

---

**MINUTES OF THE REGULAR MEETING  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, MARCH 10, 2009 – 7:00 P.M.**

---

**Board Members**

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

**1. Call to Order**

Mayor John Schroer called to order the Regular Meeting of the Board of Mayor and Aldermen of the City of Franklin, Tennessee, on Tuesday, March 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)

Bud Carmen, Spencer Hall, spoke to the development of the new City Hall site as the owner of property (residential, commercial) and a downtown business. Is positioning residential property at the corner of

Third Avenue South and Church Street the most appropriate visual for the gateway to the business community. Income producing commercial property is the best use for street level. There is no residential street level property on Third Avenue South or North one block off the square at present. Street level commercial with residential above and perhaps behind is the most reasonable. He feels the Board lacks all information needed to direct the design or make decisions about mixed use for this development as to financial impact on the City. Commercial property would generate millions of dollars at this strategic corner, whereas, residential would cause losses in kind. He requested discussion at next month's Work Session to allow BOMA to hear the information/facts needed regarding the financial impact of mixed use, specifically, if it is wise to locate a boutique hotel at this corner in relation to the economy and the feasibility of a hotel now or in future. The request included holding a Public Hearing following the Work Session to allow input from the business community, business leaders and Franklin citizens.

**5. Communications from Williamson County Mayor and Williamson County Commission**

None

**6. Approval of Minutes**

*Alderman Burger moved to approve the February 10, 2009 Work Session Minutes and the February 10, 2009 Regular Board Meeting Minutes. Seconded by Alderman Moore. Motion carried unanimously (7-0).*

**7. Presentation of "Best Employee Campaign Award" to City of Franklin by United Way of Williamson County**

**Mayor John Schroer**

Monique McCullough accepted the award on behalf of the City Campaign Committee. Mayor Schroer expressed his thanks for their efforts.

➤ Non-Agenda Item

The Roderick Courage Award:

Alderman Burger prefaced recognition of the recipient with details of how the award came about. The event took place during the Civil War. The Battle of Thompson's Station on March 5, 1863, was the scene. General Nathan Bedford Forrest's brave steed, Roderick, the hero. Even though Roderick was more than once severely wounded, he faithfully carried out his mission with courage. Thus, Mayor Leon Heron of Thompson's Station created the Roderick Courage Award to honor Roderick's bravery and rapid response during a time of crisis. It is an award to recognize those who exhibit courage and rapid response "under fire".

Nine-year-old Maddie Adams of Franklin received the first Roderick Courage Award on March 5, 2009, because of her quick action in an emergency situation. Her grandmother was choking on a piece of chicken caught in her throat. Maddie quickly responded with the Heimlich Maneuver dislodging the chicken that blocked the airway. Maddie saved her grandmother's life.

Mayor Schroer presented Maddie with a certificate reading "The City of Franklin does hereby recognize Maddie Adams for her quick response, outstanding courage and heroism that resulted in the saving of a life. Presented on this the 10<sup>th</sup> day of March, 2009, by John Schroer, Mayor".

Mattie is the daughter of Craig and Deanna Adams who were present along with her brother, and the grandmother she saved, Jan Adams.

When asked how she learned to do the Heimlich Maneuver, Maddie responded she heard her grandmother choking and that night she was watching The Suite Life of Zack and Cody, they had showed how to do it. If Maddie were to tell adults and children anything about courage and just doing things in life, Maddie would say, "Never be afraid to try something new".

**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 18-26 be placed on the Consent Agenda

Alderman Petersen requested Item 20 be pulled.

*Alderman Moore moved for approval of the Consent Agenda, minus Item 20. Seconded by Alderman Bransford. Motion carried unanimously.*

**OLD BUSINESS**

- 9. 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 2/24/09}  
(Third and Final Reading) Gary Luffman, Interim Planning Director**

*Alderman Bransford moved for approval. Seconded by Alderman Burger. On Third and Final Reading motion to approve Ordinance 2008-66 carried unanimously (7-0).*

- 10. 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 [FMPC 12/18/08 passed unanimously] {BOMA 2/24/09}  
(Third and Final Reading) Vernon Gerth, ACA Community & Economic Development**

*Alderman Moore moved for approval. Seconded by Alderman Burger. On Third and Final Reading motion to approve Ordinance 2009-07 carried 6-1 with Alderman Klatt voting no.*

- 11. Consideration of Utility Billing Appeal Process [B&F Committee 1/22, 2/19] {BOMA 2/10/09 Deferred}  
Russ Truell, ACA Finance & Administration**

*Alderman Barnhill moved to approve recommendation from Budget & Finance Committee. Seconded by Alderman Bransford.*

Alderman Moore noted a discrepancy between what was approved in the Budget & Finance Committee and asked that Steve Sims comment on the wording of his recommendation.

B&F motion: *recommend to BOMA that the City continue to follow the established Leak Adjustment Policy.* Recommendation in Mr. Sims memo: I recommend that the BOMA disapprove the request for waiver to the existing policy and that the BOMA consider a change to the existing policy to exclude sewer charges only for leak adjustments.

Mr. Sims explained the customer asked the City to modify the policy which is that the City absorbs half of the cost of the leak on both water and sewer. The recommendation was to disapprove the request to modify the existing policy, in other words follow the existing policy. The remainder of Mr. Sims recommendation was an option should BOMA want to consider a change to the existing policy to exclude sewer changes only for the leak adjustment.

Alderman Petersen commented that this affects the listing of problems of over \$500. Of the 75 over the last 8-10 years, 10 were residential. She had asked for leniency for these residents. She was against the motion.

*Motion to disapprove the request for waiver to the existing Leak Adjustment Policy and continue to follow the established policy carried 6-1 with Alderman Petersen voting no.*

**12. Consideration of Agreement for Delivery and Use of Reclaimed Water and for Reimbursement of Costs for Off-Site Reclaimed Water System Improvements (Westhaven)**

**David Parker, City Engineer**

*Alderman Klatt moved for approval. Seconded by Alderman Burger.*

Alderman Skinner noted the agreement does not require minimum usage and wondered what kind of precedent that would set for future agreements. Mr. Parker explained the requirement is a minimum bill based on a minimum usage. Alderman Skinner said that may not be the issue years from now when we need to distribute reclaimed water in early spring and late winter when the City doesn't have storage. Mr. Parker responded he didn't know how they could regulate minimum usage when the customers are not able to use it. Alderman Skinner opined the City would need to buy a lot of land to dispose of it all.

*Motion to approve agreement carried 6-1 with Alderman Skinner voting no.*

**NEW BUSINESS**

**13. PUBLIC HEARING: 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, Tennessee [FMPC 1/22/09 approved 8-0] {WS 2/10/09}**

**Gary Luffman, Interim Planning Director**

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

---

*Alderman Klatt moved for approval. Seconded by Alderman Moore.*

Alderman Skinner related the Planning Committee approved Cool Springs Square last week, but did not require road improvements on Jordan Road on the boundary of the existing McEwen property. Do we want to reconsider the McEwen Development be required to make the same improvements that we are asking of Cool Springs Square? He didn't have numbers as far as cost, but in the CIP meeting last month Mr. Luffman brought forward a memo on the need to decide how those decisions are made to be consistent. Alderman Skinner feared if BOMA didn't use this opportunity taxpayers would be saddled with the improvements adjacent to McEwen.

Alderman Petersen related she was on the Planning Commission when the McEwen project was originally approved. Her recollection is that Jordan Road follows along the boundary to a certain extent. She had voted to require that project pay for road improvements because they were using Jordan Road for one of their main accesses. That is the distinction between these projects. For this property Jordan Road somewhat cul-de-sacs into it. The access to their property is really Aspen Grove. She does not see Jordan Road being used for this property.

Alderman Klatt said the appropriate thing to do, if the Board wants to, is make an amendment or condition of approval on this. Otherwise, there need not be a discussion. At CIP the recommendation was as they go through the impact fee schedules it should be determined if collector roads should be added to the impact fee schedule. That would be appropriate if the development community is expected to help fund improvements to roads that are not arterials. Taxpayers will not be burdened with this. Primarily, it will be paid for by impact fees which McEwen Place and the other development (that may or may not be approved) would generate in addition to the on and off-site improvements they are making. There are many fees, taxes and other things that large developments are going to contribute to infrastructure without them always paying for everything.

Alderman Barnhill noted at the Planning Commission the \$ 1.5 million was directed to the other development not necessarily toward Southern Land. If the other development was held responsible for that improvement they had the opportunity to come before the CIP Committee. The City might have opportunity to leverage some dollars and move up some projects if it is thought that is the appropriate thing to do. The intent was never that Southern Land would pay the entire amount. He voted against it being deleted from the other project's requirements even though they said that would be a deal breaker. He thought Southern Land might be willing to participate, but certainly not to the full amount. The City may be able to do part of it; the other development could do a part of it.

Alderman Skinner asked, since this is the Concept Plan can there be changes to this for the Site Plan for roads and access? Shauna Billingsley answered she would have to do research. Alderman Skinner said his point was that if those changes are made BOMA would not see it again nor would BOMA get to approve it. Vernon Gerth explained if there are substantial changes it comes back to BOMA. The Regulating Plan, which is more detailed, stays with the Planning Commission.

*Alderman Skinner moved to amend the motion to direct Staff to revisit the portion of the road that is adjacent to McEwen Town Development for our reimbursement for future improvements of Jordan Road. Motion died for lack of a second.*

*Main Motion to approve Resolution 2009-05 revised Concept Plan for McEwen PUD carried 6-1 with Alderman Skinner voting no.*

14. **PUBLIC HEARING: 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, Tennessee [FMPC 1/22/09 approved 8-0] {WS 2/10/09}**  
**Gary Luffman, Interim Planning Director**

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

---

*Alderman Bransford moved for approval. Seconded by Alderman Moore.*

Alderman Skinner said this issue is they are agreeing to pay for future park land that we might acquire. Has the City decided how to evaluate what that is going to be, whether it's 10% of the land or is it an average of Williamson County land or what? Gary Luffman answered it will be through an independent appraiser at 10% of the value. The appraisal is just for the parcel in question. Mr. Gerth clarified the primary issue is the increased density and the development as a whole. The fees that come with park dedication are just part of that.

*Motion to approve Resolution 2009-06 revised Concept Plan for Waterford Crest PUD carried unanimously 7-0.*

15. **Consideration of the Comcast of Nashville II, LLC Franchise Agreement in Final Form [BOMA 2/24/09]**  
**Shauna Billingsley, Interim City Attorney**

Staff requests deferral of this item. Two issues are in question. Comcast wants to attend the April 14 Work Session for discussion.

*Alderman Klatt moved to defer the Comcast agreement to the April 14 Work Session and BOMA meeting. Seconded by Alderman Burger. Motion carried unanimously 7-0.*

16. **Consideration of ORDINANCE 2009-12 To Be Entitled: "An Ordinance to Amend Section 15-124 of The City of Franklin Municipal Code to Establish Gross Vehicular Weight Limits for Local City of Franklin Streets Not Designated as State or Federal Routes"**  
**(First Reading)** **Alderman Michael Skinner**

*Alderman Skinner moved for approval. Seconded by Alderman Petersen.*

Alderman Skinner explained the intention of this ordinance is to remove the truck route signs for Lewisburg Pike South of Mack Hatcher to help reduce truck traffic.

Vernon Gerth added that although the main reason for this ordinance is to remove the signs on Lewisburg Avenue; additional changes were made with Carothers Parkway as an exclusion from the weight limit to allow for trucks on Carothers Parkway in the future. The same is true for McEwen between Carothers and west to Cool Springs as an alternate route.

Alderman Burger questioned #12 regarding fines for violations of trucks on non-truck routes and was told the State Highway Patrol cannot fine trucks for being on State or Federal Routes. This item simply removes the local designation.

Alderman Moore wondered about spending \$2,200 to remove signage in light of previous memos from Engineering from which he quoted: "The Major Thoroughfare Plan – any change in any arterial, such as Lewisburg Pike would need to be looked at as an update to the Major Thoroughfare Plan", and "Prohibiting and limiting truck traffic on state or federal routes is the responsibility of TDOT". He is against this until they can study the Major Thoroughfare Plan.

Alderman Klatt agreed. The City has a consultant for the Major Thoroughfare Plan which becomes a Planning Commission document. It is submitted to the MPO which then has TDOT oversight. He was not opposed to the initiative but thought it needed to be done with other planning efforts. The State will require some kind of alternate designation which this doesn't do. Alderman Petersen commented they are not going to let us designate it. The purpose is just to remove the signs so trucks coming through won't see it and be confronted with that alternative.

Alderman Skinner countered during original discussions at Work Sessions Engineering gave two alternatives. One, remove the signs so when semis drive through they won't have that guidance to go down Lewisburg. Two, approach the State about removing Lewisburg Pike from the State truck routes. Before Highway 840 existed as a truck route, Lewisburg was a viable option. Now, Lewisburg is redundant. Columbia (Highway 31) already is accessible from the business area of Franklin and to the commercial districts south, Spring Hill and Columbia. He has asked Mr. Gerth to arrange a meeting for citizen input, and then propose the State consider removing Lewisburg as a truck route. The issue tonight is the removal of the "truck" signs that are in some cases a plaque imprinted "truck" that accompanies a "431" signage.

Alderman Burger asked why it would cost \$2,200 to remove the signs. Joe York explained new signs would be necessary since "truck" is actually a part of the larger signage. There are several to be replaced. Alderman Petersen said there is one on Hillsboro Road as well.

*Motion to approve Ordinance 2009-12 on First Reading carried 4-3 with Aldermen Barnhill, Klatt, and Moore voting no.*

**17. Consideration of Mayor's Recommendation of Appointment/Reappointment to the Williamson County Emergency Communications District Board of Directors**

**Mayor John Schroer**

Mayor Schroer recommended the reappointment of Tom Feuerborn.

*Alderman Klatt moved for approval of the reappointment of Tom Feuerborn. Seconded by Alderman Bransford. Motion carried unanimously.*

**CONSENT AGENDA**

**18. Review and Discussion of FY 2009-2010 Budget Schedule [B&F 2/19/09]**

*Approved unanimously*

**Russ Truell, ACA Finance & Administration**

**19. Request to Change the Street Name of Shingle Way to International Drive Located in the Cool Springs East Subdivision [FMPC 2/26/09 vote 8-0] {WS 3/10/09}**

*Approved unanimously*

**Gary Luffman, Interim Planning Director**

20. **Consideration of RESOLUTION 2009-09, A Resolution Certifying Deposit Accounts and Loans [B&F 2/19/09]**

**Russ Truell, ACA Finance & Administration**

*Alderman Moore moved for approval. Seconded by Alderman Burger.*

Alderman Petersen asked the meaning of the following statement on page one: *“And the Bank shall be under no obligation to see or make inquiry as to the application of other funds so withdrawn, even though such withdrawal order may be payable to the agent to the corporation executing same and funds be withdrawn for unspecified use”*. Russell Truell responded this is an antiquated document that the bank has been asking cities and corporations to sign for many, many years. It’s required by the FDIC and all the other bank auditing organizations. He advised there are so many things in place below the level of this; for example, positive pay, the bank cannot pay out a check issued unless the City sends a file that gives all the information on the check. Mr. Truell added his name as a signatory in two places on the document along with the two existing names. This to assure if there is a vacancy there would still be two of the three to sign checks.

Mr. Truell announced the City is in the process of bidding out banking services. The RFP is close to final draft will go out to the banks later this week. Proposals will be received during April and May and the award for banking services will go to whoever has the best bid prior to July 1, 2009.

*Motion to approve Resolution 2009-09 carried unanimously.*

21. **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]**

*Approved unanimously.*

**Jackie Moore, Police Chief**

22. **Consideration of the Proposed Mallory Valley Utility District Water Line and Temporary Construction Easements on the Property Known as Tax Map 36, Parcel 52.00 at the Corner of Moore’s Lane and Franklin Road [WS 2/24/09]**

*Approved unanimously*

**Eric Gardner, Engineering Director**

23. **Request Approval of Proposal for Removal of at Least Three (3) Underground Storage Tanks (UST’s) Located at New Police Headquarters Site at Ninth and Highway 31 Under a Contract with First Response, Inc. \$14,995.00 to Come from Owner Contingency [WS 2/24/09]**

*Approved unanimously*

**Brad Wilson, Facilities Project Manager**

24. **Approval of ASI-30 Pertaining to Sump Pumps being Located in Elevator Pits per the State Elevator Inspector \$9,709.00 Not Required per Local Code to Come from Owner Contingency [WS 2/24/09]**

*Approved unanimously*

**Brad Wilson, Facilities Project Manager**

25. **Approval of Additional Services for Revisions to Landscape and Hardscape Documents Due to Value Engineering that was Approved by Board Based on Facilities Office Recommendation for Cost Cutting Measures \$2,000.00 to Come from Owner Contingency [WS 2/24/09]**

*Approved unanimously*

**Brad Wilson, Facilities Project Manager**

26. **Approval of Additional Services for the Columbia Streetscape Program Located on Highway 31 and Down Partially Plaza and Ninth. Request is to Move Certain Parts of Streetscape Package into Contract of Police Headquarters with R. G. Anderson. Additional Services Total \$6,400.00 from Owner Contingency [WS 2/24/09]**  
*Approved unanimously* **Brad Wilson, Facilities Project Manager**

**EXECUTIVE SESSION**

27. **Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matters of Pending Litigation**  
**Shauna Billingsley, Interim City Attorney**

*Alderman Bransford moved to enter Executive Session. Seconded by Alderman Barnhill. Motion carried unanimously.*

Recessed: 8:00 p.m.

Reconvened: 8:19 p.m.

**RETURN FROM EXECUTIVE SESSION**

28. **Consideration of Matters from Executive Session**  
**Mayor John C. Schroer**

There were no matters for consideration from the Executive Session.

**ADJOURN**

*Alderman Klatt moved to adjourn. Meeting adjourned 8:19 p.m.*

\_\_\_\_\_  
Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - [4/15/2009 10:03 AM](#)~~4/15/2009 10:02 AM~~