

**MINUTES OF THE *SPECIAL* MEETING  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, NOVEMBER 25, 2008 – 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**

Russell Truell, Interim City Administrator	P	Eric Gardner, Engineering Director	
Vernon Gerth, ACA Community & Economic Development	P	Shirley Harmon, HR Director	
David Parker, ACA Public Works & Utilities	P	Mark Hilty, Water/Wastewater Director	
Shauna Billingsley, Interim City Attorney	P	Gary Luffman, Codes Director & Interim Planning Director	
Rocky Garzarek, Fire Chief		Joe York, Streets Director	
Jackie Moore, Police Chief		Becky Caldwell, Assistant Director Solid Waste	
Fred Banner, MIT Director		Lanaii Benne, Assistant City Recorder	P
Lisa Clayton, Parks Director		Linda Fulwider, Board Recording Secretary	A

**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, November 25, 2008 at 7:15 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)**

Richard Jones, 1007 Malvern Road, President of the Franklin High School Quarterback Club, reminded everyone that FHS will play in the semi-finals and invited all to attend. The team is 12-1 and they hope to move on to the finals next week. For the first time a Franklin quarterback is a finalist for Mr. Football. Go FHS!

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

Williamson County representatives were not present.

**6. Approval of Minutes**

*Alderman Bransford moved for approval of the following minutes, October 28, 2008 Special Meeting, November 11, 2008 Work Session, and November 11, 2008 Regular Meeting. Seconded by Alderman Petersen. Motion carried unanimously.*

**7. 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 23-28 be placed on the Consent Agenda**

Items pulled - Alderman Klatt #23, Alderman Barnhill #25, Alderman Petersen #27, and Alderman Burger #28.

*Mayor Schroer called for approval of the Consent Agenda Items 24 and 26. Approved unanimously.*

**OLD BUSINESS**

**8. PUBLIC HEARING: Consideration of RESOLUTION 2008-22, A Resolution Adopting a Plan of Service for the Annexation of Certain Areas by the City of Franklin, Tennessee (Clovercroft Road South)**

**Planning Department**

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

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*Alderman Burger moved for approval. Seconded by Alderman Moore. Motion to approve Resolution 2008-22 carried unanimously.*

**9. PUBLIC HEARING: Consideration of ORDINANCE 2008-32, An Ordinance to Annex the Clovercroft Road South Area, Consisting of 18.39 Acres, Located South of Clovercroft Road, 650 Feet East of the Intersection of Clovercroft Road and John Williams Road**

(FMPC 7/24/08, BOMA 10/28/08)

**(Second Reading)**

**Planning Department**

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

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*Alderman Burger moved for approval. Seconded by Alderman Moore. Motion to approve Ordinance 2008-32 on Second Reading carried unanimously.*

**10. PUBLIC HEARING: Consideration of ORDINANCE 2008-33, An Ordinance to Zone 18.36 Acres Low Residential (R-1), Located South of Clovercroft Road, 650 Feet East of the Intersection of Clovercroft Road and John Williams Road**

(FMPC 7/24/08, BOMA 10/28/08)

**(Second Reading)**

**Planning Department**

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

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*Alderman Burger moved for approval. Seconded by Alderman Moore. Motion to approve Ordinance 2008-33 on Second Reading carried unanimously.*

11. **PUBLIC HEARING: Consideration of ORDINANCE 2008-42, An Ordinance Establishing a Franchise with ATMOS Energy Corporation to Provide Natural Gas to the City of Franklin** (Deferred from BOMA 11/11/08)  
**(Second and Final Reading)** **David Parker, ACA Public Works & Utilities**

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

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*Alderman Bransford moved for approval. Seconded by Alderman Moore. Motion to approve Ordinance 2008-42 on Second and Final Reading carried unanimously.*

12. **PUBLIC HEARING: Consideration of ORDINANCE 2008-53, To Be Entitled: "An Ordinance of the City of Franklin, Tennessee, to Amend Ordinance No. 2007-72 Adopting a Budget for the Fiscal Year 2007-2008"** (Deferred from BOMA 11/11/08)  
**(Second Reading)** **Russell Truell, Interim City Administrator**

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

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*Alderman Barnhill moved for approval. Seconded by Alderman Moore. Motion to approve Ordinance 2008-53 on Second Reading carried unanimously.*

13. **Consideration of ORDINANCE 2008-55, An Ordinance to Amend Section 105 of Title 8 of The Franklin Municipal Code Relative to Restrictions as to Locations of Retailers of Alcoholic Beverages** (BOMA 11/11/08)  
**(Second and Final Reading)** **Russell Truell, Interim City Administrator**

*Alderman Klatt moved for deferral of this item until December 9 so Legal staff can add language indicating residences located above retailers of alcoholic beverages is allowed in mixed use, per discussion during Work Session. Seconded by Alderman Barnhill. Motion carried unanimously.*

14. **Review and Consideration of ORDINANCE 2008-56, An Ordinance to Amend Ordinance 2008-34 Authorizing City Departments to Impose a Reasonable Fee for Photocopies and the Sale of Maps, Ordinances, Mapping Services and Other Materials to the Public** (BOMA 11/11/08)  
**(Second and Final Reading)** **Russell Truell, Interim City Administrator**

*Alderman Moore moved for approval. Seconded by Alderman Petersen. Motion to approve Ordinance 2008-56 on Second and Final Reading carried unanimously.*

### **NEW BUSINESS**

15. **Consideration of RESOLUTION 2008-30, A Resolution Authorizing Condemnation for the Acquisition of Properties for the Construction of the Proposed Third Avenue North Extension Project** (Prior #6 of Approved FY 2009 CIP) (WS 11/11/08)  
**David Parker, ACA Public Works & Utilities**

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

Alderman Petersen said she sent in questions regarding money to put into the court for this condemnation. It is a small acreage and almost all is in floodplain. The proposed amount is \$606,000 as this sounds like a lot of money. She asked for deferral to get additional appraisals. David Parker advised certified appraisals were done this past summer.

*Alderman Petersen moved to defer to the January 13 BOMA meeting to allow time to get an appraisal for tax purposes. Seconded by Alderman Barnhill.*

Alderman Klatt recommended the Board not defer and that staff be allowed to move forward. Deferral will not change the information and the appraisals are available.

*Motion to defer tied 4-4 with Aldermen Skinner, Barnhill, Bransford, and Petersen voting to defer, and Aldermen Klatt, Burger, McLendon and Moore voting not to defer. Mayor Schroer broke the tie with a vote to defer and the motion carried 5-4.*

- 16. Consideration of ORDINANCE 2008-60 To Be Entitled: “An Ordinance Amending The City of Franklin Municipal Code, Creating Chapter 6 of Title 21 and Hereafter Referred to as The Fair Housing Choice Ordinance for the Purpose of Declaring Policies and Procedures Related to Fair Housing Opportunities and Choices Within The City of Franklin; Establishing a Public Hearing on December 9, 2008 (WS 10/28/08) (First Reading) Vernon Gerth, ACA Community & Economic Dev.**

*Alderman Bransford moved to approve. Seconded by Alderman Skinner.*

Vernon Gerth explained the ordinance is recommended by the Affordable Housing Committee and it specifies the Housing Coordinator as the point of contact.

*Motion to approve Ordinance 2008-60 on First Reading carried unanimously.*

- 17. Consideration of ORDINANCE 2008-61, To Be Entitled: “An Ordinance to Amend Various Sections of The City of Franklin Municipal Code, Title 12 – Building, Utility, Etc. Codes, Relating to the Codifying of Permit Fees and Penalties”; Establishing a Public Hearing on December 9, 2008 (WS 10/28/08) (First Reading) Vernon Gerth, ACA Community & Economic Dev.**

*Alderman Petersen moved for approval. Seconded by Alderman Skinner. Motion to approve Ordinance 2008-61 on First Reading carried unanimously.*

- 18. Consideration of ORDINANCE 2008-62 To BE Entitled: “An Ordinance Amending The City of Franklin Municipal Code, Creating Title 22 – Comprehensive Fees and Penalties for the Purpose of Designating a Single Title for Codifying All Fees and Penalties Utilized and Assessed by the City; Establishing a Public Hearing on December 9, 2008 (WS 10/28/08) (First Reading) Vernon Gerth, ACA Community & Economic Dev.**

*Alderman Petersen moved to approve. Seconded by Alderman Bransford. Motion to approve Ordinance 2008-62 on First Reading carried unanimously.*

- 19. Consideration of the Award of the Construction Contract for the Hillsboro Road 6” Force Main Relocation to Century Construction Company, Inc. in the Amount of \$155,583.00 (WS 11/11/08)**

**David Parker, ACA Public Works & Utilities**

*Alderman Barnhill moved to approve. Seconded by Alderman Petersen. Motion carried unanimously.*

- 20. Consideration of the Right-of-Way Abandonment Request for a Portion of Spencer Creek Road Near the Ernest Rice Road Intersection** (WS 11/11/08)  
**David Parker, ACA Public Works & Utilities**

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

- 21. Consideration of Real Estate Contract Between the City of Franklin and McDonald's USA, LLC for the Purchase of the Excess Property on North Royal Oaks Boulevard** (WS 11/11/08)  
**David Parker, ACA Public Works & Utilities**

*Alderman Barnhill moved to approve. Seconded by Alderman Bransford. Motion carried 7-1 with Alderman Petersen voting no.*

- 22. Consideration of an Easement on City Property for the Proposed Williamson County Skyway Connection Between the Historic County Courthouse and the New County Courthouse** (WS 11/11/08)  
**David Parker, ACA Public Works & Utilities**

*Alderman Moore moved for approval. Seconded by Alderman Petersen. Motion carried 7-1 with Alderman Klatt voting no.*

### **CONSENT AGENDA**

- 23. Consideration of Agreement to Farm the White Property (New Water Treatment Plant Land)**

*Alderman Burger moved to defer this item to the December 9 BOMA meeting, and asked that Legal draw up a contract to bid this out. Seconded by Alderman Moore. Motion failed 1-7 with Alderman Burger voting to defer.*

*Alderman McLendon moved to accept this proposal and that Legal render the agreement in appropriate form. Seconded by Alderman Barnhill. Motion carried unanimously.*

- 24. Consideration of Service Termination Agreement with Mallory Valley Utility District for In-house Billing for Utility Services** (WS 11/11/08)  
*Approved unanimously*  
**Russ Truell, Interim City Administrator**

- 25. Consideration of Steering Committee Recommendation for Consultant on Central Franklin Area Plan Update and Historic District Design Guidelines**  
**Planning Department**

*Alderman Klatt moved for approval. Seconded by Alderman Bransford. Motion carried 6-2 with Aldermen Barnhill and Petersen voting no.*

- 26. Consideration of Approval of Modification of Contract with Ladd Park**  
*Approved unanimously*  
**David Parker, ACA Public Works & Utilities**

**27. Discussion of City Contribution to Downtown Cinema**  
*Item withdrawn per Work Session discussion*      **Mayor John Schroer**

**28. Consideration of Renewal of Liquor License Retailer's Certificate for Estela Guzman, Estela's Fine Wine and Spirits, 327 Independence Square, Franklin, Tennessee**  
**Mayor John Schroer**

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

## **ADJOURN**

*Alderman Barnhill's motion to adjourn carried unanimously.*

Meeting adjourned 8:15 p.m.

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Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 1/16/2009 3:29 PM