
**MINUTES OF THE REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, SEPTEMBER 13, 2011 – 7:00 P.M.**

Board Members

Mayor Ken Moore	P	Alderman Margaret Martin	P
Alderman Clyde Barnhill	P	Alderman Dana McLendon	A
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		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	
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning/Sustainability Director	P
Mike Culbertson for Rocky Garzarek, Fire Chief	P	Joe York, Streets Director	P
David Rahinsky, Police Chief		Brad Wilson, Facilities Project Manager	
Fred Banner, MIT Director		Lanaii Benne, Assistant City Recorder	
Becky Caldwell, Solid Waste Director		Linda Fulwider, Board Recording Secretary	
Lisa Clayton, Parks Director			

1. Call to Order

Mayor Moore called the September 13, 2011, Regular BOMA meeting to order at 7:10 p.m. in the City Hall Boardroom.

2. Invocation

The invocation was offered 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)

Martin McClaran, West Main Street, spoke of a fatal accident at the intersection of Main Street and Eleventh Avenue. He asked that something be done to make the intersection safer for motorists turning left onto Main Street from Eleventh Avenue.

Mayor Moore thanked Mr. McClaran and said the information would be given to staff to investigate. Eric Stuckey added that a study related to that intersection had been done in the last year and the options could be revisited.

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; August 9, 2011 Work Session, August 9, 2011 Regular BOMA meeting, August 23, 2011 Work Session and August 23, 2011 Special BOMA meeting. Seconded by Alderman Petersen. Motion carried unanimously.

7. **Recognitions**

- September 11th Commemorative Acknowledgements
Mayor Moore told of the memorial services held over the weekend. He asked those present to pause for a moment of silence.
- Young Engineer of the Year Award for the State of Tennessee by the Tennessee Society of Professional Engineers
Eric Gardner was recognized as the recipient of the 2011 Award. This was followed by a round of applause.

8. **Miscellaneous Reports**

- Alderman Skinner reminded everyone of the Sister Cities sponsored Celebration of Nations at O'More College of Design on September 17. Brea Lawrenson of Franklin's Sister City Carleton Place, Canada, will be among the performers.

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 16-28 be placed on the Consent Agenda.

Alderman Barnhill pulled Item 17 for comment.

Alderman Burger moved to approve the Consent Agenda Items 16-28, with the exception of Item 17. Seconded by Alderman Bransford. Motion carried unanimously.

NEW BUSINESS

10. **Consideration of RESOLUTION 2011-32, the Estimate of Revenues and Expenditures for the Water and Sewer Utility Fund, Fiscal Year 2011-2012 and Fiscal Year 2012-2013**

Mark Hilty, Water Management Director

Alderman Petersen moved to approve Resolution 2011-32. Seconded by Alderman Barnhill. Motion carried unanimously.

11. **Consideration of RESOLUTION 2011-33, A Five Year Financial Plan for the Water, Sewer and Reclaimed Water Utility Fund, Fiscal Year 2012-2013 Through Fiscal Year 2016-2017**

Mark Hilty, Water Management Director

Alderman Petersen moved to approve Resolution 2011-33. Seconded by Alderman Skinner. Motion carried unanimously.

12. **Consideration of RESOLUTION 2011-40, A Resolution to Adopt Fire Service Automatic Aid Agreement Between The City of Franklin and Williamson County Rescue Squad**

Rocky Garzarek, Fire Chief

Alderman Barnhill moved to approve Resolution 2011-40. Seconded by Alderman Burger. Motion approved unanimously.

Alderman Burger noted the Agreement is initially for six months.

13. **Consideration of RESOLUTION 2011-44, A Resolution to Rescind the Balance of Previously Authorized Bond Issuance**

Russ Truell, ACA Finance & Administration

Alderman Petersen moved to approve Resolution 2011-44. Seconded by Alderman Skinner. Motion carried unanimously.

14. **Consideration of Interlocal Agreement Between The City of Franklin, Tennessee and Williamson County, Tennessee for the Collection of Sewer Pipeline Assessment (Meadowgreen) (COF Contract 2011-112)**

David Parker, City Engineer/CIP Executive

Alderman Bransford moved to withdraw this item. Seconded by Alderman Barnhill.

Eric Stuckey clarified the County requested the withdrawal. Originally, it was thought the billing for the sewer assessment in Meadowgreen would be done by the City on behalf of the County; however, they have chosen to bill directly negating the need for this agreement.

Motion to withdraw carried unanimously.

15. **Consideration of the Agreement Between The City and The Harpeth River Watershed Association (HRWA) for the Restoration of a Portion of the Harpeth River in the General Area of River Mile 88.9 (COF Contract No. 2010-0069)**

David Parker, City Engineer/CIP Executive

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

CONSENT AGENDA

16. **Consideration of ORDINANCE 2011-28, An Ordinance to Amend Chapter 3, Section 3.2.2 and Section 3.2.3, Table 3-2: Permitted Uses, in the Franklin Zoning Ordinance to Permit Detached Dwelling Units in the Neighborhood Mixed-Use (MN) Zoning District**

[Third and Final Reading]

Alderman Ann Petersen, FMPC Representative

Ordinance 2011-28 carried unanimously on Third and Final Reading

17. Consideration of ORDINANCE 2011-29, An Ordinance to Amend Title 22, Chapter 18 to Establish New Water Rates and Sanitary Sewer User Rates

[Third and Final Reading]

Mark Hilty, Water Management Director

Alderman Bransford moved to approve Ordinance 2011-29. Seconded by Alderman Skinner.

Alderman Barnhill pulled this item because of constituents that wanted to be heard regarding the flyers sent to ratepayers, the recent perceived health issues, and the odor issues. If the City is going to continue to raise the rates, they ask that the City strive to provide the highest water quality possible. Alderman Bransford related she had heard the same concerns from residents.

Eric Stuckey explained Water and Wastewater Enterprise Funds are independent utility businesses operated by the City. They cannot be subsidized by taxpayer dollars and rates are based on the cost to run the operations. A detailed study of the cost of service was done to ascertain the most appropriate rate structure. The Board then identified a way to stretch those costs over a five-year period to make the rate adjustments more manageable. The City has a significant impact fee structure and ordinance to provide for development to pay its way in terms of when they tap onto the water and wastewater systems. Those revenues are used to help pay for projects, to help pay for debt service related to those projects, and to appropriately assign the costs to existing ratepayers as well as developers and future ratepayers that come into the system (distribution and collection systems), as well as the capacity that is built in and developed at the wastewater and water treatment plants. Additionally, the City determines if the cost of services provided is competitive in the region. The City is below the average cost for the initial 1,000 gallons as well as typical monthly use (between 6,000-7,000 gallons) in water and wastewater.

Mr. Stuckey addressed the required notification that the threshold on disinfection byproducts exceeded the standard by approximately one to two parts per billion in a 12-month rolling average. One of the unique elements in the previous 12-month cycle was that the raw water reservoir was off-line for a time and the water in the system was coming only from Harpeth Valley Utility District. A factor contributing to the level of disinfection byproducts is the amount of time water spends in the system; therefore, being unable to treat water last summer was a factor. Significant improvements have been made in the reliability of the system. The City weathered a dry summer without water in the reservoir, and without any restrictions. Water quality is continually monitored. For the most recent quarter, the measurements show compliance. Sanitary scores have improved with the latest score near 100. The seasonal algae problem was experienced by many water systems throughout the region and was worse this year because of weather conditions. There is no simple way to address it. Areas with many dead-end lines tend to experience the problem more than others. The City flushes lines on a regular basis and is looking at what else can be done to control the seasonal algae problem.

Aldermen Skinner and Petersen also received comments and concerns from constituents.

Alderman Martin summarized the discussion in simple terms: 1) The City does not make money from water and sewer collections; 2) The City does not pay for water and sewer for private development.

Motion to approve Ordinance 2011-29 on Third and Final Reading carried unanimously.

18. **Consideration of ORDINANCE 2011-30, An Ordinance of The City of Franklin for Amending or Transferring Funds Within a Budget for the Fiscal Year 2010-2011; Providing an Effective Date. Establishing a Public Hearing Date of October 11, 2011**
[First of Three Readings] Russ Truell, ACA Finance & Administration
Ordinance 2011-30 approved on First of Three Readings
19. **Consideration of Event Permit Application for Westhaven 5K on September 17, 2011**
Approved unanimously David Rahinsky, Police Chief
20. **Consideration of Event Permit Application for Franklin Cowboys Homecoming Parade on September 23, 2011**
Approved unanimously David Rahinsky, Police Chief
21. **Consideration of The United States Geological Survey Joint Funding Agreement (COF Contract No. 2011-0128) for The Harpeth River Gauging Stations for Federal Fiscal Year 2012**
Approved unanimously David Parker, City Engineer/CIP Executive
22. **Consideration of TDOT Contract 110291; PIN 116144.00 (COF Contract No. 2011-0129) for The Franklin ITS Infrastructure Expansion Project**
Approved unanimously David Parker, City Engineer/CIP Executive
23. **Consideration of Amendment No. 1 to the Professional Services Agreement; COF Contract No. 2011-0057; with Standifer and Associates to Include Services for the Commercial Relocation for the Hillsboro Road Project (Estimated Cost of \$7,800)**
Approved unanimously David Parker, City Engineer/CIP Executive
24. **Consideration of Change Order #1 with Siemens Industry, Mobility Division in the Amount of \$37,650.00 for the Purchase and Installation of the TACTICS 2.0 Software Application as Part of the TOC 07-01 Project**
Approved unanimously David Parker, City Engineer/CIP Executive
25. **Consideration for Approval to Purchase Thirty-Four (34) TS-3 Digi Port Servers in the Amount of \$10,484.04 through Insight Public Sector Government Services Contract for the Franklin ITS Project**
Approved unanimously David Parker, City Engineer/CIP Executive
26. **Consideration of the Amendment to the Professional Services Agreement with Gresham Smith & Partners to Complete the Update to the Standard Specifications for the Water Management Department Projects in an Amount Not to Exceed \$18,000.00; COF Contract No. ~~2011-0014~~ 2010-0014**
Approved unanimously David Parker, City Engineer/CIP Executive
27. **Consideration of the Amendment to the Professional Services Agreement with Gresham Smith & Partners for the West Main Street Water and Sewer Rehabilitation Project in an Amount Not to Exceed \$11,000.00; COF Contract No. 2011-0063**
Approved unanimously David Parker, City Engineer/CIP Executive

28. Items Approved by the City Administrator on Behalf of The Board of Mayor and Aldermen:

- a. Report of Sole-Source Purchase from CMI Equipment of Nashville, TN in the Total Amount of \$55,300.00 for One (1) Stainless Steel Hopper for a 2001 Schwarze A-7000 Street Sweeper, Said Part to be Installed by the City for the Stormwater Division of the Streets Department (\$58,000.00 Budgeted in 135-89530-43120 for Fiscal Year 2012)
Joe York, Streets Director
- b. Professional Services Agreement (Contract 2011-0085) with Tetra Tech EM, Inc. for Macroinvertebrate Stream Survey Sample Analysis and Data Reduction for a Lump Sum Fee of Four Thousand Four Hundred Ninety Dollars (\$4,490.00)

Approved unanimously

Mark Hilty, Water Management Director

EXECUTIVE SESSION

29. Consideration of Motion to Enter Into Executive Session for Purpose of Reviewing Various Matters of Pending Litigation

Shauna Billingsley, City Attorney

Alderman Barnhill moved to enter Executive Session. Seconded by Alderman Bransford. Motion carried unanimously.

Entered Executive Session @ 7:34 p.m.

Returned from Executive Session @ 9:09 p.m.

30. Consideration of Matters from Executive Session

Mayor Ken Moore

Alderman Skinner moved to accept the offer of settlement in the Hood case. Seconded by Alderman Bransford. Motion carried unanimously.

ADJOURN

Alderman Skinner moved to adjourn. Seconded by Alderman Martin. Motion carried unanimously.

Meeting adjourned @ 9:11 p.m.

Mayor Ken Moore