

MINUTES OF THE *SPECIAL MEETING*
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, AUGUST 24, 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	A	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	
David Parker, City Engineer/CIP Executive		Gary Luffman, BNS Director	
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	
Fred Banner, MIT Director		Lanai 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, August 24, 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)

None

5. Communications from Williamson County Mayor and Williamson County Commission

County officials were not present

6. Approval of Minutes

The August 10, 2010 Work Session and August 10, 2010 BOMA minutes will be presented for approval at the September 14, 2010 meeting.

7. Recognitions by Mayor John Schroer

Last week, two of the City's Adopted Soldiers were killed in action in Afghanistan. PFC Benjamin Glen Chisholm, 24, of Fort Worth Texas; and Private Charles Milton High IV, 21 of Albuquerque, NM, were killed when their vehicle rolled over after an IED exploded nearby. Please keep the families of PFC Chisholm and Private High, as well as all of our service men and women, in your thoughts and prayers.

8. Miscellaneous Reports

Eric Stuckey related the Convention Center, Marriot Hotel, is in need of an Estoppel Agreement between the ownership group and the City of Franklin and Williamson County. It was learned today the Agreement must be in their hands prior to the end of August. Mr. Stuckey said he could take care of this administratively and include it under actions taken at the next meeting. There were no objections to Mr. Stuckey taking this action given the unique circumstances.

Alderman Skinner said Sister City Carleton Place, Canada, is sending three exchange students to Franklin. They will attend the International Passport Program on Canada at the Williamson County Library on Sunday, August 29 @ 3:00 p.m.

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 20-39 be placed on the Consent Agenda

Alderman Moore moved to approve the Consent Agenda, Items 20-39. Seconded by Alderman Barnhill. Motion carried unanimously.

- Mayor Schroer explained New Business was being taken before Old Business to address Breezeway items 10 and 11, under New Business, prior to addressing Breezeway item 19 under Old Business.

NEW BUSINESS

- 10. Consideration of Memorandum of Understanding Between The Williamson County Board of Education and The City of Franklin Regarding Breezeway Elementary Project**
Shauna Billingsley, City Attorney

Alderman Bransford moved to approve the MOU between the Williamson County Board of Education and the City of Franklin. Seconded by Alderman Barnhill. Motion carried unanimously.

11. Consideration of Interlocal Agreement Between Williamson County Board of Education and The City of Franklin Regarding Breezeway Elementary Project

Shauna Billingsley, City Attorney

Alderman Barnhill moved to approve the Interlocal Agreement between the Williamson County Board of Education and the City of Franklin. Seconded by Alderman Moore.

Alderman McLendon moved to amend the Agreement, page 2, Article One, Sanitary Sewer, insert at the beginning of the second paragraph, "Subject to the City's review and approval of the Engineer's Report, the Board further agrees....." Seconded by Alderman Petersen.

Alderman McLendon commented that he wanted to make sure the City had the opportunity to evaluate and approve the Williamson County School's engineering report relative to the sewer issues.

Motion to Amend carried unanimously. Main Motion as Amended carried unanimously.

12. Consideration of ORDINANCE 2010-60, An Ordinance to Amend Title 18, Chapter 2, Section 18-204(5) of The Franklin Municipal Code to Revise the Requirements for Connection to the Public Sanitary Sewer System

[First of Two Readings] Vernon Gerth, ACA Community & Economic Development

Alderman Bransford moved to approve Ordinance 2010-60 on First of Two Readings. Seconded by Alderman Moore. Motion carried unanimously.

13. Consideration of RESOLUTION 2010-35, a Resolution Adopting The City of Franklin Septic System Certification Program Manual

Vernon Gerth, ACA Community & Economic Development

Alderman Bransford moved to approve Resolution 2010-35. Seconded by Alderman Barnhill. Motion carried unanimously.

14. Consideration of ORDINANCE 2010-47, an Ordinance to Amend Chapter 3, Sections 3.4.4 and 3.4.5, and Chapter 4, Section 4.3.2 of The City of Franklin Zoning Ordinance Regulating Development Within the Floodway Overlay District and The Floodway Fringe Overlay District; Establishing a Public Hearing for September 28, 2010

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

Alderman Petersen moved to approve Ordinance 2010-47. Seconded by Alderman Barnhill.

*Alderman Petersen moved to amend with the following changes: page 2, (b) (i) New construction of substantial improvement of any ~~residential~~ building shall have....." and page 3, 4.3.2, (1) (b), line three, reinsert "standards in **Sub Sections 3.3.4 and 3.3.5 (as appropriate)**" and strike " ~~5.8.5~~, in addition to....." Seconded by Alderman Skinner. Motion to amend carried unanimously.*

Main Motion as Amended carried unanimously on First of Three Readings.

15. **Consideration of the Alignment of Carlisle Lane West Option #3 into the Design of Carlisle Lane and Signal Design Project at Highway 96 W**

David Parker, City Engineer/CIP Executive

Alderman McLendon moved to approve Option 3. Seconded by Alderman Bransford.

16. **Consideration of Landscaping Into the Carlisle Lane and Signal Design Project at Highway 96 W**

David Parker, City Engineer/CIP Executive

17. **Consideration of Construction of a Retaining Wall as Part of the Carlisle Lane and Signal Design Project at Highway 96 W**

David Parker, City Engineer/CIP Executive

Alderman Barnhill moved to forward Items 15, 16, and 17 to the next Work Session as the items had not previously been addressed at a Work Session. Seconded by Alderman Martin. Motion carried unanimously.

OLD BUSINESS

18. **PUBLIC HEARING: Consideration of ORDINANCE 2010-49, 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**

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

No one came forward to speak. Mayor Schroer declared the Public Hearing closed.

Alderman Petersen moved to approve Ordinance 2010-49 on the Second of Three Readings. Seconded by Alderman Barnhill. Motion carried unanimously.

19. **Consideration of ORDINANCE 2010-55, 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**

[Third and Final Reading] Alderman Ann Petersen, FMPC Board Representative

Alderman Barnhill moved to Approve Ordinance 2010-55 on Third and Final Reading. Seconded by Alderman Bransford.

Mayor Schroer read a statement into the record submitted by Alderman Burger: "Aldermen, I am sorry I cannot be with you all this evening. I believe the rezoning vote for the school site this evening is very important for many reasons, but the most important reason to vote yes is to insure that numerous safety issues are addressed and instituted. As the Ward 1 Alderman for the Breezeway area, I continue to support the rezoning for the school. Even though I do not believe this to be the best location or the most ideal location, if WCBOE intends to proceed with the building of an elementary school at the Breezeway site then I think it is wise and prudent to partner with the WCBOE so that we can be assured that infrastructure improvements are addressed and constructed which include, but are not limited to: Turn lanes, Traffic lights, Numerous road improvements, Crosswalks or a Ped/Bike tunnel, Lighting, Sidewalks, Sewer capacity improvements as agreed upon by the WCBOE and the Developer, etc. Thank you, Alderman Burger"

Alderman Martin stated, "If my one vote would make a difference at all in the location of this school, I would vote NO. However, it would not, so in order to be part of making the best of a precarious situation, I will support this and hope and pray that this problem NEVER arises again, due to improper planning."

Motion to approve Ordinance 2010-55 on Third and Final Reading carried unanimously.

CONSENT AGENDA

20. **Consideration of ORDINANCE 2010-38, An Ordinance to Rezone 0.7 Acres from Medium Residential (R-2) to Residential Variety (RX) for Property Located Along Eddy Lane Between Glencoe Court and Lucinda Court; Establishing a Public Hearing for September 28, 2010**
[First of Three Readings] Alderman Ann Petersen, FMPC Board Representative
Ordinance 2010-38 approved unanimously on First of Three Readings
21. **Consideration of ORDINANCE 2010-45, An Ordinance to Revise the Permitted Uses in the Scientific Research Overlay Zoning District; Establishing a Public Hearing for September 28, 2010**
[First of Three Readings] Alderman Ann Petersen, FMPC Board Representative
Ordinance 2010-45 approved unanimously on First of Three Readings
22. **Consideration of ORDINANCE 2010-46, An Ordinance to Amend Title 16 of The City of Franklin Municipal Code by Creating Chapter 12 for the Purpose of Adopting The City of Franklin Parcel and Building Addressing Manual**
[First of Two Readings] Catherine Powers, Planning & Sustainability Director
Lori Jarosz, Planning Associate
Ordinance 2010-46 approved unanimously on First of Two Readings
23. **Consideration of ORDINANCE 2010-56, An Ordinance to Amend Various Sections of The City of Franklin Municipal Code, Title 16 – Streets and Sidewalks, etc., Relating to the Codifying of Various Fees and Penalties**
[First of Two Readings] Vernon Gerth, ACA Community & Economic Development
Ordinance 2010-56 approved unanimously on First of Two Readings
24. **Consideration of ORDINANCE 2010-57, An Ordinance Amending The City of Franklin Municipal Code, Modifying Title 22 – Comprehensive Fees and Penalties for the Purpose of Codifying the Fees and Penalties Found in Title 16**
[First of Two Readings] Vernon Gerth, ACA Community & Economic Development
Ordinance 2010-57 approved unanimously on First of Two Readings
25. **Consideration of Continuation of Revolving Loan Agreement with the Industrial Development Board**
Approved unanimously **Russ Truell, ACA Finance & Administration**

26. **Consideration of Pursuance of Federal Preservation Grant for Historic Rest Haven Cemetery and City Cemetery**
Approved unanimously Catherine Powers, Planning & Sustainability Director
Erin Reinders, Long Range Planning Supervisor
Amanda Hall, Part Time Planner
27. **Consideration of the Ownership and Maintenance Agreement (COF Contract 2010-0111) for Decorative Sign Frames and Posts for Traffic Control Signs on Spencer Creek Road with the Fieldstone Farms Homeowners Association**
Approved unanimously David Parker, City Engineer/CIP Executive
28. **Consideration of Requested Change Order No. 2 for the Columbia Avenue Phase I Project of Segment One of the Franklin Corridor and Connector Streets Economic Development Project for a Contract Time Extension of 26 Calendar Days (if approved new contract completion date of September 13, 2010)**
Approved unanimously David Parker, City Engineer/CIP Executive
29. **Consideration of the Professional Services Agreement (COF Contract 2010-0110) with CDM for the Development of a Drought Management Plan in an Amount Not to Exceed \$38,000**
Approved unanimously David Parker, City Engineer/CIP Executive
30. **Consideration of the Professional Services Agreement (COF Contract 2010-0120) with RPM Transportation Consultants, LLC for the Signal Design at the Intersection of Nichol Mill Lane and Mallory Lane for a Lump Sum Fee of \$27,000.00**
Approved unanimously David Parker, City Engineer/CIP Executive
31. **Consideration of Change Order No. 1 for the ARRA Clean Water Project – Country Road Low Pressure Sewer, Boyd Mill Low Pressure Sewer, and Simmons Ridge Sanitary Sewer Project with W. L. Hailey & Company, Inc. in the Amount of \$19,670.00 (total construction amount after this Change Order is \$1,203,144.00)**
Approved unanimously David Parker, City Engineer/CIP Executive
32. **Consideration of Change Order No. 1 for the Southeast Corridor Water System Improvements and Water Booster Station Project with Century Construction Company, Inc. for a Time Extension of the Contract**
Approved unanimously David Parker, City Engineer/CIP Executive
33. **Consideration of Change Order No. 1 for the ARRA Drinking Water Project – WTP Raw Water Reservoir Rehabilitation Project with Summit Constructors for a Time Extension of the Contract**
Approved unanimously David Parker, City Engineer/CIP Executive

34. **Consideration of Event Permit Application for Westhaven 5K on September 18, 2010**
Approved unanimously Jackie Moore, Police Chief
35. **Consideration of Event Permit Application for Centennial High Homecoming Parade on September 24, 2010**
Approved unanimously Jackie Moore, Police Chief
36. **Consideration of Event Permit Application for Franklin Cowboys Homecoming Parade on September 24, 2010**
Approved unanimously Jackie Moore, Police Chief
37. **Consideration of Event Permit Application for Battle of Franklin Anniversary at Harlinsdale Farm on October 16 and 17, 2010**
Approved unanimously Lisa Clayton, Parks Director
38. **Consideration of Event Permit for Wine Down Main Street to be Held in Downtown Franklin on November 5, 2010**
Approved unanimously Jackie Moore, Police Chief
39. **Items Approved by the City Administrator on Behalf of the Board of Mayor and Aldermen**
a) Battlefield Preservation Contract
Approved unanimously

OTHER BUSINESS

ADJOURN

Alderman Barnhill moved to adjourn and motion carried unanimously.

Meeting adjourned @ 7:19 p.m.

Mayor John C. Schroer

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 8/31/2010 12:09 PM