

**MINUTES OF THE REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, APRIL 14, 2009 – 7:00 P.M.**

Board Members

Mayor John Schroer	P	Alderman Dana McLendon	A
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	
Vernon Gerth, ACA Community & Economic Development	P	Shirley Harmon, HR Director	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water/Wastewater Director	P
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	P	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	P	Linda Fulwider, Board Recording Secretary	P
Lisa Clayton, Parks Director	P		

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, April 14, 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. **Recognitions by Mayor John Schroer**

• **Franklin Fire Department**

The Franklin Fire Department improved its fire protection rating with the Insurance Services Office (ISO) to a Class 2 from a Class 3, placing it into the top one percent of communities across the country. Only four others in Tennessee share this rating – Chattanooga, Cookeville, Memphis and Murfreesboro. The new classification will be effective July 1, 2009.

Fire Chief Rocky Garzarek stated he is extremely proud of the efforts by the firefighters. Chief Garzarek thanked firefighters and others throughout the City who helped make this possible saying it was a community effort. He added the department will continue to improve.

• **Proclamation Recognizing April as Jazz Appreciation Month**

Mayor Schroer presented the proclamation recognizing April as Jazz Appreciation Month to Mike Wyatt. The proclamation identified the merits of jazz. The 20th Annual Franklin Jazz Festival is scheduled Labor Day weekend.

Mr. White noted the Franklin Jazz Festival is one of the longest running jazz festivals in the South. It brings the community together for worthy causes.

7. **Approval of Minutes**

Alderman Moore moved to approve the following minutes as presented, March 10, 2009 Work Session, March 10, 2009 Regular Board Meeting, March 24, 2009 Work Session, and the March 24, 2009 Special Board Meeting. Seconded by Alderman Burger. Motion carried unanimously 7-0.

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 14-28 be placed on the Consent Agenda

Alderman Klatt pulled Item 24 and Alderman Barnhill pulled Item 27 because of changes made.

Alderman Bransford moved for approval of the Consent Agenda Items 14-23, 25, 26 and 28. Seconded by Alderman Barnhill. Motion carried unanimously 7-0.

OLD BUSINESS

9. **PUBLIC HEARING: Consideration of ORDINANCE 2009-17, 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**
(Second Reading) **Eric Stuckey, City Administrator**

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

Alderman Barnhill moved for approval. Seconded by Alderman Bransford. Motion to approve Ordinance 2008-17 on Second Reading carried unanimously 7-0.

10. **PUBLIC HEARING: Consideration of ORDINANCE 2009-18, An Ordinance to Amend the FY 2008-2009 Budget to Reflect Reductions in Revenues and Expenses Based on Mid-Year Results and Departmental Adjustments**
(Second Reading) **Eric Stuckey, City Administrator**

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

Alderman Petersen moved for approval. Seconded by Alderman Moore. Motion to approve Ordinance 2008-18 on Second Reading carried unanimously 7-0.

11. **Consideration of the Comcast of Nashville II, LLC Franchise Agreement in Final Form**
Shauna Billingsley, Interim City Attorney

Copies of the final agreement were distributed with changes incorporated as a result of discussion with Comcast during the Work Session. The following changes were made.

Section 3.2.1, last sentence now reads, If public funds are made available to any other competitive service provider using the Public Way for the purpose of defraying the cost of any of the foregoing, the Franchising Authority shall make available similar funds to the Grantee.

Section 3.2.6, third sentence and fourth sentences now read, In any regions of the Franchise Area that are already developed where the transmission or distribution facilities of the public or municipal utilities are both aerial and underground, the Grantee shall have the discretion to construct, operate, and maintain all of its transmission and distribution facilities, or any part thereof, aerially or underground. However, if the Grantee's Cable System, at any time, is the sole provider and/or public utility located aerially, the Grantee agrees to relocate the Cable System underground.

Alderman Bransford moved for approval of the Comcast of Nashville II, LLC Franchise Agreement. Seconded by Alderman Moore. Motion carried unanimously 7-0.

NEW BUSINESS

12. **PUBLIC HEARING: Consideration of RESOLUTION 2009-04, A Resolution Approving a Concept Plan for Franklin Christian Academy, Totaling 27.91 Acres Located at 1720 New Highway 96 West, by the City of Franklin, Tennessee**
Gary Luffman, Interim Planning Director

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

Alderman Barnhill moved to approve Resolution 2009-04. Seconded by Alderman Moore. Motion carried unanimously 7-0.

13. **Consideration of RESOLUTION 2009-11, a Resolution Authorizing the City of Franklin Streets Department to Remove the Truck Route Identification Signage for Lewisburg Avenue While Not Otherwise Limiting or Prohibiting Trucks and Other Heavy Motor Vehicles from Legally Traveling on this Designated State Route**

Alderman Michael Skinner

Alderman Burger moved for approval of Resolution 2009-11. Seconded by Alderman Skinner. Motion carried unanimously 7-0.

CONSENT AGENDA

14. **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
(Third and Final Reading)** **Gary Luffman, Interim Planning Director**

Approved unanimously on Third and Final Reading

15. **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
(Third and Final Reading)** **Gary Luffman, Interim Planning Director**

Approved unanimously on Third and Final Reading

16. **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
(Second and Final Reading)** **Vernon Gerth, ACA Community & Economic Development**

Approved unanimously on Second and Final Reading

17. **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
(Second and Final Reading)** **Vernon Gerth, ACA Community & Economic Development**

Approved unanimously on Second and Final Reading

18. **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
(Second and Final Reading)** **Vernon Gerth, ACA Community & Economic Development**

Approved unanimously on Second and Final Reading

19. **Consideration of Reclassification of a Vacant Position to Create a Self-Funded Position of Sustainability/Grants Coordinator**

Approved unanimously

Vernon Gerth, ACA Community & Economic Development

20. Consideration of Parks Department Policies for Rental of Various City of Franklin Facilities

Approved unanimously

Lisa Clayton, Parks Director

21. Consideration of Updated COBRA Policy and Practices

Approved unanimously

Shirley Harmon, HR Director

22. Consideration of Request to Exercise the Option of Extending the Professional Services Agreement for One Year with Monitoring & Management Services, LLC to Provide Inspection and Consulting Services for the City's FOG Program in an Amount Not to Exceed \$25,140.

Approved unanimously

Mark Hilty, Water/Wastewater Director

23. Consideration of the Request for Sanitary Sewer Availability for the CHS Data Center Located at 7100 Commerce Way, Brentwood, Tennessee

Approved unanimously

Eric Gardner, Engineering Director

24. Consideration of Termination of Contract with Studio Eight Design for Professional Services for Bicentennial Park Phase I and Third Avenue Extension

David Parker, City Engineer

Alderman Barnhill moved for approval. Seconded by Alderman Bransford.

Alderman Klatt read the statement that follows on the next two pages.

BOMA Item #24
Please include in minutes

14 April 2009

Bicentennial Park Contract Termination

The Georgia Boot Factory and adjacent property was purchased long before either The Park at Harlinsdale Farm or the Eastern Flank Battlefield Park acquisitions were even conceived. We have a responsibility to our citizens to finish the task we took on first.

The concept plan for Bicentennial Park was developed after significant input from our citizens and was adopted by previous BOMA members. It has always been intended to interpret and document the history of the entire City of Franklin, founded 60 years **before** the Civil War.

It will provide a large public performance and gathering place in an existing covered pavilion.

It will allow us to finally embrace and celebrate the Harpeth River, with desired safe access.

Other Long Range benefits of the project include:

- Lowering the Flood Plain across the north end of the downtown district once the entire project is completed, providing improved water quality and management.
- Implementation of components of the City's Major Thoroughfare Plan.
- Significantly expanding and connecting the City's Greenways and Trails network.
- Encouraging redevelopment downtown, which will increase property values and tax revenues. (Currently four different developers studying new projects downtown specifically related to Bicentennial Park being constructed, but all are waiting for signs of City commitment).
- The project has been designed so construction can occur in phases, to spread the cost over time.

Current situation reviewed:

- The Third Avenue Extension is our #6 Capital Investment Project priority.
- This street will add an alternative to the Highway 96W / Hillsboro Road intersection, relieving congestion there and providing easier access to Franklin Road and Highway 96E for commuters, and to City and County buildings and public parking garages.
- The Third Avenue Extension is the bulk of the Phase I project cost.
- In February BOMA directed staff to obtain updated appraisals for the property to be acquired for Phase I of this project. For what purpose if not to move forward?
- The Parks Department has identified Bicentennial Park as its #1 priority for the FY10 CIP Budget.
- The City has received \$630,000 in grants from TDOT to spend on Park trails. This funding is tied directly to the Third Avenue Extension and Hillsboro Road, and may expire if this project is delayed further.
- Bid documents for the project are complete, pending any final staff review comments. This is ready to go!

The question would seem to be **has the decision to cease funding of our #6 CIP priority project been determined with certainty?** If not, it would seem premature to terminate the agreement and possibly jeopardize our investment to date. If ANY coordination aspect of this

project with other active projects is to be completed without hiring new consultants to re-design and re-engineer work already completed by the current project team, then it seems counter-productive to terminate the current Professional Services Agreement and discard work already completed at taxpayer expense.

In the meantime, there are aspects of this project that directly impact other active City projects.

- The sewer system upgrades, currently in the design phase with SSR, are continued into and as an integral part of the Third Avenue Extension / Park project.
- The Hillsboro Road widening project has road realignment, Sharp's Branch stabilization and relocation coordination, overhead power line relocation, and road realignment details currently coordinated with the Third Avenue / Park project. The Engineering Department has repeatedly stated that the Third Avenue Extension project should be in place before the Hillsboro Road project reaches this intersection.
- If delayed, the relocation and stabilization of Sharp's Branch, construction of the new Third Avenue Extension bridge, removal of the 4th Avenue box culvert and roadway, and all associated grading and utility piping, etc. involved with these efforts will have to be performed **after** the widening and improvements to Hillsboro Road are complete. This introduces the potential for tearing up new construction and infrastructure after the fact. Not very smart.
- The Third Avenue North roadway and infrastructure improvements currently under construction transition into the Third Avenue Extension / Park project. There is no storm water quality improvement planned in the current streetscape project which is nearing completion. All storm water quality treatment is provided as part of the Third Avenue Extension / Park project.
- Without the storm water quality improvements, all of the new storm drainage piping currently provided will daylight at a headwall at North Margin Street discharging water at the park site. This water will continue to erode drainage swales across the park site, creating dangerous pedestrian conditions and continuing to carry untreated and uncontrolled water to the Harpeth River.

We should be very cautious about the impact of our decision regarding Phase I of the Bicentennial Park / Third Avenue North Extension project.

I repeat: we owe it to our citizens to continue and eventually complete the task we took on first.

Discussion:

- Would delaying this project delay other jobs and projects?
- If grant money from the state is not used on this project would it be lost?
- Staff looking at ways to continue with the money for trails. Grant money is not dependent on use for the park as a whole.
- When project moves forward could do some aspects in-house using staff more and consultant less for cost savings.
- The action before the Board is to terminate the contract at the end of the design phase; thus save money on construction management.
- Relationship with design consultants important - keep in the loop.
- Reluctant to dump 8-12 years of work to get to this point.
- Third Avenue Extension high on priority list and important to downtown.
- Want to see different approaches taken when going forward on projects by using more in-house and saving money.

Motion to terminate contract with Studio Eight Design carried 5-2 with Aldermen Burger and Klatt voting against termination.

25. Consideration of Event Permit Application from Franklin Noon Rotary for Rodeo Parade in Downtown Franklin on May 9, 2009

Approved unanimously

Jackie Moore, Police Chief

26. Consideration of Event Permit Application for Event on McEwen Drive Between Merylinger Court and Jordan Road on May 16, 2009

Approved unanimously

Jackie Moore, Police Chief

27. Consideration of Event Permit Application from SOL Restaurant for a Cinco de Mayo Event on Fourth Avenue North in Downtown Franklin on May 5, 2009

Jackie Moore, Police Chief

Alderman Petersen moved for approval. Seconded by Alderman Barnhill.

Item pulled due to changes made during Work Session. Time for street closure changed to 3:00 p.m. with signs specifying no parking after 1:00 p.m. A one-way exit will be provided as well.

Motion to approve application as amended carried unanimously 7-0.

28. Consideration of Interlocal Agreement with Williamson County for Traffic Study of Clovercroft Road at Oxford Glen Drive

Approved unanimously

David Parker, City Engineer

EXECUTIVE SESSION

29. Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matters of Pending Litigation

Shauna Billingsley, Interim City Attorney

Alderman Barnhill moved to enter into Executive Session. Motion approved unanimously.

Recessed: 7:36 p.m.

Reconvened: 7:45 p.m.

RETURN FROM EXECUTIVE SESSION

30. Consideration of Matters from Executive Session

Mayor John C. Schroer

Alderman Klatt moved to approve settlements in Carothers Parkway cases 1) City v. James E. Porter, et al, Property owners will settle for amount of deposit, \$60,000, for all easements and fee interests taken. 2) City v. Carothers Development, et al, Property owner will settle for a) Amount of original deposit-\$50,000 for easement and fee areas taken in original suit; plus b) \$950,000, for additional right-of-way, payable as follows: i) \$50,000 on date of court approval; ii) \$300,000 annually on July 1, 2010, 2011, and 2012. 3) Property owner waives any right to road impact fee offsets for any portion of Carothers Parkway right-of-way. 4) Right-of-way to be dedicated to the City as part of final judgment. Seconded by Alderman Bransford. Motion carried unanimously.

ADJOURN

Motion to adjourn by Aldermen Barnhill and Burger respectively. Meeting adjourned 8:19 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - [4/29/2009 10:58 AM](#)~~4/29/2009 10:56 AM~~