

**MINUTES OF THE SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, OCTOBER 26, 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 Development	P	Shirley Harmon, Human Resources 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
Jackie Moore, Police Chief		Brad Wilson, Facilities Project Manager	
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, October 26, 2010, 7:16 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 minutes as presented, September 21, 2010 Work Session on Integrated Water Plan, October 12, 2010 Work Session, October 12, 2010 BOMA meeting. Seconded by Alderman Bransford. Motion carried unanimously. The October 14, 2010 Work Session on Impact Fee Study minutes were not available for approval.

7. **Recognitions by Mayor John Schroer**

➤ Chris Bridgewater –Certification as Master Code Professional

The Building and Neighborhood Services Department announced that Chris Bridgewater has obtained certification from the International Code Council as a Master Code Professional. This is the highest level of certification the Code Council offers. Only a small select number have attained this high level of achievement, currently, less than 600 individuals worldwide. To attain this level of certification requires and demonstrates commitment to the profession, diverse knowledge of codes, and a high level of self-initiative. Mayor Schroer congratulated Mr. Bridgewater for this achievement and those present initiated a round of applause.

8. **Miscellaneous Reports**

➤ Thurgood Marshall Leadership Institute

Alderman Bransford recognized Lawrence Washington as one of 18 students chosen to participate in the Thurgood Marshall Leadership Institute in New York on October 29-November 2, 2010. Participants were chosen based on GPA average, and the ability to be a leader in the community. Mr. Washington was a student intern in Building and Neighborhood Services this past summer. Mr. Washington and his parents were present and he was given a round of applause.

➤ Pumpkinfest

Alderman Skinner announced the Great Pumpkin from Sister City Carleton Place, Ontario, Canada, would arrive this Friday, October 29 at Liberty Elementary. Mayor Schroer will be on hand to greet the students and welcome the representatives from Carleton Place and their pumpkin. The pumpkin will be on display during Pumpkinfest.

➤ Passport to the World

The featured country is China. Dr. Ming Wang will speak on Sunday, December 5, 2:00 p.m. at the Williamson County Library.

➤ Civil War Round Table

National preservation leader and historian Jim Kay will be the featured speaker on November 14, 3:00 p.m. at the Williamson County Library. Topic: Meltdown at Nashville, Hood's Final Finality.

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 16-32 be placed on the Consent Agenda

Mayor Schroer pulled Item 20 to defer, Alderman Skinner pulled Item 31, David Parker advised Items 21, 22, 23 should be pulled to defer.

Alderman Moore moved to approve Consent Agenda Items 16-19, 24-30, and 32. Seconded by Alderman Barnhill. Motion carried unanimously.

OLD BUSINESS

10. **PUBLIC HEARING: Consideration of ORDINANCE 2010-67, An Ordinance to Amend Ordinance No. 2009-23 Adopting a Budget for the Fiscal Year 2009/2010 (Year End Budget Amendment Ordinance)**

[Second of Three Readings] Eric Stuckey, City Administrator

With no one coming forward to speak, Mayor Schroer declared the Public Hearing closed

Alderman Petersen moved to approve Ordinance 2010-67 on Second of Three Readings. Seconded by Alderman Moore. Motion carried unanimously.

NEW BUSINESS

11. **Consideration of Amendment No. 2 to the Professional Services Agreement with Neel-Schaffer, Inc. for the State Route 96 West at Carlisle Lane and Boyd Mill Avenue intersection Improvements (COF Contract No. 2010-0151) in an Amount Not to Exceed \$39,000.00**

David Parker, City Engineer/CIP Executive

Mayor Schroer noted there had been quite a bit of discussion on this issue and there may be a modified motion.

Alderman McLendon moved to approve the Professional Services Agreement to include all three options (alignment, wall, and landscaping). Motion failed for lack of a second.

Alderman Barnhill moved to approve the Professional Services Agreement to include Option 1, realignment of Carlisle Lane to the west. Seconded by Alderman Skinner.

Alderman McLendon said he wondered how we draw these lines. We give away millions of dollars in beautification projects in some places, and other places we do not. It is unclear to him how we draw those distinctions.

Motion to approve Agreement including Option 1 – Realignment carried unanimously.

12. Consideration of ORDINANCE 2010-75, An Ordinance to Amend Title 18, Section 18-129 and Section 18-210 to Establish New Water and Sewer User Rates; Establishing a Public Hearing for November 9, 2010

[First of Three Readings]

Mark Hilty, Water Management Director

Russ Truell, ACA Finance & Administration

Alderman Burger moved to approve Ordinance 2010-75 on First of Three Readings. Seconded by Alderman Bransford.

Alderman Petersen requested the following information before the next vote: What the numbers would be for each class projected over 10 years about how much it would affect the customer bills and what changes were made to the water and sewer rates in the last three or four years.

Motion to approve Ordinance 2010-75 on First of Three Readings carried unanimously.

13. Consideration of ORDINANCE 2010-68; An Ordinance to Establish Title 23 of the City of Franklin Municipal Code, Stormwater Management, and to Delete Chapters 7, 8, and 9 from Title 16 of The City of Franklin Municipal Code; Establishing a Public Hearing Date of November 9, 2010

[First of Two Readings]

David Parker, City Engineer/CIP Executive

Alderman Martin moved to approve Ordinance 2010-68 on First of Two Readings. Seconded by Alderman Moore.

Eric Stuckey referred to the work session discussion on Stormwater Management and answers to questions asked. David Parker and staff will address every comment and provide the answers to the aldermen prior to the Public Hearing. Mr. Parker noted most of the comments are included in the redline version the aldermen received and other answers are forthcoming. Mr. Parker requested the Second Reading/Public Hearing be moved from November 9 to November 23, 2010.

Alderman Skinner moved to change the Public Hearing/Second Reading from November 9 to November 23, 2010. Seconded by Alderman Bransford. Motion carried unanimously.

Alderman Skinner commended staff and Stormwater Board people who worked on this. It is important to get the ordinance approved and in effect. Changes can be made later.

Motion to approve Ordinance 2010-68 as amended to change the Public Hearing/Second Reading date carried unanimously.

14. Consideration of the Purchase of the Property Known as 306 Fifth Avenue North, Tax Map 63N, Group D, Parcel 16.00 at a Cost of \$245,000.00 for the Hillsboro Road Improvements Project

David Parker, CIP Executive/City Engineer

Alderman Bransford moved to approve the purchase of the property at 306 Fifth Avenue North. Seconded by Alderman Moore. Motion carried 7-1 with Alderman Petersen voting no.

15. **Consideration of Rejection of All Bids for Purchase of Vehicular Traffic Data Collection Contract Services for the Traffic Operations Center Division of the Engineering Department (Purchasing Office Procurement Solicitation No. 2011-003)**

Eric Gardner, Engineering Director

Alderman Petersen moved to Reject All Bids for this project. Seconded by Alderman Skinner. Motion carried unanimously.

CONSENT AGENDA

16. **Consideration of Proposed ORDINANCE 2010-66, An Ordinance to Rezone 88.67 Acres from Medium Residential (R-2) To Residential Variety (RX) and From Seward Hall Character Area Overlay-3 (SWCO-3) To McEwen Character Area Overlay-6 (Meco-6) for Property Located at 4408 South Carothers Road; Establishing a Public Hearing for November 23, 2010**

[First of Three Readings]

Alderman Ann Petersen, FMPC Representative

Ordinance 2010-66 approved on First of Three Readings

17. **Consideration of Amendment No. 1 to COF Contract No. 2009-0080 with Middle Tennessee Electric Membership Corporation to Include City's Responsibility for the Acquisition of Pole and Guy Wire Easements**

Approved unanimously

David Parker, City Engineer/CIP Executive

18. **Review and Approval of a Communication Tower Agreement Between Clearwire Wireless, LLC and the City of Franklin for Fieldstone Park**

Approved unanimously

Lisa Clayton, Parks Director

19. **Consideration of RESOLUTION 2010-79, A Resolution to Authorize the Mayor to Submit an Application to the Tennessee Department of Transportation for Transportation Enhancement Grant Funds**

Lisa Clayton, Parks Director

Andrew Orr, Sustainability Coordinator

Resolution 2010-79 approved unanimously

20. **Consideration of Liquor License Retailer's Certificate Issuance for Mallory Lane Wine and Spirits (Benedict Varela) 3090 Mallory Lane, Suite 100, Franklin, Tennessee**

Lanaii Benne, Assistant City Recorder

21. **Consideration of Master Services Agreement (COF Contract No. 2010-0154) with AMEC for Stream Restoration Projects**

David Parker, City Engineer/CIP Executive

22. **Consideration of Master Services Agreement (COF Contract No. 2010-0155) with CEC for Stream Restoration Projects**

David Parker, City Engineer/CIP Executive

23. **Consideration of Master Services Agreement (COF Contract No. 2010-0156) with URS for Stream Restoration Projects**

David Parker, City Engineer/CIP Executive

Alderman Burger moved to defer Items 20, 21, 22, and 23 to November 9, 2010. Seconded by Alderman Barnhill. Motion carried unanimously.

24. **Consideration of Amendment No. 1 to COF Contract No. 2009-0039 with Mallory Valley Utility District for Mallory Station Road Resurfacing (Cost to City is \$110,670.00 to be Paid from Nichol Mill Lane Relocation Project Budget)**

Approved unanimously

David Parker, City Engineer/CIP Executive

25. **Consideration of the Request for Water Availability for 1020 Sundown Circle**

Approved unanimously

David Parker, City Engineer/CIP Executive

26. **Consideration of the Agreement (COF Contract No. 2010-0166) with Christ United Methodist Church for the Construction of Certain Improvements in Lieu of Payment for the Dedication of a Temporary Construction Easement**

Approved unanimously

David Parker, City Engineer/CIP Executive

27. **Consideration of the Final Change Order on the Boyd Mill Waterline Project with McMillan Construction Co., LLC in the Amount of \$0.00, for Final Close Out of Project**

Approved unanimously

David Parker, City Engineer/CIP Executive

28. **Consideration of the Final Change Order on the Sharpe's Branch Sanitary Sewer Rehabilitation Project with Insituform Technologies, Inc.; a DEDUCT in the Amount of \$56,341.00, for Final Close Out of Project**

Approved unanimously

David Parker, City Engineer/CIP Executive

29. **Consideration of the Final Change Order on the Fieldstone Farms Pump Station #2 Project with L & C Contractors; a DEDUCT in the Amount of \$22,080.40, for Final Close Out of Project**

Approved unanimously

David Parker, City Engineer/CIP Executive

30. **Consideration of the Final Change Order on the Carter Street Area Water and Sewer Upgrade Project with L & C Contractors; an Increase in the Amount of \$47,257.22, for Final Close Out of Project**

Approved unanimously

David Parker, City Engineer/CIP Executive

31. **Consideration of Committee Recommendation to REJECT Proposed ORDINANCE 2010-65; An Ordinance to Establish No Parking Fire Lane Zones on Portions of Ardmore Place and Wire Grass Lane in the City of Franklin, Tennessee**

David Parker, City Engineer/CIP Executive

Alderman Martin moved to REJECT proposed Ordinance 2010-65. Seconded by Alderman McLendon.

Alderman Skinner said he had talked to the Fire Department and learned this is a fairly long-standing problem. He would like to monitor the situation and see about other solutions such as moving boulders. He wants to defer for 90 days to see if these things work out with what is planned.

Alderman Skinner moved to defer action for 90 days (January 2011). Seconded by Alderman Petersen.

Alderman McLendon explained that all this was discussed at the committee meeting. One of the reasons for the recommended rejection is BOMA has nothing to do with the boulders or anything else. The request that came to the committee was to establish a no parking zone. The neighborhood is overwhelmingly against that. If the City would put up no parking zones for every one homeowner or one bus driver or even one fire chief (with all due respect) suggests that we should, there would be no parking zones everywhere. The people in that neighborhood understand the risk; it has been explained to them. They are willing to accept it. It is up to the HOA and the homeowners, not the City. It is private property.

Alderman Skinner wants to monitor the situation to make sure it is resolved and that it is not a safety issue.

Motion to defer for 90 days failed 2-6 with Aldermen Petersen and Skinner voting to defer.

Motion to REJECT proposed Ordinance 2010-65 carried 7-1 with Alderman Skinner voting no.

32. **Items approved by the City Administrator on Behalf of the Board of Mayor and Aldermen**
a) Phase I Environmental for 405 Fifth Avenue North – Water Management Department and Fleet Division Property
Approved unanimously

ADJOURN

Alderman Bransford moved to adjourn. Motion carried unanimously.

Meeting adjourned @ 7:38 p.m.

Mayor John C. Schroer