
**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JANUARY 13, 2009 – 5:00 P.M.**

Board Members

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

Department Directors/Staff

Eric Stuckey, City Administrator	P	Shirley Harmon, HR Director	P
Vernon Gerth, ACA Community & Economic Development	P	Mark Hilty, Water/Wastewater Director	P
Russell Truell, ACA Finance & Administration	P	Gary Luffman, Planning Director	P
David Parker, City Engineer	P	Tom Marsh, Interim Codes Director	P
Shauna Billingsley, Interim City Attorney	P	Joe York, Streets Director	P
Rocky Garzarek, Fire Chief	P	Becky Caldwell, Assistant Director Solid Waste	P
Jackie Moore, Police Chief	P	Steve Sims, Assistant City Recorder	P
Fred Banner, MIT Director	P	Brad Wilson, Facilities Project Manager	P
Lisa Clayton, Parks Director	P	Lanaii Benne, Assistant City Recorder	P
Eric Gardner, Engineering Director	P	Linda Fulwider, Board Recording Secretary	P

1. Call to Order

Mayor John Schroer called to order the Work Session of the Board of Mayor and Aldermen, City of Franklin, Tennessee, on Tuesday, January 13, 2009 at 5:11 p.m. in the City Hall Boardroom.

The Mayor introduced Eric Stuckey, Franklin's new City Administrator.

2. Citizen Comments

None

WORK SESSION DISCUSSION ITEMS

**3. Consideration of Establishment of Capital Investment Committee and Finance Committee
Mayor John Schroer**

Mayor Schroer related time restraints during work sessions concern some since often there is not time for thorough discussion. Therefore, he proposed two committees: Budget and Finance Committee and Capital Investment Committee. Each will have two ward aldermen and two at-large aldermen and will meet during the odd weeks between BOMA meetings. Committee approved items will go on the Board Consent Agenda. Those not approved will go to the next work session for further discussion.

Budget and Finance Committee – 3rd week of the month

Aldermen Burger, Moore, Petersen and Skinner

Focus:

Operating and maintenance issues of all departments, including utilities and Transit Authority

Budget review

Departmental staffing

Pay and benefit issues/work rules

Issues regarding sale or disposal of property

Pension issues

Insurance

Appropriations to government agencies and non-profits

Audit reports

Fleet Operations

Technology issues

Capital Investment Committee – 1st week of the month

Aldermen Barnhill, Bransford, Klatt, and McLendon

Focus:

Construction projects

Transportation projects and planning

Capital equipment requests from all departments

Revenue forecasting

Long range planning

Review of capital investment projects

Financing of projects (including bond issuance, pay-as-you-go, alternative financing)

Policies on Fund Balances, debt, taxes

Economic development issues

Fleet management and replacement issues

Board Work Sessions will focus on Planning, Zoning, Annexation, Intergovernmental relations, Citizen complaints, Household survey, General government policies, Plans review, and Code enforcement.

4. Review and Discussion Regarding Utility Billing Appeal Process

Steve Sims, Assistant City Recorder

Steve Sims advised the City received formal appeal of a water bill on December 31, 2008. The appeal resulted from conversations over several weeks between City staff and the customer. Satisfactory resolution was not possible within the parameters established by the Franklin Municipal Code and business practices followed by the City. Mr. Sims requested guidance from BOMA to resolve the issue.

The current adjustment practice is that the period and amount of high usage is determined and the average bill for the customer over the preceding 12 months prior to the leak is calculated. The average of the previous 12 months deducted from the total of the bill to be adjusted is split between the customer and the City, each pay half. Mr. Sims noted other water districts calculate leak adjustments in the same manner.

Barbara and Ed Hunt, 510 Legends Ridge Court, Franklin, were present to request the excessive water bill dated 12/15/08, 358,000 gallons for \$4,917.82 be waived. The Hunt's average usage per month is 7,000-9,000 gallons. On 11/14/08, Mrs. Hunt discovered the leak and had it fixed that day. The bill dated 11/15/08 (service 9/17/-10/17/08), was 70,000 gallons for \$954.26. Mrs. Hunt believes the 70,000-gallon usage should have triggered notification on 10/17/08 so the leak could have been fixed sooner. They paid an adjusted bill of \$533.76 for the 70,000 gallons of water.

Mrs. Hunt noted they were charged for water and sewer. Mayor Schroer advised the City could only deal with the City water portion of the bill, as the sewage is Lynwood Utility District.

Mrs. Hunt asked why the excessive amount of water did not trigger notification. She feels they should not be accountable for the bill that was adjusted to \$2,337.45. The triggers should be more realistic. Mr. Sims explained all water utilities check unusual usage and use the same percentage as Franklin. In this case, the edit readings were six or seven times higher than normal indicating further checking should be done for a mitigating factor. Since the Hunts have an irrigation meter, the excess could have been due to irrigation. Mrs. Hunt felt that pulling up the account while she was in the office did not count as official notification. Had she not been in the office, notification would not have been triggered. Further, she feels it is judgmental for the City to make assumptions on usage based on the neighborhood in which the customer lives regarding irrigation.

Mr. Sims said neither the City nor any other water district, have the resources to contact each customer. There were 2,800 accounts that came out that month. Alderman Barnhill asked if notifications are courtesy driven or a requirement. Mr. Sims responded notifications are courtesy driven.

Alderman McLendon asked if the City has the authority to waive the bill per State statutes. Shauna Billingsley advised she would research and advise BOMA and the Hunts prior to the next voting meeting.

Alderman McLendon opined that splitting the difference is somewhat arbitrary and works well if the amount is much lower, as in \$100, but it does not work well when the amount is in the thousands of dollars. Without disparaging the policy, one size does not fit all.

Mr. Hunt stated a difference in use of 400,000 gallons in 60 days is a City problem and issue. Discussion ensued. Alderman Klatt explained that it costs the City to make or buy the water to deliver to the ratepayers. If a ratepayer does not pay, everyone else in the system has to.

**5. Consideration of RESOLUTION 2009-01, A Resolution to Participate in the Three-Star Program
Eric S. Stuckey, City Administrator**

Mr. Stuckey explained this resolution authorizes the City to proceed and participate in a partnership with Williamson County to set standards and goals as well as provide opportunities for grants that the City would not otherwise be eligible.

6. Consideration of RESOLUTION 2009-02, A Resolution to Affirm Compliance with Federal Title VI Regulations

Eric S. Stuckey, City Administrator

Title VI deals with the City being non-discriminatory in the use of federal funds.

7. Consideration of the Request to The Nashville Region Metropolitan Planning Organization (MPO) to Place the Franklin ITS Projects on the 2035 Long Range Transportation Plan

David Parker, City Engineer

David Parker and Kevin Comstock, ITS Project Manager/Engineering Department, addressed this item. Board approval needed to get Franklin ITS Projects on the MPO Long Range Transportation Plan list.

The \$5.5 million is spread through 2016. Grants sought are usually an 80/20 match. Cameras in Cool Springs and Hillsboro Road need to be tied in to regulate traffic. This request is not to authorize expenditure, but to authorize getting it on the MPO list. Costs are reduced significantly when conduit and infrastructure are installed with other projects. All of the projects are in the Long Range Transportation Plan. Not all on the Long Range Transportation Plan funded so not on TIP.

8. Consideration of the Professional Services Agreement with AECOM for a Water Quality and Quantity Evaluation for a No Water Treatment Plant Option

David Parker, City Engineer

David Parker and Mark Hilty asked Metcalf & Eddy/AECOM for a shutdown water system improvements proposal. Metcalf & Eddy requests a not-to-exceed fee of \$11,750 to produce a Technical Memorandum of the requirements. Mayor Schroer is not in favor of spending this amount on the study at this time. Mark Hilty will provide a thumbnail estimate to continue discussions.

9. Consideration of Steering Committee Recommendation of CBA, Inc. to Serve as Consultant on Greenway and Open Space Plan

Planning Department

In September 2008, the Board discussed the need for a Greenway and Open Space Plan to better address new open space dedication requirements set forth in the Zoning Ordinance. The estimated \$100,000 needed would come from the Hotel/Motel tax.

In October 2008, staff issued a Request for Qualification for the Greenway and Open Space Plan. Of the seven proposals received, the Selection Committee recommends CBA, Inc. of Indianapolis, Indiana be hired. Estimated cost approximately \$98,500.

There was some discussion on the status of the Hotel/Motel tax fund as well as who served on the Selection Committee and would they serve as the Steering Committee to work with consultants. The Selection Committee included Lisa Clayton, Erin Reinders, Michael Orr, Ken Moore and Ben Crenshaw. Alderman Petersen expressed concern there would be more professional participation than citizen participation on the Steering Committee. The Selection Committee will most likely serve as the Steering Committee with participation from citizens.

10. Consideration of the Professional Services Agreement with Land Design, Inc. for the Consulting Services for the Central Franklin Area Plan and Historic District Design Review Guidelines in an Amount Not to Exceed \$130,000.00

Planning Department

Request for Proposals for the Central Franklin Area Plan and Historic District Design Review Guidelines Update went out in September 2008. The Historic District Design Review Guidelines update is being coupled with the Central Franklin Character Area update due to the implications of infill developments, and the opportunity to simultaneously engage the stakeholders, staff, and consultant resources. The Steering Committee recommends the City hire LandDesign of Charlotte, North Carolina, to coordinate a team comprised of representatives from the Nashville office of LandDesign, Stites and Harbison, Thomason and Associates, and Audubon Lifestyles to lead the update processes as discussed by BOMA on November 25, 2008.

Alderman Petersen said it seems they have already chosen things they consider important. She thought it would be the same as when working on the Land Use Plan, open, but guided, with citizen input to decide what is important. Another concern is interviews with key stakeholders, would every community within Central Franklin be engaged in this. The concern is key stakeholders being interviewed prior to public meetings. Mr. Luffman explained that everyone who owns land in the area is a stakeholder. The area is very diverse with urban and suburban attributes. Alderman Petersen said the urban design concepts do not mention suburban. Alderman Klatt noted suburban is already defined in that area. Mr. Luffman added this could be addressed with the consultant. Mr. Gerth thought this an opportunity for the new communications manager to get the word out to these residents. He and Mr. Luffman will work with Erin Reinders and Milissa Reiersen.

Dwight Kiser of LandDesign said they realize communication is vital and key stakeholders are groups, not individuals. The Selection Committee forms the nucleus of the Steering Committee. They will work with the Steering Committee to determine the key groups. They do want diversity.

11. Consideration of ORDINANCE 2008-65, An Ordinance to Amend Chapter 5, Section 5.11.2 and Table 5-13, of the Franklin Zoning Ordinance to Clarify the Exterior Lighting Standards (FMPC 12/18/08 vote: 7-0)

Planning Department

This ordinance amends the new Zoning Ordinance, as it did not address residential multifamily dwelling exterior lighting standards.

12. Consideration of ORDINANCE 2008-66, An Ordinance to Amend the Permitted Use Status of Charitable, Fraternal, or Social Organizations (FMPC 12/18/08 vote: 7-0)

Planning Department

A map of Office Residential Districts was distributed. This ordinance amends the Zoning Ordinance to allow Charitable, Fraternal or Social Organizations in the Central Commercial (CC) or Office Residential (OR) Districts within all Central Franklin Character Overlay Districts, so long as the use is not located on the first floor of the building.

It was noted the OR area of the map is mostly residential structures converted to office use and the majority are one story buildings. There was discussion on the different type philanthropic organizations, is this too restrictive, and organizations that have first floor offices in the district. Mr. Gerth pointed out these uses are now prohibited in those areas unless they are part of a PUD. This change allows organizations on the second floor. He would like to move forward with this. There is an organization that wants to move into a second floor office in the district. Consensus was this needs further discussion.

13. Review and Discussion of Price Structure for the New City of Franklin Police Headquarters Related to LEED Type Materials and Practices with a Possible Cost Savings of Approximately \$281,276.00

Brad Wilson, Facilities Project Manager

Mayor Schroer related he challenged Brad Wilson to find ways to save money on the police headquarters building. Mr. Wilson distributed copies of his findings and proposals. At certain levels, LEED certification is very expensive. In the City's contract with R.G. Anderson there is a bonus if LEED achieved at the Gold level, and a penalty if Silver not achieved (amount \$150,000). The deductions listed are items that do not affect the efficiency of the building, such as bamboo on the lobby ceiling. The alternatives will enable LEED certification but not at the highest levels. It is possible to achieve Silver level. The mayor recommends adoption of the change orders and amendment to the contract that there will be no bonus for achieving Gold certification; however, the penalty remains.

14. Consideration of Release of Construction Retainage in an Amount of \$82,861.53 for the Final on Fire Station 6 Located on Cool Springs Boulevard. A Total of \$48,000.00 is Being Held Until a Repair to the Apparatus Bay Floor and Some Punch List Items are Complete

Brad Wilson, Facilities Project Manager

The flat floor is not draining properly. The City is working with the contractor to correct the problem.

Payment of sub-contractors discussed. It was asked if the City could write dual payee checks to assure subcontractors are paid. Shauna Billingsley will review the contractor's contact and research the question.

15* Consideration to Approve, for the City of Franklin Police Department, a Change Order to Increase in the Amount of \$187,920.00 to be Taken from the Project Contingency for Installation of Micro-Pile Casings Due to Subsurface Voids in Rock Formations for Structural Support

Brad Wilson, Facilities Project Manager

This was an unpredictable circumstance.

Mr. Wilson will provide a financial update on police headquarters each month.

16* Consideration to Approve a Change Order Regarding ASI 19 for the City of Franklin Police Department to Increase in the Amount of \$12,010.00 to be Taken From the Project Contingency for New Structural Framing at Front (East) Parapet Wall

Brad Wilson, Facilities Project Manager

Mr. Wilson explained this entails a new structural framing solution at the front (east) parapet wall located at the main entrance above the ornate column supports. The mason suggested changing to a concrete wall with wedge plate because with expansion and contraction, limestone will crack and cause maintenance problems.

17. Review and Discussion of Change Order on Approval Process of Items on Specific Projects Not to Exceed \$25,000.00 and Less Based Upon Recommendation from Facilities Project Manager After Approval from Mayor and City Administrator

Brad Wilson, Facilities Project Manager

This allows the Mayor and City Administrator to approve change orders on specific projects. Some issues need immediate attention and cannot wait to be resolved. Per Mr. Stuckey, they will always exercise within the approved budget and will provide at least a monthly report on actions taken. Some changes may still be brought for input.

18. Consideration to Approve a Change Order to Increase in the Amount of \$48,172.41 to be Taken from the Project Contingency that Reflects the Total of Three Change Orders 11, 18, and 25

Brad Wilson, Facilities Project Manager

ASI 11 is for redirection of garage oil interceptors. The design was incorrect. ASI 18 is underground utility work on Ninth Avenue. There was nothing in the original budget. ASI 25 is supplemental steel needed for elevator support.

19. Consideration to Approve a Credit with Appropriations being Returned to the Project Contingency for \$15,442.00 per Design Changes to the Scope of the Project

Brad Wilson, Facilities Project Manager

\$15,442.00 goes back into the contingency budget.

Mayor Schroer thanked R. G. Anderson and Mr. Wilson for their work on all the above - \$40,000 was saved.

20. Consideration of ORDINANCE 2009-XX to be Entitled: "An Ordinance to Amend Various Sections of the City of Franklin Municipal Code, Title 1 – General Administration Relating to the Codifying of Various Fees and Penalties

Vernon Gerth, ACA Community and Economic Development

Mr. Gerth addressed items 20-23 regarding the codification of all fees in one place in Title 22. Information will be more accessible with all numerical values associated with fees in one place. It will be less costly to make changes as well.

21. Consideration of ORDINANCE 2009-XX to be Entitled: "An Ordinance to Amend Various Sections of the City of Franklin Municipal Code, Title 2 – Boards and Commissions, etc. Relating to the Codifying of Various Fees and Penalties"

See Item 20

Vernon Gerth, ACA Community and Economic Development

22. Consideration of ORDINANCE 2009-XX to be Entitled: "An Ordinance to Amend Various Sections of the City of Franklin Municipal Code, Title 3 – Municipal Court to the Codifying of Various Fees and Penalties"

See Item 20

Vernon Gerth, ACA Community and Economic Development

23. **Consideration of ORDINANCE 2009-XX to be Entitled: "An Ordinance Amending the City of Franklin Municipal Code, Title 22 – Comprehensive Fees and Penalties for the Purpose of Codifying the Fees and Penalties Found in Titles 1, 2, and 3"**
See Item 20 **Vernon Gerth, ACA Community and Economic Development**
24. **Consideration of the Professional Services Agreement with AMEC Earth & Environmental, Inc. for the Monticello Subdivision Sanitary Sewer Improvements Geotechnical Investigation and Study in a Lump Sum Fee of \$8,030.00** (Budgeted in Water Management Department, Wastewater Collection, Contractual Services, FY 2009 Budget)
Not discussed **David Parker, City Engineer**
25. **Consideration of the Award of the Construction Contract for the Granbury Street Water Main Improvements Project to Scott and Ritter, Inc. in the Amount Bid of \$289,030.00** (Budget in Water Management Department FY 2009 CIP in the Amount of \$230,000)
Paperwork unavailable. Address next Work Session. **David Parker, City Engineer**

CONSENT AGENDA

26. **Consideration of the Award of the Construction Contract for the Highgate Subdivision Sanitary Sewer Project to Civil Constructors in the Amount Bid of \$251,897.00**
Mark Hilty noted the bid was lower than expected. **David Parker, City Engineer**
27. **Consideration of Change Order No. 2-A for Garney Company, Inc. for the Goose Creek Interceptor Sewer, Phase II – Contract a Project for an Increase in the Contract Amount of \$14,758.38 and Time Extension of 85 Days**
Short discussion on costs of pump and haul. **David Parker, City Engineer**
28. **Consideration of a Professional Services Agreement with AECOM Water for Additional Services for the Southeast Corridor Water System Improvements in an Amount Not to Exceed \$93,900.00**
David Parker, City Engineer
29. **Consideration of Event Permit Application from Heritage Foundation for Feile Franklin to be held in Downtown Franklin on March 14, 2009**
Jackie Moore, Police Chief
30. **Consideration of Event Permit Application from the Alex LeVasseur Memorial Fest for an Event in Jim Warren Park on June 28, 2009**
Lisa Clayton, Parks Director

ADJOURN

Work Session adjourned 7:00 pm.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 1/29/2009 1:42 PM