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

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**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		Shirley Harmon, HR Director	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water/Wastewater Director	
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	P
Jackie Moore, Police Chief		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**

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, March 24, 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**

There were no representatives present

**6. Recognitions**

**Mayor John Schroer**

**a. Distinguished Budget Award from Government Financial Officers Association**

The Government Financial Officers Association Distinguished Budget Award was given to the City of Franklin Finance Department for the FY 2008-2009 Budget. Mr. Stuckey noted this is a great achievement. The City's document meets the criteria set forth by the Association; it serves as a policy document, it provides a financial plan, it serves as an operations guide, and as a communications device. He complimented Russ Truell who led the effort last year. Mr. Truell's stint as Interim City Administrator took him away from the Finance Office a great deal last year and he took the opportunity to thank his staff, particularly Mike Lowe, Lou Davis, and Kathy Cox, for putting a lot of work into the document.

**b. Fieldstone Farms Hot Shots Jump Rope Team**

Alderman Petersen presented a Certificate of Recognition to the Fieldstone Farms Hot Shots Jump Rope Team. The team is comprised of third through seventh graders from Hunters Bend and Grassland Middle Schools. They have traveled the state teaching children jump rope skills, and have performed at universities and high schools. They are one of 16 Tennessee teams presenting rope skipping as a healthy lifestyle for the American Heart Association. The Team opened the 2008 Nashville Film Festival promoting Helen Hood's documentary "Jump", and were filmed by NPT's Tennessee Crossroads for broadcast in late March or April and to be streamed in schools. They will again participate in a production presented by Vanderbilt University's Physical Arts Department. They placed first overall against six other teams in a USA Open sanctioned tournament. Kudos to the Team for their hard work and dedication to the sport of jump roping and encouraging a lifestyle of fun, fitness and good health by educating children and adults on the benefits of jump roping.

**7. Approval of the Minutes**

*Alderman Burger moved for approval of the February 24, 2009 Work Session, and February 24, 2009 Special Meeting minutes. Seconded by Alderman Moore. Motion carried unanimously.*

**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 19-31 be placed on the Consent Agenda

As indicated during the Work Session, Item 31 was pulled from the Consent Agenda.

*Alderman Klatt moved for approval of the Consent Agenda Items 19-30. Seconded Alderman Burger. Motion carried unanimously.*

## OLD BUSINESS

9. **PUBLIC HEARING: 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** (FMPC 1/22/09 approved 8-0) [BOMA 2/24/09]  
**(Second Reading)** Gary Luffman, Interim Planning Director

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

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*Alderman Bransford moved for approval. Seconded by Alderman Burger. Motion to approve Ordinance 2009-01 on Second Reading carried unanimously.*

10. **PUBLIC HEARING: 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** (FMPC 1/22/09 approved 8-0) [BOMA 2/24/09]  
**(Second Reading)** Gary Luffman, Interim Planning Director

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

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*Alderman Petersen moved for approval. Seconded by Alderman Barnhill. Motion to approve Ordinance 2009-02 on Second Reading carried unanimously.*

11. **Consideration of ORDINANCE 2009-12, To Be Entitled, "An Ordinance to Amend Various Sections 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** [BOMA 3/10/09]  
**(Second and Final Reading)** Alderman Michael Skinner

Alderman Skinner said shortly before the Work Session legal advised this ordinance was drafted improperly. It should be a resolution.

*Alderman Skinner moved to withdraw Ordinance 2009-12 from consideration, and requested staff create a resolution. Seconded by Alderman Burger. Motion to WITHDRAW Ordinance 2009-12 carried unanimously.*

## NEW BUSINESS

12. **Budget Amendments ORDINANCE 2009-17** {February Budget & Finance Committee Approved 4-0}, **An Ordinance to Amend the FY 2008-2009 Budget Resulting from Actions of the Board and Changes in Fund Balance Resulting from the FY 2007-2008 Audit Report**  
**(First Reading)** Eric Stuckey, City Administrator

*Alderman Moore moved for approval. Seconded by Alderman Bransford. Motion to approve Ordinance 2009-17 on First Reading carried unanimously.*

13. **Budget Amendments ORDINANCE 2009-18** {March Budget & Finance Committee Amendments} **An Ordinance to Amend the FY 2008-2009 Budget to Reflect Reductions in Revenues and Expenses Based on Midyear Results and Departmental Adjustments**

**(First Reading)**

**Eric Stuckey, City Administrator**

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

Mr. Stuckey commented that mid-year budget amendments are not typical; however, because of shortfalls in revenues adjustments are necessary. The goal was to cut \$2.5 million. The management team actually cut the budget by \$3.1 million to bring expenditures in line with reality. Revenue projections for Sales Tax will be cut from \$24 million to \$22 million, and building permit revenue cut back by \$1.1 million. Due to economic conditions, the 2009-2010 Budget will probably be in the \$54 million range. The City needs to plan for and budgets to be lower for the next two or three years.

Alderman Barnhill pointed out there would be at least \$2 million more in the pension and trust contribution how is that calculated - \$6.5 million rather than \$4.5 million. Mr. Stuckey said the Pension Board would make recommendation to BOMA related to the situation.

*Motion to approve Ordinance 2009-18 on First Reading carried unanimously.*

**14. Consideration of Nomination(s) to Franklin Transit Authority**

**Mayor John Schroer**

Withdrawn by Mayor Schroer

**15. Report from Sister Cities**

**Alderman Michael Skinner**

The deadline to submit applications extended. The exchange program will be May 27-June 3, 2009 in Carleton Place, Ontario. Applications are available at schools and the library. Contact Lauren Elrod for scholarship information and other details. (615-794-4254)

**16. Consideration of the City's Proposed Commitment to the Tennessee Department of Transportation (TDOT) of \$5,000,000 for Right-of-Way (ROW) Legal Descriptions, Exhibits, and Acquisitions and the Final Design for the Mack Hatcher Parkway Extension – Northwest Quadrant [CIC 3/12/09]**

**David Parker, City Engineer**

*Alderman Klatt moved for approval with comment. Seconded by Alderman Barnhill.*

Alderman Klatt said he thought it important to note this \$5 million contribution is a partnership between the City and the private sector. The City has a commitment from Southern Land Company to continue their involvement in getting Mack Hatcher built. Half the \$5 million is from Southern Land.

Mayor Schroer commented that Alderman Klatt has spent a lot of time, during his years as alderman, on this project, as has the Mayor in the last few months. In the last 6-9 months, TDOT changed their stance and that allowing the City to go forward with right-of-way acquisition is reflective of that. Commissioner Nicely has said even though there are some projects that are not part of the stimulus plan, there will be a trickledown effect. The Mayor said he thought TDOT's interest and involvement on Mack Hatcher is just that and that there will be additional funding from TDOT. Because of that the City is getting in a position to continue to move forward on this road project.

*Motion to approve carried unanimously.*

17. **Consideration of an Amendment to the Professional Services Agreement with Wilbur Smith Associates for the Production of Legal Descriptions and Standard Exhibits for the Rights-of-Way Acquisition Process for the Mack Hatcher Parkway Extension – Northwest Quadrant in the Lump Sum Amount of \$30,100.00 [CIC 3/12/09]**

**David Parker, City Engineer**

*Alderman Klatt moved for approval. Seconded by Alderman Moore. Motion carried unanimously.*

18. **Consideration of an Amendment to the Professional Services Agreement with Wilbur Smith Associates for the Final Design for the Mack Hatcher Parkway Extension – Northwest Quadrant in an Amount Not to Exceed \$1,690,000.00 [CIC 3/12/09]**

**David Parker, City Engineer**

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

Alderman Klatt stated this project and money has been budgeted. The amount is inclusive of an additional section of Mack Hatcher that extends from Highway 96 to the south to one of the new entrances Townsend Boulevard. The full amount must be authorized because of TDOT approval and EIS approval to go ahead with this process.

Alderman Petersen said she wanted to note again that she is concerned about the 5% increase even though there was some comment that professional contracts would be expected to increase. She reiterated her reservation regarding the increase.

*Motion carried unanimously.*

### **CONSENT AGENDA**

19. **ORDINANCE 2009-09, To Be Entitled: “An Ordinance to Amend Various Chapters and Sections of the City of Franklin Zoning Ordinance to Clarify Requirements and Correct Minor Textual Errors.”; Establishing a Public Hearing on April 28, 2009 (FMPC 2/26/09 vote 8-1) [WS 3/10/09]**

**(First Reading)**

**Gary Luffman Interim, Planning Director**

*Approved unanimously on First Reading*

20. **ORDINANCE 2009-10, To Be Entitled: “An Ordinance to Amend Chapter 2, Section 2.4.7, and Chapter 6, Sections 6.1, 6.2, 6.3, and 6.4 of the Franklin Zoning Ordinance to Revise Requirements Relating to Performance Agreements.” (FMPC 2/26/09 vote 8-0) [WS 3/10/09] Establishing a Public Hearing on April 28, 2009**

**(First Reading)**

**Gary Luffman, Interim Planning Director**

*Approved unanimously on First Reading*

21. **Consideration of ORDINANCE 2009-13 To Be Entitled: “An Ordinance to Amend Various Sections of the City of Franklin Municipal Code, Title 7 – Fire Protection and Fireworks, Relating to the Codifying of Various Fees and Penalties [WS 3/10/09]**

**(First Reading)**

**Vernon Gerth, ACA Community & Economic Development**

*Approved unanimously on First Reading*

22. **Consideration of ORDINANCE 2009-14 To Be Entitled: "An Ordinance to Amend Various Sections of the City of Franklin Municipal Code, Title 8 – Alcoholic Beverages, Relating to the Codifying of Various Fees and Penalties [WS 3/10/09]**  
**(First Reading)** **Vernon Gerth, ACA Community & Economic Development**  
*Approved unanimously on First Reading*
  
23. **Consideration of ORDINANCE 2009-15 To Be Entitled: "An Ordinance Amending the City of Franklin Municipal Code, Title 22 – Comprehensive Fees and Penalties for the Purpose of Codifying the Various Fees and Penalties Found in Titles 7 and 8" [WS 3/10/09]**  
**(First Reading)** **Vernon Gerth, ACA Community & Economic Development**  
*Approved unanimously on First Reading*
  
24. **Consideration of Contract with Yeary, Howell and Associates to Audit Accounts for the Conference Center at Cool Springs for the Year Ending June 30, 2009**  
*Approved unanimously* **Russ Truell, ACA Finance & Administration**
  
25. **Consideration of Contract with Alexander, Thompson and Arnold to Audit City of Franklin Accounts for the Year Ending June 30, 2009 (Third Year of 3-Year Contract)**  
*Approved unanimously* **Russ Truell, ACA Finance & Administration**
  
26. **Consideration of Revised Policy for the Use of Computers, Internet and Email [WS 3/10/09]**  
*Approved unanimously* **Shauna Billingsley, Interim City Attorney**
  
27. **Purchase of Renewable Choice Energy Based on the City's Goal of Acquiring LEED Certification as Required by LEED Guidelines [WS 3/10/09]**  
*Approved unanimously* **Brad Wilson, Facilities Project Manager**
  
28. **Consideration of Approval of Service Agreement with AMEC Inc. for Underground Storage Tank Contamination Testing at the Police Department Headquarters Site and Their Recommendation for Casings at Geo-Thermal Bores in the Area at a Cost Not to Exceed \$2,610.47 [WS 3/10/09]**  
*Approved unanimously* **Brad Wilson, Facilities Project Manager**
  
29. **Consideration of Change Order No. 1 for the Five-Mile Creek Interceptor Sewer Project Bore and Jack Extensions Under I-65 for the Sanitary Sewer and Reclaimed Water Line in the Amount of \$33,792.15 [CIC 3/12/09]**  
*Approved unanimously* **David Parker, City Engineer**
  
30. **Consideration of the Contract Award to Stansell Electric Company, Inc. in the Amount of \$32,955.00 for the South Royal Oaks Fiber Optic Improvements Project [CIC 3/12/09]**  
*Approved unanimously* **Eric Gardner, Engineering Director**
  
31. **Discussion of Entering into an Agreement with Harpeth Valley Utility District Regarding Reimbursement for Improvements to be Performed on the Sneed Road Vault [CIC 3/12/09]**  
**Mark Hilty, Water/Wastewater Director**

*Alderman Klatt moved for approval with comment. Seconded by Alderman Barnhill.*

[Comment became a motion] *Alderman Klatt moved to amend the contract to state the Amount is Not to Exceed \$230,000 and that the contract will be executed upon approval from TDEC. Further, the City Administrator is authorized to go forward with the acquisition of pumps, regardless of TDEC's decision. Seconded by Alderman Bransford. Motion carried unanimously.*

- 32. To Notify Approval was Given by the Mayor and City Administrator for a Contract to R. G. Anderson for Reconfiguration of Sewer Line at Police Department at Ninth Avenue in an Amount of \$22,000.00**  
**Brad Wilson, Facilities Project Manager**

FYI, no action required

#### **EXECUTIVE SESSION**

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

**Shauna Billingsley, Interim City Attorney**

*Alderman Bransford made a motion to enter into Executive Session. Seconded by Alderman Burger. Motion carried unanimously.*

Recessed: 7:27 p.m.

#### **RETURN FROM EXECUTIVE SESSION**

Reconvened: 7:34 p.m.

- 34. Consideration of Matters from Executive Session**

**Mayor John Schroer**

There were no matters for action by the Board

#### **ADJOURN**

*Alderman Barnhill moved to adjourn. Seconded by Alderman Burger. Motion carried unanimously and the meeting was adjourned at 7:35 p.m.*

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Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 4/15/2009 10:05 AM