

MINUTES OF THE *SPECIAL MEETING*
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, FEBRUARY 23, 2010 – 7:00 P.M.

Board Members

Mayor John Schroer	P	Alderman Margaret Martin	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 Dana McLendon	P		

Department Directors/Staff

Eric Stuckey, City Administrator	P	Eric Gardner, Engineering Director	P
Vernon Gerth, ACA Community & Economic Development	P	Shirley Harmon, HR Director	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
David Parker, City Engineer/CIP Executive	P	Gary Luffman, BNS Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning/Sustainability Director	P
Rocky Garzarek, Fire Chief		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	
Becky Caldwell, Solid Waste Director	P	Linda Fulwider, Board Recording Secretary	P
Lisa Clayton, Parks Director	P		

1. Call to Order

The *Special Meeting* of the Board of Mayor and Aldermen of the City of Franklin, Tennessee, was called to order by Mayor John Schroer on Tuesday, February 23, 2010, 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

County officials were not present

6. Approval of Minutes

Alderman Bransford moved to approve the February 9, 2010 Work Session and February 9, 2010 Regular BOMA meeting minutes as presented. Seconded by Alderman Barnhill. Motion carried unanimously.

7. Recognitions by Mayor John Schroer

- United Way Government Challenge Award

Carla Arnette of the United Way thanked the City for participating in the events. Joann Willhite, Monique McCullough and other committee members were recognized and thanked for their work toward this goal. Franklin City employees contributed almost \$10,000 to the United Way, 33% more than last year. City participation doubled as well. Accepting the trophy on behalf of the City, Eric Stuckey thanked everyone who participated. He did mention that he had taken a pie in the face on the way to victory.

8. Miscellaneous Reports

- Sister Cities – Alderman Michael Skinner

A second strategic planning meeting is scheduled February 26, 2010, from 8:00-10:00 a.m. in the Williamson County Library conference room.

- Eric Stuckey recognized and officially welcomed Sarah Sappington to full time status as CIP Secretary in CIP/Administration. Sarah was a part-time employee while pursuing her Bachelor's degree.
- Mr. Stuckey congratulated Shauna Billingsley on her appointment as City Attorney. Ms. Billingsley capably handled her former position as Interim City Attorney.

9. 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 **18-33** be placed on the Consent Agenda

Aldermen McLendon and Petersen pulled items 21 and 22 respectively.

Alderman Moore moved to approve the Consent Agenda Items 18-33, excluding items 21 and 22. Seconded by Alderman Burger. Motion carried unanimously.

NEW BUSINESS

10. Consideration of the Interstate 65/Goose Creek Interchange Reconstruction (Diamond vs. SPUI)

David Parker, City Engineer/CIP Executive

Alderman Barnhill moved to rescind the Agreement with TDOT to construct a Single Point Urban Interchange (SPUI) at Interstate 65/Goose Creek Bypass and proceed with a design for a Tight Diamond Interchange. Seconded by Alderman Petersen. Motion carried 6-2 with Aldermen Skinner, McLendon, Bransford, Barnhill, Moore, and Petersen voting in favor, and Alderman Martin and Burger voting no.

This item was discussed at length several times including the 5:00 p.m. Work Session today.

11. Consideration of Investment Contract with Landmark Partners (for Pension Plan)

Russ Truell, ACA Finance & Administration

Alderman Bransford moved to defer this item to March 9, 2010. Seconded by Alderman Barnhill. Motion carried unanimously.

12. Consideration of ORDINANCE 2009-77, An Ordinance to Amend Chapter 4, Section 4.1.6, and Chapter 8, Section 8.3., of the City of Franklin Zoning Ordinance Relating to Home Occupations; Establishing a Public Hearing for March 23, 2010
[First of Three Readings] Alderman Ann Petersen, FMPC Board Representative

Alderman McLendon moved to approve Ordinance 2009-77. Seconded by Alderman Bransford.

Alderman Martin moved to amend the motion: Section II, strike as an approved home occupation, 4.1.6(5), ~~(xxviii) Small-scale Child Care~~, and Section III, strike 4.1.6(5), ~~(xii) Provide care for no more than four (4) children in a small-scale child care, according to the requirements of the State of Tennessee.~~ Seconded by Alderman Skinner.

Alderman Martin related she received numerous complaints from residents in her ward that think child-care businesses in homes are an invasion in their nice, quiet neighborhoods. She opined the issue of child-care is too important to be lumped in with all the others. It should be a separate issue. Alderman Bransford countered that in some neighborhoods it is seen as a blessing. She did not support the amendment. Alderman Burger noted some are caring for children to supplement income during these hard economic times; some are grandmothers. It is important not to take that away from these families. If the amendment passes, she would be willing to look at small childcare home occupations separately. FYI: the state regulation is no more than five children. The State requirement would not supersede the City requirement.

Alderman McLendon said there is no point to taking this out of the Ordinance or to start parsing between the home occupations. It makes no sense to differentiate saying some are good and some are bad because of traffic. People have been doing this for years. Daycare costs in the larger facilities can be prohibitive. He said his wife did small-scale childcare in their home when their children were younger and no one complained. Usually there are two or three preschoolers being cared for allowing people to make a little money in the home. This type care is affordable for many people.

Vernon Gerth said small-scale home daycare happens frequently and is necessary in our society. The nature of home occupation is performance related not to have negative impact on the character of a neighborhood. It is challenging to enforce these regulations. Staff will see what works well in other communities, make necessary changes and bring the ordinance back for review; performance standards already exist in the ordinance.

Alderman Petersen moved to defer Ordinance 2009-77 to the March 23, 2010 Work Session. Seconded by Alderman Bransford. Motion carried 7-1 with Alderman Martin voting no.

13. Consideration of ORDINANCE 2010-14, An Ordinance to Amend Title 5, Section 8, Relative to Disposal of Surplus Real Property for Use in the Affordable and Workforce Housing Program
[First of Two Readings] Shauna Billingsley, Interim City Attorney

Alderman Bransford moved to defer this item to April 27, 2010. Seconded by Alderman Barnhill. Motion carried unanimously.

14. Consideration of RESOLUTION 2009-55, A Resolution Adopting and Implementing The New Historic District Design Guidelines

Alderman Ann Petersen, FMPC Board Representative

Alderman Moore moved to approve Resolution 2009-55. Seconded by Alderman Barnhill. Motion carried unanimously.

15. Consideration of Event Permit Application from My Father's House for the Cinco de Mayo Event in Pinkerton Park on May 1, 2010

Lisa Clayton, Parks Director

Alderman Moore moved to approve Event Permit for Cinco de Mayo Event on May 1. Seconded by Alderman Petersen. Motion carried unanimously.

16. Consideration of Change Order No. 1 with Civil Constructors, Inc. for the SR 96/Royal Oaks Boulevard Intersection Improvements for a DEDUCT to the Contract Price in the Amount of \$900,000.00

David Parker, City Engineer/CIP Executive

Alderman McLendon moved to approved the DEDUCT of \$900,000.00. Seconded by Alderman Skinner. Motion carried unanimously.

17. Consideration of Curbside Recycling Program, Approval of Option Three (3) Implementing Blue Bag Program

Becky Caldwell, Solid Waste Director

Alderman Moore moved to approve implementation of the Blue Bag Recycling Program. Seconded by Alderman Skinner.

Discussion:

- Alderman McLendon thought many residents would not go out and buy the blue bags for curbside recycling they can take recycling to a drop-off site free.
- Alderman Skinner noted \$250,000 more budgeted in Solid Waste because of increased tipping fees. More participation in recycling needed or it will not get better.
- Alderman McLendon commented this assumes residents will buy the bags and recycle when they don't recycle now.
- Alderman Skinner countered this is a challenge to citizens to make a difference and help keep fees down.
- Alderman Bransford added the status quo is not acceptable. It will not happen overnight. Education is key.
- Alderman Moore supports curbside recycling.
- Eric Stuckey asked if the Board would favor a one-year pilot rather than a longer commitment. It would be an opportunity to measure citizen response. The trucks could be leased for the initial year.
- Becky Caldwell noted the drop-off sites do not meet zoning ordinance regulations thus the possibility of removal.
- Alderman Barnhill preferred a one-year pilot with evaluation at the end of the year, if the trucks are leased.
- Alderman Burger gave the results of an informal survey she did at her ward meeting.

Motion to approve Curbside Recycling Program, Option Three (3) Implementing Blue Bag Program carried 7-1 with Alderman McLendon voting no.

CONSENT AGENDA

18. **Consideration of Proposed ORDINANCE 2010-03, An Ordinance to Amend the City of Franklin Zoning Ordinance to Revise Provisions Relating to the Powers, Duties, and Membership of the Franklin Board of Zoning Appeals; Establishing a Public Hearing for March 23, 2010**
[First of Three Readings] Alderman Ann Petersen, FMPC Board Representative
Ordinance 2010-03 approved unanimously on First of Three Readings
19. **Consideration of ORDINANCE 2010-12, An Ordinance to Amend Title 9, Chapter 4, Relative to the Regulation of Taxicabs in the City of Franklin**
[First of Two Readings] Shauna Billingsley, Interim City Attorney
Ordinance 2010-12 approved unanimously on First of Two Readings
20. **Consideration of ORDINANCE 2010-13, An Ordinance to Rescind Ordinance 2009-59, to Reestablish a Parking Zone on the West Portion of Eleventh Avenue South in the City of Franklin, Tennessee**
[Second and Final Reading] Alderman Michael Skinner
Ordinance 2010-13 approved unanimously on Second and Final Reading
21. **Consideration of RESOLUTION 2010-15, A Resolution Authorizing Condemnation for the Acquisition of Property for the Construction of Intersection Improvements of SR 96 at Boyd Mill Avenue and Carlisle Lane**
David Parker, City Engineer/CIP Executive
Alderman McLendon noted a number of people in his ward are concerned that the plans encroach unfairly on their subdivision.
Alderman McLendon moved to defer Resolution 2010-15 to April 27, 2010 Work Session. Have a public meeting to discuss options. Seconded by Alderman Barnhill. Motion carried unanimously.
22. **Consideration of RESOLUTION 2010-16, A Resolution Authorizing Condemnation for the Acquisition of Property for the Construction of Boyd Mill Avenue Improvements**
David Parker, City Engineer/CIP Executive
Alderman Petersen asked why this was being addressed; the project is #24 on the priority ranking. David Parker concurred the construction is #24; however, BOMA previously approved funding for right-of-way acquisition. This way, when funding for construction becomes available there will be no delay.
Alderman Petersen questioned if it had been approved since she cannot find it in the budget. What is the funding source? Eric Stuckey related BOMA directed staff to do this, as have other acquisitions been done. Alderman McLendon noted the money must be put up front at the Courthouse when condemnation is done. Alderman Barnhill explained that a project has many parts and this is just one part. The City is through eight-tenths of it. This item does not fund the project it. It just gets it one step closer. Alderman Petersen alluded to Alderman McLendon's point that there would be financial impact now if it went into condemnation. Alderman Martin pointed out it might cost more later; the City already has most of the acquisitions.
Alderman Petersen moved to defer 2010-16 to March 23, 2010 Work Session. Seconded by Alderman Bransford. Motion carried 5-3 with Aldermen Petersen, Bransford, McLendon, Skinner, and Burger voting to defer and Aldermen Martin, Barnhill and Moore voting against deferral.

23. **Professional Services Agreement (PSA) Amendment with Jackson Thornton for the Water Treatment Plant Feasibility Analysis in the Amount of \$15,769.46**
Approved unanimously Mark Hilty, Water Management Director
24. **Consideration of Event Permit Application from the Alex LeVasseur Memorial Fest for an Event in Jim Warren Park on June 27, 2010**
Approved unanimously Lisa Clayton, Parks Director
25. **Consideration of Event Permit Application from Heritage Foundation for Franklin Brew Fest (formerly Feile Franklin) to be Held in Downtown Franklin on March 13, 2010**
Approved unanimously Jackie Moore, Police Chief
26. **Acknowledge Receipt of Annual Report on Franklin's FACTA Program (Fair and Accurate Credit Transaction Act), Identity Theft Protection**
Approved unanimously Rodney Escobar, Risk Manager
27. **Consideration of Professional Services Agreement with Gresham Smith and Partners (GSP) for the Development/Updating of the Franklin Water, Sanitary Sewer and Reclaimed Water Standard Specifications at a Not-to-Exceed Cost of \$40,500.00 and Up To \$1,000 for Approved Reimbursables**
Approved unanimously David Parker, City Engineer/CIP Executive
28. **Consideration of the Agreement; COF Contract No. 2010-0013; with Avalon Squared, LLC for Access, Maintenance and Construction of a Detention Pond Within Liberty Park**
Approved unanimously David Parker, City Engineer/CIP Executive
29. **Consideration of TDOT Proposal for the Widening of Mack Hatcher Parkway from South of SR 96 (Murfreesboro Road) to West of SR 6 (US 31, Franklin Road); Federal Project No. STP-397(7); State Project No. 94092-2223-14; COF Contract No. 2010-0009**
David Parker, City Engineer/CIP Executive
30. **Consideration of Request for Water Availability for 2095 South Berry's Chapel Road**
Approved unanimously David Parker, City Engineer/CIP Executive
31. **Consideration of the Final Change Order with K. W. Lankford Excavating for the Carothers Phase II Project for a DEDUCT to the Contract Price in the Amount of \$160.80**
Approved unanimously David Parker, City Engineer/CIP Executive
32. **Consideration of the Agreement; COF Contract No. 2010-0010; with Synergy Bank and Columbia Avenue Partners for Ownership and Maintenance of the Bank Business Sign and Fire Line Meter Vault Located Upon City of Franklin Property**
Approved unanimously David Parker, City Engineer/CIP Executive
33. **Delegated Action Items**
- a) COF Contract No. 2010-0016, Rolling Meadows Subdivision Surveying Services with Ragan Smith Associates, Inc. for Task 1 at a Cost of \$8,700.00
 - b) Changes to the Alternative Resource Lab for Additional Lighting to Fulfill the Need for More Alternative Lighting Sources for Criminal Investigation at a Cost of \$1,830.00

- c) Change of Location of City of Franklin Police Headquarters Flag Pole Locations Requiring Additional Ground Conduit, Longer Pulls, and Two Additional Ground Lights at a Cost of \$1,104.00
- d) For the Addition of Concrete Masonry Unit Walls to Conceal and Protect Two Water Lines, Vent Stack and Roof Drain Located in the Sally Port Area and Into the Gun Armory of COFPD at a Cost of \$1,600.00
- e) For the Addition of 5 Electric Sun Shades Located in the COFPD Community Meeting Room at a Cost of \$1,363.00
- f) For Upgrades to COFPD Doors to Include Hardware, Security Entry Systems, and Video Cameras at Entrances to Two Armory Doors at the Receiving Area and Gun Cleaning Station, Narcotics Room in General Evidence and the SWAT Team Armory Door Located in the Hall with the SWAT Team and Bicycle Division at a Cost of \$5,026.00
- g) For Additional Flashing Added at the Second Floor Terrace and the Area Located Above the Vehicle Exam Bay where the Parking Deck Comes in Near Contact with the Green Roof System Over the Exam Area at a Cost of \$9,675.00

Approved unanimously

EXECUTIVE SESSION

34. Conservation of Motion to Enter Executive Session for Purpose of Reviewing Various Matters of Pending Litigation

At 4:45 p.m., Alderman Moore moved to enter Executive Session. Seconded by Alderman Skinner. Motion carried unanimously.

RETURN FROM EXECUTIVE SESSION

At 5:02 p.m., Alderman Moore moved to adjourn the Executive Session. Seconded by Alderman Burger. Motion carried unanimously.

35. Consideration of Matters from Executive Session

Mayor John C. Schroer

There were no matters to consider.

OTHER BUSINESS

None

ADJOURN

Alderman Barnhill moved to adjourn, Alderman Bransford seconded, and motion carried unanimously.

Meeting adjourned @ 7:50 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 3/10/2010 10:50 AM