

**MINUTES OF THE SPECIAL WORK SESSION  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, NOVEMBER 25, 2008 – 5:00 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	Shirley Harmon, HR Director	
Vernon Gerth, ACA Community & Economic Development	P	Mark Hilty, Water/Wastewater Director	
David Parker, ACA Public Works & Utilities		Gary Luffman, Codes Director & Interim Planning Director	
Shauna Billingsley, Interim City Attorney		Joe York, Streets Director	
Rocky Garzarek, Fire Chief		Becky Caldwell, Assistant Director Solid Waste	
Jackie Moore, Police Chief		Lanaii Benne, Assistant City Recorder	P
Fred Banner, MIT Director		Linda Fulwider, Board Recording Secretary	A
Lisa Clayton, Parks Director			
Eric Gardner, Engineering Director			

**1. Call to Order**

Mayor John Schroer called to order the Special Work Session of the Board of Mayor and Aldermen, City of Franklin, Tennessee, Tuesday, November 25, 2008 at 5:00 p.m. in the City Hall Boardroom.

**2. Citizen Comments**

None

**WORK SESSION DISCUSSION ITEMS**

**3. Discussion of Procedure for Appropriations**

**Russell Truell, Interim City Administrator**

Alderman Barnhill recused himself from the discussion due to his participation on the board of J. L. Clay Senior Citizens Center.

Russ Truell referred to the packet with the history of contributions from 2003 to present. Government bodies, membership organizations, basic non-profit organizations are the recipients of funds. The City has partnerships with Animal Control, Bridges, Boys and Girls Club, and Housing Partnership that should be funded.

**\*Items with a single asterisk indicate the item will be voted on at the 11/25/08, 7pm meeting**

Mayor Schroer asked the Board if the current process format should continue or should it be changed for budget process purposes. The figures from United Way are needed by January for the budget process.

Alderman Burger said she prefers the current method as opposed to the former "committee" process. Alderman Klatt agreed.

Alderman Burger suggested rather than nix all funding, to reduce funding in tier form if funding were to be abolished. Alderman Bransford asked how much is allocated to the organizations and will the City be able to fund as before. It was noted the funding is equal to approximately 2 cents of the property tax and 8/10<sup>th</sup> of a percent of the budget.

#### **4.\* Discussion of City Contribution to Downtown Cinema**

##### **Mayor John Schroer**

Alderman Klatt said the private sector has stepped up to begin the process to purchase and refurbish the theatre. He believes the Board should discuss and consider a donation to help match the grant offered by the Martin Foundation. The deadline is December 31, 2008.

Mayor Schroer related that he is a strong supporter of the theatre. He has been part of the steering committee; however, he advocates it should be done with private funds. Personally, he cannot support City involvement. So far, \$3.5 million has been raised. If the grant does not happen, the theatre will be done.

There was discussion on the source of the \$500,000. The Hotel/Motel Reserve Fund (used for tourism) would be appropriate, but those funds are committed.

Alderman Burger noted most historic cities give money to theatres through economic development. Historic cities need to protect their downtown areas to preserve heritage. This is not a good time due to the economic atmosphere; therefore, she cannot support a donation.

Alderman Petersen was not in favor of a donation. Alderman Bransford said she could not support a donation from public funds at this time. Alderman Moore stated this is not a public venture and they should encourage the private sector to contribute. Alderman Barnhill is for restoration but agreed it should be private funding. Alderman McLendon pointed out that last month BOMA discussed shaving vacation time from employees. The City does not have the money; therefore, he cannot support this.

Emily Magid of the Heritage Foundation said she never wanted the City involved unless it was a major gift. She did point out that Board members, as private citizens, could contribute.

Alderman Burger suggested those who wish to support the theatre with a donation call 591-8500, ext. 15.

Denny Cohen said he has lived in the community two years. He appreciates BOMA for being fiscally prudent and diligent. The theatre was a big part of drawing people downtown to shop and dine and is one reason Franklin is not just another new town of new facades and construction. Franklin is unique and kept its heritage. He noted the theatre opened in 1937 during the Great Depression.

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

Gary Luffman noted the 2004 Central Franklin Area Plan stipulates one area each year should be reviewed. Land Design was chosen for the review at a cost of \$100,000. The historical guidelines will be incorporated in for an additional \$30,000. Mayor Schroer added this was included in the 2008-2009 Budget. The Land Use Plan needs an update and this is the first of nine character areas.

Discussion included:

- The new Plan addresses new areas of development and such things as two, three, and four story buildings.
- Alderman Klatt: Downtown is becoming more attractive with downtown developments. The City is investing heavily in downtown. There are proposals for First and Main on two quadrants. There are proposals for Columbia Avenue. If not done now the City will be a year behind on this character area and all the others as well.
- Alderman Barnhill: Projections are for \$3 million less in collected facilities taxes than collected the first quarter. He believes the \$130,000 can wait for another budget year and the City will not suffer from a huge economic buildup.
- Alderman Petersen: Central Franklin is everything within Mack Hatcher coming from the east, and not just downtown. She asked why four entities are involved when it is usually just one consultant involved. Alderman Skinner noted the entities were all “group” oriented. Alderman Klatt added it is partly because of a legal component related to design standards for historic guidelines.
- Alderman Skinner remarked eventually the economy will improve and supports going ahead.
- Alderman Barnhill said he was not sure the Board grasps the budget shortfalls and the expenditures there will be. Per the Pension Committee, the pension contribution increased 400% since 2003. The net loss in investments was close to \$3 million last quarter.
- Alderman Petersen agreed with Alderman Barnhill and said the Board needs to look at the budgeted amounts again.

**6.\* 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 @ 7pm BOMA) Russell Truell, Interim City Administrator**

It was pointed out State restrictions would prevail over a City decision. Does BOMA want apartments/condos located above retail liquor stores in “mixed use” development? Consensus: language should reflect residences located above retail liquor stores are permitted in “mixed use” development.

**7. Consideration of the Inter-Local Agreement Between The City of Franklin and Williamson County concerning the Sanitary Sewer Service for a Certain Area of the Unincorporated County**

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

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BOMA previously agreed to provide services. The Inter-Local Agreement was brought for discussion. Shauna Billingsley referred to Section 8 and advised the stipulation for monthly payments should be changed to quarterly payments. Mayor Schroer added the change is an attempt to lower administrative costs.

Alderman Skinner related a possibility the City would be required to maintain a stock of 10% of the grinder pumps for maintenance of this system and asked David Parker if the City is prepared to maintain the pumps. Mr. Parker responded a citywide policy for grinder pumps is being established. Some grinder pumps will be stocked; however, the City will not provide maintenance unless TDEC changes its policy and makes maintenance a requirement.

David Parker answered Alderman Skinner's question regarding who owns the right-of-way from the City, at Fieldstone, to Meadow Green. If in a road ROW outside the City, it remains as County ROW. If in a private easement, private easement will be obtained in the City's name or the City will obtain those when the County turns it over to the City. The road will remain in the County.

Alderman McLendon asked if the City is getting anything. Kristi Earwood, attorney representing the County, responded "sewer rates". Alderman McLendon commented that means the City breaks even. Sewer rates outside the City are higher and even factoring that in the City gets nothing besides sewage and maintenance obligations.

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

**Mayor John Schroer**

It was asked if there are legal ramifications when leases are awarded without Public Notice and is the City obligated to offer property for lease. This proposal isn't comparable to the Post Office building leases since the property and tenants were inherited. Shauna Billingsley advised it would be permissible to bid out when the contract expires should the Board want to do that.

David Parker stated it was understood there would be no contract to continue farming when the land for the treatment plant was purchased. Consensus: the City should maintain the property.

**9. Consideration of Agreement Between City of Franklin and Mr. and Mrs. Revelette Regarding Swap of Right-of-Way for Proposed and Current Nichol Mill**

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

Mr. Parker noted there is proposed development on part of this property. Consensus: allow continuation of development.

**10. Consideration of the Middle Tennessee Electric Membership Corporation (MTEMC) Agreement for the Relocation/Undergrounding of Electrical Lines for the Police Headquarters Building Project in the Amount of \$64,130.00**

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

This is a standard agreement with MTEMC for undergrounding. Sufficient funds are available in the police building budget.

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**11. Consideration of Change Order for the Goose Creek Area 2.0 MG Water Storage Tank Project in the Amount of \$28,480.00**

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

The Change Order is due to additional work needed on a seam in the rock upon which the tank will sit.

**12. Report on the Status of Congestion Management and Air Quality (CMAQ) Improvement Program Funding and City of Franklin Projects**

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

David Parker noted TDEC is not pulling City projects. Memos from Kelly Dannenfelser and Kevin Comstock were reviewed.

Alderman Petersen asked about Riverbend Greenway for \$157,500. Mr. Parker stated the greenway is connected to a portion of Bicentennial Park. Vernon Gerth added that amount is an in-kind contribution of the 20% spent in design. The Federal portion covers construction that will be reimbursed at the time of physical construction. Money spent thus far meets requirements. Cost to install the walkway is unknown. Mayor Schroer requested the amount be determined with the understanding if it exceeds \$630,000 it will need BOMA approval. Alderman Petersen asked if the environmental study is included in the \$157,000. Mr. Gerth will advise.

**13. Consideration of the McEwen Drive Extension East of Wilson Pike Alignment**

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

The northern ROW will be the City limit divide between Brentwood and Franklin. Development in the area requests alignment different from the Franklin proposal. Mr. Parker asked the Board if they wish to stay with what the City proposed or spend \$106,000 to change the alignment.

Alderman Klatt said the newly proposed alignment meets the 45 MPH design standard but is not as safe as the Franklin option. The original proposal is better and safer. In addition, six months would be lost to change the design. Consensus: keep the Franklin proposed alignment.

**14. Consideration of the Request from RPM for Additional Services to the Professional Services Agreement for the Traffic Signal Design of the Intersection of McEwen Drive and Carothers Parkway in an Amount Not to Exceed \$3,500.00**

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

Alderman Petersen commented the amount is double the original fee. Mr. Parker advised many things have changed with the intersection. Eric Gardner noted there were several coordination meetings when this was bid, followed by delays with additional work. Signal techs are scheduled to begin installing temporary poles on Monday with work to be completed the following week. This is assuming the electric work is completed.

Alderman Burger asked if there could be warning lights placed in the vicinity. Mr. Parker responded there would be warning signs posted.

**15. Consideration of Change Order No. 1 on the Del Rio Pike Sanitary Sewer Rehabilitation Project with Mid-South Utility Group in the Amount of \$5,270.00**

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

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These are City requested changes necessary to close out the project.

**16. Consideration of the Request from Gresham Smith Partners for Additional Services (Contract Administration) to the Professional Services Agreement for the Granbury Street Water Line Upgrade Project in an Amount Not to Exceed \$24,500.00**

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

Inspection on this project will take many hours. Due to workload, staff cannot devote appropriate inspection hours on the project.

**17. Consideration of a Resolution to Issue Capital Outlay Notes in an Amount Not to Exceed \$45,000,000**

**Russell Truell, Interim City Administrator**

The City is looking for an independent advisory firm to consult on all borrowing. Seven proposals received and recommendation of a firm is expected for the December agenda.

Bond counsel recommends consideration of a short-term capital outlay note that will tide the City over. The resolution is to borrow money for a three-year period. The financial advisor can then tell the City what to do going forward. Approval of the resolution is needed prior to Christmas break. The funds are primarily for the police building and roadwork.

Mr. Truell pointed out the resolution is not to exceed \$45 million. His recommendation is to do half the amount. Mayor Schroer added the short-term note is so the City doesn't deplete the Reserve Fund.

**18. Consideration of Proposal to Construct Entrance and Parking Lot at Base of Roper's Knob**

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

The proposal is from Mickey Mitchell who has a temporary access to Mack Hatcher near Spencer Creek. TDOT wants that access closed. This proposal involves a TDOT approved access on Mack Hatcher close to the intersection of Cool Springs Boulevard that asks for signalization and base stone. David Parker noted there would be quite a bit of excavation to cut through the bank to create full access to develop the property. Cost would be \$2.3 million. Should the City pursue this request?

**CONSENT ITEMS\*\***

All items under the Consent Agenda are deemed non-controversial and routine in nature by 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 Work Session Agenda. It will then be considered at that time. Items Numbers are on the Consent Agenda

**19.\* Consideration of Approval of Modification of Contract with Ladd Park**

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

No discussion

**20. Consideration of the Temporary Construction Easement from First Citizen Bank Located at 1304 Murfreesboro Road for the Construction of the SR 96 at Royal Oaks Boulevard Intersection Improvements**

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

Tony Graves of First Citizens Bank and Paul Collins were present to address the issue. Mr. Graves thought the easement would be 100-150 ft. to east. The construction easement cuts off the bank's driveway and four drive-through lanes. Mr. Graves requested a minimum of two lanes be kept open. The Bank wants the interchange completed as quickly as possible. Mr. Graves thought they had an agreement two weeks ago until he received another agreement last Thursday that brought the easement within 10 feet of the bank's front door. The first agreement had been signed off at the bank's headquarters.

David Parker explained the City did not agree with the first agreement as the bank was asking the City to provide improvements without reimbursement. Mayor Schroer asked that Mr. Graves and Mr. Parker meet to work out an agreement.

**21. Consideration of RESOLUTION 2008-XX, A Resolution Authorizing Condemnation for the Acquisition of Easements for the Construction of the Proposed Hooper Lane Sanitary Sewer Project**

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

No discussion

**22. Consideration of the Final Change Order of the Acton Street Improvements Project with Sessions Paving Company for a Deduct in the Amount of \$10,727.48 for the Close Out of the Project**

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

No discussion

**23. Reports from Assistant City Administrators**

No reports

**ADJOURN**

Work Session adjourned 6:55 p.m.

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Mayor John C. Schroer