
**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JANUARY 25, 2011 – 5:00 P.M.**

Board Members

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

Vice-Mayor Ken Moore called the BOMA Work Session to order on Tuesday, January 25, 2011 at 5:00 p.m. in the City Hall Boardroom.

2. Citizen Comments

Jackson Downey, owner, and Connie Proctor, manager, Royal Oaks Apartments came to the Board with a request. Following is the background for the request. Five-year history of usage in graph form provided as well.

- o December 20, 2010 – Called the Water Department to get bill as usual at the end of the year and was informed water usage of 449,000, which was 250,000 more than previous bill (2.26% increase). Could not find the meter so called Water Department to help locate it.
- o December 21 – City service tech found the meter that had been covered up by a contractor on a City road project. Tech and apartment staff looked for leak. Staff isolated possible location and called American Leak Detection to locate leak.
- o December 22 – American Leak Detection located leak in parking lot in front of building A.
- o December 23 – Republic Plumbing started digging, discovered they were too close to electric lines and called Tennessee One Call.
- o December 28 – Tennessee One Call notified Republic Plumbing that the area was marked.
- o December 29 & 30 – Republic Plumbing repaired leak. Depth of pipe and location in parking lot caused two days of work.
- o January 3, 2011 – Received bill – meter read on 12/7/10. They believe they should have received a call

this time (December 7). If she had not called on December 20 this would have been first indication of a leak.

- January 7 – Received call from City Water Department stating the water usage was 1,180,000 gallons. Talked with Water Department staff regarding adjustments.

If they hadn't called, they would not have known, and they feel a call should have come from the Water Department and the leak should have been fixed earlier. They would like to have the City policy changed for commercial users because they bear larger costs than residential users in the case of a leak. They want an additional adjustment since 800,000 gallons did not go through the sewer system.

- Alderman Burger asked if they want the sewage cost taken off.
- Eric Stuckey reiterated the leak policy.
- The customer has not accepted the credit offered by the City; believe the City should have called earlier. The first bill adjustment was to be \$910.67 of a \$4,000 bill.
- It is up to the Board to change the policy or grant an exception
- Alderman McLendon noted the City incurs cost whether the water is purchased from Harpeth Valley or comes through the City's plant. The break was on the backside of the meter. He wanted to be fair, but neither the City nor ratepayers should foot the entire bill.
- Alderman Bransford recommended looking at the policy
- Ms. Proctor said they are asking for an increase in the adjustment. The phone call about the increase didn't come for 13 days. The Water Department cited the reason they did not call was that the customer's usage tends to fluctuate.
- Alderman Barnhill noted calls from the Water Department are courtesy calls and not mandatory. Regarding their statement that residential customers can better afford a double bill than commercial, somebody has to pay for it. If the customer doesn't pay then the other ratepayers must pay. It is not the City's fault.
- When the Board went through this in 2009 with a residential customer, and the Board essentially abided by the policy.
- Alderman Burger was in favor of making an additional adjustment since the problem occurred during the holiday season.
- Alderman Barnhill stated that if anything other than the established policy is done on this case, the Board should be prepared to do the same for everyone else that comes to the Board for an adjustment. If the Board is consistent with all there will be no more requests because everyone will abide by the policy.
- Alderman McLendon requested the following information be gathered for the February 8 meeting: The average bill in the last four or five years plus a December bill in dollars; the cost of the water that went through them to the City; how what the customer is asking for translates into dollars because there is some logic in forgiving the sewer portion; the estimate of the cost of water that the City has to pay for either way; how far is the figure the customer is asking for from the proposed adjustments.
- Alderman Bransford requested costs on courtesy calls and asked what are the thresholds.

WORK SESSION DISCUSSION ITEMS

3. **Employee Recognition – Owen Venable, Streets Department**

Owen Venable was present to receive the following recognition:

The City of Franklin does hereby commend and recognize
Owen Venable
As an outstanding City employee
Known for his compassion and readiness to give aid,
one of Owen’s Good Samaritan Deeds resulted in the arrest of an
individual wanted by Franklin Police.
Presented on this 25th day of January, 2011
Dr. Ken Moore, Mayor
City of Franklin

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

Lisa Clayton, Parks Director

No questions or comments

5. **Consideration of Event Permit Application from Heritage Foundation for Franklin Brewfest (formerly Feile Franklin) to be Held in Downtown Franklin on March 12, 2011**

Jackie Moore, Police Chief

No questions or comments

6. **Consideration of ORDINANCE 2010-80, An Ordinance to Establish the Special Assessments for the Sanitary Sewer Improvements in the Monticello Subdivision Area**

David Parker, City Engineer/CIP Executive

Russ Truell, ACA Finance & Administration

Included with the memo and ordinance in the packet was a comparison of all the assessment districts thus far. Eric Stuckey referred to Resolution 2009-14 that authorized construction of the sewer improvements estimated at \$1,770,000 (including engineering design, easements, construction and bond issuance estimated costs). The total cost for improvements is \$1,195,392.07 (\$574,607.93 [32.5%] less than the estimate). The first reading of Ordinance 2010-80 should be February 8 with the second reading and Public Hearing on March 8, 2011.

Alderman McLendon said it is important that the Board relate the rules upfront and then apply the rules fairly. The Board must make a decision whether to waive connection fees in retro fits. It is not true that some fees can’t be waived. What is the financial impact to waive all Monticello fees and do the same for the other districts. The Board hasn’t always addressed the waiver of engineering fees. He recommended engineering fees be pulled from the Monticello assessment. He would like to drive down the cost for residents as much as possible and not cause financial

hardship on older residents and others on fixed or modest incomes. He regrets Monticello was not on the ARRA list. A letter he received from the Monticello HOA Board requests a 40% discount (the same discount as the ARRA projects). He requested more information on the paving costs and if that was excluded.

Mr. Parker explained the construction contract award included the asphalt repaving for the subdivision streets at a cost of \$212,500. BOMA previously eliminated from the construction costs the cost to repave the subdivision streets affected during the installation of the sewer improvements. The City is paying for this paving as part of its annual resurfacing program.

Alderman McLendon addressed liens on the properties saying he hoped there would be a process to have a pdf file on the server available to real estate agents, lenders, and homeowners. A policy to issue a lien waiver without paying off the entire lien. A way to reissue a lien waiver. A policy for the Board to adopt for closing documents so buyers are aware of liens. How assessments will be done annually. These are things he needs to know before voting.

Alderman Skinner asked about additional costs and manpower to use Alderman McLendon's process. Should always be able to know the current lien. Alderman McLendon stated a lien is against the parcel, not against the person.

- ✚ Bob Sistrunk, 118 Arlington Place, Monticello, distributed a memo regarding liens and was pleased the liens would be on the parcels and not the homeowners.
- ✚ Jay Wade, Monticello, said he appreciated Alderman McLendon's support. Spoke about paving costs to patch trenches and complete paving. Alderman McLendon explained paving was excluded from Monticello because of deteriorating streets that would have been paved by the City in the next few years anyway.
- ✚ Donna Rand, president Monticello HOA wanted to clarify the process. Mr. Stuckey explained there would be discussion during the 5:00 p.m. Work Session February 8 and first reading at the 7:00 p.m. BOMA meeting. Ms. Rand said they want the same percentage discount as Boyd Mill. Alderman McLendon noted there was a different issue with Boyd Mill.
- ✚ Reid Frazier, 117 Williamsburg Place, said he recalled when this was first voted on that they couldn't find out the entire cost of the project until it was bid and then they were told that after the bid there was no discussion because the City would go ahead and proceed with the job. The number they all complained about was about double the original cost when they were first addressed with it. Then there was discussion prior to the assessment basically because the numbers were so different. That has a lot to with why some are uncertain and confused. He appreciates the City making the effort to do what is right for the City.

7. Status Update Presentation on Integrated Water Resources Plan

Mark Hilty, Water Management Director

Mark Hilty said this is the kickoff of where Phase II is going. Kirk Westphal and Chris Provost with CDM gave the update. Phase I of the Plan looked at alternatives for water, wastewater, stormwater, and reclaimed water all under one umbrella, mainly in terms of cost, and impacts to the Harpeth River and the City of Franklin. Four alternative plans were developed with options in all four areas of water. In Phase II they are doing a lot of detailed engineering studies on plant expansion, solids treatment, and on the specific details that go into the implementation of this plan. Four to five months will be spent on the technologies associated with wastewater plant expansion, handling biosolids, water supply alternatives, piping alternatives, and stormwater management. They will also develop tools to analyze all decisions on the Harpeth River. As in Phase I there will be a workshop with the stakeholders and others. A public forum will be held to exchange information with citizens, and there will be periodic meetings with BOMA. Following that all the pieces will be stitched together into a plan, and an additional workshop. Then they will make a recommendation to BOMA (October or November 2011).

Alderman Skinner mentioned the recent additional cost for flow monitoring and asked if there would be any more additional costs to the City. In response, it was explained it was originally planned that flow monitoring would be done as a separate contract. There will be no further additional costs.

The response to questions during the last meeting on stakeholder involvement and the public participation process are:

- ✚ Dr. Ken Moore is on the Steering Committee
- ✚ Stakeholders Workshops: BOMA always encouraged to attend. The Workshops will be videotaped for those that cannot attend.
- ✚ Public Forums: BOMA always encouraged to attend. Will continue to find ways to notify as many people as possible to attend the sessions
- ✚ Periodic updates at BOMA Work Sessions: learn what is happening and provide feedback from your constituents
- ✚ Other participation opportunities? Open to ideas to draw more people.

Mark Hilty encouraged the aldermen to get their constituents involved

They are working toward demand forecasts in terms of liability – water demand forecast through 2040 graph. The WTP existing capacity is 2 MGD. Regardless of what option is selected, or anything is done to increase capacity, or it is increased to the 4 MGD capacity, the City will continue to buy water from Harpeth Valley.

Wastewater Demand Projection: By the time this Plan is presented and a decision made, the City will need to move rather quickly to implement it. The City is roughly at about 80% capacity of existing wastewater plant and under TDEC guidelines should be starting the planning process for addressing capacity need. The City has started and is on schedule. It is this process. The key is to move quickly on the design process to meet capacity needs.

8.* **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**

Vernon Gerth, ACA Community & Economic Development

Mr. Stuckey related when this was previously discussed Alderman Petersen asked to defer to this work session for discussion. Vernon Gerth said he had met with Alderman Petersen on some of the issues raised. In addition, Gary Luffman conducted a survey of 12 Tennessee cities who do charge.

The ordinance is to change the method of calculating building permit fees for detached, single family dwellings from construction value to a fee based on habitable square footage. Staff believes the proposed method of calculation can better measure and benchmark services.

Alderman Petersen said her concern was the diversity in housing. There are some detached homes in Westhaven that are not very large but have many amenities, whereas, a similar size home might be affordable housing. The more expensive house gets a break and the less expensive pays a disproportionate share.

The proposed change should not result in a change in building permit revenue and would allow staff to routinely forecast building permit revenue based on anticipated residential development activity. Mr. Gerth explained affordable housing is being addressed in different ways through the Affordable Housing Committee and the water roundup program for example. Alderman Petersen said it not just the housing by non-profits but also the affordable housing for those that do not qualify through the non-profits and build without those benefits. Mr. Gerth and Alderman Petersen agreed to meet to discuss this further.

9.* **Consideration of RESOLUTION 2011-04, A Resolution Certifying Deposit Accounts and Loans**

Russ Truell, ACA Finance & Administration

No questions or comments

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

David Parker, City Engineer/CIP Executive

Staff recommends approval of this contract subject to TDOT approval. The amount is not to exceed \$7,199,484.05. The project is partially funded by reimbursable State LIC funds in the amount of \$4,350,000.

- 11.* **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

No questions or comments

- 12.* **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 Petersen thought further study was needed on this proposal. Alderman Barnhill stated there are time constraints. If it isn't approved at the 7:00 p.m. meeting it will not get to the legislature on time.

There was lengthy discussion on the pros and cons of the current method of electing at-large aldermen and the proposed "There shall be four (4) at-large aldermanic positions A, B, C and D. In filing for election, any candidate for at-large alderman shall select and designate the position being sought. With respect to each position, one (1) alderman shall be elected pursuant to Section 8 of this Article." Alderman McLendon's concern was a candidate getting elected with fewer votes than a candidate in another area gets. He can't support a Board driven initiative; let the citizens choose by ballot if they want the change.

13. **Overview of Community Revitalization Plan**

Kelly Dannenfeler, Planning & Sustainability Department

Tennessee Housing Development Agency defined Community Revitalization Plan in 2010:

- Geographical target area;
- Specific policy goals, one of which must be construction or preservation of affordable rental housing; and
- Implementation measures, both current and ongoing
- As of late 1010, no adopted CRP in Tennessee

What would it mean for Franklin?

- Opportunity to bring Franklin's many policies in adopted plans together
- Support Franklin Housing Authority and other entities that seek to provide affordable housing in pursuing funding
- Help FHA obtain funding through the THDA Low-Income Housing Tax Credit program
- A community like Franklin must have CRP to be competitive
- Enable redevelopment of the Reddick public housing

What is the timeframe?

- Deadline for THDA Low-Income Housing Tax Credit application is March 1, 2011
- The CRP would need to be adopted by the BOMA at the sole February meeting

1. Geographic Target Area

Census Tract 508 + Hard Bargain

Encompasses FHA properties

Oldest part of Franklin

Revitalization underway

2. Revitalization Policies

- Franklin has many policies in adopted Plans

Central Franklin Area Plan

Consolidated Plan

Sustainability Action Plan

Greenways and Open Space Plan

- All of these had significant public involvement

Community meetings, Charrettes, Stakeholder interviews

- Organized those policies into 4 areas

Economic Development

Infrastructure

Community Support Services

Housing

- Only 1 new policy is proposed (to meet THDA criteria):

Preserve existing and increase the supply of affordable housing, including rental and ownership opportunities, that is accessible to transportation alternatives and employment centers.

2. Implementation

- Combination of public and private investment, rehab of existing housing stock, new construction, and implementation of master plans

- Four Areas:

1. Economic Development

2. Housing

3. Infrastructure

4. Community Support Services

Nutshell

- Contents of CRP are not new:

Consolidates already adopted policies

Highlights revitalization efforts underway already

Will be an evolving document

- Franklin could be first in Tennessee to have CRP

- CRP assist FHA in obtaining significant funding

- Only one BOMA meeting for adoption prior to the March 1, 2011 THDA deadline

Ms. Dannenfels noted two letters of support to BOMA, one from Community Housing Partnership of Williamson County, the other from Franklin Housing Authority. Habitat for Humanity and TMA support the Community Revitalization Plan as well.

Alderman Bransford urged the Board to pay close attention to this. It could mean receipt of \$5,000,000.

14. Annual Report on Franklin's FACTA Program (Fair and Accurate Credit Transaction Act), Identity Theft Protection

Rodney Escobar, Risk Manager

This is a federal requirement

15. Consideration of Proposed 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

David Parker, City Engineer/CIP Executive

Postponed to February 8, 2011

16. 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)

Becky Caldwell, Solid Waste Director

No questions or comments

17. Discussion of Charter Amendment Permitting Contract Zoning

Alderman Ann Petersen, FMPC Representative

Postponed to Work Session and BOMA February 8, 2011.

ADJOURN

Work Session adjourned 6:43 p.m.

Vice Mayor Ken Moore

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office – 2/1/2011 4:51 PM