
**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JULY 27, 2010 – 5:00 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	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
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	P		

1. Call to Order

Mayor John Schroer called the BOMA Work Session to order on Tuesday, July 27, 2010 at 5:00 p.m. in the City Hall Boardroom.

2. Citizen Comments

None

WORK SESSION DISCUSSION ITEMS

3. Flood Mitigation Program Report

Eric Stuckey, City Administrator

Residential properties with potential substantial damage 44; 33 of those reviewed; 10 properties identified with substantial damage. Some of the 10 may be included in the mitigation program. David Parker mentioned that a couple of other properties in the substantial damage category are included in the Mack Hatcher process. August 5, 2010 is the deadline to register with FEMA. FEMA registration is required to be eligible for funds. David Parker, Tom Marsh, Gary Luffman, and Todd Horton recently attended a daylong meeting with FEMA for an overview of the next steps in the process. Local government many prorate property taxes for flood victims based on the time the owners were out of the home. Williamson County has started the process. Further research

necessary find out the process and financial implications for reduction of the City's portion of property tax. Homeowners would be required to provide documentation of time lived elsewhere.

FEMA Grants – Hazard Mitigation Assistance

Available Grants

- FEMA program administered through TEMA
- Two broad categories
 - Disaster related
 - **Hazard Mitigation Grant Program (HMGP)***
 - Non-Disaster
 - Flood Mitigation Assistance (FMA)
 - Pre-Disaster Mitigation Program (PDM)
 - Repetitive Flood Claims (RFC)
 - Severe Repetitive Loss (SRL)

Program	Application Deadline	Federal Share
HMGP* - Current focus	1 year from date of declaration	75% (+ state will pay half of local share)
FMA	November 1 st	75-90% (no state share)
PDM	November 1 st	75-90% (no state share)

Mr. Parker noted the non-disaster programs require quite a bit of documentation from previous flooding, etc. The pre-disaster program is geared toward smaller communities. The focus is on HMGP with a deadline of approximately three months after final funding allocation is determined. Eric Stuckey noted the amount designated for the entire state of Tennessee is \$500,000.

HMGP Program Notes

- Eligible activities – significantly reduce or permanently eliminate the loss of life and property from natural disasters
 - Acquisition of flood prone residential properties
 - Drainage improvement
 - Retention/detention basins
 - Reinforced corridors of public schools
 - Seismic or wind retrofit of non-profit utilities
- Two phases in response to this disaster
 - **Phase 1 – Acquisition of residential properties in floodplain**
 - Phase 2 – Any other project that will mitigate problems from this event

****Will not know funds available until at least December****

Additional Program Notes

- Participation by property owner is voluntary
- Property owner **not required** to have flood insurance to participate
- Must have FEMA approval prior to starting project
 - Can submit project that already started, but no guarantee
- Purchase offer based on **pre-disaster fair market value (FMV)**
- SBA *may allow* homeowners to use disaster assistance loan funds (*favorable mortgage rate*) to relocate
 - Eligibility determined on case-by-case basis
 - **DO NOT WAIT** on grant program determination before applying to SBA
 - Deadline to apply to SBA is August 5th

Contact SBA – 1-800-659-2955

TEMA Processing

- TEMA Receives Application
 - Internal review, ranking, prepare and send to council
- Council Concurrence/Non-Concurrence

- Based on respective knowledge
- Submission to FEMA/FEMA Review
[Average timeframe of 12 months for the steps above]
- Award Package/Project Begins [THEN, it is about 36 months]

36 Months

Task 1	Tennessee State Contract Process State contract is the State's legal mechanism required to ensure funding or services to the applicant. The timeframe reflects up to a six-month period	6 Months
Task 2	Appraisals Hire licenses appraisal service and obtain fair-market appraisals on properties	3 Months
Task 3	Notification to Homeowners and Tenants Provide property owners with offer to sale based on fair-market appraisal. Notify tenants of URA rights and responsibilities	2 Months
Task 4	Title Search/Other Legal Services Necessary work to ensure fee simple acquisition	3 Months
Task 5	Acquire Properties Set up and perform closing on each property	7 Months
Task 6	Residential Evacuation/Comparable Housing/URA Provide comparables to eligible recipients of comparable housing and Uniform Relocation Assistance. All residents evacuate property	3 Months
Task 7	Demolish Structures on Properties Acquired Includes checking for asbestos and lead-based paint, permitting, demolition and site clean up	4 Months
Task 8	State Compliance Review State's financial and programmatic review of the completed project	1 Month
Task 9	Financial Reconciliation with FEMA State submits compliance review to FEMA for financial reconciliation	1 Month
Task 10	State Compliance Review and FEMA Closeout State Compliance Review is a review of the activity's paper documentation, showing the project was implemented as required. Once the compliance review is completed, the report and findings will be provided to the grantee for review and concurrence. The State submits the concurrence to FEMA as part of a closeout package to formally close the grant.	6 Months
Total Timeframe (must not exceed 1,095 days, 36 months, or 3 years)		36 Months

COF Next Steps

- Meeting with TEMA representatives in 2-3 weeks to discuss possible projects and begin detailed steps to prepare application
- Continue to build list of possible acquisition projects
 - Detailed assessments
 - Communication with property owners – personal visits, phone calls

Mr. Parker is awaiting direction from TMA representatives about commercial properties, as there may be one owner interested in a buyout. Property buyouts are in conservation easements that may be used for parks, trails, etc., with some ability to give to non-profits (with proper paperwork).

Free Building Permit General Conclusion and Grant of Certain Administrative Authority

Mr. Stuckey proposed the blanket program for free building permits draw to a close by August 15, 2010, with the caveat the City will deal with the fee on a case-to-case basis.

4. Report on Blue Bag Collections

Becky Caldwell, Solid Waste Director

The program began on July 12, 2010 with great success. Publix, Home Depot, Kroger, and Harpeth True Value Hardware had Blue Bag displays and employees wore stickers supporting the program.

Many local retailers are supporting the program and some sold out of the bags. Buddy Blue Bag came to town and got a lot of attention (Actually, there were two Buddy's who bore startling resemblances to two of our sustainable folk, Ken Moore and Andrew Orr).

Jason Jones, Eddie Allocco, and Brent Reed are the fellows who collect recycling. Many homes had several blue bags at the curb, including one with 19 bags. The numbers may level off in weeks to come.

Week 1 = 35.33 tons recycling picked up; 23.5% participation; 11% diverted from the landfill

Week 2 = 27.32 tons recycling picked up; 22.7% participation; 8% diverted from the landfill

The original goal was 15% participation and 22-25% diversion. The percentage of diversion is close to goal when counting in the woodchip and compost programs.

Alderman McLendon expressed concern that the City won't net enough diversion to break even, and if it didn't, would it be cheaper to keep taking it to the landfill. Ms. Caldwell noted approximately \$2,200 was saved in the first two weeks in tipping fees, fuel and labor. Alderman McLendon mentioned that it cost quite a bit more than that to start the program. He emphasized it is important for more citizens to join in and recycle. Alderman Moore said the trend is that tipping fees will continue to rise over time.

5.* **Consideration of RESOLUTION 2010-60, a Resolution to Authorize Condemnation for Rights-of-Way and Easements for the Construction of the Mack Hatcher Parkway Extension Improvements-Northwest Quadrant**

David Parker, City Engineer/CIP Executive

Mr. Parker commented the reason for this resolution coming forth now is that one property owner requested condemnation. The resolution will cover condemnation for all properties as needed. Condemnation will be done if requested by a property owner or if there is no other recourse. Eric Stuckey said it is a blanket tool to move the project along.

6.* **Consideration of ORDINANCE 2010-55, an Ordinance to be Entitled, "An Ordinance to Rezone 22.7 Acres from Low Residential (R-1) to Civic and Institutional (CI) for Property Located along Clovercroft Road and West of Bayhill Circle"**

Alderman Ann Petersen, FMPC Board Representative

The Public Hearing for this ordinance will be August 10, 2010. Mayor Schroer commented that the majority of the spectators were here for this item. He advised staff would give a presentation followed by a Williamson County Board of Education presentation. Following BOMA comments and questions limited public input allowed. He asked that both sides of the issue choose one or two spokespersons. The charge to BOMA and the spectators specifically is to decide whether the zoning should be changed from Low Residential (R-1) to Civic and Institutional (CI), and not if the County needs a new school, should choose another site, or how they chose this property. A new school is needed in the eastern part of Franklin.

Catherine Powers noted the request for rezoning from LR to CI is for 22.7 acres of land for the

purpose of building an 119,500 square foot building, 33 feet high, with 1.13 acres of formal open space. The Franklin Planning Commission voted to recommend disapproval of the rezoning.

Kevin Fortney, Williamson County Schools, gave the presentation that was seen by the FMPC last week. He said the school would serve City and rural Williamson County territories. The school is to relieve growth at Trinity Elementary School and two other schools that continue to grow. They examined 8 sites. Availability of utilities, anticipated future growth, and the fact that the site is within the current transportation zone are reasons for this site. A public meeting was held and questions were addressed.

Issues include traffic safety and the safety of roads in the area. The Clovercroft and Trinity area intersections are a main concern. A number of buses travel on McEwen, currently 11 buses, four with students, and seven in transit. It should be rezoned to accommodate Clovercroft and future growth further east on Clovercroft.

Project data for 9336 Clovercroft Road, Trinity Area Elementary School:

Gross Building Area – 118,992 SF

Maximum Capacity – 800 Students

Site Area – 22.62 AC

On-Site Parking 144 cars

Bus Loading Capacity – 9 buses

Projected Completion – August 2011

Slides of the following were shown:

- School site and surrounding area
- TOPO & Boundary Survey
- Conceptual Site Plan - (similar to the new Westhaven School) (Two entrances in front. West side bus entrance. Other aligns with Chardonay for automobiles only for parent drop off loop, and one to the back of the building. Additional entrance requested for Breezeway and emergency vehicles)
- Civil Site Plan (Emergency 360 degree permeable)
- Landscape Buffer Plan (Per COF requirements) (Could place additional trees across the front per residents' concerns) (There are some extensive buffers)
- Floor Plans – 1st and 2nd floors
- Main Entry
- Perspective
- Aerial
- Building Materials

Roads:

- Clovercroft and Bayhill Circle – 11' center line to white line with 38" shoulder
- McEwen and Oxford Glenn Drive – 10' center line to white line with 18" shoulder
- McEwen and Players Mill – 10'9" center line to white line with 24" shoulder
- Wilson Pike and McEwen – 10'9" center line to white line with 50" shoulder
- Trinity Elementary of 96E – 10'3" center line to white line with 43" shoulder
- Page Middle on Arno Road – 10'5" center line to white line with 40" shoulder
- Bethesda Elementary on Bethesda Road – 10'1" center line to white line with 13" shoulder
- Duplex and Secluded Lane – 10'3" center line to white line with 24" shoulder
- Duplex Road and Commonwealth – 10'3" center line to white line with 20" shoulder
- Oakview Elementary on Henpeck Lane – 10'3" center line to white line with 15" shoulder

Jason Golden, COO and General Counsel, Williamson County Schools said traffic is an issue where there is growth. The City previously asked the State for a traffic light at McEwen and Wilson Pike. The school board wants to help the State decide it is needed. If the school could hook onto sewer they could save money and some of the savings could be used for other areas of the project, such as recommended sidewalks parallel with Clovercroft, additional trees at the front of the property, additional area for stacking cars to the rear of the school. They have agreed to a number of traffic studies that will be conducted after school starts in two weeks. Elementary school hours are 8:35 a.m.-3:35 p.m., the tail end of rush hour in the mornings and before rush hour in the afternoon. They have some flexibility in working with the time. As discussed at the Planning meeting the number of individuals that use Clovercroft as a cut-through and those that use Clovercroft as a "raceway" would be slowed by a school zone with flashers and the lower speed limit. Some schools have law enforcement on site. He suggested that when drivers realize there is a school zone they will choose alternate routes. This is a potential side benefit to a school being there. The school will come.

Mr. Golden said if say no to this project, COF is saying they want to end participation with the schools. Trinity has an onsite water treatment facility, but it is too old to accommodate another building. They've reached capacity in the core of the school. There is already traffic backup. Expansion at Trinity would be a temporary fix because McKay's Mill is not built out.

Alderman Burger asked about water treatment and if they looked at nearby land owned by the County. Mr. Fortney said the land in back of Trinity school is low-lying floodplain with soil conditions, essentially a wetland area. Sand filter discharge into the creek is no longer allowed by TDEC. The land is challenging. Alderman Burger thought they would add food service. Mr. Golden explained they would have to move food back and forth between the buildings if another building were there as there is not enough land to build a cafeteria. Also, the wastewater treatment plant could not expand at that site.

Alderman Burger stated for the record that money and time were spent this past year improving McEwen, resurfacing, reflectors, shoulders, guardrails, and improved road. She mentioned the eleven buses, four carrying children, then adding three buses. Mr. Golden noted two or three buses from McKay's Mill would go to the new site with children on board. Alderman Burger commented that McEwen does not meet the City's strict road standards but does meet State standards.

Williamson County School Superintendent, Dr. Mike Looney, said the curves, etc. are not a problem for bus drives. Yes, it slows traffic. The school at Breezeway would necessitate turn lanes and a traffic light for people entering and exiting the subdivisions.

Alderman Burger mentioned the Mayes Creek Basin and sewer availability. She also had concerns about the residents on Clovercroft and in Breezeway Subdivision. Dr. Looney responded they were told the sewer capacity was okay. He added that the timing of schools in session takes care of that, school begins after morning peak use and school is out by evening peak use. Alderman Burger felt the area does not have the infrastructure. Alderman Barnhill asked to hear about the sewer capacity from the Water Plant standpoint, has that been addressed. Eric Stuckey said they are still working through all the details, but the preliminary read is there is sufficient capacity as it is off-peak use

from residents. Mark Hilty advised they are still going through the information. With three pump stations preliminarily it looks positive.

Alderman McLendon commented that he understood if the City says no the schools will carry on and do what they want to do anyway. That they are committed to this site and are here to invite the City to participate and not get permission.

Dr. Looney said they are committed to this site. Mr. Golden added they want to work with the City. Alderman McLendon stated he was glad they were prepared to have dialogue. Dr. Looney reiterated they are committed, but they come with hat in hand for a partnership, to build synergy that has not been there before. The use of adequate facility school tax was suggested. Pool resources and collaborate with State government instead of not always building a school after a subdivision is built. The school will be built there and infrastructure is wanted there.

Alderman Martin commented that the Williamson County School Board has the opportunity to set aside land in large developments but chose not to plan ahead as in the past. When McKay's Mill was built, the school board indicated they did not want it, and the same thing in Sullivan Farms and Westhaven. However, Westhaven set aside land for a school. Surely, there is land more suitable for this school.

Alderman Moore asked how many cars could be stacked at the proposed school. Mr. Fortney responded 3,000 lineal feet of stacking, 150 cars. They will pursue getting additional stacking. Alderman Moore quoted the Land Use Plan recommendation last sentence, "Proposed institutional uses should mitigate traffic impacts through traffic impact analyses and design to maintain or improve current level of services." He requested an additional explanation. He is concerned with the common theme that they are still working through details, number of cars, sidewalk, turn lane, red light, or if have sewer, trying to push through tight timeline and answers aren't coming as fast as the questions. Catherine Powers responded it means they would like to see mitigation of traffic concerns. That is the reason they asked for traffic studies. The school site should leave better roads than those there. Alderman Moore asked if there are conditions on rezoning or concept plan. Ms. Powers said some might have to wait until site and regulating plans. Alderman Moore asked how many days to build the school. Mr. Fortney advised construction must start the first day of September. They have submitted site plan and documents. They have approval from the State Fire Marshall. Alderman Moore asked the date of closing on this property. The school representatives could not remember, but within the last 45 days. Mayor Schroer said the City agreed to an expedited process and nothing else.

Alderman Bransford stated it takes three readings, if voted down tonight it would be a dead issue. There are questions to be answered. She will vote yes for the rezoning tonight because she wants to hear answers to the questions. BOMA needs time to gather and review all the information before going forward. She is willing to vote yes to rezone but will not guarantee she will vote yes later.

Alderman Martin asked about road improvement. Catherine Powers said she wanted to see some mitigation. Situations may be improved by turn lanes, signaling, etc. Alderman Martin asked if

that is City responsibility. Mayor Schroer responded that has not been determined. About \$1 million received is in adequate facilities tax fund. The purpose is to do something that relates to schools so the City could add to County money to upgrade the roads. Mr. Stuckey added BOMA is the decision maker on those funds. There are county roads involved as well.

Mayor Schroer announced there would be 15 minutes for public comment. He asked speakers to alternate between sides of the issue and to keep comments to two minutes.

- Laurian Scott, 9341 Clovercroft Road, thanked the County for listening. She lives across from the site and it is not a good site because of the roads.
- Ed Whitley, 9501 Clovercroft Drive, said he checked the distance from Wilson Pike to the school entrance, factored in the length of a vehicle, half the student population that would arrive by private vehicle, and concluded the number of vehicles projected within an hour timeframe would result in total gridlock. Schools are needed but not on dead end roads.
- Shanera Williamson, 5609 Wickliff Court, asked BOMA to vote yes, that Dr. Looney and the school board have vetted many sites. Everyone should work together to assure the quality of education and property values remain in Williamson County.
- Denis Gallagher, 521 Federal Street, Breezeway Subdivision, quoted from the Franklin Zoning Ordinance and from a review conducted for Planning Commission - hazards cannot be improved. Buyers of property in the County area adjacent to undeveloped land bear a risk. What precedent is set? What about the integrity of the zoning process? Reject rezoning.
- Deanne Smith, 2013 Valley Forge Court, Arrington, said her son attends Trinity Elementary. Lunches begin at 10:30 a.m., her son is in the last group to eat, and often there are no food options by that time. Additional students would make the problem worse. The opportunities for physical education are limited as well. The road she traveled by bus to Brentwood High School was marked "travel at your own risk." Clovercroft is not a perfect situation. Get all the egos out of the way and consider the bigger picture by the County and City working together and putting children first.
- Jason Para, 4047 Clovercroft Road, is a county commissioner and does not approve of the site. The school should hold the property until the roads are there. They have bought and held property before. Build a school for 400 students on the Trinity site. They are 100 students over capacity. This would provide time to build the infrastructure at the Breezeway site.
- Michelle Kitchings, 7116 Tullamore Lane, commented the school board and BOMA made a mistake by not saving land for a school. Is it viable, is it legal. She says yes.
- Brian Seeliger, 9395 Clovercroft Road, distributed pictures of the roads in question. He heard Dr. Looney say, paraphrasing, it does not matter they will put the school on that site no matter what. Listen to the people. Traffic starts at 6:30 a.m. with cars backed up waiting to get on Wilson Pike. The children will not be able to get to school. There is no infrastructure. Why spend taxpayer money without due diligence. The school took 29 homes out of a subdivision. The deal closed 45 days ago on property purchased within a subdivision. Yes to schools, but no to this location.
- Mike Gill, 9101 Sebastiani Court, Chardonnay Subdivision, said a new school is needed, but he is concerned with the current infrastructure. There is no way to walk to school over Wilson Pike. Push it back a year and look at all the reports. Tax revenues are not where they used to be. Get the roads to an adequate level.

Mayor Schroer closed the public comment segment on this item.

- 7. Consideration of RESOLUTION 2010-61, a Resolution Approving a Concept Plan for Breezeway Subdivision Elementary School, Totaling 22.7 Acres, Located along Clovercroft Road and West of Bayhill Circle, by The City of Franklin, Tennessee**
Alderman Ann Petersen, FMPC Board Representative
Catherine Powers noted the Planning Commission approved the Concept Plan.
- 8.* 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
This was discussed last Work Session and modifications were made. Alderman Petersen noted the word in question, "shall", remains in the paragraph. Mayor Schroer responded a paragraph was added for clarification. Alderman Moore commented the entire LEED process starts on day one. If the City waits until the end it won't be a LEED certified building; therefore, "shall" is appropriate as it has to be done from day one. Alderman Petersen recommended the statement read,"shall initially pursue....." The change will be made with the motion at the BOMA meeting.
- 9.* Consideration of COF Contract 2010-0101, a Grant Agreement from National Park Service for Battlefield Acquisition – Fudge Tract**
Shauna Billingsley, City Attorney
Shauna Billingsley noted this is an agreement with the Battlefield Trust to clarify the City is merely a pass through.
- 10. Consideration of Memorandum of Understanding Between the Williamson County Board of Education and The City of Franklin Regarding Trinity Elementary Project**
Shauna Billingsley, City Attorney
No comments or questions
- 11. Consideration of Bid Award to Revere Control Systems of Birmingham, AL in the Amount of \$14,950.00 for Supply, Delivery and Installation of Program Logic Controllers and Software for the Water Reclamation Facility Division of The Water Management Department (Purchasing Office Procurement Solicitation No. 2010-033; \$10,000.00 budgeted in 431-89530-52213 for Both Fiscal Year 2010 and Fiscal Year 2011)**
Mark Hilty, Water Management Director
This software provides a more efficient means with better energy usage by automatically operating the blowers.
- 12. Review and Discussion Regarding London Lane and the Unused City Right-of Way Recommendation Framework**
Vernon Gerth, ACA Community & Economic Development
This item will be addressed at the next Work Session due to insufficient time for public input and discussion.

13. Discussion of City Administrator Evaluation

Mayor John Schroer

Mayor Schroer noted there were one-on-one conversations with Eric Stuckey in January and February. A summary of accomplishments and recommendations for improvement distributed. If approved, the information will be placed in Mr. Stuckey's employee file.

ADJOURN

Work Session adjourned @ 6:57 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office – 8/5/2010 4:40 PM