

**MINUTES OF THE SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, MAY 24, 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		Mark Hilty, Water Management Director	
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	P	Joe York, Streets Director	P
David Rahinsky, Interim Police Chief	P	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
Lisa Clayton, Parks Director	P		

1. Call to Order

Mayor Ken Moore called the Special Meeting of the Board of Mayor and Aldermen to order on Tuesday, May 24, 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 Barnhill moved to approve the April 26, 2011 Work Session, April 26, 2011 BOMA, May 10, 2011 Work Session, and May 10, 2011 BOMA minutes as presented. Seconded by Alderman Burger. Motion carried unanimously.

7. Recognitions

➤ Welcome Back Delta Company

Mayor Moore welcomed back the City's adopted soldiers, Delta Company, First Brigade of the 327th Infantry of the 101st Airborne Division. He thanked them for their patriotism and dedication to freedom and democracy. There was a standing ovation in honor these soldiers.

➤ Honorary Citizens Proclamation for Delta Company Casualties

A picture of each fallen soldier was projected as each name was read. A moment of silence followed the reading of the Proclamation.



Proclamation

WHEREAS, the City of Franklin officially adopted Delta Company 1/327th 101st Airborne Division (Air Assault) in November 2004; and

WHEREAS, the men of Delta Company and their families have formed a special bond with the residents of Franklin; and

WHEREAS, in 2010 Delta Company was deployed to Afghanistan as part of Operation "Enduring Freedom"; and

WHEREAS, the men of Delta Company are dedicated and committed to peace and freedom throughout world; and


WHEREAS, during this tour, four (4) members of Delta Company made the ultimate sacrifice by losing their lives in defense of freedom; and

WHEREAS, the City of Franklin would like to respectfully pay tribute to these courageous heroes.

NOW, THEREFORE, be it proclaimed that on this day, May 24, 2011, the Board of Mayor and Aldermen of the City of Franklin does hereby declare these four (4) brave soldiers Honorary Citizens of the City of Franklin, Tennessee.

- Private 1st Class Benjamen Glen Chisholm
- Private Charles Milton High IV
- Specialist Shannon Chihuahua
- Specialist Jonathan A. Pilgeram

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Franklin to be affixed on this 24th day of May, 2011.



Dr. Ken Moore, Mayor
City of Franklin, Tennessee

Memorial Pavers for these soldiers as well as other veterans will be displayed at the Memorial Day ceremony on Monday, May 20, 2011 beginning at 10:00 a.m. at the Veterans Monument at Five Points.

➤ **Proclamation for the Bicentennial Celebration of the Presbyterian Church in Franklin**



PROCLAMATION

WHEREAS, the American Revivalist Movement from 1780-1830 initiated the expansion of protestant churches into the western territory of Tennessee and Kentucky, and churches were being organized by evangelists and clergymen from the East Coast in the new settlements; and

WHEREAS, the City of Franklin, Williamson County, Tennessee was established in 1799 in the midst of this movement; and

WHEREAS, the denomination known as the Presbyterian Church in the United States of America commissioned ordained missionaries from the eastern states to organize congregations of that faith and to establish schools in these new settlements west of the Allegheny Mountains and east of the Mississippi River; and

WHEREAS, in 1806 the first Presbyterian congregation in Williamson County was established by the Reverend Duncan Brown in the New Hope community to be known henceforth as New Hope Presbyterian Church; and

WHEREAS, in 1810 the Reverend Gideon Blackburn D. D., Presbyterian missionary to the Creek and Cherokee nations, migrated from Virginia and East Tennessee to organize Presbyterian congregations in the communities of Williamson County Tennessee; and

WHEREAS, on June 8, 1811 the Reverend Blackburn organized a congregation of 46 members in Franklin, and a house of worship was erected in 1815 on College Street (now Bridge Street) near the City Cemetery; and

WHEREAS, in 1811 the Reverend Blackburn organized the Harpeth Presbyterian Church near the Little Harpeth River on the turnpike (now U.S. Highway 431 South) from Nashville to Hillsboro (now Leipers Fork) Tennessee; and

WHEREAS, in 1811 the Reverend Blackburn was engaged by civic leaders to open and administer the first institution of formal learning known as the Harpeth Academy (1811-1863) which would educate alike the male children of the Scots-Irish settlers, the African American slaves, and the native American Indians; and

WHEREAS, in 1842 the Franklin Presbyterian Church purchased property on the corner of Main Street and Fifth Avenue South in order to relocate the congregation and to construct a second house of worship for the furtherance of its mission to serve Christ and neighbor at the crossroads of the City of Franklin; and

WHEREAS, in 1847 the Reverend A.N. Cunningham, pastor of the congregation known by that time as the first Presbyterian Church of Franklin, was named to open and direct the Franklin Female Institute (1847-1907) located at Five Points in downtown Franklin; and

WHEREAS, in 1879 the Bethesda Presbyterian Church opened at the Bethesda Crossroads having been founded as "the House of Mercy" in 1810 and serving until 1830; and

WHEREAS, in 1887, with the prosperity and commercial redevelopment of the downtown area, the elders of the First Presbyterian Church voted to raze the 1842 building and to erect a larger house of worship in the Romanesque Revival style; and

WHEREAS, in 1988, after one hundred years of growth in the City of Franklin and in the congregation of First Presbyterian Church at Five Points, the members voted to purchase property at Franklin Road and Mack Hatcher By-Pass in order to construct enlarged facilities for its worship and missions and to expand Franklin's first kindergarten and pre-school program which it had created in 1952; and

WHEREAS, on September 13, 1992 the Presbytery of Middle Tennessee (USA), chartered a new congregation to be known as Historic Franklin Presbyterian Church with the mission to occupy the historic facilities at Fifth and Main Streets and to continue to serve the cause of Christ at the center of the Franklin community; and

WHEREAS, the Presbyterian Church (USA) established the congregations of First Brentwood Presbyterian Church in 1979 and East Brentwood Presbyterian Church in 1989 and has organized other affiliated congregations over the years near the Williamson County borders; and


WHEREAS, as a branch of the one Christian church, the Presbyterian Church has inspired the formation of other Presbyterian denominations in the Franklin and Williamson County area which are rooted in the Reformation of the 16th Century, organized into presbyteries and synods, are locally governed by elected elders, which practice the two sacraments of Baptism and the Lord's Supper and are welcoming to all who profess faith in the authority of God and affirm the lordship of Jesus Christ in their lives.

NOW THEREFORE, I, Dr. Ken Moore, Mayor of the City of Franklin, do hereby recognize the bicentennial of the historic founding of the Presbyterian faith in Franklin and designate Saturday, June 11, 2011 as

"Bicentennial Presbyterianism Day"

in Franklin, and I urge all citizens to join me in recognizing this important milestone for the Presbyterian church and this community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Franklin to be affixed on this 24th day of May, 2011.


Dr. Ken Moore, Mayor
City of Franklin, Tennessee

8. Miscellaneous Reports

❖ **Franklin Civil War Roundtable**

Alderman Skinner announced the next Roundtable is scheduled on Sunday, June 12, 2011 @ 3:00 p.m. at the Williamson County Library. Dr. Glenn LaFantasie of Western Kentucky University will present *The Mystery of Ulysses S. Grant*.

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 **22-37** be placed on the Consent Agenda

Alderman Barnhill moved to approve the Consent Agenda, Items 22-37 with the exception of pulled items 22 and 31. Seconded by Alderman Burger. Motion carried unanimously.

OLD BUSINESS

10. **PUBLIC HEARING: 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**

[Second of Three Readings]

Alderman Ann Petersen, FMPC Representative

Public Hearing

With no one coming forward to address this item, Mayor Moore declared the Public Hearing closed

Alderman Burger moved to approve Ordinance 2011-10 on Second of Three Readings. Motion carried unanimously.

11. **PUBLIC HEARING: 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"**

[Second of Three Readings]

Alderman Ann Petersen, FMPC Representative

Public Hearing

- ✚ Joy Morris, vice president, Downtown Neighborhood Association, stated the Association supports a new City Hall in downtown Franklin.
- ✚ Jay Wade, Jefferson Drive, Monticello subdivision, expressed opposition to a new City Hall being downtown in conjunction with a boutique hotel. Build City Hall farther out on Columbia Avenue with plenty of parking and room for growth instead of entering into public/private financing. If City Hall kept downtown, keep it separate from private projects.
- ✚ Andrew Dellinger said he is running for alderman-at-large. He opposes building a new City Hall because the City should get out of debt and curb spending.

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

Alderman Martin moved to approve Ordinance 2011-11 on Second of Three Readings.

Discussion:

- Alderman Skinner opposed because should determine a cost estimate first.
- Alderman Petersen had no objection to rezoning but has concerns about this item and the following related item.
- Alderman McLendon supported the rezoning, but wanted to hold off on committing to a public/private venture. Reserved the right to hear more before making a decision.
- Alderman Burger agreed this should move ahead. The rezoning does not commit to any public/private venture. Residents in her ward overwhelming support a downtown hotel.
- Alderman Martin strongly supports a new building as this City Hall has served its purpose. The plans for the block make sense, there is plenty of room, and a hotel is needed downtown. Residents support it as well.
- Those who ask why a new City Hall is needed, as it looks fine to them from the outside, are not aware of the limitations and problems inside. There are valid reasons to build a new building instead of throwing away money on temporary fixes.

Motion to approve Ordinance 2011-11 on Second of Three Readings carried 5-2 with Aldermen Petersen and Skinner voting against rezoning.

12. **PUBLIC HEARING: Consideration of RESOLUTION 2011-13, A Resolution Approving a Concept Plan for Franklin City Hall PUD Subdivision, Totaling ±4.24 Acres, Located at 109 Third Avenue South, by the City of Franklin, Tennessee**

Alderman Ann Petersen, FMPC Representative

Public Hearing

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

Alderman Martin moved to approve Resolution 2011-13. Seconded by Alderman Bransford.

Alderman Petersen expressed concern regarding adequate parking with a proposed hotel, additional traffic, internal streets traffic patterns, and unloading zones on the internal streets.

Motion to approve Resolution 2011-13 carried 5-2 with Aldermen Petersen and Skinner voting against.

13. **Consideration of Contract Award (COF Contract No. 2011-0070) to Utility Fleet Sales, Ltd. Of Bryan, Texas in the Total Amount of \$59,900.00 for a Used 2003 International Bucket Truck for the Parks Department (\$23,000.00 to Lease a New Truck Budgeted in 110-89520-44700 for Fiscal Year 2011)**

Lisa Clayton, Parks Director

Alderman Skinner moved to approve Contract Award with Utility Fleet Sales, Ltd. Seconded by Alderman Barnhill. Motion carried unanimously.

NEW BUSINESS

14. **Consideration of ORDINANCE 2011-17, An Ordinance of The City of Franklin, Tennessee, Adopting a Budget for the Fiscal Year ~~2010-2011~~ 2011-2012; Providing an Effective Date. A Public Hearing Date is Established for June 14, 2011**

[First of Three Readings]

Alderman Ann Petersen

Budget & Finance Committee Chair

Alderman Petersen moved to approve Ordinance 2011-17 on First of Three Readings. Seconded by Alderman Bransford.

Eric Stuckey noted:

- FY 2011-2012 General Fund Budget of \$52.8 million is 3% above the existing budget, yet captures savings over the last two years
- This budget still represents an 11% reduction to the general fund budget in FY 2008-09
- Total Operating Budget of \$80.7 million, an increase of 13% (1/2 of increase due to several drainage projects budgeted in Stormwater)
- Budget is structurally balanced
- Essential service levels maintained

Motion to approve Ordinance 2011-17 on First of Three Readings carried unanimously.

15. **Consideration of ORDINANCE 2011-18, An Ordinance of The City of Franklin, Tennessee, Establishing the Municipal Property Tax Levy for the Fiscal Year 2011-2012; Providing an Effective Date. A Public Hearing Date is Established for June 14, 2011.**

[First of Three Readings]

Alderman Ann Petersen

Budget & Finance Committee Chair

Alderman Petersen moved to approve Ordinance 2011-8 on First of Three Readings. Seconded by Alderman Barnhill. Motion carried unanimously.

16. **Consideration of ORDINANCE 2011-26 to Amend Title 17 of The Municipal Code to Include Tipping Fees at The Municipal Transfer Station for Solid Waste Disposal Use by Private Haulers and Municipal Vehicles, and to Establish the Creation of a Fuel Surcharge; Establishing a Public Hearing on June 14, 2011**

[First of Three Readings]

Alderman Ann Petersen

Budget & Finance Committee Chair

Alderman Burger moved to approve Ordinance 2011-26 on First of Three Readings. Seconded by Alderman Skinner. Motion carried unanimously.

17. **Consideration of ORDINANCE 2011-19, An Ordinance to Amend Title 22, Chapter 17 of The Franklin Municipal Code to Increase the Fees for Collection of Garbage and Refuse; Establishing a Public Hearing Date of June 14, 2011**

[First of Three Readings]

Alderman Ann Petersen

Budget & Finance Committee Chair

Alderman Martin moved to approve Ordinance 2011-19 on First of Three Readings. Seconded by Alderman Burger. Motion carried unanimously.

18. **Consideration of ORDINANCE 2011-25, An Ordinance to Amend Section 16-507 of The Franklin Municipal Code to Adopt by Reference the Special Events Grant Policy**

[First of Two Readings]

Eric Stuckey, City Administrator

Monique McCullough, Public Outreach Specialist

Alderman Skinner moved to approve Ordinance 2011-25 on First of Two Readings. Seconded by Alderman Burger.

Alderman Petersen expressed concern because the Policy only applies to certain types of events. Alderman Burger responded that it does not cover for-profit events. Mr. Stuckey added it pertains to large community-wide events. It is a mechanism to account for costs and give credit to the organizers.

Motion to approve Ordinance 2011-25 on First of Two Readings carried unanimously.

19. **Consideration of Amendment No. 1 (COF Contract No. 2011-0064) to The Boyle Cool Springs II Joint Venture Road Impact Offset Agreement (COF Contract No. 2010-0191) to Include the Signalization of the Carothers Parkway at Corporate Center Drive Intersection**

David Parker, City Engineer/CIP Executive

Alderman Skinner moved to defer this item to the June 14, 2011 BOMA meeting. Seconded by Alderman Petersen. Motion carried unanimously.

20. **Consideration of the Agreement for Reimbursement of Costs (Recovery) for Sanitary Sewer Improvements (COF Contract No. 2011-0056) with Rural Plains Partnership for the Goose Creek Sanitary Sewer Line**

David Parker, City Engineer/CIP Executive

Alderman Bransford moved to approve the Agreement. Seconded by Alderman Skinner. Motion carried unanimously.

21. **Consideration of the Appointment of Eric Jacobson as the Battle of Franklin Trust Representative to The Battlefield Preservation Commission**

Mayor Ken Moore

Alderman Bransford moved to approve the appointment of Eric Jacobson. Seconded by Alderman Skinner.

CONSENT AGENDA

22. **Consideration of ~~First and Second~~ Third Quarter Budget Amendments**

Russ Truell, ACA Finance & Administration

*Alderman Barnhill moved to correct a caption error, should read **Third Quarter** instead of First and Second Quarter. Seconded by Alderman Petersen. Motion carried unanimously.*

Alderman McLendon moved to approve the Third Quarter Budget Amendments. Seconded by Alderman Skinner. Motion carried unanimously.

23. **Consideration of RESOLUTION 2011-25, A Resolution Abandoning a Sanitary Sewer Easement in the Gateway Village Development**

Approved unanimously

David Parker, City Engineer/CIP Executive

24. **Consideration of RESOLUTION 2011-22, a Resolution Extending the Sunset Date for the Retiree Health Insurance to September 30, 2011**

Approved unanimously

Shirley Harmon, Human Resources Director

25. **Consideration of the Acceptance of Certificate of Correction for Survey of the Eastern Flank Battlefield Park and Lot 4 of The Links Subdivision**

Approved unanimously

David Parker, City Engineer/CIP Executive

26. **Consideration of Amendment No. 1 to the Agreement Concerning Adjustment of Boundaries of Franklin and Brentwood South of Split Log Road and North of the Proposed McEwen Drive Extension (COF Contract No. 2011-0030)**

Approved unanimously

David Parker, City Engineer/CIP Executive

27. **Consideration of Change Order No. 1 with W. L. Hailey & Company, Inc. for the Downs Boulevard 12 inch Reclaimed Water Line and West Reclaimed Water Line – ARRA Division A and the Downs Boulevard 24 Inch Water Line – Division B Projects of COF Contract No. 2009-0099 for a Contract Time Extension of 24 Calendar Days with No Increase in Cost**

Approved unanimously

David Parker, City Engineer/CIP Executive

28. **Consideration of The Road Impact Fee Offset Agreement (COF Contract No. 2011-0055) with Rural Plains Partnership, Chadwell Partnership and Reams Fleming Partnership for the Lewisburg Pike Improvements**

Approved unanimously

David Parker, City Engineer/CIP Executive

29. **Consideration of the Award of Construction Contract (COF Contract No. 2011-0006) for the Bakers Bridge Avenue and Carothers Parkway Pedestrian Traffic Signalization Project to S & W Contracting Company in the Amount of \$25,647.50**

Approved unanimously

David Parker, City Engineer/CIP Executive

30. **Consideration of Change Order No. 1 with Doss Brothers, Inc. for the General Demolition and Debris Removal – Rebel Meadows Properties (COF Contract No. 2011-0008) in the Amount of \$1,105.00 and for a Contract Time Extension of 11 Calendar Days**

Approved unanimously

David Parker, City Engineer/CIP Executive

31. **Consideration of Bid Award to A & A Sheet Metal Products, Inc. of LaPorte, Indiana, in the Total Amount of ~~\$18,204.00~~ \$36,408.00 ~~Per Unit for One (1)~~ Two (2) Chemical Storage Lockers for the Parks Department (Purchasing Office Procurement Solicitation No. 2011-031; \$20,000.00 Budgeted in 110-89230-44700 for Fiscal Year 2011)**

Lisa Clayton, Parks Director

Eric Stuckey related the original bid was for two chemical storage lockers @ \$18,204.00 per unit. FY 2011 budget allocated \$20,000.00. During a prior meeting it was suggested just one unit be purchased. Sufficient funds are available within the Parks Department existing budget to fund the purchase of the two chemical storage lockers totaling \$36,408.00

Alderman McLendon moved to approve the purchase of two chemical storage lockers totaling \$36,408.00. Seconded by Alderman McLendon. Motion carried unanimously.

32. **Consideration of Automatic Aid Agreement (COF No. 2011-0072) with the City of Brentwood**

Approved unanimously

Rocky Garzarek, Fire Chief

33. **Consideration of Bid Award to Utility Services Associates, LLC of Burien, Washington in the Total Estimated Amount of \$10,400.00 for Water Distribution System Leak Detection Survey and Other Related Contract Services for the Specified Estimate of 40 Miles of Distribution Pipe (at the Total Quoted Bid Price of \$260.00 per Mile) for the Water Distribution Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2011-006; \$35,000.00 Budgeted in 421-82599-52102 for Fiscal Year 2011)**

Approved unanimously

Mark Hilty Water Management Director

34. **Consideration of Bid Award to Utility Services Associates, LLC of Burien, Washington in the Total Estimated Amount of \$24,000 for Water Distribution System Leak Detection Survey and Other Related Contract Services for 120 Miles of Additional Distribution Pipe (at the Rate of \$200 per Mile) for the Water Distribution Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2011-032; \$24,000.00 Budgeted in 421-82599-52102 for Fiscal Year 2011)**
Approved unanimously Mark Hilty, Water Management Director
35. **Consideration of Event Permit Application from the Harpeth Bicycle Club for the Harpeth River Bike Ride on June 11, 2011**
Approved unanimously David Rahinsky, Interim Police Chief
36. **Consideration of Liquor License Retailer's Certificate for the Corner Wine & Spirits (Guru Dev of Franklin, LLC, Vrushank Ramesh Surati), 1110 Hillsboro Road, Franklin, Tennessee**
Approved unanimously Lanaii Benne, Assistant City Recorder
37. **Items Approved by the City Administrator on Behalf of the Board of Mayor and Aldermen:**
- Approved Professional Services Agreement (COF Contract No. 2011-0073) with TVG, Inc. for Testing Services at the Bicentennial Park for the Harpeth River Greenway Project in an Amount Not to Exceed \$9,750.00

ADJOURN

Alderman Bransford moved to adjourn, seconded by Alderman Skinner, motion carried unanimously.

Meeting adjourned 7:36 p.m.

Mayor Ken Moore

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 5/27/2011 10:19 AM