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**MINUTES OF THE WORK SESSION  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, JUNE 8, 2010 – 5:00 P.M.**

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**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 Margaret Martin	P		

**Department Directors/Staff**

Eric Stuckey, City Administrator	P	Eric Gardner, Engineering Director	
Vernon Gerth, ACA Community & Economic Development	P	Shirley Harmon, HR Director	P
Russell Truell, ACA Finance & Administration		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	P	Lanaii Benne, Assistant City Recorder	P
Becky Caldwell, Solid Waste Director		Linda Fulwider, Board Recording Secretary	P
Lisa Clayton, Parks Director	P		

**1. Call to Order**

Mayor John Schroer called to order the Work Session of the Board of Mayor and Aldermen, City of Franklin, Tennessee, on Tuesday, June 8, 2010 at 5:00 p.m. in the City Hall Boardroom.

**2. Citizen Comments**

None

**WORK SESSION DISCUSSION ITEMS**

**3. May 1, 2010 Flood Status Update/Report**

**Eric Stuckey, City Administrator**

Mr. Stuckey reviewed the updated report. Cost of dedicated regular hours, just under \$200,000, with overtime hours at \$103,000. City property damage is just under \$900,000 with most of that in City parks.

The Solid Waste Department continues to pick up flood debris. The total thus far is approximately 1,200 tons. The deadline for pickup is Friday, June 18. After that date, the

normal process will resume. That will mark 7 weeks of special pickup at no cost. Public announcements are forthcoming.

The private property damage totals have changed very little with a total 449 structures damaged. Of the 449, 85% are residential. Estimated amount of damage is \$16.5 million. There are 929 structures located in the floodplain with 393 of those structures in the 100-year floodplain. Approximately 56 structures are outside the floodplain.

Staff has been working with property owners with significant damage, 50% or more, since the last meeting. Letters were hand delivered to those found to have more damage than recorded for the first inspection. Several properties deemed to sustain 50% damage were able to alter the 50% using numbers from contractors or other means. Owners of 34 properties located in flood plain were contacted. Three commercial properties were in that group, thus, there were 31 single-family homes. Information from four property owners confirms repairs did not exceed 50% and the owners can repair rather than demolish or rebuild. Another four owners are contemplating building above the 100-year flood elevation. There were 211 no-charge permits issued in May (45 building, 71 electrical, 77 mechanical and 18 plumbing).

Mr. Stuckey noted a table was set up in the lobby with Building and Neighborhood Services staff to answer questions and assist residents during and after the meetings tonight.

Residents who want to make application with FEMA must do so by Tuesday, July 6, 2010. Business owners adversely affected by the flood were encouraged to make contact to get in the process: help will not be forthcoming if there is no application.

City officials met with FEMA last Thursday regarding assistance to public entities. This was an initial meeting that covered the basics of FEMA's role and eligible costs for cities. The State announced it would assist local governments with local matches. A FEMA official said the May 2010 flood might rate as the worst non-hurricane flooding in the history of the United States because of the scale and magnitude.

Alderman Petersen asked for a list of properties with 50% flood damage and the total assessed value. Mr. Stuckey will oblige.

Mr. Stuckey related the City received communication from the Tennessee Emergency Management Agency that included a Request for Information (RFI) for the Hazard Mitigation Grant Program that may help provide additional relief for the City. This could include acquisition/demolition of flood-prone properties, retention/detention basins, drainage improvements, etc. If the Board agrees, he would like to submit the RFI. He added that it would take months and months to get everything accomplished and get the money after the applications are submitted. All this adds more responsibilities to staff in addition to their regular jobs, but this will help the City be better prepared for another disaster.

Aldermen Martin and Burger both complimented administration and staff for an amazing job during this time, and commented they thought the City had been prepared. Citizens have expressed the same things.

Alderman Barnhill asked what programs in City parks have been affected. Lisa Clayton responded that nothing was left untouched in Fieldstone Park. The goal is to have the ball fields up and running by July for the senior games.

Alderman Skinner is on the Williamson County Solid Waste Board and conveyed that Board appreciates the assistance from the City Solid Waste Department.

**4. Discussion Regarding Employment Opportunities for Felons with Records**

**Alderman Pearl Bransford**

Willie Spruill shared concerns at the April 13 Board meeting about the City's policy on hiring felons. This discussion is to clarify the City's policy.

Mr. Spruill said his concern is that job applications from those with a felony on record are given the same consideration as other applicants. People who make mistakes can be rehabilitated. Many young people seeking employment tell him jobs are not available to them because of the felony record.

Eric Stuckey explained the City of Franklin is an equal opportunity employer that accepts applications from anyone who wants to apply. Certain positions, such as in the Police or Finance Departments would be off-limits to a felon. Applications for other positions are accepted and positions filled with those who are most qualified.

Alderman Bransford commented that in her business they do not hire felons. She believes this should be more a discussion on individuals who do not pass background checks. Looking at the bigger picture, perhaps this is something that could change at a State level.

Shirley Harmon related the HR Department only accepts applications when an opening occurs for a specific position. A question on the application asks if the person has ever been convicted of a felony or misdemeanor. Anyone may apply and be considered for a position, with the exception of those in Police or Finance. A panel reviews and ranks the applications and interviews are scheduled. Department Directors may hire any of the top three candidates.

Mr. Spruill thanked the Board for hearing him and clarifying that the policy does do what he was asking, to consider those qualified.

**5. Discussion on Creating Policy for Determining When Unused Public Right-of-Way Should be Vacated or Declared Surplus Property**

**Vernon Gerth, ACA Community & Economic Development  
Kelly Dannenfelser, Senior Planner**

Eric Stuckey noted this is follow up from earlier discussions to look at a policy in terms of a broader framework and not just a specific property. Vernon Gerth emphasized the presentation is not about any particular property, it is about all the unused rights-of-way in the City and a policy that allows staff to make recommendations when a particular ROW is brought forward.

Kelly Dannenfelser related this was a cross-departmental collaboration with Administration, Building & Neighborhood Services, Engineering, Fire, GIS, Planning & Sustainability, Police, Streets, and Water & Sewer.

Goals

- Inventory the unused right-of-way (ROW)
- Provide criteria for determining whether or not to dispose of unused City ROW
- Once the unused ROW has been declared surplus, to provide options for the disposal of the unused ROW in a fair and consistent manner

What Governs BOMA Decisions About Disposal of Property?

Tennessee Code Annotated

- Addresses conveyance between public agencies
- Generally, cities have broad discretion over sale or lease of property if the Charter or Municipal Code which govern them give them the authority

City of Franklin Charter

- The City shall have power to: Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the city or state for any municipal purpose
- Disposal of unused ROW  
Value less than \$25,000 = a) sell or dispose by negotiated contract (quit claim deed/vacate) b) other means as approved by law (abandon) - City Attorney does not recommend abandonment  
Value over \$25,000 = Property shall be sold by sealed bid process

Franklin's Past Practice

- Not a consistent department where disposal was initiated
- Not a clear, consistent process  
Note on plat or a vote at BOMA or...?  
Resolutions since 1998
- Did Williamson County receive notice of disposal?  
Means maps may not reflect City decisions

City Right-of-Way Inventory Findings

- 65 ROW segments  
Roughly half need no action  
Other half need further study  
Technical or mapping errors  
Consider for disposal
- Each one is unique  
Shape and conditions  
Lot configuration of adjacent properties  
Surrounding ownership
- Each should be reviewed/researched individually for disposal
- Err on the conservative side – Emphasis on reasons to retain right-of-way

Criteria: Should the City Dispose of the Unused ROW?

Declare Surplus When:

- There is currently no public transportation infrastructure within the ROW, such as streets, alleys, bicycle paths or pedestrian walkways
- The ROW is not needed for future public transportation infrastructure  
The Board may dispose of ROW with the creation of easements as needed when there are existing or foreseeable future public utilities, emergency access, drainage areas, private driveways, or other uses within the existing ROW
- The ROW disposal serves the public interest through improved utilization of land made possible by this action
- The disposal reduces the City's maintenance liability on unused ROW not needed for public purpose

No Action (Keep It) When:

- It is reasonable that the ROW could be extended in the future for public use
- It is adjacent to undeveloped property, since a determination of whether it will ultimately be needed for public use purposes can best be made only when the nature and intensity of development of the adjacent parcels are known
- There is potential for redevelopment or further development of the area
- It serves as public access to parkland or permanent open space
- One or more adjacent properties would become landlocked, unless access easements can be secured
- It is shown in the Major Thoroughfare Plan's, or any City approved Local Street Plan's, Recommended Improvements.

Options if Over \$25,000

- Sell by sealed bid
- Subdivide into smaller pieces until value falls below \$25,000

Staff Recommended Options if Under \$25,000

- Vacate the surplus property equally (50/50) to property owners adjacent to both sides of the ROW  
When the ROW is not being used for access; or  
When a street was realigned elsewhere
- Vacate the surplus property equally (50/50) to property owners adjacent to both sides of the ROW with easements  
When the City ROW contains private driveways or has properties using it for access; or  
When the City ROW contains existing or foreseeable future public utilities, emergency access, drainage areas or other public uses
- Vacate 100% to one adjacent property owner  
When there is the same ownership on both sides of the City ROW; or  
When the City ROW serves as the existing driveway access to a single developed property that is located internally to the adjoining street; or  
When it can be found that prior to the dedication of the City ROW, the property originally belonged to one of the adjacent properties

Competing Directions for BOMA Consideration

- Realize the maximum value of City-owned property?
- Is it the right thing for the neighborhood?
- Does it compete with other policy goals e.g. funding affordable/workforce housing with sold surplus property?
- Sense of moral obligation to homeowners for past maintenance?

Staff's Role

- Provide professional recommendations to BOMA focused on the long-term health of the City based on  
State statutes  
City ordinances and policies  
Best practices

Example scenarios reviewed and discussed. Draft policy submitted.

Mayor Schroer commented this generates many questions about the different ramifications. The policy should be broad. Case by case basis might be required. There may be liability issues to consider. Another issue is maintenance of those properties. Property values were discussed.

Vernon Gerth asked Board members to think about the policy and forward questions they may have to him or Ms. Dannenfeler. Alderman Petersen asked about item 12 on the BOMA agenda regarding affordable housing and the disposal of surplus real property. Mr. Gerth advised the item would need to be deferred.

- William Brim, Rolling Meadows subdivision asked how they fall in this category. Mayor Schroer noted the property addressed in the proposed policy is all owned by the City of Franklin. No decision has been made on the properties in Rolling Meadows. Mr. Brim said some of the property owners have an issue with where the stakes are placed. Mayor Schroer said he should call Vernon Gerth about the surveys.
- Pearlette Green commented they have lived in Rolling Meadows since 1964. She mentioned two lots of interest in Rolling Meadows. Ms. Green submitted an e-mail written to Kelly Dannenfeler concerning the properties in question. Mayor Schroer assured Ms. Green there would be further discussions on these individual requests.

**6. Police Headquarters – Project Budget Update**

**Eric Stuckey, City Administrator**

**Brad Wilson, Facilities Project Manager**

The wrap-up stage is close to completion. As of June 1, 2010, the project is \$1,116,377.21 under budget. This figure does not include current unused owner contingency funds of \$99,812.62. Mr. Wilson noted additional electrical services, final plat survey, and other items are still coming in; however, none is of high value.

Mr. Stuckey complimented Brad Wilson and David Prather of the Police Department for bringing the project in under budget.

**7.\* Consideration of Lease/Purchase of Backup 911 Phone System for Police Dispatch; \$23,743.00**

**Fred Banner, MIT Director**

Item withdrawn and will be deferred at BOMA meeting.

**8. Discussion Regarding the Funding of Small CIP Priorities**

**David Parker, City Engineer/CIP Executive**

Mayor Schroer stated that staff is looking for direction on how to proceed with these projects.

Alderman Skinner mentioned the Eastern Flank Battlefield Roadway project with plans to use Hotel/Motel tax funds and possible funds coming from the Battlefield Commission. Discussion ensued. Mayor Schroer thought it appropriate for staff to submit a resolution stating the dollar amount and funding source. There has to be documentation showing whether or not the Board is going forward on this.

Alderman Petersen referred to the Hotel/Motel tax to be used for the Eastern Flank project and to the Debt Service in the General Fund that changed from 11.4 cents last year to 19.3 cents this year out of the 43.4 cents of property tax; a 70% increase. When talking General Fund Debt Service, the 2010 bonds, Hillsboro Road, there is no money in the 2011 budget to pay any of the principal. After 2011, it will be up another \$1.1 million Debt Service. Hotel/Motel tax is more viable. Mayor Schroer said the point is that staff put together a recommendation for the top three projects to bring forward by resolution. That can be voted up or down. There is no other way to do it; up, down or amend. All that can be done now for Eastern Flank is to assign a dollar figure for what staff proposed, an access road, not a full loop road. Whatever the Battlefield Commission decides to contribute can be added to that amount. That will provide a target to work with. Three resolutions will be presented at the next meeting. **[IT WAS SUBSEQUENTLY DETERMINED THAT THREE RESOLUTIONS WOULD BE BROUGHT TO THE JULY 13, 2010 BOMA MEETING.]**

9.\* **Consideration of RESOLUTION 2010-35 Authorizing Adoption of the Manual for the Septic Certification Inspection Program**

**Mark Hilty Water Management Director**

**Chris Bridgewater, Plumbing/Mechanical Plans Examiner**

This issue is back for a presentation and more discussion regarding the three-year cycle of inspection that includes pumping the tank. That was the issue during the last discussion. Vernon Gerth noted the 180-day rule to hook on to sewer when it becomes available was eliminated by the Board. The Board then set the rotation for septic inspection at every three years. It is vitally important that septic systems are working for the health and safety of residents. Vernon Gerth gave the following presentation.

**Septic Tank Pumping Frequency Analysis**

General Recommendations by Agencies

- US EPA - Every 3-5 years
- Williamson County Sewage Disposal Management – Every 3 years
- South Carolina Department of Health – Every 3-5 years
- Texas Commission on Environmental Quality – Every 3-5 years
- Most of these sources also have a more detailed pumping schedule in tabular format with data points similar to the one used in the chart

Data Used in Chart

- Used the State Regulations 1200-1-6-07 to determine recommended size of septic tank for a certain number of bedrooms
- Used the brochure distributed by Williamson County Sewage Disposal Management to determine pumping frequency based on septic tank size and number of occupants in house

Recommended Septic Pumping Frequency Chart reviewed

Notes on the Data

When analyzing this data, demographics will rule out some data points. The 3 to 5 year recommendation is predicated on:

- Not many 2 bedroom houses have 5 or 6 occupants
- Not many 4 or 5 bedroom houses consist of only 1 or 2 occupants
- Most houses in COF consist of 3-5 bedrooms
- Most houses are occupied by a family unit consisting of at least 3 people

Mark Hilty added that the goal is protection of ground and surface waters.

Discussion:

- Frequency of pumping in relation to number of people in household
- Objection to every 3 years to pump – unnecessary and too costly
- Those with septic systems within 200 ft. of sanitary sewer opted not to spend thousands on sewer connection – this versus the amount to keep the septic system operational
- Prefer 5 year rotation to pump
- Surface inspection not sufficient
- Feasible for City to inspect and educate resident on proper maintenance of septic system
- If liquid seen on the ground it is too late – failed system
- Policy based on professional best practices

Not ready for vote. Continue discussion at June 22 Work Session. Item will be deferred during BOMA meeting.

**10. Consideration of RESOLUTION 2010-30, A Resolution to Establish a Sustainable Building Policy for City of Franklin Municipal Buildings**

**Alderman Ken Moore**

**Andrew Orr, Sustainability/Grant Coordinator**

Defer to June 22 Work Session

**11.\* Consideration of RESOLUTION 2010-45, Detailed Resolution for Recovery Zone Bonds**

**Eric Stuckey, City Administrator**

The purpose is to adopt the final, detailed resolution to issue the “Super” Build America Bonds provided in the allocation from the State of Tennessee. The resolution spells out the type bonds, sales method, and date of sale, paying agent, repayment maturities, and other important details. Bond counsel recommended this action.

**12.\* Consideration of RESOLUTION 2010-44, A Resolution to Approve the Award of the Environmental Protection Agency (EPA) Congressionally Mandated Projects Grant XP-95411710-0 (COF Contract No. 2010-0075) and Designating the City Engineer as the City’s Authorizing Representative**

**David Parker, City Engineer/CIP Executive**

Resolution is for the Liberty Creek watershed improvements set as Priority #2 by BOMA for Stormwater projects. If not approved at the BOMA meeting will miss the deadline and lose the funds.

**13. Discussion on the Role of The United Way in Budget Allocation for Outside Agencies**  
**Alderman Michael Skinner**

Defer to June 22 Work Session

**14. Consideration of Agreement for Special Detail Police Officer Services**  
**Jackie Moore, Police Chief**

The purpose of the policy is to provide guidelines to law enforcement employees regarding types of secondary employment appropriate, and establish procedures to maintain accountability for the welfare of the agency. Chief Moore, Assistant Chief Rahinsky, and the Law Department drafted the policy and it has approval from Risk Management.

**15. Consideration of a Onetime Benefit of 2 Personal Days for Full Time Employees as of July 1, 2010, To Be Taken On Or Before June 30, 2011**  
**Eric Stuckey, City Administrator**

This benefit was provided last year because there were no raises given to employees because of the economy. The benefit is proposed this year as well because the 2% market adjustment will not occur until January 1, 2011 (30 months since the last increase). This is a minimal direct cost to the City. Employees very much appreciated the benefit last year. This is also a way to show appreciation for employee response during the May 2010 flood. It was emphasized this will not occur on an annual basis. Because of the economy, these two years have been an exception.

**16. Consideration of Cost of Living Adjustment for Retirees**  
**Shirley Harmon, Human Resources Director**

Per the policy adopted by the Board, the cost of living adjustment for retirees will be 1% if the year-over-year CPI increase is between 0.5% and 1%. The policy is not required by the Pension Plan document, but it does emulate the parameters of the Tennessee Consolidated Retirement System plan. Based on the CPI less food and energy, the increase year-over-year is 0.923%. Staff recommends an increase 1% (annual cost of \$17,265). This consideration comes before the Board every year.

**17.\* Consideration of RESOLUTION 2010-46, A Resolution to Extend the Sharing of the Preservation Planner Responsibilities to Building Inspector Steve Valley and Student Intern Amanda Hall Through December 31, 2010**  
**Eric Stuckey, City Administrator**  
**Shirley Harmon, Human Resources Director**

Item pulled

**18. Acknowledgement of Amendment to Agreement for the Purchase of Transit Services Between The Franklin Transit Authority and The Transportation Management Association Group**

**Shauna Billingsley, City Attorney**

No questions or comments

**19. Consideration of Interlocal Agreement with Williamson County for General Sessions Court Jurisdiction to Try and Dispose of Franklin Municipal Ordinance Violations**

**Shauna Billingsley, City Attorney**

Kristen Corn advised that City Court learned that a General Session judge was refusing to hear Franklin Municipal Code violations when combined with Tennessee Code Annotated violations. A double jeopardy situation is then created. Although provided by State law, the only way to resolve the issue is through an Interlocal Agreement with Williamson County.

**20. Consideration of ORDINANCE 2010-39, An Ordinance to Rezone 106.15 Acres from Estate Residential (ER) to Civic and Institutional (CI) for Property Located at 111 Daniel McMahan Lane**

**Alderman Ann Petersen, FMPC Board Representative**

Mayor Schroer advised he is a member of the church in question and chair of the Building Committee. Alderman Moore advised he is also a member of that church. Mayor Schroer noted when the time comes they can vote with notification of the affiliation.

Catherine Powers noted this is a simple rezoning with no conditions and was approved by the Planning Commission

**21. Consideration of RESOLUTION 2010-40, A Resolution Approving a Concept Plan for Franklin First United Methodist Church, Totaling 106.15 Acres, Located at 111 Daniel McMahan Lane, by The City of Franklin, Tennessee**

**Alderman Ann Petersen, FMPC Board Representative**

Ms. Powers said one item regarding a greenway is held off until the Regulating Plan. The applicant agreed to conditions.

**22. Consideration of ORDINANCE 2010-40, An Ordinance to Amend Section 14-202 of The Franklin Municipal Code Relative to the Applications, Permits, Inspections and Fees for Inspection and Re-inspections for the Planning Review Process**

**Alderman Ann Petersen, FMPC Board Representative**

In 2009, staff compared City fees to other cities and found them to be far below other cities, including Murfreesboro and Smyrna. Many fees do not cover staff time to cover the process. These increases are minimal to be more in line with Murfreesboro and Smyrna. If fees are not paid by the applicant, they must come from the General Fund. The request is to start the process of covering staff time. It is important to recoup some of the costs and it is a reasonable request.

23. **Consideration of ORDINANCE 2010-41, An Ordinance to Approve a Special Permit for Gallery 202, for the Purpose of Operating an Art Gallery, Used as a Private Recreational Facility, on .39 Acres, Located at 202 Second Avenue South, by The City of Franklin, Tennessee**

**Alderman Ann Petersen, FMPC Board Representative**

Ms. Powers related the FMPC approved this unanimously. For the most part, it is a gallery; however, because some of the art is for sale, the Private Recreational Facility designation applies.

24. **Inter-Planning Commission Review 3105 Boyd Mill Pike**

**Alderman Ann Petersen, FMPC Board Representative**

Ms. Powers noted the FMPC approved this unanimously and there were comments from staff.

25. **Inter-Planning Commission Review Southhall Heights**

**Alderman Ann Petersen, FMPC Board Representative**

Ms. Powers noted the FMPC approved this unanimously and there were comments from staff.

26. **Consideration of Event Permit for Franklin Jazz Festival in Downtown Franklin on September 4 & 5, 2010**

**Jackie Moore, Police Chief**

No questions or comments

**Other Business**

None

**ADJOURN**

Work Session adjourned @ 7:01 p.m.

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Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 7/12/2010 11:20 AM