

MINUTES OF THE *SPECIAL MEETING*
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, APRIL 28, 2009 – 7:00 P.M.

Board Members

Mayor John Schroer	P	Alderman Dana McLendon	P
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		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, 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	
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			

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, April 28, 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)

- ❖ Cecilia Melo-romie, Franklin, representing Pastor Neil Paez of My Father’s House, invited the Mayor, Board, and all citizens to the Cinco de Mayo celebration at Pinkerton Park, Noon-4:00 p.m. on Saturday, May 2, 2009.

- ❖ Mindy Tate, president of Franklin Tomorrow, invited citizens to a lecture on April 30 @ 6:00 p.m. on the topic “Water, Where Does it Come From, and Where Does it Go”. Speakers include Mark Hilty, Franklin Water/Wastewater Director. The lecture is part of the New Growth, Deep Roots series planned for the fifth Thursday of the month.

In partnership with the City, lectures on Live Green In Franklin will be held the fifth Monday of the month. A lecture is scheduled June 29, 2009 at 6:00 p.m.

The Historic Franklin license plate passed the threshold of 1,000 numbers; however, they are finishing paperwork and anticipate it will be sent to the state by the end of the week. Franklin will be the first and only city in the state to have its own license plate. Plates could be available midsummer.

5. Communications from Williamson County Mayor and Williamson County Commission

None

6. Recognitions by Mayor John Schroer

- **Sanitary Survey Results**

Mayor Schroer noted the caption was incorrect as the survey pertains to water. The Mayor read a press release announcing the City garnered an approval rating of 96% as a result of the recent sanitary survey. The City has made remarkable progress from a one-time low rating of 28 in 2005. TDEC’s highest approval rating is 95-100%. A copy of the full Sanitary Survey report is on the City Website. Kudos to Mark Hilty and his department.

7. Approval of the Minutes

Alderman Bransford moved for approval of the minutes of the April 14, 2009 Work Session and the April 14, 2009 Regular Board Meeting. 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 15-32 be placed on the Consent Agenda

Alderman Petersen requested items 15, 18, 20 and 21 be pulled.

Alderman Burger moved to approve the Consent Agenda items 16, 17, 19, and 22-32. Seconded by Alderman Barnhill. Motion carried unanimously.

OLD BUSINESS

9. **PUBLIC HEARING: Consideration of 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.**
(Second Reading) Gary Luffman, Interim Planning Director

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

Alderman Moore moved to approve Ordinance 2009-09 on Second Reading. Seconded by Alderman Barnhill. Motion carried unanimously.

10. **PUBLIC HEARING: Consideration of 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.”**
(Second Reading) Gary Luffman, Interim Planning Director

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

Alderman Barnhill moved to approve Ordinance 2009-10 on Second Reading. Seconded by Alderman Petersen. Motion carried unanimously.

NEW BUSINESS

11. **Consideration of Intent to Fund the Right-of-Way Acquisitions for the Nichol Mill Lane Relocation and Signalization Project in the Amount of \$692,000.00**
David Parker, City Engineer

Alderman Moore moved to approve the intent to fund. Seconded by Alderman Burger.

Alderman Klatt referred to comments he made at the April 14 Work Session regarding City commitments to a private developer. At what point do promises to private development override promises to citizens. Specific to that conversation was Bicentennial Park. A lot of that project was put on hold and that project was promised a long time ago. When the Planning Commission approved the re-subdivision of this property or adjacent property, was there some requirement for the developer of the property to contribute to the funding of this road since they will impact the corridor? Did the Planning Commission extract any additional offsite improvements? Alderman Klatt asked did they contribute; there is a right-of-way swap for the Holiday Inn property in the memo.

Mayor Schroer related the old Nichol Mill Lane that curves around will be taken off the record and part of this land was traded to the developer. Alderman Klatt commented, so the contribution of the developable land adjacent to this road was right-of-way. Vernon Gerth, responded, yes to the road, and that will be the ROW in lieu of and parking will be on the land transferred back. Alderman Klatt repeated the City did a property swap so there really is no substantial contribution by this development toward this project. Mr. Parker indicated that is correct.

Alderman Klatt said he wondered why sometimes the Planning Commission does not look at other developments or offsite improvements or take into consideration adjacent properties. He cited Jordan Road being the same situation as now, asking citizens to improve a project that the City may or may not have promised years ago. Citizens will have to acquire right of way and pay for road improvement for private development that will gain improvement, greater access, and a new road to a new development. He will not support this.

Alderman Petersen asked is this a priority and if so, what priority will it move ahead of. David Parker responded it is not one of the priority projects. Alderman Petersen said she had driven out that way and you can get to Seaboard and Mallory.

Mr. Parker explained the existing Nichol Mill Road, with two 90-degree turns, can be used to get back on Mallory, but it is a substandard road. It does not meet the City's local road requirements. The City made a commitment for this project in getting them to come to Franklin. He feels the City should honor that commitment.

Alderman Moore asked how the Mallory Valley water line location affects this. Mr. Parker explained Mallory Valley is doing a major water main expansion project from Moore's Lane, down Franklin Road, Mallory Station Road, across the railroad and then Nichol Mill Lane for the final area to the mall area. If the City does not go ahead and obtain the right of way, Mallory Valley will purchase the easement. Then when the City eventually does this project the City would have to relocate their 24" water line and pay them for their easement.

Mayor Schroer asked if there is a traffic signal. Mr. Parker responded there will be a traffic light at the intersection at Academy Sports, Burger King, etc. and it is the southern entrance into the mall, Ring Road.

Alderman Petersen again asked the priority of this project and if it would be in the next budget. Mr. Parker said they are trying to get the resolution for condemnation approved. This is the last one, and then go through the budgeting process for the construction. It is the property where Academy Sports is located.

Alderman Burger said a commitment was made to Life Science Center; the City lost the grant and now needs to follow-up on the commitment. Alderman Skinner concurred. If the commitment is not honored, how it will it look to other businesses that want to locate in Franklin.

Motion to approve intent to fund ROW acquisition carried 6-2 with Aldermen Petersen and Klatt voting no.

12. Consideration of Award of the Construction Contract to Civil Constructors, Inc. for the State Route 96 (Murfreesboro Road) and Royal Oaks Boulevard Intersection Improvements in the Amount Bid of \$3,095,222.55

David Parker, City Engineer

Alderman Klatt moved for approval of the construction contract to Civil Constructors. Seconded by Alderman Skinner. Motion carried unanimously.

13. **Discussion Concerning Proposed Change Order No. 2 for the Franklin Corridor & Connector Streets Segment One – 3rd & 5th Avenues North Project to Add an Irrigation System Along 3rd Avenue North for an Estimated Increase to the Contract Price of \$40,000.** (4/20/09 Capital Investment Committee with no recommendation)

David Parker, City Engineer

(Motion #1) *Alderman Burger moved for approval. Seconded by Alderman Klatt.* Following brief conversation *Aldermen Burger and Klatt withdrew the motion and the second.*

(Motion #2) *Alderman Burger moved to install irrigation in residential areas (Option 3). Seconded by Alderman Klatt.*

David Parker intervened to clarify what the result would be if Option 3 is approved. The intention of Option 3 is to approve installation of irrigation in residential areas only (not commercial) in Streetscape projects.

Aldermen Burger and Klatt withdrew their motion and second on this second motion.

(Motion #3) *Alderman Burger moved to install irrigation in all landscape areas in the Streetscape project. Seconded by Alderman Klatt.*

Discussion ensued on the feasibility of drilling wells, landscaping with native plants and trees, and availability of effluent water.

Alderman McLendon asked if motion #3 was for all Streetscape or just Third and Fifth Avenue. Alderman Burger responded the motion was to do all.

Alderman Skinner related he personally takes care of the strip of grass between the sidewalk and the road, even though it is owned by the City. If all residents would commit to that, there would be no problem; however, he is not in favor of the City paying to maintain all the tree lawns ad infinitum.

Alderman McLendon said he is not prepared to commit to irrigating all future Streetscape projects. There is a significant difference, in his mind, between taking a necessary infrastructure project, and improving it with aesthetic hardscape versus taking a necessary infrastructure project, adding aesthetic hardscape improvements, then landscaping it in a way that is even nicer, then on top of that, if this motion passes, committing to sustain it and maintain it at the City's cost.

Alderman McLendon went on to say the discussion started with Third Avenue North and he might have one feeling about that strip that is different from the whole of any streetscape project to come. His other concern is that if BOMA makes this policy decision tonight, and there is another drought they would have to watch \$40,000 worth of landscaping die, even with a \$40,000 irrigation system, because there wouldn't be adequate water to sustain it. Further, he has some reservations about the hardscape aesthetic improvements that go along with some of these streetscape projects with \$40,000 worth of landscaping and \$40,000 worth of irrigation for just two blocks of Third Avenue North, followed by maintenance and water.

Alderman Klatt withdrew his second on motion #3.

Shauna Billingsley said the City is currently working on a Bulb Out adoption in the areas the City is landscaping that would allow citizens to adopt that area or the street and landscape it themselves. The City could actually do the same thing with this. Some citizens have made it known they want to do this to make the landscaping flow with their property landscaping.

Motion died.

(Motion #4) Alderman Klatt moved to approve Change Order #2 for the Streetscape Project on Third and Fifth Avenue North for \$33,046.00 and add an irrigation system to a commercially zoned district, which is the policy of the Streetscape Committee. Seconded by Alderman Burger.

Alderman Klatt pointed out the memo indicates that Third Avenue is zoned Residential. Third Avenue North is not Residential, it is zoned Commercial from Main Street to Bridge, and is zoned Office Residential from Bridge to Margin Street. It is zoned Residential on the South beginning at 214. The concern is people will only be there during business hours in commercial areas. The City is investing in a substantial amount of landscaping in the commercial areas and should maintain these areas.

Alderman Petersen commented spending the money on irrigation for two blocks and then maintaining it with watering is too high a price.

Motion to approve Change Order #2 for \$33,046.00 and add an irrigation system to a commercially zoned district failed 3-5 with Aldermen Skinner, McLendon, Barnhill, Bransford, and Petersen voting no.

14. Report from Sister Cities

Alderman Michael Skinner

Alderman Skinner reported Sister Cities is included in the new Williamson County Visitors Bureau brochure. Sister Cities are Carleton Place, Ontario, Canada and County Laois, Ireland. Enhancement of tourism is one of the benefits of being in the Sister Cities program.

➤ Tree Commission:

Alderman Petersen took the opportunity to report the Tree Commission sponsored Arbor Day was successful. In addition, a grant from the Master Gardener's of Williamson County made it possible to sponsor a lecture held in the Board Room on native plants and trees. She thanked the Tree Commission for their work. Alderman Skinner added that a banner was received from the Tennessee State Forestry Division in recognition of Franklin being designated a Tree City for the third year in a row.

CONSENT AGENDA

**15. Consideration of ORDINANCE 2009-16, An Ordinance to Amend Chapter 2, Section 2.4.3(7) of the City of Franklin Zoning Ordinance to Revise The Site Plan Extension Process.
(First Reading) Vernon Gerth, ACA Community & Economic Development**

Alderman Barnhill moved for approval of Ordinance 2009-16 on First Reading. Seconded by Alderman Moore.

Alderman Petersen said she does not like changing this if it will later be changed back, therefore, she will vote against it. Vernon Gerth acknowledged the conversation during a Work Session was to change the wording to reflect the Planning Commission is the initiating body. Item will be corrected and brought back.

Motion to approve Ordinance 2009-16 on First Reading carried 7-1 with Alderman Petersen voting no.

16. **Consideration of ORDINANCE 2009-17, An Ordinance to Amend the FY2008-2009 Budget Resulting from Actions of the Board and Changes in Fund Balance Resulting from the FY2007-2008 Audit Report.**
(Third and Final Reading) Eric Stuckey, City Administrator

Approved unanimously on Third and Final Reading

17. **Consideration of ORDINANCE 2009-18, An Ordinance to Amend the FY2008-2009 Budget to Reflect Reductions in Revenues and Expenses Based on Midyear Results and Departmental Adjustments**
(Third and Final Reading) Eric Stuckey, City Administrator

Approved unanimously on Third and Final Reading

18. **Consideration of ORDINANCE 2009-22, To Be Entitled: "An Ordinance to Incorporate Specific Barrier-Free/Adaptable Design Features in New Affordable Workforce, and Moderately-Priced Housing Built with Financial Assistance from the City of Franklin."**
(First Reading) Vernon Gerth, ACA Community & Economic Development

Alderman Bransford moved for approval on Ordinance 2009-22 on First Reading. Seconded by Alderman Skinner.

Alderman Petersen's concern is that the requirements will add to the price of the homes, and asked how much it would increase the price. Vernon Gerth said the cost would be minimal. Alderman Petersen commented barrier free housing means a flat entrance. Alderman Bransford added or the ability to add a ramp if needed. It may cost a bit up front for something that could be needed in the future.

Motion to approve Ordinance 2009-22 on First Reading carried 7-1 with Alderman Petersen voting no.

19. **Consideration of RESOLUTION 2008-36, A Resolution Adopting an Identity Theft Policy**
Approved unanimously Shirley Harmon, Human Resources Director

20. **Consideration of RESOLUTION 2009-10, A Resolution Endorsing the Williamson County Economic Development Three Star Housing Committees Workforce and Affordable Housing Strategic Plan**
Vernon Gerth, ACA Community & Economic Development

Alderman Moore moved to approve Resolution 2009-10. Seconded by Alderman Bransford.

Alderman Petersen's concern is the statement "Facilitate the conversion of motel units and/or the replacement of motel units with affordable rental units." That doesn't seem appropriate. She asked if any other communities had signed on. Mr. Gerth said he didn't know, but Franklin probably is the first to sign. It is a Countywide endorsement. Shauna Billingsley said it appears BOMA would be voting for the ability to establish a housing plan. This is a guideline to establish a plan.

Motion to approve Resolution 2009-10 carried unanimously.

**21. Consideration of Policy for Sub-Metered Mallory Valley Utility District Water Customers
Steve Sims, Assistant City Recorder**

Alderman Moore moved for approval. Seconded by Alderman Bransford.

Alderman Petersen asked if a time was established of how long the customer can continue on sewer exclusion. Per recommendations listed, #4 states, "Existing current customers using sub-metered applications shall be allowed to continue with sewer exclusion on sub-metered application as long as the account is owned by the current owner or a specified time (e.g. 5 years), whichever comes first. Should ownership change, then the current arrangement be terminated and no sewer exclusion will be allowed without a separate irrigation meter provided by MVUD."

Motion for approval carried unanimously.

22. Consideration of Sole-Source Purchase from G&C Supply Co., Inc. of Atwood, TN in the Amount of \$54,000 for Self Contained Breathing Apparatus for Use by The City of Franklin Fire Department (\$100,000 Budgeted in 130-89530-42200-0804)

Approved unanimously

Rocky Garzarek, Fire Chief

23. Consideration of Fiber Optic Project for Fire Department

Approved unanimously

Fred Banner, MIT Director

24. Consideration of the Award for the Construction Contract for the Hillsboro Road/Sharpe's Branch Sewer Rehabilitation Project to Insituform Technologies, Inc. in the Amount Bid of \$747,955.00 (Budgeted at \$1,767,550 in Wastewater Taps)

Approved unanimously

David Parker, City Engineer

25. Consideration of Change Order No. 1 for the Franklin Corridor & Connector Streets Segment One – 3rd and 5th Avenue North Project for a Net Increase in Contract Price of \$144,634.05 and No Increase in Contract Time Requested at this Time

Approved unanimously

David Parker, City Engineer

26. Consideration of Change Order No. 3 for The Franklin Corridor and Connector Streets Segment One – 3rd and 5th Avenues North Project for a Net Increase in the Contract Price of \$94,178.95 With No Increase in Contract Time Requested at this Time

Approved unanimously

David Parker, City Engineer

27. Discussion Concerning the City of Franklin Accepting Ownership and Maintenance Responsibilities of Street Lights Along Newly Constructed Streets in Order to Facilitate the Promotion and Use of LED (Light Emitting Diodes) Street Lights

Approved unanimously

David Parker, City Engineer

28. **Consideration of the Proposed Fee Amendment to the Professional Services Agreement with Sullivan Engineering, Inc. (SEI) for the Design of the McEwen Drive, Phase III Project in an Amount Not to Exceed \$65,000**
Approved unanimously **David Parker, City Engineer**
29. **Consideration of the Proposal from Smith Seckman Reid, Inc (SSR) for an Amendment to the Professional Services Agreement for the Boyd Mill Avenue Sanitary Sewer Project to Extend the Proposed Sanitary Sewer at a Lump Sum Fee of \$3,900.00**
Approved unanimously **David Parker, City Engineer**
30. **Consideration of a Professional Services Agreement with Smith Seckman Reid, Inc. (SSR) for the Survey and Design of the Fieldstone Farms Pump Station No. 2 and Force Main Rehabilitation/Upgrade Project in an Amount Not to Exceed \$60,000.00**
Approved unanimously **David Parker, City Engineer**
31. **Consideration of the Proposed Fee Amendment to the Professional Services Agreement with Metcalf & Eddy, Inc. for the Franklin Low Head Dam Feasibility Study in the Amount of \$7,884.37**
Approved unanimously **David Parker, City Engineer**
32. **Consideration of the Award of the Water Distribution System Leak Detection Survey Project to Utility Services Associates, LLC in the Lump Sum Amount of \$9,960.00 (Budgeted at \$25,000 in Water Distribution Under Other Contractual Services)**
Approved unanimously **David Parker, City Engineer**
33. **Consideration of Matters from Executive Session**
Mayor John Schroer

There were no matters to consider from the Executive Session.

ADJOURN

Alderman Barnhill's motion to adjourn carried unanimously. Meeting adjourned 7:56 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 5/18/2009 8:43 AM