
**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JULY 26, 2011 – 5:00 P.M.**

Board Members

Mayor Ken Moore	P	Alderman Margaret Martin	P
Alderman Clyde Barnhill	A	Alderman Dana McLendon	P
Alderman Pearl Bransford	P	Alderman Ann Petersen	P
Alderman Beverly Burger	P	Alderman Michael Skinner	P

Department Directors/Staff

Eric Stuckey, City Administrator	P	Eric Gardner, Engineering Director	
Vernon Gerth, ACA Community/Economic Development	P	Shirley Harmon, HR Director	P
Russell Truell, ACA Finance & Administration		Mark Hilty, Water Management Director	
David Parker, City Engineer		Gary Luffman, BNS Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning & Sustainability Director	P
Rocky Garzarek, Fire Chief	P	Joe York, Streets Director	P
David Rahinsky, Police Chief	P	Brad Wilson, Facilities Project Manager	P
Fred Banner, MIT Director	P	Jonathan Marston, Staff Engineer II	P
Becky Caldwell, Solid Waste Director	P	Ben Worley, ROW Agent/Project Manager	P
Lisa Clayton, Parks Director	P	Kevin Comstock, ITS Project Manager	P
		Lanaii Benne, Assistant City Recorder	P
		Linda Fulwider, Board Recording Secretary	P

1. Call to Order

Mayor Ken Moore called the BOMA Work Session to order at 5:00 p.m. on Tuesday, July 26, 2011 in the City Hall Boardroom.

2. Citizen Comments

Doc Bennett, who at the July 12 Work Session recommended the City meet with Steven Durr, sound transmission and mitigation expert, thanked staff for meeting with Mr. Durr. Mr. Bennett was concerned with the verbiage "plainly audible" in Ordinance 2009-55. He and Mr. Durr will meet with Kimbro's and the Bunganut Pig to see what can be done to damper the music. They are willing to meet with anyone else interested in seeing what can be done

WORK SESSION DISCUSSION ITEMS

3. Presentation of Report on Blue Bag Program

Becky Caldwell, Solid Waste Director

Ms. Caldwell presented a progress report on the first year of the three-year pilot program for recycling:

- Public education began in March 2010 via mailers in utility bills, and brochures
- Buddy Blue Bag was born in May 2010 and retailers began stocking blue bags
- June 2010 – three blue trucks arrived. Staff distributed 18,500 brochures and bags to residents.
- Part-time people to save costs
- Staff provided education by various means
- March 2011 – Partnered with Leadership Franklin group to create educational video and magnets distributed in utility bills
- Fourth Quarter – 44% participation, 13% diversion
- Goal for next year is 50% or higher participation

Financial Summary July 12, 2010-July 8, 2011

Avoided Costs

	Original Projection	Actual Result
Labor	\$15,346.86	\$9,473.94
Hauling	\$18,920.79	\$12,236.40
Tip Fee	\$83,422.50	\$51,894.84
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	\$117,690.15	\$73,605.18

Start-Up Expenses

	Original Projection	Actual Result
Labor	\$158,086.65	\$104,904.80
Depreciation	\$30,000.00	\$30,000.00
Tip Fee	\$--	\$--
Collection	\$92,789.28	\$19,722.50
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	\$280,875.93	\$154,627.30

Net Cost \$81,022.12 (compare to \$163,185.78 – projected net cost). \$82,163.66 less than projected

Recyclables July 1, 2010 through June 30, 2011

Item	Tonnage
Batteries	11
Paint	147
Electronics	145
Metal	25
Brown Bags	1,507
Brush	2,452
Cardboard	22
Blue Bags	2,054
Total	<hr/> 6,363
Item	Gallons
Used Oil	1.744

Items that residents may not know are recyclable include toothbrushes, tubes, rubber bands, and plastic grocery bags. Items that cannot be put in blue bags – foam, glass, medical waste, including syringes.

Batteries, oil, paint, automotive, and electronics (BOPAE) are collected at regularly scheduled times. Brush is recycled into wood chips and used in City parks. The brown bags used for leaves go to the compost site. Metal freezers, washers, and dryers are recyclable through another source. The addition of these items brings the diversion to 21% for the number reported to the state.

There have been discussions on providing drop off sites for recycling glass. Additional public education is needed as well.

Mayor Moore inquired as to the proper way for diabetics to dispose of syringes. Ms. Caldwell responded that pharmacies sell red containers for disposal. The boxes include shipping labels for return to the manufacturer.

4. Consideration of Event Permit for IPF Walk For Your Next Breath to be Held on October 15, 2011, at Pinkerton Park

Lisa Clayton, Parks Director

No questions or comments

- 5.* **Consideration of Sole-Source Purchase from Mack of Nashville of Lavergne, TN, in the Total Amount of \$102,079.53 for Three (3) Replacement Road Tractors for the Disposal Division of the Solid Waste Department (\$115,000.00 Budgeted in 124.89520.46130 for Fiscal Year 2012)**
Becky Caldwell, Solid Waste Director
This is an opportunity to replace three 2009 road tractors that have had excessive mechanical failures. Many of the failures were issues associated with new emission standard components. Staff recommends trading in the three 2009 tractors for three new 2012 Mack road tractors.
- 6.* **Consideration of the Construction Contract Award to Civil Constructors, Inc, for the Jackson National Life Dual Power and Voice/Data Feed (COF Contract 2011-0023)**
David Parker, City Engineer/CIP Executive
Resolution 2010-76 authorized the Mayor to enter into a contract with the state under the FastTrack Infrastructure Development Program (FIDP) for the Jackson National Life Project Greenway Switching Station and Secondary Power Line project, and to request permission to incur costs for contract activities for the project under the FIDP. The City's maximum participation level was set at \$200,000. Jonathan Marston pointed out the award of this construction contract is contingent upon review and approval by the Tennessee Department of Economic & Community Development.
- 7.* **Consideration of RESOLUTION 2011-34, A Resolution Authorizing Condemnation for the Acquisition of Property for the Construction of Water Main Extension Improvements from the End of Harpeth Industrial Court to Liberty Pike**
David Parker, City Engineer/CIP Executive
The Resolution authorizes condemnation, if necessary, to finalize right of way and easement acquisition for the construction of the looped Water Main Extension Improvements into existing water customer in Industrial Court, for the Jamison Station project.
- 8.* **Consideration of the Agreement (COF Contract No. 2011-0091) Between the City of Franklin and Berry Circle Partners, LLC for Water and Sanitary Sewer Improvements**
David Parker, City Engineer/CIP Executive
As discussed at the CIC meeting, this is for the City to make certain public sanitary sewer and water infrastructure upgrades in the area of the Berry Circle cul-de-sac in return for a monetary contribution and dedication of a utility easement. This will allow the City to complete, at a future date, a water loop extending from Berry Circle to Fourth Avenue. The water loop will provide for enhanced water quality and redundancy presently not available via the existing dead-end system. The Water Management Department has agreed to complete the improvements in-house, prior to the end of the year.
- 9.* **Consideration of Change Order No. 3 with the Parkes Companies, for the McEwen Drive Phase 3 Roadway Project in an Amount of ~~\$39,059.94~~ \$32,822.05 (COF Contract 2011-0003)**
David Parker, City Engineer/CIP Executive
Mr. Marston noted the caption was during negotiation, and should be reduced to \$32,822.05. An amendment will be necessary when this is addressed at BOMA.
10. **Consideration of Professional Services Agreement (COF Contract No. 2010-0098) with Littlejohn Engineering Associates (LEA) for Design of Eastern Flank Battlefield Access Road**
David Parker, City Engineer/CIP Executive
Eric Stuckey noted the recent announcement of the \$500,000 grant from the state. Staff would like to

move forward with changes to the design, as there are certain elements to work through because of the grant money. The design was done when there was uncertainty if the City would receive a grant. TDOT has said to propose what is wanted and they will then determine the impact on them. Staff wants to anticipate issues and be ready when they meet with TDOT.

11. Consideration of ORDINANCE 2009-55, An Ordinance to Amend the City of Franklin Municipal Code, Title 11, Chapter 4 Offenses Against the Peace and Quiet

Shauna Billingsley, City Attorney

Eric Stuckey noted staff had been asked to meet with Steven Durr, an expert on sound. The ordinance was reviewed with Mr. Durr. He concurred the timeframe was a good idea, to define a window for sound and enforce specific times. There was dialogue on distance and sound amplification measurements. Mr. Durr related either would face challenge. Low bass rumble does not come off well on decibel readings. The consultation was helpful, but there is no magical solution involved with this issue.

Chief Rahinsky said cassette recorders could be used to record the music, entered into evidence, and subsequently sent to the municipal judge to make the determination. Recordings do not pick up the bass vibrations. If the music is loud enough to hear at 100 feet the cassette would pick up the sound. The supervisor and officer have to sign off on the evidence. It goes to court only if contested.

Alderman Bransford thought the Board should move forward with the proposed ordinance because it could be changed later. Mr. Stuckey agreed saying that it could be resubmitted later to see how well it was working. The Board could identify a specific date for review/reconsideration. The amended ordinance is a different approach and is more enforceable and understandable.

Discussion:

- 100 ft. property line – Police would measure the distance
- Alderman McLendon said industrial and commercial zone designations complicate the issue as most all complaints are from residential neighborhoods. He noted the law of unintended circumstances – certain things in life that need to be done are noisy. The problem lies within a handful of places that cannot have amplified music inside and outside. Calls will come from residential zones. Amplified or not, a distance of 100 ft. from the property line, and 10:00 p.m.–7:00 a.m. during the week and 11:00 p.m.–7:00 a.m. weekends is the solution.
- Alderman Burger asked how the following scenarios would be handled: One home with party noise every night disturbing the peace in homes with children trying to sleep; or a resident complaining that three loud pool pumps from next door keep the family from using their backyard. Ms. Billingsley said it was covered in Section 11-404.
- Alderman Bransford reiterated her earlier comment to go forward with the ordinance because it could be brought back later.
- Alderman Martin wanted to change the hours 9:00 p.m.-7:00 a.m. weeknights and 11:00 p.m. - 7:00 a.m. weekends.
- Alderman Skinner recommended that for future planning an Entertainment District be established.
- Mayor Moore ended the discussion by saying the ordinance should be approved for a “test drive”

12. **Consideration of Contract Award to Monitoring & Management Services, LLC of Hermitage, TN in the Total Estimated Annual Amount of \$28,920.00 for Sanitary Sewer Pretreatment Program Support Services for Up to Five (5) Years, for the Water Reclamation Division of the Water Management Department (Purchasing Office Procurement Solicitation No. 2012-007; \$30,000.00 Budgeted in 431-82560-52213 for Fiscal Year 2012)**
Mark Hilty, Water Management Director
 FOG program monitoring
13. **Consideration of Liquor License Retailer's Certificate (Renewal) for Cool Springs Wine & Spirits, 1935 Mallory Lane, Franklin, Tennessee 37067 (Mr. James W. Woodard, Jr.)**
Lanaii Benne, Assistant City Recorder
 No questions or comments
14. **Consideration of Change Order No. 2 (For Time Only) for the Franklin ITS Phase 1 ARRA Project (COF Contract 010-0091)**
Kevin Comstock, ITS Project Manager
Eric Gardner, Engineering Director
 20 days added
15. **Consideration of Multiple Awards for Professional Services Pertaining to Title Searches and Reports for the City's Voluntary Purchase of Real Estate or its Acquisition by Eminent Domain for City Public Works Projects and Other Public Purposes, Through June 30, 2013 (Purchasing Office Procurement Solicitation No. 2012-006; Fees to be Allocated to the Projects to Which the Services Pertain)**
16. **Consideration of Multiple Awards for Legal Counsel and Professional Services Pertaining to Real Estate Closings for the City's Voluntary Purchase and Sale of Real Estate or its Acquisition by Eminent Domain for City Public Works Projects and Other Public Purposes, Through June 30, 2013 (Purchasing Office Procurement Solicitation No. 2012-008; Fees to be Allocated to the Projects to Which the Services Pertain)**
Shauna Billingsley, City Attorney
 15 and 16 taken together. Professional services are reconsidered every two years.
17. **Discussion and Recommendation for Eastern Flank Battle Hall Facility Management Proposal**
Lisa Clayton, Parks Director
 Eric Stuckey noted the Conservation Easement prohibits commercial use of Battle Hall. Information is still being gathered from the state. The City has asked for a definition of commercial activity.

ADJOURN

Work Session adjourned 6:32 p.m.

Mayor Ken Moore

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 11/22/2011 3:20 PM