

**MINUTES OF THE SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, APRIL 26, 2011 – 7:00 P.M.**

Board Members

Mayor Ken Moore	P	Alderman Margaret Martin	P
Vice Mayor 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	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, BNS Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning/Sustainability Dir.	P
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
David Rahinsky, Interim Police Chief		Brad Wilson, Facilities Project Manager	P
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			

1. Call to Order

Mayor Ken Moore called the Special Meeting of the Board of Mayor and Aldermen to order on Tuesday, April 26, 2011, 7:00 p.m. in the City Hall Boardroom.

2. Invocation

The Invocation was given 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 Burger moved to approve the April 12, 2011 Work Session and April 12, 2011 BOMA minutes as presented. Seconded by Alderman Bransford. Motion carried unanimously.

7. **Recognitions**

- 2011 American Council of Engineering Companies presented to The City of Franklin Water Management Department for Rehabilitation of Franklin's WTP Raw Water Reservoir. Mayor Moore displayed the award, and the framed 'before and after' pictures of the reservoir.

8. **Miscellaneous Reports**

- Mayor Moore reminded everyone of the State of the City Address to be held at Liberty Hall in The Factory tomorrow morning, Wednesday, April 27, 2011, 7:00 a.m.
- Alderman Martin recognized Boy Scout Troop 399.

9. **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 17-54 be placed on the Consent Agenda

Alderman Petersen pulled items 44 and 45 and Mayor Moore related item 37 should be deferred.

Alderman Bransford moved to defer item 37 to May 10, 2011, and to approve the Consent Agenda, items 17-54, with the exception of items 37, 44, and 45. Seconded by Alderman Skinner. Motion carried unanimously.

OLD BUSINESS

10. **PUBLIC HEARING: Consideration of ORDINANCE 2011-07, an Ordinance to Update The City of Franklin Road Impact Fees as Presented in the 2010 Duncan Associates Road Impact Fee Study Dated November 2010**

[Second and Final Reading] David Parker, City Engineer/CIP Executive

Public Hearing

Nancy Williams, 221 Third Avenue South, spoke on behalf of the Downtown Franklin Association. Their understanding is there would be a dramatic increase in impact fees to change the use of a building in downtown Franklin. Restaurants downtown generate a lot of sales tax, yet to repurpose a building to a restaurant would require a huge impact fee. It would have a chilling effect on downtown development.

Tim Downey, developer of Westhaven, and McEwen Town Center, related the cost analysis in the Study seems aggressive. The facilities tax and impact fees collectively have become so significant they wonder if the City considered how those compete with other municipalities. They do business in eight states and the collective tax is by far higher in Franklin than any place else. In other areas when a collective tax gets this high, the money is usually put into a special fund and used for the assessed areas. He remarked that he did not know if the City already handled it in this manner. He added he would abide by what the Board decided.

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

Alderman Burger moved to approve Ordinance 2011-07 with comment. Seconded by Alderman Barnhill.

Alderman Burger said she met with Russ Truell on the need to raise impact fees. She does not want to put a cost burden on businesses; however, someone has to pay for the roads. Either it is the impact fees from businesses coming in with more traffic or increased property taxes. The money to build and maintain roads must come from somewhere. Increases to the impact fees are scheduled for a three-year phase in.

Mr. Truell explained City impact fees are isolated in the Road Impact Fee Fund. The fund is used to pay for roads directly, and these are limited to arterial roads or, for the most part, funds have been used to pay for debt service on roads built as long as 10 years ago. When Bakers Bridge, Cool Springs extended, and the north part of Carothers put in, bonds were issued to build those roads in anticipation of growth coming in along the way. Some of the road impact fees over the past 10 years going to retire that debt.

Mr. Gerth spoke to the example of what an impact fee would be for an existing building. Language in the current ordinance states that when an existing business changes to a use with more traffic impact, the difference between the existing to the new use would be charged. That had not been done. That framework carried over to the new ordinance with emphasis to start collecting that fee. He used the new Riff Burgers and Bakery that were formerly the Boat Locker in the example below.

	Current Fee	Effective 7/1/11	Effective 7/1/12	Effective 7/1/13
Proposed Use – Restaurant, Quality	31,273	40,944	56,417	69,955
Existing Use – General Retail	16,890	22,113	30,467	37,779
Road Impact Fee Due (Difference)	14,383	18,831	25,950	32,176

Alderman McLendon stated a road impact fee is not collected each time a building is repurposed. An impact fee is collected when the repurpose increases vehicular traffic and it is just on the difference between the uses.

Alderman Bransford supported the increase because of added traffic on the roads. She added that other cities had been researched and there had been discussion during meetings with developers. Alderman Martin said she hated to raise fees but it is the responsibility of the City to provide roads and parking. Alderman Skinner added there has been talk for years about traffic problems, collecting money to alleviate the problems is a wise thing to do. There was some discussion on incentivizing reuse of existing structures. Alderman Petersen again spoke against such a large increase, especially the doubled fee on single-family dwellings.

Motion to approve Ordinance 2011-07 on Second and Final Reading carried 6-1 with Alderman Petersen voting no.

NEW BUSINESS

11. **Consideration of ORDINANCE 2011-11, To Be Entitled "An Ordinance to Rezone ±4.24 Acres from Civic and Institutional (CI) to Regional Mixed-Use (MX) for the Property Located at 109 Third Avenue South"; Establishing a Public Hearing Date of May 24, 2011 [First of Three Readings]**

Alderman Ann Petersen, FMPC Representative

Alderman Martin moved to approve Ordinance 2011-11 on First of Three Readings. Seconded by Alderman Bransford.

Alderman Petersen commented there was no plan. Eric Stuckey explained the Concept Plan is scheduled to come along with the Second Reading/Public Hearing in May.

Alderman Skinner mentioned the great amount of time City staff invested in this; however, if rezoned with no funding available, that effort would be expended for something that would be shelved and eventually reworked. Mr. Stuckey responded the rezoning is to get to the point to move forward with the project as the Board directs.

Motion to approve Ordinance 2011-11 on First of Three Readings carried 6-1 with Alderman Skinner voting no.

12. **Consideration of the Professional Services Agreement (COF Contract No. 2011-0071) with Smith Seckman Reid, Inc. (SSR) for the Development and Submission of the National Pollutant Discharge Elimination System (NPDES) Permit Renewal for the Franklin Water Reclamation Plant in the Amount of \$15,000**

David Parker, CIP Executive/City Engineer

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

13. **Consideration of FY 2011-2012 Board Budget Goals**

Eric Stuckey, City Administrator

Alderman Petersen moved to approve the Board Budget Goals. Seconded by Alderman Burger. Motion to approve the FY 2011-2012 Board Budget Goals carried unanimously.

14. Consideration of the Request for Water and Sanitary Sewer Availability for 296 Hillsboro Road

David Parker, City Engineer/CIP Executive

Alderman McLendon moved to approve the sanitary sewer availability request for 296 Hillsboro Road, with comment. Seconded by Alderman Burger.

David Parker commented the Capital Investment Committee voted 2-1 to recommend the Board proceed with the availability with the condition there be only one single unit connection. After consulting with the City Attorney, it was determined a deed restriction would be the proper way to assure any future requests would come before the Board.

Alderman McLendon moved to amend the motion to approve the request for sanitary sewer to require, as a condition of approval, a deed restriction modifiable only by joint consent of the property owner and the City of Franklin, to restrict connection to one single-family residence any improvements upon the property. Seconded by Alderman Burger.

Alderman McLendon said the intent of joint consent with the City and the property owner is to limit development to one single-family home. The property is in a gateway to the community and is across the street from an established PUD.

Alderman Martin said she did not support the request or the amendment because this property would never be annexed into the City because it is not in the UGB.

Motion to Amend carried 4-3 with Aldermen McLendon, Burger, Barnhill, and Petersen voting in favor and Aldermen Martin, Skinner and Bransford voting against.

There was lengthy discussion on the pros and cons and what-ifs. It will be up to the property owner if he wants to pursue sanitary sewer availability with the deed restriction requirement.

Main Motion as Amended carried 5-2 with Aldermen Martin and Skinner voting against.

15. Consideration of the Utility Relocation Contract with the Tennessee Department of Transportation (TDOT Contract No. 7698; PIN 101454.01-00) for the Franklin Water Main Relocations for the Mack Hatcher Parkway Extension Northwest Quadrant Project (COF Contract No. 2011-0051)

David Parker, City Engineer/CIP Executive

Alderman McLendon moved to approve the Contract with TDOT. Seconded by Alderman Burger. Motion carried unanimously.

16. Consideration of the Utility Relocation Contract with the Tennessee Department of Transportation (TDOT Contract No. 7697; PIN 101454.01.00) for the Franklin Sanitary Sewer Main Relocations for the Mack Hatcher Parkway Extension Northwest Quadrant Project (COF Contract No. 2011-0052)

David Parker, City Engineer/CIP Executive

Alderman Bransford moved to approve the Contract with TDOT. Seconded by Alderman Petersen. Motion carried unanimously.

CONSENT AGENDA

17. Consideration of ORDINANCE 2011-10; An Ordinance to Rezone 0.94 Acres from Civic and Institutional (CI) to Central Commercial (CC) for the Property Located at 112 and 118 Bridge Street; Establishing a Public Hearing Date of May 24, 2011

[First of Three Readings] Alderman Ann Petersen, FMPC Representative

Ordinance 2011-10 approved unanimously on First of Three Readings

18. Consideration of ORDINANCE 2011-13; An Ordinance to Replace The Franklin Transportation & Street Technical Standards, as Adopted by Reference in Title 16, Chapter 11 of The Franklin Municipal Code

[First of Two Readings] David Parker, City Engineer/CIP Executive

Ordinance 2011-13 approved unanimously on First of Two Readings

19. Consideration of RESOLUTION 2011-20, a Resolution Ratifying Continued Membership in the Regional Transportation Authority of Middle Tennessee

Mayor Ken Moore

Resolution 2011-20 approved unanimously

20. Consideration of RESOLUTION 2011-21, a Resolution Approving the 2010-2014 Consolidated Plan and Annual Action Plan for 2011-12 and Authorizing a Request for Housing and Urban Development CDGB Program Funds

Vernon Gerth, ACA Community & Economic Development

Kathleen Sauseda, Interim Housing Development Coordinator

Resolution 2011-21 approved unanimously

21. Consideration of Contract Award to Crosslin & Associates, P.C. of Nashville, Tennessee, in the Total Amount of \$47,500.00 for Municipal Financial and Compliance Auditing Services for the City of Franklin for the Fiscal Year Ending June 30, 2011, with Up to Three (3) Additional Consecutive One-Year Optional Renewals for Fees Established at the Time of the Initial Proposal, for the Finance Department (Purchasing Office Procurement Solicitation No. 2011-023A; to be Budgeted in Fiscal Year 2012)

Approved unanimously Russ Truell, ACA Finance & Administration
Mike Lowe, Comptroller

22. Consideration of Contract Award to Crosslin & Associates, P.C. of Nashville, Tennessee, in the Total Amount of \$12,500.00 for Financial and Compliance Auditing Services for the Cool Springs Conference Center for the Fiscal Year Ending June 30, 2011, with Up to Three (3) Additional Consecutive One-Year Optional Renewals for Fees Established at the Time of the Initial Proposal, for the Finance Department (Purchasing Office Procurement Solicitation No. 2011-023B; to be Budgeted in Fiscal Year 2012)
Approved unanimously Russ Truell, ACA Finance & Administration
Mike Lowe, Comptroller
23. Consideration of Contract Award to Modern Day Wrecking of Nashville, Tennessee in the Total Amount of \$31,300.00 for Demolition of the Institutional Structure, Commonly Known as the Old Jail, Located at 118 Bridge Street (Purchasing Office Procurement Solicitation No. 2011-022; Project Not Itemized in the FY 2011 Budget)
Approved unanimously Vernon Gerth, ACA Community & Economic Development
24. Consideration of Bid Award to Neely Coble Co., Inc. of Nashville, TN in the Total Amount of \$155,478.00 for a Minimum of One (1) New Truck-Mounted Infrared Asphalt Maintenance Unit for the Maintenance Division of the Streets Department (Purchasing Office Procurement Solicitation No. 2011-025; \$140,000.00 Budgeted in 110-89520-43100 for Fiscal Year 2011)
Approved unanimously Joe York Streets Director
25. Consideration of Contract Award to FastTek Electrocoating of Trufant, Michigan in the Total Amount of \$24,996.00 for Electrostatic painting of Traffic Signal Poles and Mast Arms at Six (6) Locations for the Traffic Division of the Streets Department (Purchasing Office Procurement Solicitation No. 2011-026; \$25,000.00 Budgeted in 110-89470-43110 for Fiscal Year 2011)
Approved unanimously Joe York Streets Director
26. Consideration of Contract Award to TriData Division of System Planning Corporation of Arlington, VA, in the Amount of \$40,261.00, for Emergency Medical Service Consulting Services for the Fire Department (Purchasing Office Procurement Solicitation No. 2011-028; FY 2011 Funding to be Transferred from 110-82560-45900 to 110-82560-42200; FY 2012 Funding to be Budgeted in 110-82560-42200)
Approved unanimously Rocky Garzarek, Fire Chief
27. Consideration of Professional Services Agreement with Portfolio Services for Government, LLC for Professional Investment Advisory Services in an Amount Not to Exceed \$13,500
Approved unanimously Russ Truell, ACA Finance & Administration

28. **Consideration of Bid Award to Howard Industries, Inc. d/b/a Howard Technology Solutions of Ellisville, Mississippi for Bid Unit Pricing to be Honored through June 30, 2012 or Until the Specified Units are No Longer Available for Purchase New, Whichever Comes First, for Four (4) Different Models of Laptop Computers to be Allocated and Expensed as Needed to Various Departments of the City (Purchasing Office Procurement Solicitation No. 2011-029)**
Approved unanimously Fred Banner, MIT Director
29. **Consideration of the Extension of the City's Annual Contract; COF Contract No. 2009-003; for Fiscal Year 2011-2012 for General Construction of Concrete Roadway Repairs and Resurfacing (Whitetopping); Contract with Tri-State Curbing & Concrete, Inc.**
Approved unanimously David Parker, City Engineer/CIP Executive
30. **Consideration of the Extension of the City's Annual Contract; COF Contract No. 2009-0005; for Fiscal Year 2011-2012 for General Construction of Roadway Repairs and Resurfacing (Annual Paving Contract); Contract with Tennessee Valley Paving**
Approved unanimously David Parker, City Engineer/CIP Executive
31. **Consideration of the Extension of the City's Annual Contract; COF Contract No. 2009-0004; for Fiscal Year 2011-2012 for General Construction of Roadway Repairs and Improvements for Called Bonds; Contract with Tennessee Valley Paving**
Approved unanimously David Parker, City Engineer/CIP Executive
32. **Consideration of the Extension of the City's Annual Contract; COF Contract No. 2009-0006; for Fiscal Year 2011-2012 for General Construction of Concrete Curb and Sidewalk Repairs; Contract with May Construction Company**
Approved unanimously David Parker, City Engineer/CIP Executive
33. **Consideration of the Extension of the City's Annual Contract; COF Contract No. 2009-0101; for Fiscal Year 2011-2012 for General Construction of Roadway Maintenance and Drainage Stone; Contract with Vulcan Materials Co.**
Approved unanimously David Parker, City Engineer/CIP Executive
34. **Consideration of the Extension of the City's Annual Contract; COF Contract No. 2009-0033 for Fiscal Year 2011-2012 for General Construction of Stormwater and Drainage Improvements; Contract with Sessions Paving, Inc.**
Approved unanimously David Parker, City Engineer/CIP Executive
35. **Consideration of Change Order No. 1 (FINAL) for the Monticello Sanitary Sewer Improvements (COF Contract No. 2009-0043) with Scott & Ritter, Inc. for a DECREASE in the Contract Amount of \$71,914.31 (Final Contract Price of \$1,250,333.19)**
Approved unanimously David Parker, City Engineer/CIP Executive

36. **Consideration of the Professional Services Agreement with Oversight, LLC for the Harlinsdale Walking Horse Barn Construction/Renovations Documents (COF Contract No. 2011-0061) in an Amount Not to Exceed \$46,000.00**
Approved unanimously Lisa Clayton, Parks Director
37. **Consideration of a Revision to the Boyle Cool Springs II Joint Venture Road Impact Offset Agreement to Include the Signalization of the Carothers Parkway @ Corporate Center Drive Intersection (COF Contract No. 2011-0064)**
Deferred to May 10, 2011 David Parker, City Engineer/CIP Executive
38. **Consideration of the Road Impact Fee Offset Agreement; COF Contract No. 2011-0047; with Southern Land Company, LLC for Improvements Made to McEwen Drive and Mallory Lane; COF Contract No. 2011-0047**
Approved unanimously David Parker, City Engineer/CIP Executive
39. **Consideration of the Professional Services Agreement, COF Contract No. 2011-0063, with Gresham Smith and Partners for the Design of the West Main Street Water and Sanitary Sewer Rehabilitation Project in an Amount Not to Exceed \$135,000.00**
Approved unanimously David Parker, City Engineer/CIP Executive
40. **Consideration of Change Order No. 1 for the McEwen Drive Phase 3 Project in an Amount of \$8,136.55**
Approved unanimously David Parker, City Engineer/CIP Executive
41. **Consideration of Change Order No. 2 for the McEwen Drive Phase 3 Project in an Amount of \$100,000.00**
Approved unanimously David Parker, City Engineer/CIP Executive
42. **Consideration of the Professional Services Agreement, COF Contract No. 2011-0057, with Standifer and Associates for Appraisal Services for the Hillsboro Road Improvements Project in an Amount Not to Exceed \$72,000.00**
Approved unanimously David Parker, City Engineer/CIP Executive
43. **Consideration of the Professional Services Agreement, COF Contract No. 2011-0058, with B.G. Jones and Company for Appraisal Services for the Hillsboro Road Improvements Project in an Amount Not to Exceed \$53,000.00**
Approved unanimously David Parker, City Engineer/CIP Executive
44. **Consideration of the Addendum to the Professional Services Agreement, COF Contract No. 2011-0059, with Sullivan Engineering, Inc. for Design Services for the Hillsboro Road Improvements Project in an Amount Not to Exceed \$168,835.00**
David Parker, City Engineer/CIP Executive
Alderman McLendon moved to approve the Agreement with Sullivan Engineering. Seconded by Alderman Petersen.

Alderman Petersen referred to page 5 of 14, No. 1, "B", saying when Third Avenue is addressed she wants discussion on the culverts.

Motion to approve Agreement with Sullivan Engineering carried unanimously.

45. **Consideration of the Professional Services Agreement, COF Contract No. 2011-0060, with EG&G for Design Services for the Hillsboro Road Improvements Project in an Amount Not to Exceed ~~\$179,530.00~~ \$189,530.00**

David Parker, City Engineer/CIP Executive

Alderman Martin moved to approve the Agreement with EG&G. Seconded by Alderman Burger.

Alderman Petersen related these changes are based on existing projects as planned right now presuming this will go forward. David Parker noted this is to get the plans to a biddable state. There are some alternates, but that will not change what TDOT will do. Eric Stuckey added it is consistent with direction given to the Board. Mr. Parker noted an error in the caption, the correct not to exceed amount is \$189,500.

Motion to approve Agreement with EG&G carried unanimously.

46. **Consideration of the Amendment to the Professional Services Agreement, COF Contract No. 2009-0091, with RPM Transportation Consultants for Construction Engineering and Inspection Services for the Franklin ITS ARRA Project in an Amount Not to Exceed \$24,500.00**

Approved unanimously

David Parker, City Engineer/CIP Executive

47. **Consideration of the Professional Services Agreement, COF Contract No. 2011-0054, with AECOM for Construction Engineering and Inspection Services for the TOC Phase 3 (Infrastructure and Upgrades) Project in an Amount Not to Exceed \$153,500.00**

Approved unanimously

David Parker, City Engineer/CIP Executive

48. **Consideration of the Agreement, COF Contract No. 2011-0046, with Avalon Squared, LLC for Installing a Well on City Property**

Approved unanimously

David Parker, City Engineer/CIP Executive

49. **Consideration of Bid Award to Miovision Technologies, Inc. of Kitchener, Ontario, Canada, in the Total Amount of \$6,267.00 Per Unit for Vehicular Traffic Data Collection Equipment for the Traffic Operations Division of the Engineering Department (Purchasing Office Procurement Solicitation No. 2011-027; \$20,000.00 Budgeted for Vehicular Traffic Data Collection Contract Services in 110-82560-41610 for Fiscal Year 2011)**

Approved unanimously

David Parker, City Engineer/CIP Executive

50. **Consideration of the Final Change Order with Summit Constructors, Inc. for the Water Treatment Plant Raw Water Reservoir Rehabilitation Project (COF Contract No. 2009-0088) for an Increase to the Contract Price in the Amount of \$49,962.79 for the Final Closeout of the Project (Total Construction Contract Amount After This Final Change Order is \$3,946,762.79)**
Approved unanimously **David Parker, City Engineer/CIP Executive**
51. **Consideration of Change Order No. 2 with Century Construction Company, Inc. for Southeast Corridor Water System Improvements Project (COF Contract No. 2009-0059) for a Time Extension of the Contract to Adjust the Contract Completion Date to June 15, 2011**
Approved unanimously **David Parker, City Engineer/CIP Executive**
52. **Consideration of Event Permit Application for the Opening of the Franklin Theatre, 419 Main Street in Downtown Franklin, on June 3-4,2011**
Approved unanimously **David Rahinsky, Interim Police Chief**
53. **Consideration of Event Permit Application from SOL Restaurant in Downtown Franklin for Cinco de Mayo Celebration on May 5, 2011**
Approved unanimously **David Rahinsky, Interim Police Chief**
54. **Consideration of Event Permit Application from Franklin Noon Rotary for the Rodeo Parade in Downtown Franklin on May 14, 2011**
Approved unanimously **David Rahinsky, Interim Police Chief**

ADJOURN

Alderman Barnhill moved to adjourn, seconded by Alderman Skinner, and carried unanimously.

Meeting adjourned 7:57 p.m.

Mayor Ken Moore