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**MINUTES OF THE WORK SESSION  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, MAY 25, 2010 – 5:00 P.M.**

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**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 Margaret Martin	P		

**Department Directors/Staff**

Eric Stuckey, City Administrator	P	Eric Gardner, Engineering Director	P
Vernon Gerth, ACA Community/Economic Dev	P	Shirley Harmon, HR Director	P
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
David Parker, City Engineer	P	Gary Luffman, BNS Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning/Sustainability Dir	P
Rocky Garzarek, Fire Chief	P	Joe York, Streets Director	P
David Rahinsky, Assistant Police Chief	P	Brad Wilson, Facilities Project Manager	P
Fred Banner, MIT Director	P	Lanaii Benne, Assistant City Recorder	A
Becky Caldwell, Solid Waste Director	P	Linda Fulwider, Board Recording Secretary	P
Lisa Clayton, Parks Director			

**1. Call to Order**

Mayor John Schroer called the BOMA Work Session to order on Tuesday, May 25, 2010 at 5:05 p.m. in the City Hall Boardroom.

The Mayor announced items 3 through 6 would be followed by item 8 then item 7

**2. Citizen Comments**

None

**WORK SESSION DISCUSSION ITEMS**

**3.\* Consideration of Event Permit for Franklin on the Fourth in Downtown Franklin on July 4, 2010**

No questions or comments **Jackie Moore, Police Chief**

**4.\* Consideration of Event Permit for Bluegrass Along the Harpeth in Downtown Franklin on July 23-24, 2010**

No questions or comments **Jackie Moore, Police Chief**

5. **Consideration of Event Permit for Franklin Classic in Downtown Franklin on September 6, 2010**

No questions of comments **Jackie Moore, Police Chief**

6. **Consideration of Event Permit for Race for the Cape Sponsored by Rolling Hills Community Church on November 13, 2010**

No questions or comments **Jackie Moore, Police Chief**

7. **Discussion Regarding Self Insurance Program for Workers Compensation with TML Representatives**

(addressed after item 8)

**Shirley Harmon, Human Resources Director**

Eric Stuckey noted TML raised this as an opportunity for cost savings. It is in the Budget and would need to be decided by mid-June. Randy Williams and Pam Lemon, TML underwriters, gave the history of TML and provided information on the potential savings to the City. The self-insurance program for Workers Compensation is similar to what is done with the medical insurance and the City has saved significant dollars with that program.

Discussion ensued. Mr. Stuckey recommended the self-insurance plan. A Safety Officer and training position would be added. It is about controlling risk internally.

8. **Status Report on May, 2010 Flood**

**Eric Stuckey, City Administrator**

Copies of Flood 2010 Damage and Response Assessment Draft Report distributed. Mayor Schroer related individual flood issues are being examined. The City is continually receiving information and doing the best it can to figure out what must be done. He added the Board would not be addressing individual issues tonight, nor would there be voting on how to proceed. He said that Nashville had been in flood mitigation for several years prior to Flood 2010; therefore, their operation is different from that of Franklin. Much research has been done using different resources. He has been in touch with Nashville Mayor Karl Dean regarding Metro's contact person, and in touch with Congressman Blackburn as well. The process is probably not as fast as citizens would like. Although the City can take action by picking up trash and dispatching Fire and Police personnel, much of the recovery is dependent on following State and Federal guidelines.

Eric Stuckey reviewed key points within the report that is continually being updated.

- \$101,424.79 overtime costs through May 24, 2010
- \$62,292.01 material expense by department
- \$879,942.07 damage to City property/assets  
City Parks - \$496,777 (Fieldstone \$207,000, Harlinsdale \$100,100, Winstead Hill \$62,800)
- 1048.59 total debris collected
- Private Property Assessment  
441 structures damaged  
\$16,546,827 estimated loss to properties  
85% residential properties

Mr. Stuckey said this program is implemented by applying through the State with the state making a

request to the Federal government on behalf of the City. The State is working on the information packets that will go out to each city. It is expected packets will come out by the end of this week or the first of next week. Cities then have a specified time to review and respond. TEMA will coordinate and provide information. The flood program is very detailed with specific guidelines in terms of what qualifies and what does not. It is not a quick fix. The City was informed it could take up to 18 months to get money back from the Federal government. The State is working hard to get the program started as quickly as possible. The guidelines include public notices and public hearings. It is a voluntary program whereas the property owner chooses to participate with the City.

Stormwater management must be addressed and how to create a system that functions well and better given typical events; the 100-year event tends to be the primary guide. The City must show the benefit and/or a cost benefit related to those properties. There is regular damage, regular costs incurred by homeowner, by the City, and response to properties that are frequently flooded that could be a benefit in terms of avoiding future expenses because that property was acquired.

Mr. Stuckey commented on the City's first role in working with property owners is always about safety, both in terms of immediate response and how the City works in clean up helping people stay in or out of unsafe structures: then safety in terms of the long-term viability of the structure. That it is fixed, if it is eligible to be repaired appropriately for the well-being and safety of the inhabitant and of the broader community. The City is a resource in terms of assisting folks as they work through repair and mitigation. The City can also serve as a conduit for available programs and identifying other community resources. The City is not an insurance company in terms of payment for repairs to private structures.

Focus of what the City does to help citizens and property owners as they recover:

- Safety
- Guidance for repair and mitigation
- A conduit to those that can help document damage, show the magnitude of damage so they can work with insurers or the Federal government on claims
- Look at overall stormwater management and other public benefit programs that help control and manage what comes of a typical storm.

People are in different situations, from those wanting a buyout to those wanting to rebuild to the way it was before the flood, and those wanting to tear down and rebuild something new on the same property. The City is trying to work with those within the regulations and within the law to explore all those options.

Discussion:

- Qualifications within the City Building Codes: If a property incurs more than 50% damage, it is not eligible to be repaired. It must be rebuilt.
- FEMA has the City make the calculation and explain the calculation to the property owners. Owners should inform the City if they have data that would affect the calculation, such as a pre-flood appraisal. The City uses the property appraisal on the tax records. City calculations not cut in stone.
- To rebuild on the same spot the structure must be built a foot above the 100-year floodplain

elevation

- If a homeowner wants less than 50% damage to allow repair rather than rebuild, the owner must prove the damage is less by appraisal or licensed contractor numbers. Others may want more than 50% damage assessed and that must be proved as well.
- If damage is currently assessed at more than 50%, a building permit cannot be issued to repair, as it would be in violation of City codes.
- Estimate 10-15 homes may have greater than 50% damage
- Homeowners were encouraged to talk individually with City staff. Call and set up a meeting as soon as possible 794-7012. The City wants to be as reasonable and fair as possible under the regulations.
- City buyouts – the mitigation program through TEMA will address by leveraging Federal dollars. There is a process with specific requirements on how property purchase fits into a broader plan of storm and flood mitigation, repetitive severe loss, documented experience of multiple events at a property, and continual damage.

Mayor Schroer advised the residents present the Board would take general questions pertaining to all flood victims, but not questions on individual cases.

David Mahan, Ewingville Drive

- Q. If the property is out of the floodplain and the damage is over 50% can the homeowner repair? If the dwelling was already built above the flood level, can that homeowner repair?
- A. Eric Stuckey advised whether repair is an option in this situation will be verified and the question and answer posted on the City's website.

Mr. Martin, Ewingville Drive

- Q. How does a homeowner initiate getting a damage estimate on an individual house?
- A. If the City has not made an initial visit call 794-7012 as soon as possible and report damage or find out if the property has been inspected. If a contractor's estimate exceeds 50% it must be determined if the property can be repaired or rebuilt. Homeowners must be notified that their property has been inspected. A notice is left at the site with information on how to contact FEMA.
- Those who have been issued building permits can begin to repair.
  - Information is on the website and Channel 10.
  - The City will hold the required public meetings.
  - First determine if damage is over or under 50%, if the property is in or out of the floodplain
  - Heights are 100-year flood heights. Some were right on it, some above, some below, and some in the 100-year floodplain were not flooded.

Jane Martin, Ewingville Drive

- Q. Codes inspected the first day or so after the flood. No one mentioned the 50% when they came through their house. Why are they just now finding out about the 50% stipulation three

weeks after? Their property is in the floodplain and they have flood insurance. They have spent thousands of dollars getting the house dried, sprayed for mold, and removing debris only to learn they may have to demolish the house. The insurance company told them to get this done and They had a company come in and do the work.

- A. On the first assessment the inspector does not know what is underneath the carpets, floors, etc. until it is torn out. The inspector will come back after clean up to better see the condition of the house and make another assessment. Clean up costs will not be in vain because it has to be done anyway for an appropriate evaluation of the damage. Marking a wall is the first gross step showing how much water. It is calculated with a FEMA chart assigning a percentage to the height of the water in the living space. Call 794-7012 to arrange to have an inspector review it process.

David Mahan, Ewingville Drive

- Q. Doesn't the elevation of the finished floor first have to be established because the property could be out of the floodplain and that is where the 50% comes into play? Tell everybody how to establish the floodplain level and then what the finished level is. He did not have to give the elevation of the finished floor on the building permit.
- A. The homeowner should call and set up a time to discuss this individually with an inspector. Each of these instances is its own separate case.

John Young along with a larger group is working with the Jenkins family at 126 Thompson Alley and the Stewart family at 405 and 407 Lewisburg

- Q. Is the City and/or in conjunction with the Historical Society, planning to purchase these properties if the Federal mitigation program does not apply? The family had been approached in the past about a possible purchase.
- A. The City will look into properties that have historical issues that may take on some special character.

Ben Johnson, 126 Ewingville Drive

- Q. If the homeowner has been issued a building permit and the house is dried out can they move forward and build now.
- A. The building permit was issued because the chart showed damage was less than 50%. Proceed.

Elise Jones, her parents' home on Thompson Alley, regarding another house there.

- Q. The owner pulled drywall, redid some things, and moved the tenants back in before the building was dry and it was not inspected. Mud and water were still in the house.
- A. The inspectors will deal with that later. The dwelling has a concrete floor and there was not much wood damage. The outside was inspected but not the inside. There are extenuating

circumstances on many of the damaged homes.

Keith Sanders, trucks coming out of Brentwood and Jackson, TN

Q. Regarding the same property and another across the street. Ms. Jones' father's house was already elevated. The concern was a stop work order placed on the properties with an order to demolish within 60 days. The one home is all masonry block.

A. The 60-day deadline that was issued in error has been corrected. No timeline has been established at this time.

Mayor Schroer again urged residents to call the 794-7012 number, thanked the residents for coming, and declared the discussion closed.

**9.\* Consideration of RESOLUTION 2010-36, A Resolution Approving Private Chapter No. 58, House of Representatives Bill No. 3974, Passed by the 106<sup>th</sup> General Assembly of The State of Tennessee**

No questions or comments                      **Shauna Billingsley, City Attorney**

**10.\* Consideration of RESOLUTION 2010-37, A Resolution Approving Private Chapter No. 59, House of Representatives Bill No. 3975, Passed by The 106<sup>th</sup> General Assembly of The State of Tennessee**

No questions or comments                      **Shauna Billingsley, City Attorney**

**11.\* Consideration of RESOLUTION 2010-38, A Resolution Approving Private Chapter No. 60, House of Representatives Bill No. 3976, Passed by The 106<sup>th</sup> General Assembly of The State of Tennessee**

No questions or comments                      **Shauna Billingsley, City Attorney**

**12.\* Consideration of The Tennessee Department of Transportation (TDOT) Agreement for the Hillsboro Road Improvements from SR 96 West to Claude Yates Drive, PIN 114318.00; Agreement No. 100120; State Project No. 94lplm-L2-025 (COF Contract No. 2010-0073**

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

Mr. Parker asked that the Board approve the agreement contingent on final approval of the language by proper staff.

Alderman Petersen expressed perhaps the entire project should be reassessed because of the recent flood. Go through with the road except for the portion that flooded. Look at that again.

Mayor Schroer indicated the overall project could be discussed at another work session.

**13. Discussion Regarding Residential Fire Sprinkler Process**

**Rocky Garzarek, Fire Chief**

Residential fire sprinklers were excluded in the Building Code that will be voted upon at the 7:00 p.m. meeting. Alderman Skinner had asked for a timetable for further discussion, and a timetable was submitted. The Fire Department has introduced the possible code change to several parties through public and private meetings. Other meetings are scheduled as well.

Recommended timeframe for BOMA action:

BOMA Special Workshop – July 2010

BOMA Regular Work Session – Potentially impacted individuals/groups – July 2010

BOMA Regular Work Session – Final informational meeting and further direction from BOMA  
Additional Work Sessions and meetings based on BOMA’s direction, including the modification or drafting of ordinances

Chief Garzarek and Fire Marshall Andy King provided background and comments, and will provide education to the Board.

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

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

Eric Stuckey spoke on getting started on the top three small projects:

1) Eastern Flank Battlefield Roadway

The Battlefield Task Force is very interested in this project. Because of the tourist factor, hotel/motel tax would be appropriate for this project. There has been interest expressed in using donated or in-kind resources to assist with the construction of this access road.

2) Mallory Station Road-General George Patton Drive Signalization

Developer contribution of \$140,000 and FY 2010 CIP annual funding of \$370,000 (of the \$500,000 allocation) could be used to complete this project. That would leave \$130,000 from the current year allocation for the Board to use for other projects or to use as an un-programmed reserve for capital projects.

3) Nichol Mill Lane from Mallory Lane

Reallocation of project savings from the recently completed Royal Oaks-96 Intersection improvement project in excess of \$900,000 could be used to complete this project committed to by the City in prior years.

Alderman Petersen said the amount in the General Fund from property tax is to pay for Debt Service. This should be looked at carefully. Also, there may be other places for the \$900,000 and she wanted to give it more thought. She was concerned about paying just interest on bonds already offered.

Further discussion at the next Work Session.

**15. Consideration of Agreement for Special Detail Police Officer Services**

**Jackie Moore, Police Chief**

Item withdrawn by City Administrator

**16. 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**

Chris Bridgewater noted this was authorized by the program BOMA approved last year calling for an inspection program for septic systems in use where there is sewer availability. Part one is the inspection by Building and Neighborhood Services whereby the inspector looks for surfaced sewage that would indicate a malfunction. The second part requires the tank be pumped. If a system fails the inspection, the City notifies the Williamson County Department of Sewage Disposal Management and the County issues a Notice of Violation. The initial inspection fee is \$75 and pumping costs \$200-\$300. This is done on a three-year basis. There are no more than 224 properties.

There was discussion on the costs incurred by the homeowner. It was pointed out it would cost the homeowner thousands of dollars to hook on to the sewer system.

**17. Discussion on the Role of the United Way in Budget Allocation for Outside Agencies**

**Alderman Michael Skinner**

Mayor Schroer and Eric Stuckey commented on the proposed resolution listing allocations to non-profit organizations with a straight across the board 6% decrease. The allocations differ from recommendations submitted by the United Way volunteer panel as recommended by the Budget & Finance Committee. Mayor Schroer added it would be preferable to move the discussion of the role of the United Way to another time.

Mr. Stuckey related this provides how the total number is allocated because it is not a line item in the budget. It shows approval of the recommendation by the entire Board. There was discussion on accomplishing this by resolution or as an amendment to the Budget being presented at the 7:00 p.m. meeting for First Reading.

**18. Consideration of Cost of Living Adjustment for Retirees**

**Russ Truell, ACA Finance & Administration**

Deferred to June 8, 2010 Work Session

**ADJOURN**

Work Session adjourned @ 7:00 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 11:19 AM