

**MINUTES OF THE REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, AUGUST 9, 2011 – 7:00 P.M.**

Board Members

Mayor Ken Moore	P	Alderman Margaret Martin	P
Alderman 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	
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 Director	P
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
David Rahinsky, Police Chief	P	Brad Wilson, Facilities Project Manager	
Fred Banner, MIT Director		Lanaii Benne, Assistant City Recorder	P
Becky Caldwell, Solid Waste Director	P	Linda Fulwider, Board Recording Secretary	P
Lisa Clayton, Parks Director			

1. Call to Order

Mayor Moore called the August 9, 2011, Regular BOMA meeting to order at 7:00 p.m. in the City Hall Boardroom.

2. Invocation

The invocation was offered by Pastor Shino Prater

Pastor Prater formerly played football under Joe Paterno at Penn State, and is a former Tennessee Titan. He is now on staff at Bethel World Outreach Center.

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 Petersen moved to approve July 26, 2011 Work Session and July 26, 2011 BOMA minutes as presented. Seconded by Alderman Bransford. Motion carried unanimously.

7. Recognitions

- Government Financial Officers Association (GFOA) Award for the FY 2010 Audit
For the 20th consecutive year, the GFOA has awarded the City of Franklin the Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Report. The certificate is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment by the City and its management in financial disclosure and communication. Franklin was one of only 27 Tennessee cities to receive this award last year. Mike Lowe, City Comptroller, accepted the award on the City's behalf.
- Presentation by Daughters of the American Revolution
Susan Walker, Old Glory Chapter of The Daughters of the American Revolution, presented flags commemorating the 10th Anniversary of September 11, 2001 to City Administrator Eric Stuckey and Police Chief David Rahinsky. The flag was designed by a member of the DAR and has images of the Twin Towers, Liberty Bell, and the Pentagon. The flag is a symbol in remembrance of the lives lost, first responders, and others that day, as well as to honor the men and women in Franklin who protect and save lives every day. Mayor Moore requested a moment of silence remembering the impact of the events of September 11, 2001.

8. Miscellaneous Reports

- Alderman Skinner reminded everyone of the Civil War Roundtable scheduled Sunday, August 14, 2011 @ 3:00 p.m. in the Community Room at Police Headquarters on Columbia Avenue. Sam Davis Elliott will speak on The Tennessee War Governor.

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 14-23 be placed on the Consent Agenda.

Alderman Burger moved to approve the Consent Agenda, items 14-23. Seconded by Alderman Bransford. Motion carried unanimously.

OLD BUSINESS

- 10. Consideration of ORDINANCE 2009-55, An Ordinance to Amend The City of Franklin Municipal Code, Title 11, Chapter 4, Offenses Against The Peace and Quiet
[First of Two Readings] Shauna Billingsley, City Attorney**

Alderman Skinner moved to approve Ordinance 2009-55 on First of Two Readings. Seconded by Alderman Bransford.

Alderman Petersen related a conversation with the City Attorney resulted in proposed amendments on page 2 of the Ordinance.

*Alderman Petersen moved to amend page 2, Section 11-403. Unnecessary Noise Standard. (3) Mixed Use Districts. "Amplification of sound located in or within one hundred (100) feet of a residential ~~section~~ **property line** of the Mixed Use Development....." and No. (4) "Amplification of sound located in or within one hundred (100) feet of a residential ~~neighborhood~~ **property line** ..." Seconded by Alderman Burger. Motion to Amend carried unanimously.*

Alderman Burger asked if it should stipulate that the Board would revisit the Ordinance in 12 months. Eric Stuckey and Shauna Billingsley indicated that would not be necessary. Ms. Billingsley asked that any such action wait until the final reading.

Alderman Burger wanted additional information on the use of zones in the Ordinance, and again stated it should come back in 12 months. Alderman Petersen commented the idea was the ordinance would be implemented on a trial basis to see if it is enforceable.

- Alderman Martin left the meeting during the above exchange and was not present for the vote on the Main Motion as amended.

Main Motion as Amended carried unanimously 6-0 on First of Two Readings. Alderman Martin was not present.

NEW BUSINESS

11. **Consideration of ORDINANCE 2011-29, An Ordinance to Amend Title 22, Chapter 18, to Establish New Water Rates and Sanitary Sewer User Rates: Establishing a Public Hearing for August 23, 2011 [First of Three Readings]**
Mark Hilty, Water Management Director

Alderman Skinner moved to approve Ordinance 2011-29 on First of Three Readings. Seconded by Alderman Barnhill. Motion carried unanimously 6-0. Alderman Martin was not present.

12. **Consideration of RESOLUTION 2011-38, a Resolution Authorizing The City of Franklin, Tennessee to Participate in the TML Risk Management Pool "Safety Partners" Loss Control Matching Grant**
Shirley Harmon, Human Resources Director
Rodney Escobar, Risk Manager

- Alderman Martin re-entered the meeting during the reading of this item.

Alderman Bransford moved to approve Resolution 2011-38. Seconded by Alderman Burger. Motion carried unanimously 7-0. Alderman Martin was present.

13. **Consideration of COF Contract #2011-0110, a Grant Agreement from National Park Service for Battlefield Acquisition-Lorings Advance Tract**

Catherine Powers, Planning & Sustainability Director

Alderman Skinner moved to approve Contract #2011-0110. Seconded by Alderman Burger. Motion carried unanimously.

CONSENT AGENDA

14. **Consideration of ORDINANCE 2011-14, To Be Entitled: "An Ordinance to Amend Chapter 5, Sections 5.11.4 of The City of Franklin Zoning Ordinance, Which Establishes The Exterior Lighting Standards"**
[Third and Final Reading] **Alderman Ann Petersen, FMPC Representative**
Ordinance 2011-14 approved unanimously on Third and Final Reading

15. **Consideration of ORDINANCE 2011-20, To Be Entitled: "An Ordinance to Rezone 5.25 Acres From Residential Variety (RX) To General Office (GO) For Property Located at 222 Mallory Station Road"**
[Third and Final Reading] **Alderman Ann Petersen, FMPC Representative**
Ordinance 2011-20 approved unanimously on Third and Final Reading

16. **Consideration of ORDINANCE 2011-23, To Be Entitled: "An Ordinance to Amend Chapter 5, Section 5.3.5 of The City of Franklin Zoning Ordinance to Revise Standards Relative To Residential Garages"**
[Third and Final Reading] **Alderman Ann Petersen, FMPC Representative**
Ordinance 2011-23 approved unanimously on Third and Final Reading

17. **Consideration of ORDINANCE 2011-24, An Ordinance to Amend Various Sections of Title 21, Chapter 1, of The Franklin Municipal Code for the Purpose of Revising the Name of The Affordable/Workforce Housing Advisory Commission and Membership**
[Second and Final Reading] **Vernon Gerth, ACA Community & Economic Development**
Kathleen Sauseda, Interim Housing Development Coordinator
Ordinance 2011-24 approved unanimously on Third and Final Reading

18. **Consideration of Contract Award to Monitoring & Management Services, LLC of Hermitage, TN, in the Total Estimated Annual Amount of \$28,920.00 for Sanitary Sewer Pretreatment Program Support Services for Up to Five (5) Years, for The Water Reclamation Division of The Water Management Department (Purchasing Office Procurement Solicitation No. 2012-007; \$30,000.00 Budgeted in 431-82560-52213 for Fiscal Year 2012)**
Approved unanimously **Mark Hilty, Water Management Director**

19. **Consideration of Liquor License Retailer's Certificate (Renewal) for Cool Springs Wine & Spirits, 1935 Mallory Lane, Franklin, Tennessee 37067 (Mr. James W. Woodard, Jr.)**
Approved unanimously **Lanaii Benne, Assistant City Recorder**

20. **Consideration of Change Order No. 2 (for Time Only) for The Franklin ITS Phase 1 ARRA Project (COF Contract 2010-0091)**
Approved unanimously **Kevin Comstock, ITS Project Manager**
Eric Gardner, Engineering Director

21. **Consideration of Multiple Awards for Professional Services Pertaining to Title Searches and Reports for the City's Voluntary Purchase of Real Estate or its Acquisition by Eminent Domain for City Public Works Projects and Other Public Purposes, Through June 30, 2013 (Purchasing Office Procurement Solicitation No. 2012-006; Fees to be Allocated to the Projects to which the Services Pertain)**
Approved unanimously **Shauna Billingsley, City Attorney**

- 22. **Consideration of Multiple Awards for Legal Counsel and Professional Services Pertaining to Real Estate Closings for the City’s Voluntary Purchase and Sale of Real Estate or its Acquisition by Eminent Domain for City Public Works Projects and Other Public Purposes, Through June 30, 2013 (Purchasing Office Procurement Solicitation No. 2012-008; Fees to be Allocated to the Projects to which the Services Pertain)**
Approved unanimously **Shauna Billingsley, City Attorney**

- 23. **Consideration of Event Permit for IPF Walk for Your Next Breath to be Held on October 15, 2011, at Pinkerton Park**
Approved unanimously **Lisa Clayton, Parks Director**

ADJOURN

Alderman Bransford moved to adjourn. Seconded by Alderman Skinner and approved unanimously.

Meeting adjourned 7:15 PM

Mayor Ken Moore

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