

MINUTES OF THE *SPECIAL MEETING*
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JULY 27, 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	
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
Jackie Moore, Police Chief	P	Brad Wilson, Facilities Project Manager	P
Fred Banner, MIT Director		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

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, July 27, 2010, 7:10 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)

Alderman Skinner announced the next Civil War Roundtable would be August 8 @ 3:00 p.m., Williamson County Library. Topic: Irish Unit from Chicago that was involved in many actions in Middle Tennessee.

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 July 13, 2010 Work Session and July 13, 2010 Regular BOMA meeting minutes as presented. Seconded by Alderman Burger. Motion carried unanimously.

7. **Recognitions by Mayor John Schroer**

None

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 20-29 be placed on the Consent Agenda

Alderman Moore moved to approve the Consent Agenda, Items 20-29. Seconded by Alderman Burger. Motion carried unanimously.

OLD BUSINESS

10. **Consideration of ORDINANCE 2010-14, an Ordinance to Amend Title 5, Section 8, Relative to Disposal of Surplus Real Property for Use in the Affordable and Workforce Housing Program [First of Two Readings]**
Shauna Billingsley, City Attorney

Alderman Bransford moved to Withdraw Ordinance 2010-14. Seconded by Alderman Barnhill. Motion carried unanimously.

11. **Consideration of ORDINANCE 2010-17, an Ordinance Amending the Budget to Fund Condemnation of Boyd Mill and Carlisle Right of Way Purchase [First of Three Readings]**
Russ Truell, ACA Finance & Administration
David Parker, City Engineer/CIP Executive

Alderman Burger moved to defer Ordinance 2010-17 to the September 14, 2010 Work Session. Seconded by Alderman Bransford. Motion carried unanimously.

12. **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 [Third and Final Reading]**
Alderman Ann Petersen, FMPC Representative

Alderman Moore moved to Withdraw Ordinance 2010-33 as requested by the Applicant. Seconded by Alderman Bransford. Motion carried unanimously.

13. **PUBLIC HEARING: 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**
[Second of Three Readings] Alderman Ann Petersen, FMPC Representative
With no one coming forth to speak, Mayor Schroer declared the Public Hearing Closed

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

14. **PUBLIC HEARING: 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
With no one coming forth to speak, Mayor Schroer declared the Public Hearing Closed

Alderman Moore moved to approve Resolution 2010-40. Seconded by Alderman Petersen. Motion carried unanimously.

15. **PUBLIC HEARING: 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**
[Second of Three Readings] Alderman Ann Petersen, FMPC Board Representative
With no one coming forth to speak, Mayor Schroer declared the Public Hearing Closed

Alderman Burger moved to approve Ordinance 2010-41 on Second of Three Readings. Seconded by Alderman Moore. Motion carried unanimously.

16. **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

Alderman Petersen moved to approve Resolution 2010-60. Seconded by Alderman McLendon. Motion carried unanimously.

NEW BUSINESS

17. **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"; Establishing a Public Hearing for August 10, 2010**
[First of Three Readings] Alderman Ann Petersen, FMPC Board Representative

Alderman Burger moved to approve Ordinance 2010-55 on First of Three Readings. Seconded by Alderman Bransford.

Alderman Bransford indicated she supported the rezoning on first reading to provide the opportunity for due diligence.

Alderman Burger said she had listened to the residents about issues and problems. Is this the best place to build the school? She supports the ordinance on first reading to get to the second reading and the public hearing with no promise as to how she would vote in two weeks. She will do further research and asked residents of Ward One to e-mail her as well as Trinity parents and those in the UGB. bev@aldermanburger.com, subject: School.

Alderman Skinner noted in the Work Session it was brought out that information is incomplete. He thought all information should be available by the second reading so the Board could make an equitable judgment.

Alderman Moore thought there were too many unanswered questions as well. He commented that the City would not tolerate too many applications that came in this condition. Infrastructure improvements in that area should be ranked at a higher level.

Alderman Barnhill said it would be a mistake to cut off dialogue at this point. He supported at first reading with no guarantee of how he will vote later.

Alderman McLendon stated he would vote yes to get the issue to the public hearing. He was glad the School Board leadership reached out, but is not as convinced as they are that it doesn't matter what BOMA says. He doesn't want to wrestle with this under such a deadline. The public hearing is important. In future, dialogue should occur before the purchase of property.

Motion to approve Ordinance 2010-55 on First of Three Readings carried 5-3 with Aldermen Moore, Petersen and Martin voting no.

18. 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

*Alderman Moore moved to approve Resolution 2010-30 with the addition of initially in the sentence, "...shall **initially** pursue...." Seconded by Alderman Petersen.*

Alderman McLendon was concerned that by passing this resolution there would be a built-in overhead, a hoop to jump through that might not work. He gave the example of the Parks equipment shed at Liberty Park. It is unlikely silver LEED would ever be pursued for such buildings. Specifying buildings over a certain square footage could cause undue cost. Making it mandatory for buildings to be LEED creates planning and financial burdens. Either water it down and say "aspire to" or raise the square footage.

Alderman Moore said "shall" is appropriate. The LEED process starts from day one. Alderman McLendon related his concern is the way the language is written. It would have to be included in the budget and analyzed to justify. Have to assume it is being done unless the Board says no because of budget or other constraints. Any delay is too much. 5000 square feet is not that big a renovation to have to go through LEED to move drywall is too much.

Alderman Moore pointed out there are many places that provide an opt out at anytime during the process. He is committed to it and LEED buildings have a payback with energy efficiency and light capturing and produce a healthier happier work force and safer environment.

Alderman Burger asked what kind of cost is incurred. Alderman Moore responded the process might be 2% and that can be analyzed up front. Alderman McLendon thought this would saddle staff with the analysis to justify why a project was not LEED certifiable.

Motion to approve Resolution 2010-30 as stated above carried 7-1 with Alderman McLendon voting no.

19. Consideration of Appointment to the Battlefield Preservation Commission
Mayor John Schroer

Mayor Schroer had no appointments for consideration.

CONSENT AGENDA

20. ORDINANCE 2010-49, to be Entitled, "An Ordinance to Amend Sections 3.3.4 [Table 3-8] and 5.3.4 of The Franklin Zoning Ordinance, which Establish the Site Development Standards for Residential Detached Units in Traditional Areas and Requirements for the Use of Transitional Features"

[First of Three Readings] Alderman Ann Petersen, FMPC Board Representative

Ordinance 2010-49 approved unanimously on First of Three Readings

21. ORDINANCE 2010-51, to be Entitled, "An Ordinance Amending Section 12-108 of The City of Franklin Municipal Code, Title 12 – Building, Utility, etc. Codes, for the Purpose of Creating a Refund Policy for Building/Construction Related Permits

[First of Two Readings] Lawrence Washington, Student Intern

Kristen Corn, Staff Attorney

Ordinance 2010-51 approved unanimously on First of Two Readings

22. Consideration of ORDINANCE 2010-52, "An Ordinance Amending The City of Franklin Municipal Code Title 22-Comprehensive Fees and Penalties, Chapter 12, Building, Utility, etc, Codes to Include a Processing Fee for Refunding Building Permits"

[First of Two Readings] Lawrence Washington, Student Intern

Kristen Corn, Staff Attorney

Ordinance 2010-52 approved unanimously on First of Two Readings

23. **Consideration of ORDINANCE 2010-54, an Ordinance Amending the City of Franklin Municipal Code Title 9, Chapter 8, Relative to the Registration Antique, Used and Scrap Jewelry and Precious Stone and Metal Dealers**
[First of Two Readings] Eric Stuckey, City Administrator
Shauna Billingsley, City Attorney
Ordinance 2010-54 approved unanimously on First of Two Readings
24. **Consideration of Bid Award to Geneva, LLC, d/b/a Nixon Power Services of Nashville in the Amount of \$51,747.08 for Supply, Delivery and Installation of Transfer Switchgear for a Portable Generator for the Water Reclamation Facility Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2010-030; \$45,000.00 budgeted in 431-89530-52213 for Fiscal Year 2010)**
Approved unanimously Mark Hilty, Water Management Director
25. **Consideration of Bid Award to Component Fabricators, d/b/a Legend Fitness of Maynardville, TN, in the Amount of \$30,150.00 for Supply Delivery and Installation of Fitness Equipment for the Police Department (Purchasing Office Procurement Solicitation No. 2010-038)**
Approved unanimously Jackie Moore, Police Chief
26. **Consideration of the Final Change Order for the Franklin Corridor and Connector Streets Economic Development Project, Segment One – Third Avenue North and Fifth Avenue North Construction Project with Civil Constructors, Inc. in the Amount of \$107,577.50 for the Final Close Out of the Project**
Approved unanimously David Parker, City Engineer/CIP Executive
27. **Acknowledgement of Joint Application with Williamson County Sheriff's Office for the Justice Assistance Grant (JAG) Program Offered Through The Bureau of Justice Assistance in an Award Amount of \$5,336.00 to Each Agency**
Approved unanimously Jackie Moore, Police Chief
28. **Consideration of COF Contract 2010-0101, a Grant Agreement from National Park Service for Battlefield Acquisition – Fudge Tract**
Approved unanimously Shauna Billingsley, City Attorney
29. **Items Approved by the City Administrator on Behalf of the Board of Mayor and Aldermen**
- Approval of Amendment No. 10 to the Professional Services Agreement with E.G. & G. for the Franklin Corridor and Connector Streets Economic Development Project Segment One – Hillsboro Road for a Cost Analysis from E.G. & G. for an Hourly Rate Not to Exceed a Fee of \$1,680.00
 - Change Order No. 1, in the Amount of \$3,834.32, to Purchase Order No. 2186 for Fencing at Fieldstone Park Ball Fields
 - Professional Service Agreement between The City of Franklin and Environmental Resources Management (ERM) for Environmental Testing at Fieldstone Park Not to Exceed \$9,820 (COF Contract No. 2010-0103)

Approved unanimously

OTHER BUSINESS

ADJOURN

Alderman Bransford moved to adjourn. Seconded by Alderman Barnhill. 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 - 8/5/2010 4:12 PM