

MINUTES OF THE *SPECIAL MEETING*
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, MAY 25, 2010 – 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 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	
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 Dir	P
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
David Rahinsky, Assistant Police Chief		Brad Wilson, Facilities Project Manager	
Fred Banner, MIT Director		Lanaai Benne, Assistant City Recorder	
Becky Caldwell, Solid Waste Director		Linda Fulwider, Board Recording Secretary	P
Lisa Clayton, Parks Director			

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, May 25, 2010, 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)

None

5. Communications from Williamson County Mayor and Williamson County Commission
 County officials were not present

6. Approval of Minutes

Alderman Burger moved to approve the following minutes as presented: April 27, 2010 Work Session, April 27, 2010 Executive Session, April 27, 2010 BOMA meeting, May 11, 2010 Work Session, May 11, 2010 BOMA meeting. Seconded by Alderman Petersen. Motion carried unanimously.

7. Recognitions by Mayor John Schroer

Mayor Schroer spoke about the announcement made today that Jackson National Life Insurance Company of Lansing, Michigan, has chosen Cool Springs as the site for their Regional Headquarters. They will operate from temporary quarters at Nine Corporate Center beginning in June. In January 2011, the company will move to One Greenway. The Company plans to hire from the community, around 400 employees to begin with the potential of hiring up to 750. Jackson graciously donated \$250,000 toward flood relief in this region. Mayor Schroer thanked Governor Bredesen, Matt Largent, Williamson County Economic Development, and all those involved with the recruitment.

8. Miscellaneous Reports

None

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 **19-41** be placed on the Consent Agenda

Alderman Barnhill pulled item 28. Alderman McLendon reiterated he does not agree with all the items being deemed non-controversial.

Alderman Moore moved to approve the Consent Agenda items 19-41, with the exception of item 28. Seconded by Alderman Bransford. Motion carried unanimously.

OLD BUSINESS

10. PUBLIC HEARING: 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

[Second of Three Readings]

Gary Luffman, Building/Neighborhood Services Director

Tom Marsh, Zoning Coordinator

With no comments forthcoming, Mayor Schroer deemed the Public Hearing closed

Alderman Bransford moved to approve Ordinance 2009-77 on Second of Three Readings. Seconded by Alderman Moore. Motion carried unanimously.

NEW BUSINESS

11. **Consideration of ORDINANCE 2010-35, An Ordinance of The City of Franklin, Tennessee, Adopting a Budget for the Fiscal Year 2010-2011, Providing an Effective Date; Establishing a Public Hearing for June 8, 2010**

[First of Three Readings] Eric Stuckey, City Administrator

Eric Stuckey related a more detailed presentation of the Budget would be given at the next meeting after it has been published in the newspaper. He noted this is the Operating Budget without water/sewer or capital expenditures. Those budgets will be presented in September.

- Total Operating Budget is \$69.8 million a decrease of 2% from 2009-10
- General Fund Budget of \$50.03 million a decrease of 6.9%
- Three significant reductions over two years resulting in an overall General Fund reduction of 15%
- The Budget is structurally balanced with essential service levels maintained
- Employees will receive a 2% cost of living increase in January 2011.
- Property Tax remains at .434 per \$100 assessed valuation (no change in 21 years)
- Use of \$669,550 of reserves targeted for capital expenditures (less than last 2 years)
- Residential solid waste fee increasing \$3 (\$12 to \$15). This remains subsidized; it costs approximately \$20 to perform the service.

The Second Reading with a Public Hearing will be June 8 with the Third and Final Reading June 22, 2010.

Alderman Petersen moved to approve Ordinance 2010-35 on First Reading. Seconded by Alderman Burger.

Alderman Petersen moved to correct the title of the budget under Section I to read, "Annual Operating & Capital ~~Improvements~~ Equipment Budget. Seconded by Alderman Skinner. Motion carried unanimously.

Alderman Moore moved to amend to reflect the action of the Budget & Finance Committee that charitable organization donations reflect a six percent (6%) across the board cut instead of the recommendations offered by the volunteer panel of The United Way. Seconded by Alderman Burger. Motion carried unanimously.

Main Motion, as Twice Amended, to approve Ordinance 2010-35 on First of Three Readings carried unanimously.

12. **Consideration of ORDINANCE 2010-36, An Ordinance of The City of Franklin, Tennessee, Establishing The Municipal Property Tax Levy for the Fiscal Year 2010-2011, Providing an Effective Date; Establishing a Public Hearing for June 8, 2010**

[First of Three Readings] Eric Stuckey, City Administrator

Alderman Petersen moved to approve Ordinance 2010-36 on First of Three Readings. Seconded by Alderman Bransford.

Alderman Petersen noted in the Property Tax rate that the Debt Service Fund has been allocated 19.3 cents as opposed to 11.4 cents last year. That is an increase of about 70%, but still within the property tax rate that is set.

Motion to approve Ordinance 2010-36 on First of Three Readings carried unanimously.

13. **Consideration of ORDINANCE 2010-37, An Ordinance to Amend Section 17-113 of The Franklin Municipal Code to Increase the Fees for Collection of Garbage and Refuse [First of Two Readings]**
Eric Stuckey, City Administrator
Alderman Moore moved to approve Ordinance 2010-37 on First of Two Readings. Seconded by Alderman Martin. Motion carried unanimously.
14. **Consideration of RESOLUTION 2010-43 the Major Thoroughfare Plan's Recommended Projects**
David Parker, City Engineer/CIP Executive
Alderman Moore moved to approve the Major Thoroughfare Plan's recommended Projects. Seconded by Alderman Barnhill.
- Alderman Martin moved to Amend by removing Project #56 to widen Lewisburg Avenue from South Margin Street to Mack Hatcher Parkway to four lanes from Horizon Year 2035. Seconded by Alderman Skinner. Motion to Amend carried unanimously.*
- Alderman Petersen moved to Amend by removing Project #40 to widen Franklin Road from Harpeth Industrial Court to Mack Hatcher Parkway to three lanes from Horizon Year 2035. Seconded by Alderman McLendon.*
- Alderman McLendon said it causes him great concern to start talking about making three and four lane roads out of our network inside of Mack Hatcher. In the case of Hillsboro Road, we don't have much choice. When and if we do it we have to do it very delicately, and in certain places it cannot be done and serving the traffic master would be devastating to certain parts of our community. There are certain roads within the bypass that the City will have to live with traffic that is bad, or will have to live with a complete alteration of the community as we know it. He chooses the bad traffic.
- Motion to Amend by removing Project #40 carried unanimously.*
- Main Motion as Twice Amended carried unanimously.*
15. **Consideration of RESOLUTION 2010-42 Capital Investment Program's Small Project Priorities**
David Parker, City Engineer/CIP Executive
Alderman Skinner moved to approve the Small Project Priorities. Seconded by Alderman Bransford. Motion carried unanimously.
16. **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. 100-120; State Project No. 94101m-L2-025 (COF Contract No. 2010-0073)**
David Parker, City Engineer/CIP Executive
Alderman McLendon moved to approve this Agreement subject to staff vetting and amendments as seen fit. Seconded by Alderman Burger. Motion carried unanimously.
17. **Consideration of the Request for Sanitary Sewer Availability for 3978 McEwen Drive (Capital Investment Committee unanimously recommended denial of request)**
David Parker, City Engineer/CIP Executive

Alderman Barnhill moved to deny request for sanitary sewer as recommended by the Capital Investment Committee. Seconded by Alderman Skinner. Motion carried unanimously.

18. **Consideration of the Request for Sanitary Sewer Availability for 2238 Bowman Road (Capital Investment Committee unanimously recommended denial of request)**

David Parker, City Engineer/CIP Executive

Alderman Bransford moved to deny request for sanitary sewer as recommended by the Capital Investment Committee. Seconded by Alderman Skinner. Motion carried unanimously.

CONSENT AGENDA

19. **Consideration of ORDINANCE 2010-23, An Ordinance to Amend Title 12, Chapter 4 of The Franklin Municipal Code to Adopt the International Fuel Gas Code, 2009 Edition**
[Second and Final Reading] **Gary Luffman, Building/Neighborhood Services Director**
Allen Lewis, Building Official

Ordinance 2010-23 approved unanimously on Second and Final Reading

20. **Consideration of ORDINANCE 2010-24, An Ordinance to Amend Title 12, Chapter 1 of The Franklin Municipal Code to Adopt The International Building Code, 2009 Edition**
[Second and Final Reading] **Gary Luffman, Building/Neighborhood Services Director**
Allen Lewis, Building Official

Ordinance 2010-24 approved unanimously on Second and Final Reading

21. **Consideration of ORDINANCE 2010-25, An Ordinance to Amend Title 12, Chapter 10 of The Franklin Municipal Code to Adopt The International Residential Code, 2009 Edition**
[Second and Final Reading] **Gary Luffman, Building/Neighborhood Services Director**
Allen Lewis, Building Official

Ordinance 2010-25 approved unanimously on Second and Final Reading

22. **Consideration of ORDINANCE 2010-26, An Ordinance to Amend Title 12, Chapter 9 of The Franklin Municipal Code to Adopt The International Mechanical Code, 2009 Edition**
[Second and Final Reading] **Gary Luffman, Building/Neighborhood Services Director**
Allen Lewis, Building Official

Ordinance 2010-26 approved unanimously on Second and Final Reading

23. **Consideration of ORDINANCE 2010-27, An Ordinance to Amend Title 12, Chapter 6 of The Franklin Municipal Code to Adopt The International Energy Conservation Code, 2009 Edition**
[Second and Final Reading] **Gary Luffman, Building/Neighborhood Services Director**
Allen Lewis, Building Official

Ordinance 2010-27 approved unanimously on Second and Final Reading

24. **Consideration of ORDINANCE 2010-18, An Ordinance to Amend Title 12, Chapter 8 of The Franklin Municipal Code to Adopt The International Existing Building Code, 2009 Edition**
[Second and Final Reading] **Gary Luffman, Building/Neighborhood Services Director**
Allen Lewis, Building Official

Ordinance 2010-18 approved unanimously on Second and Final Reading

25. **Consideration of ORDINANCE 2010-29, An Ordinance to Amend Title 12, Chapter 2 of The Franklin Municipal Code to Adopt The International Plumbing Code, 2009 Edition**
[Second and Final Reading] Gary Luffman, Building/Neighborhood Services Director
Allen Lewis, Building Official
Ordinance 2010-29 approved unanimously on Second and Final Reading
26. **Consideration of ORDINANCE 2010-31, An Ordinance to Amend Title 7, Chapter 2 of The Franklin Municipal Code to Adopt The International Fire Code, 2009 Edition**
[Second and Final Reading] Rocky Garzarek, Fire Chief
Andy King, Fire Marshall
Gary Luffman, Building/Neighborhood Services Director
Ordinance 2010-31 approved unanimously on Second and Final Reading
27. **Consideration of ORDINANCE 2010-32, An Ordinance to Amend Title 7, Chapter 5 of The Franklin Municipal Code to Adopt the NFPA 101 Life Safety Code, 2009 Edition**
[Second and Final Reading] Rocky Garzarek, Fire Chief
Andy King, Fire Marshall
Gary Luffman, Building/Neighborhood Services Director
Ordinance 2010-32 approved unanimously on Second and Final Reading
28. **Consideration of ORDINANCE 2010-33, An Ordinance to Rezone .46 Acres from High Residential (R-3) To Residential Variety (RX) for Property Located at 1439 Columbia Avenue (FMPC vote unanimous to unfavorably recommend); Establishing a Public Hearing for June 22, 2010**
[First of Three Readings] Alderman Ann Petersen, FMPC Representative
Alderman Moore moved to approve Ordinance 2010-33 on First of Three Readings. Seconded by Alderman Burger.
- Alderman McLendon stated he supported this Ordinance on First Reading for the purpose of moving to the Public Hearing.
- Motion to approve Ordinance 2010-33 on First of Three Readings carried 5-3 with Aldermen McLendon, Martin, Burger, Bransford, and Moore voting yea, and Aldermen Skinner, Barnhill and Petersen voting nay.*
29. **Consideration of ORDINANCE 2010-34, An Ordinance to Create Title 2, Chapter 4 of The City of Franklin Municipal Code Relating to the Creation of The Battlefield Preservation Commission**
[First of Two Readings] Mayor John Schroer
Ordinance 2010-34 approved unanimously on First of Two Readings
30. **Consideration of RESOLUTION 2010-36, A Resolution Approving Private Chapter No. 58, House of Representatives Bill No. 3974, Passed by The 106th General Assembly of The State of Tennessee**
Shauna Billingsley, City Attorney
Resolution 2010-36 approved unanimously

31. **Consideration of RESOLUTION 2010-37, A Resolution Approving Private Chapter No. 59, House of Representatives Bill No. 3975, Passed by The 106th General Assembly of The State of Tennessee**
Shauna Billingsley, City Attorney
Resolution 2010-37 approved unanimously
32. **Consideration of RESOLUTION 2010-38, A Resolution Approving Private Chapter No. 60, House of Representatives Bill No. 3976, Passed by The 106th General Assembly of The State of Tennessee**
Shauna Billingsley, City Attorney
Resolution 2010-38 approved unanimously
33. **Consideration of Award to Fifth Third Bank of Nashville, TN, for Custodial Services for Non-Pension Investments for the Year Beginning July 1, 2010, Plus Up to Three (3) One-Year Options to Extend, for The Finance Department, and Authorize Staff to Negotiate Final Terms (Purchasing Office Procurement Solicitation No. 2010-031; \$25,000.00 Budgeted in 110-85520-41500 for FY 2010; FY 2011 Budget not yet approved**
Approved unanimously **Russ Truell, ACA Finance & Administration**
34. **Agreement Between The Franklin Chapter #14, United Daughters of The Confederacy and The City of Franklin, Tennessee for the Maintenance of The Franklin Square Monument**
Approved unanimously **Eric Stuckey, City Administrator**
35. **Consideration of Bid Award to Bob Ladd & Associates, Inc. (D/B/A "Ladd's") of Memphis, TN in the Amount of \$12,569,86 for One (1) New Self-Propelled Athletic Field Drag to be Used by The Parks Department for Grooming the Skinned Areas of Baseball and Softball Fields (Purchasing Office Procurement Solicitation No. 2010-037; \$12,000.00 Budgeted in 110-89530-44700 for Fiscal Year 2010)**
Approved unanimously **Lisa Clayton, Parks Director**
36. **Consideration of Change Order for Liberty Park Phase 3-Final Project and Final Change Order**
Approved unanimously **Lisa Clayton, Parks Director**
37. **Consideration of COF Contract No. 2010-0057, a Professional Services Agreement with Kimley-Horn Associates, Inc. for the Design of Signal Improvements in the Cool Springs Area and Highway 96 Intersection Survey in the Lump Sum Amount of \$92,000 (Funding included in TOC Division of Engineering FY 2010 Budget)**
Approved unanimously **David Parker, City Engineer/CIP Executive**
38. **Consideration of COF Contract No. 2010-0042, An Agreement with Chestnut Bend Homeowners Association for the Ownership and Maintenance of Electrical Conduit and Meter at the Entrance to Chestnut Bend Subdivision**
Approved unanimously **David Parker, City Engineer/CIP Executive**

39. **Consideration of Change Order No. 7 with Civil Constructors, Inc. for the Third and Fifth Avenue Streetscape Project in the Amount of \$6,031.70 (Total Construction Contract Amount after this Change Order is \$5,015,363.00)**
Approved unanimously David Parker, City Engineer/CIP Executive
40. **Consideration of Event Permit for Franklin on the Fourth in Downtown Franklin on July 4, 2010**
Approved unanimously Jackie Moore, Police Chief
41. **Consideration of Event Permit for Bluegrass Along the Harpeth in Downtown Franklin on July 23-24, 2010**
Approved unanimously Jackie Moore, Police Chief

MATTERS FROM EXECUTIVE SESSION

- *Alderman McLendon moved the Board accept and approve the jury verdict in the condemnation case with Mr. J. Donald Nichols. Seconded by Alderman Skinner. Motion carried unanimously.*

OTHER BUSINESS

- Alderman Skinner announced Sister Cities is kicking off a new series called "Passport to the World" June 6 from 2:00-4:00 p.m. at the Williamson County Library. The first program will feature the Japanese culture.

Three teenage girls from Franklin High School are participating in a Sister Cities Youth Exchange Program in Carleton Place, Canada.

ADJOURN

Alderman Bransford moved to adjourn and motion carried unanimously.

Meeting adjourned @ 7:38 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 7/12/2010 11:19 AM