

**MINUTES OF THE SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JULY 26, 2011 – 7:00 P.M.**

Board Members

Mayor Ken Moore	P	Alderman Margaret Martin	P
Vice Mayor Clyde Barnhill	A	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	
Vernon Gerth, ACA Community & Economic Development	P	Shirley Harmon, HR Director	
Russell Truell, ACA Finance & Administration		Mark Hilty, Water Management Director	
David Parker, City Engineer/CIP Executive		Gary Luffman, BNS Director	
Shauna Billingsley, City Attorney	P	Tom Marsh, Zoning & Development Coordinator	
Rocky Garzarek, Fire Chief	P	Catherine Powers, Planning/Sustainability Dir.	
David Rahinsky, Police Chief	P	Joe York, Streets Director	P
Fred Banner, MIT Director		Brad Wilson, Facilities Project Manager	
Becky Caldwell, Solid Waste Director	P	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, July 26, 2011, 7:00 p.m. in the City Hall Boardroom.

2. Invocation

Alderman Burger introduced Marguerite Devonshire of Brisbane, Australia, whom she met at the recent Bluegrass Festival. Ms. Devonshire has been doing missionary work for the last two years as part of Operation Mobilization. She traveled as part of the crew on the ship Doulos, that is now known as Logos Hope. Ms. Devonshire also has a top CD entitled "Step Into The Water" on the Christian music charts in the UK and Europe. On August 25, she will return to Australia after being away two years.

The Invocation was then given by Marguerite Devonshire.

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 Bransford moved to approve the minutes of the following meetings; July 12, 2011 Work Session, July 12, 2011 Executive Session, and the July 12, 2011 BOMA meeting. Seconded by Alderman Petersen. Motion carried unanimously.

7. **Recognitions**

None

8. **Miscellaneous Reports**

➤ Water Quality

Eric Stuckey spoke to the water issues being experienced by the City and the region. The high temperatures and lack of rainfall exacerbate the growth of algae that begets an unpleasant odor and earthy taste. Other utility districts in the area are working to rectify the same problems as the City of Franklin. There is no health risk involved.

Staff is treating the algae with carbon; however, they are limited on amount that can be used. Over 200 hydrants have been flushed to remove the affected water from the system. For the most part the quality of the water coming from the Franklin water treatment plant has returned to normal or near normal. This takes time to resolve and is largely driven by weather.

Information can be found on the City's website and on Facebook. When reporting a water problem to the City, it is important to provide the street address.

➤ Civil War Roundtable Change of Venue

Alderman Skinner reminded everyone that the Roundtable programs would now be held in the community room at the Police Department on Columbia Avenue. The next program is August 14, 2011 @ 3:00 p.m. The topic is "Tennessee's War Governor", Governor Isham Harris, presented by Sam Davis Elliott.

➤ Williamson County Fair

Mayor Moore announced the County Fair is August 5-13. Instead of the Fair starting out with the traditional Pig Race there will be a Line Dancing Competition among the County mayors. The Mayor is hopeful there will be supporters there to root him on.

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 **20-29** be placed on the Consent Agenda

Alderman Burger moved to approve the Consent Agenda Items 20-29. Seconded by Alderman Bransford. Motion carried unanimously.

OLD BUSINESS

10. **PUBLIC HEARING:** Consideration of ORDINANCE 2011-14, To be Entitled: "An Ordinance to Amend Chapter 5, Section 5.11.4 of The City of Franklin Zoning Ordinance, which Establishes the Exterior Lighting Standards"
[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

Alderman Petersen moved to approve Ordinance 2011-14 on Second of Three Readings. Seconded by Alderman Burger. Motion carried unanimously.

11. **PUBLIC HEARING:** 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"
[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

Alderman Skinner moved to approve Ordinance 2011-20 on Second of Three Readings. Seconded by Alderman Martin. Motion carried unanimously.

12. **PUBLIC HEARING:** 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"
[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

Alderman Petersen moved to approve Ordinance 2011-23 on Second of Three Readings. Seconded by Alderman Bransford. Motion carried unanimously.

NEW BUSINESS

13. 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; Establishing a Public Hearing on August 23, 2011
[First of Three Readings] Alderman Ann Petersen, FMPC Representative

Alderman Petersen moved to Approve Ordinance 2011-28 on First of Three Readings. Seconded by Alderman Bransford. Motion carried unanimously.

14. Consideration of the Agreement (COF Contract No. 2011-0091) Between the City of Franklin and Berry Circle Partners, LLC for Water and Sanitary Sewer Improvements
David Parker, City Engineer/CIP Executive

Alderman Martin moved to approve Agreement with Berry Circle Partners. Seconded by Alderman Bransford. Motion carried unanimously.

15. **Consideration of the Construction Contract Award to Civil Constructors, Inc. for the Jackson National Life Dual Power and Voice/Data Feed (COF Contract 2011-0023)**

David Parker, City Engineer/CIP Executive

Alderman Petersen moved to approve Construction Contract with Civil Constructors. Seconded by Alderman Burger. Motion carried unanimously.

16. **Consideration of RESOLUTION 2011-34, A Resolution Authorizing Condemnation for the Acquisition of Property for the Construction of Water Main Extension Improvements from the End of Harpeth Industrial Court to Liberty Pike**

David Parker, City Engineer/CIP Executive

Alderman Burger moved to approve Resolution 2011-34. Seconded by Alderman Skinner. Motion carried unanimously.

17. **Consideration of RESOLUTION 2011-36, A Resolution for Property Acquisition, the Property Known as 331 Fifth Avenue North (Hillsboro Road) at a Cost of \$245,000.00**

David Parker, City Engineer/CIP Executive

Alderman Martin moved to approve Resolution 2011-36. Seconded by Alderman Bransford.

Alderman Petersen noted the Board had previously declined to purchase this property. When the Capital Investment Committee addressed the issue, she believed the staff recommendation was to purchase only the right of way that was needed.

Alderman Petersen moved to amend the motion to purchase only the property that is needed for the right of way. Seconded by Alderman Skinner.

Eric Stuckey explained that the staff recommendation related the need to acquire right of way for the project. It was important to move through that component understanding the Board might want to move forward with acquisition of the full property. Discussion at CIC pointed out why moving forward with purchase of the entire property might make sense to the City overall.

Alderman Petersen noted it was the difference of \$50,000 and \$245,000 saying that the City might be able to purchase the rest of the property later whenever the other possible uses might come into play.

Motion to Amend carried 4-2 with Aldermen Petersen, Skinner, McLendon, and Burger voting in favor and Aldermen Martin and Bransford voting against the amendment.

Alderman McLendon wanted to clarify that approval of the amendment didn't preclude the Board from coming back to acquire the balance of the property. He was told that was correct.

Mr. Stuckey added that what had been directed by CIC was to move forward with the purchase of the full property. That is what was put before the Board. Now the Board has amended to acquire only the right of way. The last negotiated offer for ROW is \$55,000.

Alderman Bransford said this made it a two-step acquisition, and her concern was the potential for the price changing on the remaining portion. That was why she was in favor of acquiring the entire property now.

Main Motion as Amended carried 4-2 with Aldermen Petersen, Skinner, McLendon, and Burger voting in favor and Aldermen Martin and Bransford voting against the amended motion.

18. **Consideration of Change Order No. 3 with the Parkes Companies, for the McEwen Drive Phase 3 Roadway Project in an Amount of \$39,059.94 (COF Contract 2011-0003)**
David Parker, City Engineer/CIP Executive
Alderman Burger moved approve Change Order No. 3 with the amount amended to \$32, 822.05. Seconded by Alderman Bransford. Motion carried unanimously.
19. **Consideration of Sole-Source Purchase from Mack of Nashville of Lavergne, TN in the Total Amount of \$102,079.53 for Three (3) Replacement Road Tractors for the Disposal Division of the Solid Waste Department (\$115,000.00 Budgeted in 124.89520.46130 for Fiscal Year 2012)**
Becky Caldwell, Solid Waste Director
Alderman Bransford moved to approve the Sole-Source Purchase. Seconded by Alderman Petersen. Motion carried unanimously.

CONSENT AGENDA

20. **Consideration of ORDINANCE 2011-09, An Ordinance to Amend Chapter 1, Sections 1.7 and 1.8 of The City of Franklin Zoning Ordinance to Clarify Requirements**
[Third and Final Reading] Alderman Ann Petersen, FMPC Representative
Ordinance 2011-09 approved unanimously on Third and Final Reading
21. **Consideration of ORDINANCE 2011-15, An Ordinance to Amend Various Chapters and Sections of The City of Franklin Zoning Ordinance to Clarify Requirements and Correct Minor Textual Errors Relative to Canopies, Off-Street Parking Standards, and Day-Care Centers**
[Third and Final Reading] Alderman Ann Petersen, FMPC Representative
Ordinance 2011-15 approved unanimously on Third and Final Reading
22. **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**
[First of Two Readings] Vernon Gerth, ACA community & Economic Development
Kathleen Sauseda, Interim Housing Development Coordinator
Ordinance 2011-24 approved unanimously on First of Two Readings
23. **Consideration of RESOLUTION No. 2011-26, A Resolution Adopting a Revised Purchasing Policy for The City of Franklin, Effective July 1, 2011**
Brian Wilcox, Purchasing Manager
Resolution 2011-26 approved unanimously
24. **Consideration of the Final Change Order for the Demolition and Debris Removal of Structure at 306 Fifth Avenue North**
Approved unanimously **David Parker, City Engineer/CIP Executive**
25. **Consideration of the Final Change Order for the Demolition and Debris Removal of the Rebel Meadows Properties**
Approved unanimously **David Parker, City Engineer/CIP Executive**

26. **Consideration of Amendment No. 2 for the Utility Installation Agreement with Mallory Valley Utility District (COF Contract No. 2009-0039)**
Approved unanimously **David Parker, City Engineer/CIP Executive**
27. **Consideration of the Professional Services Agreement (COF Contract No. 2011-0093) with Standifer and Associates for Property Appraisals for the Third Avenue North Improvements in an Amount Not to Exceed \$20,000.00**
Approved unanimously **David Parker, City Engineer/CIP Executive**
28. **Consideration of the Professional Services Agreement (COF Contract No. 2011-0094) with John M. Hahn, Jr. for Property Review Appraisals for the Third Avenue North Improvements in an Amount Not to Exceed \$2,500.00**
Approved unanimously **David Parker, City Engineer/CIP Executive**
29. **Items Approved by the City Administrator on Behalf of the Board of Mayor and Aldermen:**
 A. Event Permit Application for St. Paul's BBQ Event scheduled for July 22, 2011. (The event takes place on Sixth Avenue North; closure is requested from 6:00 a.m. through 8:00 p.m. Proceeds benefit the Men of St. Paul's. Estimated attendance is 600)
Approved unanimously

ADJOURN

Alderman Bransford moved to adjourn, Alderman Burger seconded, and the motion carried unanimously.

Meeting adjourned 7:19 p.m.

Mayor Ken Moore

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 11/22/2011 3:19 PM