

**MINUTES OF THE SPECIAL MEETING  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, JANUARY 25, 2011 – 7:00 P.M.**

**Board Members**

Mayor John Schroer	P	Alderman Margaret Martin	P
Mayor Ken Moore	P	Alderman Dana McLendon	P
Vice Mayor Clyde Barnhill	P	Alderman Ann Petersen	P
Alderman Pearl Bransford	P	Alderman Michael Skinner	P
Alderman Beverly Burger	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	P
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	P	Joe York, Streets Director	P
Jackie Moore, Police Chief	P	Brad Wilson, Facilities Project Manager	P
Fred Banner, MIT Director	P	Lanaii Benne, Assistant City Recorder	P
Becky Caldwell, Solid Waste Director	P	Linda Fulwider, Board Recording Secretary	P
Lisa Clayton, Parks Director	P		

**1. Call to Order**

The *Special* Meeting of the Board of Mayor and Aldermen of the City of Franklin, Tennessee, called to order by Mayor John Schroer on Tuesday, January 25, 2011, 7:00 p.m. in the City Hall Boardroom.

**2. Invocation**

The Invocation was given by Dr. Lynn Hill of the First United Methodist Church

**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 following minutes as presented December 16, 2010 Special BOMA (Sewer Request), January 11, 2011 Work Session, January 11, 2011 Executive Session, and January 11, 2011 BOMA. Seconded by Vice Mayor/Alderman Moore. Motion carried unanimously.*

7. **Consideration of Resignation from Mayor John Schroer**

**Eric Stuckey, City Administrator**

Mayor John Schroer recently accepted the post as Commissioner of Transportation in the cabinet of newly elected Governor Bill Haslam. He submitted his letter of resignation as Mayor of Franklin effective immediately.

Mayor Schroer said he was humbled and honored to serve this community, first as a member and chair of the Franklin Special School District for 14 years, and as Mayor of the great City of Franklin for three years. He added he was looking forward to serving the citizens of Tennessee as the new Commissioner of Transportation. He went on to recognize and thank his wife Marianne. He thanked City employees, and praised Assistant City Administrators Vernon Gerth and Russ Truell. The outgoing Mayor said the best recommendation he made to the Board was to hire Eric Stuckey as City Administrator. He acknowledged the administrative staff mentioning the brief, but fun, going-away ceremony for him just prior to the meeting. To the aldermen he noted they hadn't always agreed on everything, but civility and professionalism prevailed. Three years ago, voters faced keeping the status quo or electing change. They chose change. He continued by listing 12 of the many changes effected during his tenure.

In closing, Mayor Schroer stated that under Ken Moore's leadership there are even better days ahead for Franklin and that voters can keep going forward and not return to the way it was.

*Alderman Dana McLendon moved to accept the resignation of Mayor John Schroer. Seconded by Alderman Pearl Bransford. Motion carried unanimously.*

8. **Recognition of Outgoing Mayor**

**Eric Stuckey, City Administrator**

Eric Stuckey then recognized the outgoing Mayor Schroer for his distinguished public service career: First, his 14 years with the Franklin Special School District, then his three years as the mayor of Franklin, and now in his new role as Commissioner of Transportation for the State of Tennessee. He said that to John Schroer it is not about titles, it is all about service, making people's lives better, and the impact as a team to accomplish that. He mentioned the former mayor's leadership traits and ability to make things fun.

Before presenting gifts to Mr. Schroer, Mr. Stuckey told him there had been a meeting with TDOT to realign the Mack Hatcher Extension down what is now Glass Lane. Thus, the first parting gift, a green and white street sign with the Franklin seal reading "Mayor John Schroer Blvd." on one side and "TDOT Commissioner John Schroer Parkway" on the other. The next "gift" consisted of a picture of Mr. Schroer portraying Blues Brother Jake at the 2010 City Halloween Party projected on the Board Room walls. Eric Stuckey explained that Commissioner Schroer didn't want the State to go to the expense of hanging his picture in all the TDOT facilities along with past commissioners and the Governor. It was suggested he use the Jake shot to save the State the expense. The final gift was a plaque to commemorate his service to the City. It read, With sincere appreciation for your leadership and dedicated service to the City of Franklin. Mayor John C. Schroer 2007-2011"

**9. Administration of Oath of Office to Mayor**

**Lanaï Benne, Assistant City Recorder**

Vice Mayor Moore came forward to be sworn in by Assistant City Recorder, Lanaï Benne. Dr. Moore's wife Linda, his son Andy and wife Mary Kimberly Moore, grandson Burton Moore, son Matt Moore and Matt's girlfriend Mary Marshall Ledbetter joined him.

Mayor Moore stated his first act as mayor was to acknowledge his 92-year-old mother and his wife's 96-year-old mother who were watching on TV. He said the Bible he used in the ceremony had belonged to his late father who was a fine Christian man and a great example to him. He thanked the many special friends who came for the ceremony. Mayor Moore said he looked forward to working with City employees and BOMA in keeping the standard of life in Franklin.

**10. Election of Vice Mayor Pursuant to The City Charter, Article IV, Section 5**

**Dr. Ken Moore, Mayor**

*Alderman Martin nominated Clyde Barnhill for Vice Mayor. Seconded by Alderman Bransford.*

*Alderman Skinner moved the nominations be closed. Seconded by Alderman Bransford. Motion carried unanimously.*

*Motion to elect Alderman Clyde Barnhill Vice Mayor carried unanimously.*

**11. Recognitions**

➤ Eric Gardner, Engineering Director – AECE Award

The American Society of Civil Engineers named Eric Gardner, Engineering Director, Outstanding Younger Civil Engineer in the Public Sector for the Eastern Regional Younger Member Council. Mr. Gardner was nominated by the Nashville Branch of ASCE for his leadership potential, high character, professional integrity and community service. The award was presented on January 15<sup>th</sup> in Maine. Mr. Gardner has been with the City since 2005 and is a Professional Engineer and Certified Professional in Erosion and Sediment Control. He serves

as the Younger Members Chair for the Nashville Branch of ASCE and is involved in many civic groups, such as Habitat for Humanity of Williamson County. Mr. Gardner was congratulated on this great accomplishment in his career.

## 12. **Miscellaneous Reports**

### ➤ Franklin Civil War Roundtable

Alderman Skinner announced the February 13, 2011 roundtable will focus on the African American Experience during the Civil War. Franklin author and historian, Thelma Battle, will speak on families and individuals experiences during the war. Also participating is Bill Ratcliff, fireman by trade, Civil War re-enactor for 25 years. Mr. Ratcliff was the model for the statue honoring the USCT buried in Nashville's National Cemetery. Alderman Pearl Bransford will serve as moderator for the event. The program begins at 3:00 p.m. at the Williamson County Library. Admission is free.

### ➤ Special Board Session

Eric Stuckey announced the Board would meet at 9:00 a.m. on Saturday, January 29 to visit existing facilities and possible sites for consolidation of Water Management, Street Maintenance, and Fleet Maintenance.

### ➤ TDEC Presentation

On Monday, January 31<sup>st</sup> at 6:00 p.m., TDEC will give a presentation on Superior Essex.

## 13. **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 27-38 be placed on the Consent Agenda

*Alderman Barnhill moved to approve the Consent Agenda Items 27-38. Seconded by Alderman Bransford. Motion carried unanimously.*

## **NEW BUSINESS**

## 14. **Consideration of RESOLUTION 2011-06, A Resolution Amending The Charter to Provide for the Election of At-Large Aldermen by Position**

### **Alderman Clyde Barnhill**

*Alderman Barnhill moved to approve Resolution 2011-06. Seconded by Alderman Martin.*

- ◇ Alderman Skinner said at the Work Session it was noted there would be a chance for citizens to vote on this by referendum. Shauna Billingsley had said this must first be approved and go to the state legislature. He indicated he would vote against this.
- ◇ Alderman McLendon said if the Board wants our representatives to take this to the state

the state wants a 2/3 majority vote. He wants clarification regarding those with fewer votes winning instead of those with more votes. He supports getting this going, but may not vote for it when it comes back. He is okay with this step but wants it on the ballot.

- ◇ Alderman Burger said it could still take the step by referendum, but it would not affect the election this year.
- ◇ Alderman Petersen said she would not support the resolution.
- ◇ Alderman Bransford supports moving forward toward a set category.

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

**15. Consideration of the Mayor's Appointments to The Affordable/Workforce Housing Advisory Commission**

**Dr. Ken Moore, Mayor**

Mayor Moore named his appointments along with the credentials of each nominee:

- ◇ Alderman Pearl Bransford
- ◇ Dana Ausbrooks
- ◇ Willa Bailey
- ◇ Mort Stein
- ◇ Daniel Woods

*Alderman Barnhill moved to accept the Mayor's appointments. Seconded by Alderman McLendon. Motion carried unanimously.*

**16. Consideration of The Mayor's Appointments to The Franklin Municipal Planning Commission**

**Dr. Ken Moore, Mayor**

Mayor Moore reappointed Mike Hathaway and Alma McLemore. No action required on these appointments.

**17. Consideration of The Mayor's Appointment to The Pension Committee**

**Dr. Ken Moore, Mayor**

Mayor Moore appointed Ed Cagle to the Pension Committee

*Alderman Barnhill moved to approve the mayor's appointment. Seconded by Alderman Bransford. Motion carried unanimously.*

**18. 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**

**[First of Two Readings] Vernon Gerth, ACA Community & Economic Development**

*Alderman Bransford moved to approve Ordinance 2011-02. Seconded by Alderman Barnhill.*

Alderman Petersen related she had reservations about this ordinance, but would vote for it on this first reading.

*Motion to approve Ordinance 2011-02 carried unanimously on First of Two Readings.*

19. **Consideration of RESOLUTION 2011-07, A Resolution Approving an Intergovernmental Agreement Between The Metropolitan Government of Nashville and Davidson County, By and Through The Metropolitan Police Department, and The City of Franklin, Tennessee, for the Distribution of State Grant Funds to Assist with Investigations of Internet Crimes Against Children**

**Shauna Billingsley, City Attorney**

*Alderman Bransford moved to approve Resolution 2011-07. Seconded by Alderman Skinner. Motion carried unanimously.*

20. **Consideration of Resolution 2011-04, A Resolution Certifying Deposit Accounts and Loans  
Russ Truell, ACA Finance & Administration**

*Alderman McLendon moved to approve Resolution 2011-04. Seconded by Alderman Skinner. Motion carried unanimously.*

21. **Consideration of RESOLUTION 2011-08, A Resolution of Board Support for State Legislation Amending Provisions for the Serving of Alcohol in a Historic Performing Arts Center**

**Eric Stuckey, City Administrator**

*Alderman Skinner moved to approve Resolution 2011-08. Seconded by Alderman Bransford. Motion carried unanimously.*

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

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

*Alderman Barnhill moved to approve the amendment to the Agreement with SSR. Seconded by Alderman Burger. Alderman Martin recused herself from voting.*

Alderman Skinner pointed out he was disappointed that the flow monitoring had not been included in the scope of the Integrated Water Plan, but he had been assured there would be no more additions.

*Motion to approve addition of Flow Monitoring to the Agreement with SSR carried 6-0 with Alderman Martin recused.*

23. **Consideration of the Final Change Order for the Franklin Corridor and Connector Streets Economic Development Project; Third and Fifth Avenues North with Civil Constructors, Inc.**

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

*Alderman Martin moved to approve the Final Change Order. Seconded by Alderman Bransford. Motion carried unanimously.*

24. **Consideration of the Construction Bid Award to Jenco Construction for the Nichol Mill Lane Reconstruction Project (COF Contract No. 2010-0180) in the Amount of \$1,237,503.56**

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

*Alderman Burger moved to approve Construction Bid Award to Jenco Construction Option 2. Seconded by Alderman Bransford.*

Alderman Petersen said this was estimated to cost \$985,000, the bid came in higher and then the City did the paving. She asked where the other money would come from because some savings were used to make this work to start with. Eric Stuckey said when this was approved through the small projects; approximately \$1.4 was identified for this item. Mr. Stuckey and David Parker related it was a combination of savings from the Royal Oaks and McEwen at Cool Springs projects plus up to \$50,000 allocated from the Stormwater budget. As approved by resolution, \$1,450,000 allocated for this project. Mr. Parker noted funding for Item 25 will come out of that as well.

*Motion to approve Bid Award carried unanimously.*

25. **Consideration of the Professional Services Agreement (COF Contract No. 2010-0198) with Smith Seckman Reid, Inc. (SSR) for the Construction Administration Services for the Nichol Mill Lane Reconstruction Project in an Amount Not to Exceed \$52,660**

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

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

26. **Consideration of the Bid Award for the McEwen Drive Improvements, Phase III Project (COF Contract No. 2011-0003)**

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

*Alderman Burger moved to approve Bid Award for McEwen Drive Improvements, Phase III contingent on TDOT approval. Seconded by Alderman Bransford. Motion carried unanimously.*

### CONSENT AGENDA

27. **Consideration of ORDINANCE 2010-81, An Ordinance Amending The City of Franklin Municipal Code, Amending Title 22 – Comprehensive Fees and Penalties for the Purpose of Deleting Certain Fees in Title 16 – Streets and Sidewalks, Etc. Ordinance**



**[Second and Final Reading]**    **Vernon Gerth, ACA Community & Economic Development**  
*Ordinance 2010-81 approved unanimously on Second and Final Reading.*

28.    **Consideration of ORDINANCE 2010-82, An Ordinance Amending The City of Franklin Municipal Code, Amending Title 22 – Comprehensive Fees and Penalties for the Purpose of Codifying the Fees and Penalties Found in Title 23 – Stormwater Management Ordinance**  
**[Second and Final Reading]**    **Vernon Gerth, ACA Community & Economic Development**  
*Ordinance 2010-82 approved unanimously on Second and Final Reading*
  
29.    **Consideration of ORDINANCE 2010-83, An Ordinance to Establish Three-Way Stop Sign Controls at the Intersection of McEwen Drive and Wilson Pike**  
**[First of Two Readings]**        **Eric Gardner, Engineering Director**  
*Ordinance 2010-83 approved unanimously on First of Two Readings*
  
30.    **Consideration of ORDINANCE 2010-84, An Ordinance Amending The City of Franklin Municipal Code, Amending Title 22 – Comprehensive Fees and Penalties, Chapter 18 – Water & Sewers for the Purpose of Updating Water User Rates**  
**[Second and Final Reading]**    **Vernon Gerth, ACA Community & Economic Development**  
*Ordinance 2010-84 approved unanimously on Second and Final Reading*
  
31.    **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**  
**[First of Two Readings]**        **David Parker, City Engineer/CIP Executive**  
*Ordinance 2011-01 approved unanimously on First of Two Readings*
  
32.    **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**  
**[First of Two Readings]**        **Vernon Gerth, ACA Community & Economic Development**  
*Ordinance 2011-03 approved unanimously on First of Two Readings*
  
33.    **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**  
**[First of Two Readings]**        **Vernon Gerth, ACA Community & Economic Development**  
*Ordinance 2011-04 approved unanimously on First of Two Readings*
  
34.    **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**



**[First of Two Readings]**            **David Parker, City Engineer/CIP Executive**  
*Ordinance 2011-05 approved unanimously on First of Two Readings*

**35. Consideration of RESOLUTION 2011-01, A Resolution to Participate in The Three-Star Program**

**Eric Stuckey, City Administrator**

*Resolution 2011-01 approved unanimously*

**36. Consideration of RESOLUTION 2011-02, A Resolution to Confirm Compliance with Federal Title VI Regulations**

**Eric Stuckey, City Administrator**

*Resolution 2011-02 approved unanimously*

**37. Consideration of the Purchase of Permanent Easements (COF Contract No. 2010-0192) from Williamson County on the Agriculture Expo Center on Long Lane, Tax Map 117, Parcel 027.00 for a Water Main Extension in the Amount of \$10,000**

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

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

- a) Additional Services from RPM Transportation Consultants in the amount of \$788.90 for revisions to the General George Patton/Duke Drive and Mallory Station Project Manual and bid documents.
- b) The City is submitting a grant application to the American Battlefield Protection Program, which is part of the National Park Service. The City is seeking to develop a cellular phone tour of Civil War sites in Franklin to enhance interpretation and increase interconnectivity. Requested funds will cover the costs of setting up the phone-based program, installing signs at each site, as well as designing and printing brochures. The City is committing \$5,000 and the Convention and Visitors Bureau also committed \$2,500. The City is requesting \$72,500 in grant funding to make this a combined \$80,000 project. Parks, Planning, MIT Departments put the application together with the endorsement of the Battlefield Preservation Commission, whom will help design the program.

*Approved unanimously*

**ADJOURN**

*Alderman Bransford moved to adjourn. Motion carried unanimously*

Meeting adjourned at 7:56 p.m.

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Mayor Ken Moore

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 2/4/2011 2:39 PM