Professional Mechanical Engineer with Lee Company.
- **Antonio Montiel** is Transportation Design Manager for the Nashville office of Wilbur Smith and Associates. He is a Professional Engineer.
- **Greg Judy** is a Licensed Professional Civil Engineer with Neel-Schaffer, Inc. and is certified by the Institute of Transportation Engineers as a Professional Traffic Operations Engineer.
- **Larry Webb** is a firefighter and Emergency Management professional.
- **Gary Vogrin** is a partner in Kiser Vogrin Design and holds a Professional Certificate as a Tennessee Landscape Architect, CLARB Certified Landscape Architect and Accredited LEED Professional
- **Lance Maliszewski** is owner of Green Plumbing, LLC and is a Tennessee Licensed Contractor with a CMC-A qualification and Plumbing Contractors License.
- **Billy Robbins** is the owner of Robbins Electric, LLC and is a Certified Electrician.
- **Harry Harris** is Vice president of H. Michael Hindman Architects, a Registered Architect, and LEED Accredited Professional.

Alderman Burger moved to approve the Mayor's appointments to the Building and Street Standards Board of Appeals. Seconded by Alderman Bransford. Motion carried unanimously.

20. Consideration of Filling the At-Large Alderman Vacancy

Eric Stuckey, City Administrator

Shauna Billingsley, City Attorney

Alderman Skinner moved to request staff begin accepting applications immediately and that BOMA go through the process of selecting an at-large alderman to fill the vacant seat. Motion died for lack of a second.

Alderman McLendon moved to adopt by resolution to fill the at-large alderman vacancy at the October 2011 election. Seconded by Alderman Burger.

Aldermen Barnhill and Petersen thought there should be a change in the Charter stating what should be done to fill a vacancy based upon time left until the next election. Shauna Billingsley referred to state laws. Eric Stuckey said he and Ms. Billingsley would bring examples of Charter changes to the Board.

Alderman McLendon believes it inappropriate for sitting aldermen to make these changes and the Board should not be in a hurry to make Charter changes. Fill the vacancy by regular ballot.

Motion to fill the at-large vacancy by ballot at the October 2011 election carried unanimously.

CONSENT AGENDA

21. **ORDINANCE 2010-20, To Be Entitled "An Ordinance to Rezone 20.001 Acres to be Included Within the Scientific Research Overlay (SRO) Zoning District for Property Located at the Northeast Corner of Mack Hatcher Parkway and Franklin Road; Establishing a Public Hearing Date of March 8, 2011."**
[First of Three Readings] **Alderman Ann Petersen, FMPC Representative**
Ordinance 2010-20 approved unanimously on First of Three Readings
22. **Consideration of ORDINANCE 2010-83, An Ordinance to Establish Three-Way Stop Sign Controls at the Intersection of McEwen Drive and Wilson Pike**
[Second and Final Reading] **Eric Gardner, Engineering Director**
Ordinance 2010-83 approved unanimously on Second and Final Reading
23. **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**
[Second and Final Reading] **David Parker, City Engineer/CIP Executive**
 Alderman Martin's question asked and answered.

Alderman Barnhill moved to approve Ordinance 2011-01 on Second and Final Reading. Seconded by Alderman Bransford. Motion carried unanimously.
24. **Consideration of ORDINANCE 2011-02, An Ordinance to Amend the City of Franklin Municipal Code, Title 22 – Comprehensive Fees and Penalties, Chapter 12 Relating to Building Permit Fees for Detached, Single-Family Dwellings**
[Second and Final Reading] **Vernon Gerth, ACA Community & Economic Development**
Ordinance 2011-02 approved unanimously on Second and Final Reading
25. **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**
[Second and Final Reading] **Vernon Gerth, ACA Community & Economic Development**
Ordinance 2011-03 approved unanimously on Second and Final Reading
26. **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**
[Second and Final Reading] **Vernon Gerth, ACA Community & Economic Development**
Ordinance 2011-04 approved unanimously on Second and Final Reading
27. **Consideration of ORDINANCE 2011-05, An Ordinance to Establish Yield Control at the Market Exchange Court, Gardner School Driveway and the Shingle Way Entrances to the Aforementioned Court in the City of Franklin, Tennessee**
[Second and Final Reading] **David Parker, City Engineer/CIP Executive**

Ordinance 2011-05 carried unanimously on Second and Final Reading

28. **Consideration of Bid Award to Stringfellow, Inc. of Nashville, TN in the Amount of \$117,150 Each for Two (2) New Walking-Floor Solid Waste Transfer Trailers for the Disposal Division of the Solid Waste Department (Purchasing Office Procurement Solicitation No. 2011-013; \$220,000 Budgeted in 124-89530-46130 for Fiscal Year 2011)**

Approved unanimously

Becky Caldwell, Solid Waste Director

29. **Consideration of RESOLUTION 2011-09, A Resolution to Adopt the Franklin Community Revitalization Plan**

Catherine Powers, Planning & Sustainability Director

Resolution 2011-09 approved unanimously

30. **Consideration of RESOLUTION 2011-10, A Resolution to Adopt a Vendor Protest Procedure for Procurements Not Pertaining to New Construction**

Alderman Ann Petersen, Chair, Budget & Finance Committee

Alderman Skinner moved to defer Resolution 2011-10 to March 8, 2011. Seconded by Alderman Burger. Motion carried unanimously.

31. **Consideration of Event Permit Application for Ride for Kids at Jim Warren Park on May 15, 2011**

Approved unanimously

Lisa Clayton, Parks Director

32. **Consideration of Event Permit Application from Heritage Foundation for Franklin Brewfest to be Held in Downtown Franklin on March 12, 2011**

Approved unanimously

Jackie Moore, Police Chief

33. **Consideration of Budget Process for Non-Profit and Other Governmental Appropriations**

Russ Truell, ACA Finance & Administration

Alderman Burger moved to approve. Seconded by Alderman Skinner.

Alderman Petersen noted changes in the City's application process are forthcoming. Even though the allocations may remain the same or decrease, the organizations must make application.

Motion to approve carried unanimously

34. **Items Approved by the City Administrator on Behalf of the Board of Mayor and Aldermen**

- ◆ Payment in the Amount of \$4,400 to Planning, Design & Research Engineers, Inc. for a Stage I Asbestos Survey of eleven (11) houses within Rebel Meadows Subdivision. These buildings are scheduled for demolition to make way for the Mack Hatcher Parkway NW Extension. This test is mandated by TDEC for demolition of any residential building where there is more than one structure to be demolished for a larger project.

Approved unanimously

ADJOURN

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

Meeting adjourned 8:21 p.m.

Mayor Ken Moore

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office – 3/4/2011 4:42 PM