
**MINUTES OF THE SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, FEBRUARY 24, 2009 – 7:00 P.M.**

Board Members

Mayor John Schroer	P	Alderman Dana McLendon	P
Alderman Clyde Barnhill	A	Alderman Ken Moore	P
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	A	Gary Luffman, Planning Director	P
Shauna Billingsley, Interim City Attorney	P	Tom Marsh, Interim Codes Director	
Rocky Garzarek, Fire Chief	P	Joe York, Streets Director	P
Jackie Moore, Police Chief	P	Brad Wilson, Facilities Project Manager	
Fred Banner, MIT Director	P	Lanaii Benne, Assistant City Recorder	P
Becky Caldwell, Solid Waste Director		Linda Fulwider, Board Recording Secretary	P
Lisa Clayton, Parks Director	P		

1. Call to Order

The *Special* Meeting of the Board of Mayor and Aldermen of the City of Franklin, Tennessee, called to order by Mayor John Schroer on Tuesday, February 24, 2009, 7:00 p.m. in the City Hall Boardroom.

2. Invocation

The Invocation was offered by Alderman Dan Klatt

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 minutes of the following meetings, January 20, 2009 Special Work Session-Reclamation Presentations, January 27, 2009 Special Executive Session Meeting, and the February 3, 2009 Special Work Session-Reclamation Discussion. Seconded by Alderman Bransford. Motion carried unanimously 7-0.

7. Recognition of Mr. Wayne Howell, Franktown Open Hearts

Mayor John Schroer

On January 23, the Tennessee Titans awarded Franklin resident and community leader, Wayne Howell, the Titans 2008 Community Quarterback Award at their special citizen recognition luncheon held at LP Field. Mr. Howell was presented this award for his work with Franktown Open Hearts, an organization he co-founded in 2001. The organization exists to bring hope to Williamson County's inner-city youth through mentoring programs, academic support, recreation an active college preparation program and in teaching critical life skills. Young students from low-income families in Franklin participate in a program that includes activities three nights a week and on Sunday mornings. A hot meal and transportation is always included for participants. Wayne is an active board member of the group and their spokesperson throughout the Williamson County community. As the recipient of this award, Mr. Howell earned a \$10,000 grant for Franktown Open Hearts. Mr. Howell is the son of longtime City employee, Lt. Dillard Howell, who served on the Police force for almost 20 years.

Mayor Schroer asked Mr. Howell to come forward to receive his Certificate of Recognition.

Mr. Howell thanked the Mayor and added, "Now let me charge you". He charged the City to partner with him in his quest to make better lives for young people he works with. His organization would like to open a trade center to teach the trades. He is a licensed master plumber and added that everything he learned to make a living he learned at a local school teaching and learning the trades. Besides himself, he has master electricians, cabinetmakers and welders available to teach. They need facilities and that takes money. He asked everyone to search their hearts and help them do this because even if the young people go into other careers, they can still use these skills within their families and throughout the community. He added, "Help us, please".

8. 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 20-38 be placed on the Consent Agenda

Items 21, 26, and 34 pulled from the Consent Agenda.

Alderman Klatt moved for approval of the Consent Agenda Items 20, 22-25, 27-33, and 35-38. Seconded by Alderman Bransford. Motion carried unanimously 7-0.

OLD BUSINESS

9. **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 1/27/09 passed unanimously]**
(Third and Final Reading) **Gary Luffman, Interim Planning Director**

Alderman Burger moved to approve. Seconded by Alderman Bransford. Motion to approve Ordinance 2008-65 on Third and Final Reading carried unanimously 7-0.

10. **PUBLIC HEARING: 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) [BOMA 2/10/09]**
(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 Klatt. Motion to approve Ordinance 2008-66 on Second Reading carried unanimously 7-0.

11. **PUBLIC HEARING: 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, TN (FMPC 12/18/08 passed unanimously) [BOMA 2/10/09]**
(Second Reading) **Vernon Gerth, ACA Community & Economic Development**

Public Hearing

- Nancy Williams, 221 Third Avenue South, representing Downtown Franklin Association, said they are in favor of the business remaining. Weddings have been at that site for many years (with different owners); the business brings in new people. CJ’s has been recognized in National publications several times as well. The business is needed as it is used by people who want to be married in downtown Franklin. They limit the time and size of events.
- Caren Joy Dickson, owner of CJ’s, stated she has been there four years. Her business has been used for baby showers, weddings, and as a set for film and TV. She said she loves bringing people together for these small upscale events. She chose downtown Franklin because of its charm, beauty and heritage. That is what the people who call her want. She has the support of her neighbors. They have her cell phone number to call if there is a problem. She has never received a call.
- Amy Perman read a letter from Daniel and Jennifer Cook, formerly of 232 Third Avenue North, two houses away from CJ’s. The Cooks related during their time in Franklin only once were they aware there was an event taking place at CJ’s and that it caused no particular problem. There was no noise late at night nor traffic or parking issues. They are in favor of the business staying in place.
- Brian Echols, attorney representing the applicant, said he wanted to make some comments to keep things in perspective. In the new Zoning Ordinance, there was an opportunity for this private recreational use to be approved. It was an approved use only in the OR district subject only to being approved with a planned unit development (PUD).
There was general recognition the use by CJ’s was an appropriate use by the way she conducted it. There was general concern about making the land permanently subject to this use through a PUD. Staff developed and BOMA approved an amendment allowing for a Special Permit. This request is for a Special Permit. The PUD is deferred until resolution of this request. If this is approved the PUD will not go forward.

This is a use consistent with the Land Use Plan. The Central Franklin Area Plan designates this as downtown core, and the land use matrix recognizes private recreational facilities as a permitted use for the downtown core. It is also consistent with the character overlay, and OR zoning permitted the private recreational facility. All those standards have been satisfied.

The Special Permit has conditions on the issues raised. Hours of operation, noise, lighting, parking, and the capacity of the facility have been addressed. Each meets or exceeds the standards. The existing City ordinance on noise was incorporated in the Special Permit, as was valet parking.

CJ's is most frequently used after 5:00 p.m. and on weekends. The Special Permit is a great compromise between a PUD that would allow successive owners to continue this use and CJ's need to continue her business.

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

Alderman Bransford moved for approval. Seconded by Alderman Burger. Motion to approve Ordinance 2009-07 on Second Reading carried 6-1 with Alderman Klatt voting no.

NEW BUSINESS

12. **Consideration of ORDINANCE 2009-01, An Ordinance to Rezone 27.91 Acres from Estate Residential (ER) to Civic and Institutional (CI) for Property Located at 1720 New Highway 96 West; Establishing a Public Hearing for March 24, 2009** (FMPC 1/22/09 approved 8-0) [WS 2/10/09]
(First Reading) **Gary Luffman, Interim Planning Director**

Alderman Petersen moved for approval. Seconded by Alderman Burger. Motion to approve Ordinance 2009-01 on First Reading carried unanimously 7-0.

13. **Consideration of ORDINANCE 2009-02, An Ordinance to Amend Various Sections of Chapter 5 of The City of Franklin Zoning Ordinance to Clarify Requirements and Correct Minor Textual Errors; Establishing a Public Hearing for March 24, 2009** (FMPC 1/22/09 approved 8-0) [WS 2/10/09]
(First Reading) **Gary Luffman, Interim Planning Director**

Alderman Petersen moved for approval. Seconded by Alderman Skinner. Motion to approve Ordinance 2009-02 on First Reading carried unanimously 7-0.

14. **Consideration of RESOLUTION 2009-05, A Resolution Approving a Revised Concept Plan for McEwen PUD, Totaling 93.32 Acres Located Along West McEwen Drive, by The City of Franklin, TN** (FMPC 1/22/09 approved 8-0) [WS 2/10/09]
Gary Luffman, Interim Planning Director

Resolution must be deferred. It is a one-item reading; however, according to the new Zoning Ordinance a Public Hearing is required.

Alderman McLendon stated although it is not a direct conflict he must abstain from voting as he has a client who is interested in adjacent property. He added that his client's application is to be addressed by the FMPC at their meeting Thursday night.

Alderman Klatt moved to defer Resolution 2009-05 to March 10, 2009. Seconded by Alderman Moore. Motion carried 6-0 with Alderman McLendon abstaining.

15. **Consideration of RESOLUTION 2009-06, A Resolution Approving a Revised Concept Plan for Waterford Crest PUD Totaling 68.65 Acres Located North of Liberty Pike and 500 Feet East of Carothers Parkway by The City of Franklin, TN (FMPC 1/22/09 approved 8-0) [WS 2/10/09]**

Gary Luffman, Interim Planning Director

Resolution must be deferred. It is a one-item reading; however, according the new Zoning Ordinance a Public Hearing is required.

Alderman Klatt moved to defer Resolution 2009-06 to March 10, 2009. Seconded by Alderman Burger. Motion carried unanimously 7-0.

16. **Consideration of the Comcast of Nashville II, LLC Franchise Agreement [WS 2/10/09]**

Shauna Billingsley, Interim City Attorney

Alderman Klatt moved to approve the franchise agreement and allow staff to continue to work toward final language. Seconded by Alderman Moore.

Alderman Skinner instigated discussion on programming provisions regarding public access and public education channels in light of lawsuits in California against AT&T. Shauna Billingsley referred to 12.1 of the agreement that states these are part of basic cable, and referred to the statewide Franchise Act as well.

Motion carried unanimously 7-0.

17. **Consideration of the Proposal from Hazen and Sawyer for a Professional Services Agreement to Develop the 2009 Water Demand Projections for the Harpeth Valley Utility District in the Lump Sum Amount of \$7,100.00 {FY 2009, Water Distribution 110-82560, Consultant Services}**

David Parker, City Engineer

As discussed during tonight's Work Session, Mark Hilty feels there is sufficient information within studies done to do the forecasting in-house.

Alderman Klatt moved to withdraw Item 17, proposal for Professional Services Agreement to develop 2009 Water Demand Projections. Seconded by Alderman Bransford. Motion carried unanimously 7-0.

18. **Acknowledge Receipt of Annual Report from Franklin Housing Authority**

Mayor John Schroer

Receipt of Annual Report from Franklin Housing Authority acknowledged by Board of Mayor and Aldermen.

19. **Report from Sister Cities**

Alderman Michael Skinner

Applications accepted through March 24 for the Youth Exchange Program with Carleton Place, Ontario, scheduled May 27-June 3, 2009. This is the fourth year of exchanges. It is open to sophomore and junior high school students attending Williamson County schools. Applications are available at the library and schools. For scholarships, contact Lauren Elrod.

CONSENT AGENDA

20. **Consideration of the Property Sale Escrow Instructions for the Herbert Property on Royal Oaks Boulevard to the McDonald's Real Estate Company**
Approved unanimously **David Parker, City Engineer**

21. **Consideration of Bid Award to VerdeGoh!, Inc of Franklin, in the Amount of \$14,603.00 for a Minimum of One (1) Electric Powered Parking Enforcement Vehicle** (Purchasing Office Solicitation No. 2009-011) **for the Police Department** {\$9,995.00 budgeted in 110-84122-42100} [Budget & Finance 2/19/09]
Jackie Moore, Police Chief

This bid award is to be referred back to the Budget & Finance Committee

Alderman Klatt moved to refer the Bid Award back to the Budget & Finance Committee for further review. Seconded by Alderman Skinner. Motion carried unanimously 7-0.

22. **Consideration of Bid Award to Heritage Fire Equipment of Lawrenceburg, TN, in the Minimum Total Amount of \$42,104.50 for the Specified Minimum Quantity Over a 12-Month Period of Time of 25 Sets of Fire Suppression Turnout Gear (Based on Unit Prices of \$931.16 per Jacket, \$736.08 per Pant, and \$16.94 per Hood)** (Purchasing Office Solicitation No. 2009-026) **for the Fire Department** {\$64,200.00 budgeted in 110-83265-42200} [Budget & Finance 2/19/09]
Approved unanimously **Rocky Garzarek, Fire Chief**

23. **Consideration of Bid Award to Advanced Striping Equipment, Inc. of Villa Rica, GA, in the Amount of \$51,868.00 for the Specified Two (2) Thermoplastic Melting Kettles, Including Power Source and Components, Mounted on One (1) Trailer** (Purchasing Office Solicitation No. 2009-207) **for the Traffic Division of the Streets Department** {\$105,000.00 budgeted in 110-89530-43110-0805} [Budget & Finance 2/19/09]
Approved unanimously **Joe York, Streets Director**

24. **Acknowledge Receipt of Conference Center FY 2007-2008 Audit** [Budget & Finance 2/19/09]
Approved unanimously **Russ Truell, ACA Finance & Administration**

25. **Consideration of Event Permit Application from My Father's House for the Cinco De Mayo Event in Pinkerton Park on May 5, 2009** [WS 2/10/09]
Approved unanimously **Lisa Clayton, Parks Director**

26. **Consideration of Event Permit Application from The Heritage Foundation for the Main Street Festival in Downtown Franklin on April 25-26, 2009** [WS 2/10/09]
Jackie Moore, Police Chief

Staff requests deferral to March 10 to allow time to work out emergency access and alternative street closures for the event.

Alderman Moore moved to defer the Main Street Festival Event Permit Application to March 10, 2009. Seconded by Alderman Bransford. Motion carried unanimously 7-0.

27. **Consideration of Event Permit Application from Franklin First United Methodist Church (Works in Progress) for Franklin First's Fiddlin Fish 5K on April 19, 2009** [WS 2/10/09]

Approved unanimously

Jackie Moore, Police Chief

28. **Consideration of Update to Human Resources Manual, Rule XII – Employee Conduct, Discipline, Suspension Pending Investigations and/or Hearing** [Budget & Finance 2/19/09]
Approved unanimously **Shirley Harmon, Human Resources Director**
29. **Consideration of Contract with Stansell Electric to Continue Fiber Optic Installation to Outlying City Offices in an Amount Not to Exceed \$373,000.00** [CIP 2/12/09]
Approved unanimously **Fred Banner, MIT Director**
30. **Consideration of the Final Change Order on the Del Rio Pike Improvements Project Contract with Jenco Construction in the Amount of \$234,541.56 for Final Close Out of Project** [CIP 2/12/09]
Approved unanimously **Eric Gardner, Engineering Director**
31. **Consideration of the Final Change Order on the Boyd Mill Avenue Improvements Project Contract with Civil Contractors; a DEDUCT in the Amount of \$182,749.53 for Final Close Out of Project** [CIP 2/12/09]
Approved unanimously **Eric Gardner, Engineering Director**
32. **Consideration of the Final Change Order on the Royal Oaks Improvements Project Contract with Mid South Utilities; a DEDUCT in the Amount of \$222,435.92, for Final Close Out of Project** [CIP 2/12/09]
Approved unanimously **Eric Gardner, Engineering Director**
33. **Consideration of Change Order #1 on the Columbia Avenue Water Main Project with Century Construction Company for an Additional 21 Days** [CIP 2/12/09]
Approved unanimously **Eric Gardner, Engineering Director**
34. **Consideration of the Sanitary Sewer Recovery Fee Agreement with Clearview Baptist Church in the Amount of \$147,708.00 for the Highgate Offsite Sewer** [CIP 2/12/09]
Eric Gardner, Engineering Director

Alderman Klatt moved for approval with comment. Seconded by Alderman Burger.

Alderman Klatt related the original agreement was not written as intent to reimburse, but as a credit. Language in the new draft agreement reflects the intent to reimburse Clearview Baptist for contributions for up-sizing and on-site sewer improvements.

Motion carried unanimously 7-0.

35. **Consideration of the Contract Award to L&C Contractors, Inc. in the Amount of \$61,390.90 for the Hooper Lane Sanitary Sewer Improvements Project** [CIP 2/12/09]
Approved unanimously **Eric Gardner, Engineering Director**
36. **Consideration of Changes in the Scope of Work in the Downtown Corridor and Connector Streets Project – Segment One and Two for the Design of Franklin Road, Third Avenue South, Fourth Avenue North and South, Bridge Street, and First Avenue North** [CIP 2/12/09]
Approved unanimously **Eric Gardner, Engineering Director**

- 37. **Consideration of Amendment to the Professional Services Agreement with Sullivan Engineering, Inc. (SEI) for the Preliminary Design of McEwen Drive East of Wilson Pike in the Amount of \$70,700 [CIP 2/12/09]**
Approved unanimously **David Parker, City Engineer**

- 38. **Consideration of a Professional Services Agreement for the Proposed Major Thoroughfare Plan and Bicycle/Pedestrian Plan Updates [CIP 2/12/09]**
Approved unanimously **David Parker, City Engineer**

- Prior to the 7:00 p.m. meeting BOMA members convened at **6:25 p.m.** in the Board Room.

EXECUTIVE SESSION

- 39. **Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matters of Pending Litigation**

Shauna Billingsley, Interim City Attorney

Alderman Klatt moved to enter into Executive Session. Motion carried unanimously.

Recessed: 6:30 p.m.

RETURN FROM EXECUTIVE SESSION

Reconvened: 6:52 p.m.

- 40. **Consideration of Matters from Executive Session**

Mayor John Schroer

There were no matters to consider from the Executive Session.

*Alderman Klatt moved to adjourn with a second from Alderman Burger. Motion carried unanimously. Adjourned **6:56 p.m.***

OTHER BUSINESS

- Several Boy Scouts from different troops were recognized for attending as part of the requirement for a Government Merit Badge.

ADJOURN

Alderman Klatt moved to adjourn. Meeting adjourned 7:28 p.m.

 Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - ~~3/25/2009 9:03 AM~~
~~3/25/2009 9:02 AM~~