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**MINUTES OF THE *SPECIAL MEETING***  
**BOARD OF MAYOR AND ALDERMEN**  
**FRANKLIN, TENNESSEE**  
**CITY HALL BOARDROOM**  
**TUESDAY, AUGUST 23, 2011 – 7:00 P.M.**

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**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	P
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	
David Parker, City Engineer/CIP Executive		Gary Luffman, BNS Director	P
Shauna Billingsley, City Attorney	P	Tom Marsh, Zoning & Development Coordinator	P
Rocky Garzarek, Fire Chief		Catherine Powers, Planning/Sustainability Dir.	P
David Rahinsky, Police Chief		Joe York, Streets Director	
Fred Banner, MIT Director		Brad Wilson, Facilities Project Manager	
Becky Caldwell, Solid Waste Director		Lanaii Benne, Assistant City Recorder	P
Lisa Clayton, Parks Director		Linda Fulwider, Board Recording Secretary	P

**1. Call to Order**

Mayor Ken Moore called the Special Meeting of the Board of Mayor and Aldermen to order on Tuesday, August 23, 2011, 7:15 p.m. in the City Hall Boardroom.

**2. Invocation**

The invocation was given by Pastor Chris Joiner of the First Presbyterian Church of Franklin

**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**

*The minutes from the August 9, 2011 Work Session and August 9, 2011 BOMA meetings were not available.*

7. **Recognitions**

None

8. **Miscellaneous Reports**

- Alderman Skinner announced the September Franklin Civil War Roundtable would be on Sunday, September 11, 2011 at 3:00 p.m. in the community room of the Franklin Police Department. Christopher Kolakowski will speak on *The Battle of Perryville*.

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 ~~23-33~~ be placed on the Consent Agenda

*Alderman Martin moved to approve the Consent Agenda, Items 23-33 with the exception of the withdrawal of Item 26. Seconded by Alderman Bransford. Motion carried unanimously.*

**OLD BUSINESS**

10. **Consideration of ORDINANCE 2009-55 As Amended, An Ordinance to Amend The City of Franklin Municipal Code, Title 11, Chapter 4, Offenses Against the Peace and Quiet [Second and Final Reading] Shauna Billingsley, City Attorney**

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*Alderman Skinner moved to approve Ordinance 2009-55 as Amended on August 9, 2011 on Second and Final Reading. Seconded by Alderman Bransford.*

*Alderman Skinner moved to amend the Ordinance, page 2, Section 11-4.03, Unnecessary Noise Standard, # (2) Commercial and Industrial Zoning Districts, No person shall cause, suffer, allow or permit sound amplified sound **which originates indoors** which is plainly audible when measured....., and under the same section, create # (5) to read: **Amplification of sound that originates from outdoors located in or within one hundred (100) feet of a residential property line which is plainly audible is prohibited between the hours of 9:00 p.m. and 7:00 a.m. Sunday through Thursday and between the hours of 10:00 p.m. and 7:00 a.m. Friday and Saturday except for special events where a special permit has been obtained from the City of Franklin authorizing such event.** Seconded by Alderman Martin.*

Discussion:

- Alderman McLendon thought it unwise to spend millions to promote tourism and economic growth downtown and then put a damper on the businesses because of a handful of complaints. The majority of the complaints have not been because of outdoor venues, rather from people living near these venues.
- Alderman Martin countered that the residents were there first and there was never a problem until the music was allowed outside.
- Alderman Bransford supported the original motion. Staff met with citizens and business and this Ordinance is the compromise.
- Alderman Barnhill noted the ordinance has been discussed numerous times. He was not in favor of a last minute change without the benefit of input from businesses and residents.
- Alderman Petersen commented the Ordinance has been presented as something to try. Further, it is not just music from outside venues.

- Alderman Burger was unwilling to make a change at this point. She asked that the Ordinance be revisited in one year.

*Motion to Amend as stated above FAILED 2-5 with Aldermen Martin and Skinner voting yea and Aldermen McLendon, Burger, Barnhill, Bransford, and Petersen voting nay.*

*Main Motion to approve Ordinance 2009-55 as Amended August 9, 2011 carried 6-1 with Alderman Martin voting no.*

11. **PUBLIC HEARING: 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 [Second of Three Readings] Alderman Ann Petersen, FMPC Representative**

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

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*Alderman Bransford moved to approve Ordinance 2011-28 on Second of Three Readings. Seconded by Alderman Barnhill. Motion carried unanimously.*

12. **PUBLIC HEARING: Consideration of ORDINANCE 2011-29, An Ordinance to Amend Title 22, Chapter 18, to Establish New Water Rates and Sanitary Sewer User Rates [Second of Three Readings] Mark Hilty, Water Management Director**

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Public Hearing:

- Jay Wade, Jefferson Drive, Franklin, spoke against the rates being raised. He quoted from past staff memos and meeting minutes to make his point and implore the Board to not approve any more major expansions.

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

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*Alderman Skinner moved to approve Ordinance 2011-29 on Second of Three Readings. Seconded by Alderman McLendon.*

- Alderman Petersen mentioned the added revenue would provide money to do repairs and replacement; however, she still has reservations and said the Board should look at this annually to see where it stands.
- Alderman McLendon said the City is obligated to keep the enterprise funds as close to zero as possible.
- Russ Truell noted the City could not increase these rates if there were excessive reserves

*Motion to approve Ordinance 2011-29 on Second of Three Readings carried unanimously.*

### **NEW BUSINESS**

13. **Consideration of RESOLUTION 2011-41, A Resolution Authorizing the Issuance of Sewer and Water Revenue and Tax Refunding Bonds in the Aggregate Principal Amount of Not To Exceed Twenty-One Million Dollars (\$21,000,000) of The City of Franklin, Tennessee; Making Provision**

**for the Issuance, Sale and Payment of Said Bonds; Establishing the Terms Thereof and The Disposition of Proceeds Therefrom; Providing for the Collection and Disposition of Revenues from The Water and Sewer System of The Municipality and Providing for The Levy of Taxes for the Payment of Principal of, Premium, If Any, and Interest on the Bonds**

**Russ Truell, ACA Finance & Administration**

*Alderman Petersen moved to approve Resolution 2011-41. Seconded by Alderman McLendon. Motion carried unanimously.*

- 14. Consideration of Contract Award to U.S. Bank of Minneapolis, MN for Custodial Services Only for the City's Employee Pension Plan (Purchasing Office Procurement Solicitation No. 2012-005; Contract No. 2011-0118)**

**Russ Truell, ACA Finance & Administration**

**Shirley Harmon, Human Resources Director**

*Alderman Bransford moved to approve Contract with US Bank for Custodial Services Only for the Employee Pension Plan. Seconded by Alderman Burger. Motion carried unanimously.*

- 15. Consideration of Sunset Clause for Retiree Insurance**

**Shirley Harmon, Human Resources Director**

*Alderman Barnhill moved to approve the sunset of the Special Early Retirement Option. Seconded by Alderman Bransford. Motion carried unanimously.*

- 16. 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 Petersen moved to defer this item to the September 13, 2011 meeting. Seconded by Alderman Barnhill. Motion carried unanimously.*

- 17. Consideration of RESOLUTION 2011-43, a Resolution of Intent to Purchase Property for a Consolidated Public Works Facility (Water/Streets/Fleet Maintenance)**

**Eric Stuckey, City Administrator**

*Alderman Burger moved to approve Resolution 2011-43. Seconded by Alderman Martin.*

*Alderman Petersen moved defer to Work Session and Board meeting September 13, 2011 due to lack of complete information. Seconded by Alderman Skinner.*

Alderman Petersen's reasons for deferral were that the Board did not receive the information in time to review fully, there is a change in the method of funding, and this capital project was not one of the top CIP priorities.

Alderman Skinner supported deferral until completion of negotiation of legal easement. Eric Stuckey responded that the Board has given staff parameters to work within.

*Motion to defer FAILED 2-5 with Aldermen Petersen and Skinner voting yea, and Aldermen Martin, McLendon, Burger, Barnhill, and Bransford voting nay.*

*Motion to approve Resolution 2011-43 carried unanimously.*

18. **Consideration of RESOLUTION 2011-42, A Resolution Declaring the Intent of The City of Franklin to Reimburse itself for Certain Expenditures Relating to Public Works Projects with the Proceeds of Bonds or Other Debt Obligations to be Issued by The City of Franklin, Tennessee**  
Eric Stuckey, City Administrator  
*Alderman Burger moved to approve Resolution 2011-42. Seconded by Alderman Bransford. Motion carried unanimously.*
  
19. **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 Burger moved to defer to September 13, 2011. Seconded by Alderman Bransford. Motion carried unanimously.*
  
20. **Consideration of RESOLUTION 2011-39 to Modify Pension Plan**  
Russ Truell, ACA Finance & Administration  
Shirley Harmon, Human Resources Director  
*Alderman Barnhill moved to approve Resolution 2011-39. Seconded by Alderman Burger. Motion carried unanimously.*
  
21. **Consideration of Custodial Agreement for Pension Assets**  
Russ Truell, ACA Finance & Administration  
Shirley Harmon, Human Resources Director  
*Alderman Bransford moved to withdrawn this duplicate item. Seconded by Alderman Burger. Motion carried unanimously.*
  
22. **Consideration of Liquor License Retailer's Certificate for New Owner of Mallory Lane Wine and Spirits (Robert Scales), 3070 Mallory Lane #100, Franklin, Tennessee 37067**  
Lanaii Benne, Assistant City Recorder  
*Alderman Bransford moved to approve. Seconded by Alderman Burger. Motion carried unanimously.*

**CONSENT AGENDA**

23. **Consideration of RESOLUTION 2011-37, Authorizing The City of Franklin's Joint Participation with Williamson County Regarding Joint Bids on Delinquent Tax Items**  
Shauna Billingsley, City Attorney  
*Resolution 2011-37 approved unanimously.*
  
24. **Consideration of COF Contract #2011-0111, An Interlocal Agreement Between The City of Franklin, Tennessee and Williamson County, Tennessee, Concerning Performance Surety**  
*approved unanimously* Catherine Powers, Planning & Sustainability Director
  
25. **Consideration of Program Year 2011-12 Emergency Shelter Grant Contract with Tennessee Housing Development Agency (Contract No. 2011-0114)**  
*Approved unanimously* Vernon Gerth, ACA Community & Economic Development  
Kathleen Sauseda, Interim Housing Development Coordinator
  
26. **Consideration of Change Order No. 1 for the Nichol Mill Project for a Phase II Contract Time**

**Extension of 63 Calendar Days (New Phase II Completion Date of December 14, 2011)**

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

*Alderman Burger moved to approve Change Order 1. Seconded by Alderman Barnhill. Motion carried unanimously with Alderman Martin recused.*

27. **Consideration of Change Order No. 3 for the Franklin ITS ARRA Project (COF Contract 2010-0091) with Stansell Electric for a Time Extension of Four (4) Weeks**  
*Approved unanimously* **David Parker, City Engineer/CIP Executive**
28. **Consideration of Waterline Cost Reimbursement Agreement (COF Contract 2011-0107) with Bristol Development Group, LLC for a Reimbursement Amount of \$58,257.84**  
*Approved unanimously* **David Parker, City Engineer/CIP Executive**
29. **Consideration of a Right-of-Way Use Agreement with Zayo Group, LLC for the Installation and Maintenance of Telecommunications Facilities within the City's Right-of-Way**  
*Approved unanimously* **David Parker, City Engineer/CIP Executive**
30. **Consideration of Change Order No. 4 with The Parkes Companies, Inc. for the McEwen Drive Phase 3 Project (COF Contract No. 2011-0003) for an Increase in the Contract Amount of \$17,116.60**  
*Approved unanimously* **Eric Gardner, Engineering Director**
31. **Consideration of Event Permit Application for Hope on Wheels Bike Ride on September 10, 2011**  
*Approved unanimously* **David Rahinsky, Police Chief**
32. **Consideration of Event Permit Application for Franklin High Homecoming Parade on September 23, 2011**  
*Approved unanimously* **David Rahinsky, Police Chief**
33. **Consideration of Event Permit Application for Wounded Warriors Bike Ride on September 24, 2011**  
*Approved unanimously.* **David Rahinsky, Police Chief**

**ADJOURN**

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

Meeting adjourned 7:49 p.m.

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Mayor Ken Moore

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 11/22/2011 3:18 PM