

**MINUTES OF THE SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JUNE 22, 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		Eric Gardner, Engineering Director	
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		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
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	P	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, June 22, 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 Moore moved to approve the following meeting minutes as presented: May 25, 2010 Executive Session, May 25, 2010 Work Session, May 25, 2010 BOMA, June 8, 2010 Work Session, June 8, 2010 BOMA. Seconded by Alderman Bransford. Motion carried unanimously.

7. Recognitions by Mayor John Schroer

- Tennessee Municipal League (TML) Annual Meeting
At the recent TML annual meeting the City of Franklin received two awards for green initiative.
 - ✚ The Municipal Achievement Award for Excellence in Green Leadership
 - ✚ The Tennessee City Managers Association 2010 Award for Excellence in Municipal GovernmentThe TCMA award was for a Sustainable Community Action Plan and the Live Green Business Partnership.

Mayor Schroer thanked Andrew Orr, Milissa Reierson, Alderman Ken Moore, and the Sustainability Commission.

8. Miscellaneous Reports

- Sister Cities Report – Alderman Michael Skinner
Passport to the World Series. The first program was given by the Office of the Consulate General of Japan, Nashville with Consular Officer Hisanori Maeda and family and Consular Officer Shinobu Kurihara and family participating. The program featured Williamson County families from Japan, authentic Japanese clothes and toys and Japanese language lessons. 70 people attended.

The next presentation will be on Germany, August 1, 2010, 2:00-4:00 p.m. at the Williamson County Library.

- FEMA Application
Mayor Schroer reminded everyone that July 6, 2010 is the deadline for FEMA application. Without the application to FEMA there will be no money or opportunities for residents affected by the flood.

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 24-41 be placed on the Consent Agenda
Mayor Schroer pulled item 26.

Alderman Moore moved to approve the Consent Agenda, Items 24-41, with the exception of Item 26. Seconded by Alderman Bransford. Motion carried unanimously.

OLD BUSINESS

10. **PUBLIC HEARING: 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**

[Second of Three Readings] Alderman Ann Petersen, FMPC Representative

- Kevin Ross, resident of General's Retreat, referred to sales material he received when purchasing his property that distinctly shows a green space in the development. The green space is absent in the new plan proposed by the developer. It is the only green space in the development and it is heavily used by the residents. Open spaces in the development are mulch beds for stormwater runoff. Increased density is proposed and that lot is key, as it will turn the development into a sea of asphalt and buildings. Mr. Ross said he talked to 46 households and not one is in favor of increased density. The residents attended to show support. Even with the current site plan there is not enough parking because of errors made. The residents asked that BOMA deny the applicant's request as it is not good for the community, traffic or for the Adams Street area.
- Bryan Echols, attorney for the applicant said there are two matters at hand, one is rezoning, and the other is the concept plan. He said the rezoning and plan are good for the City and everyone if the zoning is made consistent with the surrounding area. Mr. Echols said the area in question is not a part of the plan and is not a green space. It could be bought for a single-family dwelling and it makes sense to bring into this rezoning.
- Paul Hoppy, Adams Street, lives behind the storm drains that are backing up and are already a sea of muddy water. Traffic on Columbia Avenue is already a parking lot at certain times of day. Any additional traffic coming to Adams Street is not good because the houses are so close to the road. It would be a detriment to the neighborhood.
- Pat Reynolds Kilabree, 1447 Columbia Avenue. They don't want a parking lot in back of their house for privacy reasons as well as it is difficult to get out of their driveway now. Too much density.

Alderman Petersen moved to disapprove Ordinance 2010-33 on Second of Three Readings. Seconded by Alderman Skinner.

Alderman Petersen noted the Planning Commission voted 0-6 against the rezoning. Alderman Skinner said he attended the neighborhood meeting and there was much dissatisfaction with what the company has done so far and the problem with density, traffic, and parking spaces. Some spaces are inaccessible. Parking overflow would complicate other parts of the neighborhood.

Alderman Martin said this was to be an improvement over what was there. Hearing the discussion has changed her mind and she will vote against the rezoning. Alderman Bransford had a comment for the owners as part of the increased density is to be affordable housing. There are properties elsewhere the owners could utilize for affordable housing. She did not support rezoning.

Alderman McLendon does not want the residents to think that if they prevented what they did not want they would get what they wanted. The applicant could go for more density. Right now the zoning is single-family homes with a yard. Alderman Barnhill was uncomfortable with the density. The residents said it was presented to them as green space they could use. Mayor Schroer related it is a privately held piece of property not a part of General's Retreat. If people use that land they are using it because the owners are allowing it. Right now it can be developed as R-3 zoning.

Alderman McLendon said he does not like rezoning before being sure they will get a more comprehensive plan thereafter. He does not want to inflict anything bad on residents or the developer. The property was once blighted and now is nice, but it is not complete. The concept may no longer be viable. There is not a complete view of how this will go and he wants to see the concept plan. He asked staff if the Board were to approve rezoning on this the second reading, could it be deferred on the third reading. He will not vote to support on third reading if he does not know the result. Have development come forth with the concept plan. Alderman Petersen thought the revised plan had been submitted to the City. Mayor Schroer commented that this is not the first time BOMA has dealt with this issue. It is the Zoning Ordinance and there needs to be a way to do rezoning along with the Concept Plan. Alderman Petersen reminded the Board that until the new Zoning Ordinance came into being the rezoning and concept plan were together.

Mayor Schroer called for the vote on the motion to deny rezoning.

Motion to deny Ordinance 2010-33 rezoning on Second of Three Readings tied 4-4. Mayor Schroer voted against denial and the motion failed 4-5 with Aldermen Martin, Skinner, Petersen and Bransford voting to deny and Aldermen Burger, McLendon, Barnhill, and Moore and Mayor Schroer voting against denial.

Alderman McLendon said if there were no concept plan within the next several months with consensus for support from all stakeholders he would not support it.

Alderman McLendon moved to approve rezoning on Second of Three Readings and defer Third Reading to the July 27 BOMA meeting. Seconded by Alderman Burger. Motion carried 5-4 with Aldermen Burger, McLendon, Barnhill, Moore, and Mayor Schroer voting aye and Aldermen Martin, Skinner, Petersen and Bransford voting nay.

There followed some discussion regarding citizen perceptions of the Board action and the Board doing what is in the best interests of everyone involved.

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**
[Third and Final Reading] Eric Stuckey, City Administrator
Alderman Moore moved to approve Ordinance 2010-35 on Third and Final Reading. Seconded by Alderman Petersen. Motion 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**
[Third and Final Reading] Eric Stuckey, City Administrator

Alderman Bransford moved to approve Ordinance 2010-36 on Third and Final Reading. Seconded by Alderman Petersen. Motion 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 [Second and Final Reading] Eric Stuckey, City Administrator**
Alderman Moore moved to approve Ordinance 2010-37 on Second and Final Reading. Seconded by Alderman Martin. Motion carried unanimously.

NEW BUSINESS

14. **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 McMahon Lane; Establishing a Public Hearing for July 27, 2010 [First of Three Readings] Alderman Ann Petersen, FMPC Board Representative**
It was established that members of the Franklin First United Church were allowed to vote on this ordinance.

Alderman Petersen moved to approve Ordinance 2010-39 on First of Three Readings. Seconded by Alderman Bransford. Motion carried unanimously.

15. **Consideration of RESOLUTION 2010-46, a Resolution to Extend the Sharing of the Preservation Planner Responsibilities through December 31, 2010 or Until Such Time the Position is Filled Shirley Harmon, Human Resources Director**
Alderman Moore moved to approve Resolution 2010-46. Seconded by Alderman Skinner. Motion carried unanimously.

16. **Consideration of RESOLUTION 2010-57, a Resolution to Authorize a Cost of Living Adjustment for Retirees Shirley Harmon, Human Resources Director**
Alderman Moore moved to approve Resolution 2010-57. Seconded by Alderman Barnhill. Motion carried unanimously 7-0 with Alderman Martin recused.

17. **Consideration of RESOLUTION 2010-49, a Resolution to Amend Resolution 2010-07 Pertaining to The Pension Plan from July 1, 2010 To No Later Than October 1, 2010 Shirley Harmon, Human Resources Director**
Alderman Bransford moved to approve Resolution 2010-49. Seconded by Alderman Petersen. Motion carried unanimously.

18. **Consideration of RESOLUTION 2010-50, a Resolution to Authorize the Emergency Expenditure of \$54,087.35 for the Maples Shopping Center Drainage Repair to be Paid from The Stormwater Reserve Fund Joe York, Streets Director Paul Holzen, Engineering Supervisor**
Alderman Petersen moved to approve Resolution 2010-50. Seconded by Alderman Bransford.

Alderman Petersen noted the drainage repair was not just for the Maple Shopping Center, but is part of a regional drainage system.

Motion to approved Resolution 2010-50 carried unanimously.

19. Consideration of Deferring the Proposed Lease for Police Headquarters Fitness Equipment to the Board's July 13th Work Session

Jackie Moore, Police Chief

Alderman Bransford moved to defer the proposed lease to the Board's July 13, 2010 Work Session. Seconded by Alderman Burger. Motion carried unanimously.

20. Consideration of Sanitary Sewer Availability Request for 1113 Gardner Drive

David Parker, City Engineer/CIP Executive

Alderman McLendon moved to deny sanitary sewer availability contingent on the following requirements: 1) All necessary easements for the future extension of the public sewer system are donated to the City of Franklin at no cost. 2) All easements are approved by the City Engineer and recorded at the Register's office in Williamson County, TN. Seconded by Alderman Petersen. Motion carried unanimously.

21. Consideration of Amendment to SSR's Professional Services Agreement for the Maintenance of the Stream Gauging Stations to Repair Flood Damaged Stations

David Parker, City Engineer/CIP Executive

Alderman Petersen moved to approve the amendment to SSR's Agreement. Seconded by Alderman Moore. Motion carried unanimously 7-0 with Alderman Martin recused.

22. Consideration of Backup 911 Phone System for Police Dispatch; \$23,743.00

Fred Banner, IT Director

Alderman Bransford moved to approve the Backup 911 Phone System. Seconded by Alderman Moore. Motion carried unanimously.

23. Consideration of Emergency Purchase of Pump for the City of Franklin Hillsboro Road Pump Station

Mark Hilty, Water Management Director

Alderman Petersen moved to approve the emergency purchase of a pump. Seconded by Alderman Burger. Motion carried unanimously.

CONSENT AGENDA

24. 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 Reinspections for the Planning Review Process

[First of Two Readings]

Alderman Ann Petersen, FMPC Board Representative

Ordinance 2010-40 approved on First of Two Readings

25. **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; Establishing a Public Hearing for July 27, 2010**
[First of Three Readings] Alderman Ann Petersen, FMPC Board Representative
Ordinance 2010-41 approved on First of Three Readings
26. **Consideration of RESOLUTION 2010-48, 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
Russ Truell explained it was first thought this Resolution would be deferred due to wording; however, he spoke with Mr. Stuckey who was comfortable with the Resolution being voted on as is.

Alderman Bransford moved to approve Resolution 2010-48. Seconded by Alderman Burger. Motion carried unanimously.
27. **Consideration of Interlocal Agreement with Williamson County for General Sessions Court Jurisdiction to Try and Dispose of Franklin Municipal Ordinance Violations**
Approved unanimously Shauna Billingsley, City Attorney
28. **Consideration of Bid Award to Reynolds Electrical Contractors, LLC of Dickson, TN in a Total Amount to be Determined for Supply, Delivery and Installation of Certain Sports Lighting Equipment for Certain Facilities at Jim Warren Park, 705 Boyd Mill Avenue, for the Parks Department (Purchasing Office Procurement Solicitation No. 2010-036, up to \$518,700.00 available from Department of Energy Grant)**
Approved unanimously Lisa Clayton, Parks Director
29. **Consideration of Bid Award to Maury Fence Company of Columbia, TN in the Amount of \$120,000.00 (\$90,000.00 in FY2010; \$30,000.00 in FY2011 if Budgeted) for Supply, Delivery and Installation of Fencing at Fieldstone Park Ball Fields for the Parks Department (Purchasing Office Procurement Solicitation No. 2010-035, \$90,000.00 budgeted in 110-89530-44700 for Fiscal Year 2010)**
Approved unanimously Lisa Clayton, Parks Director
30. **Consideration of Request to Purchase 12 Replacement Batteries for the APC Power Conditioning Unit in the MIT Server Room from Pomeroy IT Solutions of Nashville, TN (State Contract) (\$14,483,88)**
Approved unanimously Fred Banner, IT Director
31. **Consideration of a Sole Source Maintenance Agreement with Physio-Control, Inc. of Redmond, WA for the Service and Repair of the Departments Automated Defibrillators and Cardiac Monitors for the Year Beginning June 1, 2010 in the Amount of \$11,750.47 (\$10,000.00 budgeted in 110-82620-42200 for FY2010)**
Approved unanimously Rocky Garzarek, Fire Chief

32. **Consideration of the Request for Water Availability for 409 Legends Park Circle**
Approved unanimously David Parker, City Engineer/CIP Executive
33. **Consideration of Extending Annual Contract for "General Construction of Concrete Roadway Repairs and Resurfacing" Change Order #1**
Approved unanimously Joe York, Streets Director
34. **Consideration of Extending Annual Contract for "Roadway Repairs and Resurfacing" Change Order #1**
Approved unanimously Joe York, Streets Director
35. **Consideration of Extending Annual Contract for "General Construction of Roadway Repairs and Improvements for Called Bonds"**
Approved unanimously Joe York, Streets Director
36. **Consideration of Extending Annual Contract for "Concrete Curb and Sidewalk Repairs: Change Order #1**
Approved unanimously Joe York, Streets Director
37. **Consideration of Extending Annual Contract with Vulcan Materials, Co. for "Roadway Maintenance and Drainage Improvements" Change Order #1**
Approved unanimously Joe York, Streets Director
38. **Consideration of Extending Annual Contract for "General Construction of Stormwater and Drainage Improvements" Change Order #1**
Approved unanimously Joe York, Streets Director
39. **Consideration of Base Agreement and Policy Regarding Special Detail Police Services to Outside Organizations**
Approved unanimously Jackie Moore, Police Chief
40. **Consideration of Event Permit for St. Paul's BBQ to be Held in Downtown Franklin on July 24, 2010**
Approved unanimously Jackie Moore, Police Chief
41. **Consideration of RESOLUTION 2010-55, a Resolution Acknowledging the Letter of Agreement Between the Tennessee Main Street Program and the Downtown Franklin Association**
Approved unanimously Shauna Billingsley, City Attorney
42. **Items Approved by the City Administrator on Behalf of the Board of Mayor and Aldermen**
- a) Approval of COF Contract No. 2010-0088 with Camp Dresser & McKee, Inc. (CDM) for the FEMA Public Assistance Program in an Amount Not to Exceed \$10,000
 - b) Final surveying and mapping for final plat and as builds for the COFPD to incorporate all purchased parcels as shown on Williamson County Property Map 78-F including utility and storm final as builds and building location elevations \$9,620
 - c) Approval of change order for additional monitoring and testing of micropile installation as piles were being placed onto the project \$8,222.50

- d) Approval of change order for testing of pervious concrete batch and site test for placement of material area located at visitor parking off Plaza \$143.75
- e) Approval of change order for cost incurred for the inspection and testing of concrete masonry units (block, brick and mortar) that was not originally programmed for inspection and testing \$13,253.75
- f) Approval of change order for additional lab testing for the project regarding steel materials and installation or rebar, concrete, PT cables and stressing \$8,664.79
- g) Additional work requested by the COF Police Headquarters for Maddux Electric to install security devices in general evidence and data/voice units in report taking rooms in lobby along with multiple data and electric for the CID AFIS computer and the NCIC computer \$7,195.00
- h) Miscellaneous electrical additions completed per the request of the COF Police Department within the new facility once all were moved in and during move in as items were noticed that were required to perform specific duties \$8,246.00
- i) Additional building identification requested by the COF Codes and Fire Departments for installation of address numbers to exterior side of building to locate facility in case of emergency and other services \$695.00
- j) For breakdown, removal, transportation and reinstallation of moveable storage file units at the new facility in the Records storage area and General Evidence area in the basement \$8,424.00

Approved unanimously

OTHER BUSINESS

ADJOURN

Alderman Burger moved to adjourn and motion carried unanimously.

Meeting adjourned @ 8:05 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 6/25/2010 4:55 PM