

**MINUTES OF THE SPECIAL MEETING  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, MARCH 22, 2011 – 7:00 P.M.**

**Board Members**

Mayor Ken Moore	P	Alderman Margaret Martin	P
Vice Mayor Clyde Barnhill	P	Alderman Dana McLendon	A
Alderman Pearl Bransford	P	Alderman Ann Petersen	P
Alderman Beverly Burger	P	Alderman Michael Skinner	P
	P		

**Department Directors/Staff**

Eric Stuckey, City Administrator		Eric Gardner, Engineering Director	P
Vernon Gerth, ACA Community & Economic Development		Shirley Harmon, HR Director	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	
David Parker, City Engineer/CIP Executive	P	Gary Luffman, BNS Director	
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	
Fred Banner, MIT Director		Lanaii Benne, Assistant City Recorder	P
Becky Caldwell, Solid Waste Director		Linda Fulwider, Board Recording Secretary	P
Lisa Clayton, Parks Director	P		

**1. Call to Order**

The *Special* Meeting of the Board of Mayor and Aldermen was called to order by Mayor Ken Moore on Tuesday, March 22, 2011, 7:00 p.m. in the City Hall Boardroom.

**2. Invocation**

The Invocation was given by Pastor Nancy Baughman, Fourth Avenue Church of Christ.

**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 defer approval of the minutes to April 12, 2011. Seconded by Alderman Bransford. Motion carried unanimously.*

**7. Recognitions**

- Proclamation – Purchasing Month  
Mayor Moore proclaimed the Month of March Purchasing Month
  
- Sizzle Awards
  - ✚ Voted Best Public Park – Pinkerton Park  
Mayor Moore displayed the trophy accompanied by a round of applause
  - ✚ Voted Best Tourist Attraction – Downtown Franklin and Square  
Mayor Moore displayed the trophy accompanied by a round of applause

**8. Miscellaneous Reports**

- Mayor Moore announced The State of the City Address would be April 27, 2011, in Liberty Hall at The Factory. A light breakfast will be served beginning at 7:00 a.m., with a multimedia presentation at 7:45 a.m., followed by Mayor Moore’s address. The theme is the Spirit of Franklin to coincide with the anniversary of the 2010 flood.
  
- Alderman Bransford introduced students she has been working with at Centennial High School. Travarius Harris, senior, Paris Johnson, senior, and Jelisa Chatman, junior, came to see the democratic process in action.
  
- A Civil War Roundtable program is scheduled April 10, 2011, 3:00 p.m. at the Williamson County Library. The panel discussion will focus on General Hood and his decisions made prior to the Battle of Franklin. Sam Hood, descendent of the General, will participate in the program.

**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 18-33 be placed on the Consent Agenda

Alderman Skinner pulled item 21, and David Parker asked that item 25 be pulled as well.

*Alderman Barnhill moved to approve the Consent Agenda Items 18-33, with the exclusion of Items 21 and 25. Seconded by Alderman Bransford. Motion carried unanimously.*

**OLD BUSINESS**

10. **Consideration of Contract Award to Sherrill Morgan of Covington, KY in the Total Amount of \$30,000.00 for the Initial Twelve-Month Term of Service Year for Group Employee Insurance Benefits Consulting Services for the Human Resources Department, with Options to Extend the Term of Service for Up to a Maximum of Two (2) Additional One-Year Terms (Purchasing Office Procurement Solicitation No. 2011-016; Not specifically Budgeted for in FY2011)**

**Eric Stuckey, City Administrator**

**Shirley Harmon, Human Resources Director**

*Alderman Martin moved to approve Contract Award to Sherrill Morgan in the Amount of \$30,000.00. Seconded by Alderman Petersen. Motion carried 5-1 with Alderman Burger voting no.*

### NEW BUSINESS

11. **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; Establishing a Public Hearing Date of April 26, 2011**

**[First of Two Readings]**

**David Parker, City Engineer/CIP Executive**

*Alderman Barnhill moved to approve Ordinance 2011-07, impact fees on arterial roads with cost of right-of-way included on First of Two Readings. Seconded by Alderman Burger.*

Alderman Petersen spoke against including arterial right-of-way because many of the fees would double current fees. The arterial without right-of-way would raise sufficient funds.

*Alderman Petersen moved to amend Ordinance 2011-07 to remove the cost of right-of-way from the arterials as shown on Table 19 and review impact fees in three years. Seconded by Alderman Bransford.*

Lengthy discussion ensued on high cost of rights-of-way, implementing impact fees in three steps, insufficient fees coming in to build roads, whether traffic capacity on particular roads is being increased, homebuilders pay the fees and pass them on to buyers, single-family dwelling fees, and supporting the Ordinance as written to allow much needed road improvements. The Ordinance provides for raising the fees in three phases.

*Motion to amend **failed** 2-4 with Aldermen Petersen and Bransford voting in favor and Aldermen Martin, Skinner, Burger, and Barnhill voting against the amendment.*

*Motion to approve Ordinance 2011-07 as presented on First of Two Readings carried unanimously.*

12. **Consideration of RESOLUTION 2011-16, A Resolution to Amend the Franklin City charter, Article IV, Part I, Subpart I, Section 5 Regarding the Office of Vice Mayor and Vacancies in Office**

**Shauna Billingsley, City Attorney**

*Alderman Skinner moved to approve Resolution 2011-16. Seconded by Alderman Bransford. Motion carried unanimously.*

13. **Consideration of RESOLUTION 2011-17, A Resolution to Amend the Franklin City Charter to Delete Article II, Part I, Subpart II, Section 1, Subsection 35 Relative to the Construction and Repair of Sidewalks by Abutting Owners**

**Shauna Billings, City Attorney**

*Alderman Martin moved to approve Resolution 2011-17. Seconded by Alderman Bransford. Motion carried unanimously.*

14. **Consideration of RESOLUTION 2011-18, A Resolution Adopting and Authorizing the City of Franklin Drought Management Plan Submittal to TDEC**

**Mark Hilty, Water Management Director**

*Alderman Bransford moved to approve Resolution 2011-18. Seconded by Alderman Burger.*

Alderman Petersen had requested amendments and those were included in the Plan distributed at the meeting.

*Motion to approve Resolution 2011-18 (as amended) carried unanimously.*

15. **Consideration of Change Order No. 2 with W. L. Hailey for a Time Extension for the Simmons Ridge Interceptor Sanitary Sewer Project (COF Contract No. 2009-0098)**

**David Parker, City Engineer/CIP Executive**

*Alderman Barnhill moved to approve Change Order No. 2. Seconded by Alderman Bransford. Motion carried unanimously.*

16. **Consideration of City Purchase of the Property Located at 331 Fifth Avenue North in the Amount of \$300,000**

**David Parker, City Engineer/CIP Executive**

*Alderman Martin moved to approve the purchase of the property at 331 Fifth Avenue North. Seconded by Alderman Burger.*

Alderman Petersen said she voiced concerns at the last Capital Investment Committee meeting about the purchase of this property and had requested the overall area be looked at instead of one piece of property at a time. She asked the cost right-of-way and easement of this property and David Parker responded \$34,500. She said the area is different now with the vacant buildings and those for rent. The Williamson County Assessor appraisal was \$330,000 as of October 1, 2009 and is now down to \$241,100. What would the City do with this property opposed to the area as a whole?

David Parker noted it could provide parking for the trailhead of a trail along Sharpe's Branch from Fifth Avenue to Highway 96 West. There are long-term plans for that. The Hard Bargain area, which is bounded on the north by Mt. Hope Street, has been designated as an historic area and there is an effort to revitalize the area. 331 Fifth Avenue North is situated at the corner of Fifth Avenue and Mt. Hope Street. If the City were to own the property, there could be an entrance feature constructed for the Hard Bargain area to highlight its location off the main roadway artery leading into town.

Alderman Martin said the Board should take advantage of this opportunity instead of waiting to study the entire area. She was in favor of purchasing the property.

Alderman Skinner asked what percentage is in the floodplain. Alderman Petersen responded it is estimated that 1/3 is in the floodplain 2/3 is in the floodway. Alderman Barnhill noted the appraisal was \$310,000 and the asking price is \$300,000 and that does not include the cost of demolishing the building and removing the debris. The property is on the tax rolls at \$241,000. He cannot support paying \$300,000 for property in the floodplain.

*Motion to purchase of 331 Fifth Avenue North **failed** 1-5 with Alderman Martin voting for the purchase and Aldermen Skinner, Burger, Barnhill, Bransford, and Petersen voting against the purchase.*

- 17. Consideration of Rejection of Bids Received for the Construction Contract for the Pedestrian Signal at Carothers Parkway and Baker's Bridge Road Project to Stansell Electric Company in the Amount of \$87,827.00; COF Contract No. 2011-0006**

**David Parker, City Engineer/CIP Executive**

*Alderman Petersen moved to approve Option 3 to reject bids received for the Pedestrian Signal at Carothers Parkway and Baker's Bridge Road. Seconded by Alderman Skinner. Motion carried unanimously.*

### **CONSENT AGENDA**

- 18. Consideration of ORDINANCE 2010-20, 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 [Third and Final Reading]**

**Alderman Ann Petersen, FMPC Representative**

*Motion to approve Ordinance 2010-20 on Third and Final Reading carried unanimously.*

- 19. Consideration of RESOLUTION 2011-14, A Resolution to Reapprove a Concept Plant for Franklin Christian Academy for One Year, on Land Totaling 27.91 Acres, Located at 1720 New Highway 96 West, by the City of Franklin, Tennessee**

*Approved unanimously*

**Alderman Ann Petersen, FMPC Representative**

- 20. Consideration of the Award of the Construction Contract for the Jackson Lake Dredging Project to Century Construction Co., Inc., in the Amount of \$1,467,785.00; COF Contract No. 2010-0175**

*Approved unanimously*

**David Parker, City Engineer/CIP Executive**

- 21. Consideration of the Professional Services Agreement with CDM for the Construction Administration Services for the Jackson Lake Dredging Project in an Amount Not to Exceed \$63,000.00; COF Contract No. 2011-0037**

**David Parker, City Engineer/CIP Executive**

*Alderman Burger moved to approve the Agreement with CDM for Construction Administration. Seconded by Alderman Barnhill.*

Alderman Skinner commented that it seems the City is getting in the habit of hiring out management of these things. He asked what it would cost to hire another employee instead of hiring consultants.

Alderman Burger agreed that Construction Administration Services are needed for this project because the work is extensive. Mr. Parker responded that no one on staff has the expertise for the environmental process this project requires. The Construction Administration services will be on an hourly basis and he doesn't believe it will cost the entire \$63,000.00. This project is a different type system and layout than the Liberty Hills project.

*Motion to approve Construction Administration Services with CDM carried unanimously.*

22. **Consideration of Amendment 1 to the Master Services Agreement with CEC for Stream Restoration Projects in an Amount Not to Exceed \$42,400.00; COF Contract No. 2011-0025**  
*Approved unanimously* **David Parker, City Engineer/CIP Executive**
23. **Consideration of Amendment 1 to the Master Services Agreement with URS for Stream Restoration Projects in an Amount Not to Exceed \$54,000.00; COF Contract No. 2011-032**  
*Approved unanimously* **David Parker, City Engineer/CIP Executive**
24. **Consideration of Amendment 1 to the Master Services Agreement with AMEC for Stream Restoration Projects in an Amount Not to Exceed \$50,000.00; COF Contract No. 2011-033**  
*Approved unanimously* **David Parker, City Engineer/CIP Executive**
25. **Consideration of TDOT Utility Relocation Contract for Water for the Mack Hatcher Parkway Northeast Quadrant Widening Project – from SR 96 (Murfreesboro Road) to SR 6 (US 31, Franklin Road), Contract No. 7699, PIN 101202.00 (COF Contract No. 2011-0038)**  
**David Parker, City Engineer/CIP Executive**  
*Alderman Burger moved to approve the TDOT Utility Relocation Contract contingent on staff approval of language in the contract. Seconded by Alderman Skinner. Motion carried unanimously.*
26. **Consideration of Event Permit for Jingle Bell Run to be Held in Downtown Franklin on December 4, 2011**  
*Approved unanimously* **David Rahinsky, Interim Police Chief**
27. **Consideration of Event Permit Request from My Father's House for Cinco De Mayo Event to be Held at Harlinsdale Farm on May 21, 2011**  
*Approved unanimously* **Lisa Clayton, Parks Director**

28. **Consideration of Event Permit Request from Heritage Foundation for Heritage Ball at Eastern Flank Battlefield Park on September 24, 2011**

*Approved unanimously*

**Lisa Clayton, Parks Director**

29. **Consideration of Bid Award to Waste Management, Inc. of Tennessee, d/b/a West Camden Sanitary Landfill of Camden, TN, for the Quoted Unit Pricing of \$24,40 per Ton for Sanitary Landfill Tipping Services for the Disposal of Biosolids Produced at the City of Franklin Water Reclamation Facility for the Water Reclamation Division of the Water Management Department, for an Initial Term of Service Commencing April 1, 2011 and Expiring December 31, 2012 with Options to Extend the Term of Service for Up to a Maximum of Three (3) Additional One-Year Terms (Purchasing Office Procurement Solicitation No. 2011-011; \$262,500.00 Budgeted in 431-82270-52213 for FY2011)**

*Approved unanimously*

**Mark Hilty, Water Management Director**

30. **Consideration of the 2010-11 Community Based Development Organization (DBDO) Contract 2011-0021 with Hard Bargain/Mt. Hope Redevelopment in the Amount of \$55,000 for the Purpose of Creating One Affordable Housing Unit with Community Development Block Grant (CDBG) Funding**

*Approved unanimously*

**Vernon Gerth, ACA Community & Economic Development  
Kathleen Sauseda, Interim Housing Development Coordinator**

31. **Consideration of Sole-Source Purchase from Masimo Corporation of Irvine, CA in the Total Amount of \$34,842.00 for Six (6) Carbon Monoxide Monitors for the Fire Department (To be 80% Funded by The Assistance to Firefighters Grant Program)**

*Approved unanimously*

**Rocky Garzarek, Fire Chief**

32. **Consideration of Bid Award to Novacopy, Inc. of Nashville, TN in the Total Estimated Amount of \$90,294.60 for Purchase of Six (6) New Commercial-Grade Multifunction Copiers for Various Departments of the City (\$42,435.00), Various Per-Click Charges for Maintenance Services for Said New Copiers for the Specified Estimated Respective Volumes Over the Specified Estimated 60-Month Service Life (\$47,859.60), and Removal and Disposal of Six (6) Surplus Copiers Currently Owned by the City (\$0.0) (Purchasing Office Procurement Solicitation No. 2011-017 Through 021; Not Specifically Budgeted for in FY2011)**

*Approved unanimously*

**Brian Wilcox Purchasing Manager**

33. **Items approved by the City Administrator**

- a. Contract with Tennessee Department of Health to Perform Laboratory Tests on Microbiological Stormwater Samples, Effective for the Period Beginning July 1, 2011, and Ending on June 30, 2014, in the Amount Not to Exceed \$6,000.00 Per Year
- b. Purchase Contract with Building Maintenance and Consulting Services, Inc. d/b/a Maintenext of Old Hickory, TN, in the Amount of \$176.00 per Month for Janitorial Services at the City's Water Reclamation Facility

*Approved unanimously*

**ADJOURN**

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

Meeting adjourned 7:48 p.m.

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Mayor Ken Moore

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 3/29/2011 1:41 PM