

**MINUTES OF THE REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, FEBRUARY 10, 2009 – 7:00 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	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/Wastewater Director	P
David Parker, City Engineer	P	Gary Luffman, Planning Director	P
Shauna Billingsley, Interim City Attorney	P	Tom Marsh, Interim Codes Director	
Rocky Garzarek, Fire Chief		Joe York, Streets Director	
Jackie Moore, Police Chief		Brad Wilson, Facilities Project Manager	P
Fred Banner, MIT Director		Lanaii Benne, Assistant City Recorder	P
Becky Caldwell, Interim Director Solid Waste		Linda Fulwider, Board Recording Secretary	P
Lisa Clayton, Parks Director	P		

1. Call to Order

The Regular Meeting of the Board of Mayor and Aldermen of the City of Franklin, Tennessee, called to order by Mayor John Schroer on Tuesday, February 10, 2009, 7:00 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)

None

5. Communications from Williamson County Mayor and Williamson County Commission

None

6. Approval of Minutes

Alderman Burger moved for approval of the January 27, 2009 Work Session Minutes and the January 27, 2009 Regular Board Meeting Minutes. Seconded by Alderman Petersen. Motion carried unanimously.

7. Employee Service Recognition

David L. Wilber	Fire Department	5 Years of Service
Russell B. Truell	Finance Department	5 Years of Service

Russ Truell was present. Mayor Schroer expressed appreciation for their service to the City.

**8. Recognition of Mr. Wayne Howell, Franktown Open Hearts
Mayor John Schroer**

Deferred, as Mr. Howell was not present.

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 24-31 be placed on the Consent Agenda

Alderman Klatt recused himself from voting on Item 30.

Alderman Barnhill moved for approval of the Consent Agenda, Items 24-31. Seconded by Alderman Bransford. Motion carried unanimously 7-0 with the exception of item 30, which was 6-0 with Alderman Klatt recused.

OLD BUSINESS

**10. Consideration of ORDINANCE 2008-55, An Ordinance to Amend Section 105 of Title 8 of the Franklin Municipal Code Relative to Restrictions as to Locations of Retailers of Alcoholic Beverages (Second and Final Reading deferred BOMA 12/9/08; WS 1/27/09)
(Second and Final Reading) Vernon Gerth, ACA Community & Economic Development**

Alderman Klatt moved for approval. Seconded by Alderman Bransford. Motion to approve Ordinance 2008-55 on Second and Final Reading carried unanimously.

11. **Consideration of ORDINANCE 2008-57, An Ordinance to Amend Chapter 4, Section 4 of the Franklin Zoning Ordinance to Create Section 4.4 that Establishes a Process that Authorizes the Board of Mayor and Aldermen to Consider Special Permits for Permitted Uses that are Restricted to Planned Unit Developments (PUD) but With Special Conditions and Term Limitations Assigned to the Operation May be Located on a Non-PUD Parcel (BOMA 1/27/09; passed unanimously)**
(Third and Final Reading) Vernon Gerth, ACA Community & Economic Development

Alderman Burger moved for approval. Seconded by Alderman Klatt. Motion to approve Ordinance 2008-57 on Third and Final Reading carried unanimously.

12. **Consideration of ORDINANCE 2008-59, An Ordinance to Amend Chapter 5, Section 5.3, of the Franklin Zoning Ordinance to Create Section 5.3.11 that Authorizes Planning Commission to Approve Design Modifications Under Certain Conditions (BOMA 1/27/09; passed unanimously)**
(Third and Final Reading) Vernon Gerth, ACA Community & Economic Development

Alderman Petersen moved for approval. Seconded by Alderman Bransford. Motion to approve Ordinance 2008-59 on Third and Final Reading carried unanimously.

13. **PUBLIC HEARING: 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) [BOMA 1/25/09; passed unanimously]**
(Second Reading) Gary Luffman, Interim Planning Director

With no comments forthcoming, Mayor Schroer declared the Public Hearing closed.

Alderman Bransford moved for approval. Seconded by Alderman Petersen

Alderman McLendon asked for an explanation of a foot-candle. Gary Luffman complied. Alderman Petersen noted the ordinance pertains to multifamily dwellings and not single-family residences.

Motion to approved Ordinance 2008-65 on Second Reading carried 6-0 with Alderman McLendon abstaining.

14. **Consideration of ORDINANCE 2009-03 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” [BOMA 1/25/09; passed unanimously]**
(Second and Final Reading) Vernon Gerth, ACA Community & Economic Development

Alderman Barnhill moved for approval. Seconded by Alderman Bransford. Motion to approve Ordinance 2009-03 on Second and Final Reading carried unanimously.

15. **Consideration of ORDINANCE 2009-04 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” [BOMA 1/27/09; passed unanimously]**
(Second and Final Reading) Vernon Gerth, ACA Community & Economic Development

Alderman Bransford moved for approval. Seconded by Alderman Burger. Motion to approve Ordinance 2009-04 on Second and Final Reading carried unanimously.

16. **Consideration of ORDINANCE 2009-05 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”** [BOMA 1/27/09; passed unanimously]
(Second and Final Reading) Vernon Gerth, ACA Community & Economic Development

Alderman Bransford moved for approval. Seconded by Alderman Barnhill. Motion to approve Ordinance 2009-05 on Second and Final Reading carried unanimously.

17. **Consideration of ORDINANCE 2009-06 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”** [BOMA 1/27/09; passed unanimously]
(Second and Final Reading) Vernon Gerth, ACA Community & Economic Development

Alderman Petersen moved for approval. Seconded by Alderman Bransford. Motion to approve Ordinance 2009-06 on Second and Final Reading carried unanimously.

NEW BUSINESS

18. **Consideration of ORDINANCE 2008-66, An Ordinance to Amend the Permitted Use Status of Charitable, Fraternal or Social Organizations; Establishing a Public Hearing Date of February 24, 2009** (FMPC 12/18/08 vote: 7-0) [WS 1/13/09]
(First Reading) Gary Luffman, Interim Planning Director

Alderman Bransford moved for approval. Seconded by Alderman Burger.

Alderman McLendon asked for clarification of 3.2.5 Regulations for Institutional Uses and if it meant these organizations were allowed or disallowed in CC or OR districts. Mr. Luffman responded it meant they are allowed in CC and OR districts and there is no longer a restriction to locate on the second floor.

Motion to approve Ordinance 2008-66 on First Reading carried unanimously.

19. **Consideration of Budget and Finance Committee’s Recommendation regarding Utility Billing Appeal Process** [B&F 1/22/09]

**Alderman Ken Moore, Chair
Budget & Finance Committee**

Eric Stuckey requested this item be pulled from the agenda for further consideration. More discussion is needed regarding the sewer component, and how these situations will be handled in the future.

Alderman Klatt moved to refer this item back to the Budget & Finance Committee. Seconded by Alderman Bransford. Motion carried unanimously.

Alderman Petersen thanked Steve Sims for the illuminating information he presented to the committee and to the Board.

- 20. Consideration of the Professional Services Agreement with CBA, Inc. for Consulting Services with the Greenway and Open Space Plan in an Amount of \$99,945.00**
Gary Luffman, Interim Planning Director

Alderman Klatt moved for approval. Seconded by Alderman Skinner. Motion carried unanimously.

- 21. Consideration of ORDINANCE 2009-07, An Ordinance For, "A Special Permit for CJ's Off The Square for the Purpose of Operating a Private Recreational Facility on .39 Acres, in an OR (Office Residential) Zoned Area, Located at 218 Third Avenue North, Franklin, Tennessee; Establishing a Public Hearing Date of February 24, 2009 (FMPC 12/18/08 passed unanimously) [WS 1/27/09]**
(First Reading) Vernon Gerth, ACA Community & Economic Development

Alderman Burger moved for approval. Seconded by Alderman Bransford.

Alderman Klatt indicated he would vote against this ordinance as his constituents are against this exception.

Alderman Burger related she received a letter with erroneous information in it. This ordinance is not a rezoning and it is not a PUD. It is a special permit. Were another business to occupy the same space in the future, they would have to go through the process again. She explained she wanted the Downtown Neighborhood Association to know the facts. Item 11 passed tonight allows what is requested in this item.

Alderman Klatt commented the special permit process is an excellent idea. The Board set special limitations in downtown. The Downtown Neighborhood Association does not want this business to stay in its current location. They like the business and are not opposed to it being downtown, just not where it is currently located.

Motion to approve Ordinance 2009-07 on First Reading carried 5-2 with Aldermen Klatt and Petersen voting no.

- 22. Consideration of Appointment to Franklin Transit Authority**
Mayor John Schroer

Mayor Schroer recommended Bob Horner, general manager Embassy Suites, be appointed as a representative of the hotel/motel industry.

Alderman Klatt moved for approval. Seconded by Alderman Bransford. Motion carried unanimously.

- 23. Consideration of Stormwater Board Appointment**
Mayor John Schroer

Mayor Schroer indicated there would be several appointments to the Stormwater Board. He nominated Michael Skinner as the alderman appointee.

Alderman Bransford moved to approve the appointment of Michael Skinner. Seconded by Alderman Burger. Motion carried unanimously.

CONSENT AGENDA

- 24. Consideration of Revision to City Hall Mall Office Lease**
Approved unanimously Eric Stuckey, City Administrator
- 25. Consideration of Easement Agreement with ATMOS Energy [WS 1/27/09]**
Approved unanimously Shauna Billingsley, Interim City Attorney
- 26. Consideration of the Professional Services Agreement with Boozer & Company, P.C. for the Appraisals on the South Carothers Parkway Project in an Amount of \$12,000 [WS 1/27/09]**
Approved unanimously Eric Gardner, Engineering Director
- 27. Consideration of the Agreement with Columbia Gulf Transmission for the Crossing of the Columbia Gulf Gas Transmission Lines Located in the Forrest Crossing Golf Course for the Construction of the City's Goose Creek Area Interceptor Sewer and Fiber Optic Lines [WS 1/27/09]**
Approved unanimously David Parker, City Engineer
- 28. Consideration of Change Order No. 1 for L&C Contractors, Inc. for the Goose Creek Area Water System Improvements Project for an Increase in the Contract Amount of \$1,140.00 for a New Total Contract Value of \$1,443,673.50 [WS 1/27/09]**
Approved unanimously David Parker, City Engineer
- 29. Consideration of the Professional Services Agreement with Civil & Environmental Consultants, Inc. (CEC) for the Design of the Jim Warren Park Stormwater Pond Improvements in an Amount Not to Exceed \$48,000 [WS 1/27/09]**
Approved unanimously Eric Gardner, Engineering Director
- 30. Consideration of RESOLUTION 2009-07, A Resolution to Adopt City Logo and Endorsing the Wayfinding Projects**
Approved 6-0, 1 abstention Eric Stuckey, City Administrator
- 31. Consideration of Request Directing Staff to Begin RFQ Process for the Development of an Integrated Regional Water Management Plan**
Approved unanimously Eric Stuckey, City Administrator

ITEMS OF ACTION TAKEN ON BEHALF OF THE BOARD

32. To Notify Approval was Given by the Mayor and City Administrator for a Contract to First Response, Inc. in an Amount Not to Exceed \$5,000.00 for Removal of Underground Tank Located at the Corner of Ninth Avenue and Highway 31

Brad Wilson, Facilities Project Manager

Per power of approval authorized by BOMA, the above action was taken by the Mayor and City Administrator.

ADJOURN

Alderman Klatt moved to adjourn, seconded by Alderman Barnhill, approved unanimously.

Meeting adjourned 7:30 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 2/25/2009 9:05 AM