

**MINUTES OF THE REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, MAY 9, 2017 – 7:00 P.M.**

Board Members

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

Department Directors/Staff

Eric Stuckey, City Administrator	P	Becky Caldwell, SES Director	
Vernon Gerth, ACA Community/Economic Dev.	P	Lisa Clayton, Parks Director	
Mark Hilty, ACA Public Works	P	Michelle Hatcher, Interim Water Management Director	P
Kristine Tallent, ACA/CFO	P	Paul Holzen, Engineering Director	P
Shauna Billingsley, City Attorney	P	Emily Hunter, Planning/Sustainability Director	
Deb Faulkner, Police Chief		Kevin Townsel, HR Director	P
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
Fred Banner, IT Director		Lanaii Benne, Assistant City Recorder	P
Chris Bridgewater, BNS Director		Linda Fulwider, Board Recording Secretary	P

CALL TO ORDER

Mayor Ken Moore called the May 9, 2017, BOMA meeting to order at 7:00 p.m.

INVOCATION

The invocation was given Alderman Clyde Barnhill.

PLEDGE OF ALLEGIANCE

Mayor Ken Moore led the Pledge of Allegiance to the Flag of the United States of America.

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)

No one came forward to speak.

COMMUNICATIONS: WILLIAMSON COUNTY MAYOR/WILLIAMSON COUNTY COMMISSION

None present

APPROVAL OF MINUTES

1. **17-0390** *Alderman Blanton moved to approve the April 25, 2017 Work Session and April 25, 2017 Board of Mayor and Aldermen minutes as presented. Seconded by Alderman Petersen. Motion carried unanimously 5-0.*

RECOGNITIONS

2. **17-0389** **Proclamation of Veterans Awareness Day**
Staff Sgt. Van Booth, United States Army Retired (20 years of service), came forward to accept the Proclamation for Veterans Awareness Day – May 20, 2017.

Over 22 veterans a day commit suicide, and per the VA, as much as 30% of Iraq and Afghani war veterans have PTSD. These men and women have served our country with distinction and honor, and answered when America called. We are calling on America to help take care of our veterans, and urge all our citizens to join with all Americans in their efforts to improve Veterans services and honor the commitments made to current and future generations of American Fighting Men and Women.

MISCELLANEOUS REPORTS

- Mayor Moore: State Transportation Commissioner John Schroer announced today that the Mack Hatcher extension is on the MPO 3-year list of projects for 2018. Funding expected during the first year. The City continues to work with TDOT to hasten the project forward. Mayor Moore thanked all who have worked to bring this project forward. Another project on the list is the widening of 96-E from Arno Road to Wilson Pike.
- Mayor Moore attended the Urban Land Institute meeting in Nashville last evening. There were 18 projects up for awards, with three of them in Williamson County: Homestead Manor in Spring Hill, the Old Old Jail, and the multipurpose equestrian arena at the Park at Harlinsdale Farm. Franklin did not win an award; he was sorry to say.
- Alderman Blanton: The 68th Annual Rodeo Parade begins at noon on Saturday, May 13, with the Rodeo on May 18, 19 and 20 at the Williamson County Ag Expo.

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 16-26 be placed on the Consent Agenda.

3. **17-0391** *Alderman Barnhill moved to approve Consent Agenda Items 16-26. Seconded by Alderman Blanton. Motion carried unanimously 5-0.*

OLD BUSINESS

4. **17-0067** **PUBLIC HEARING: Consideration of ORDINANCE 2017-02, “An Ordinance to Amend Various Sections of Chapter 4 of Title 16 and Chapter 16 of Appendix A of the Franklin Municipal Code Concerning Road Impact Fees.”**

**Eric Stuckey, City Administrator
Vernon Gerth, ACA C&ED
Paul Holzen, Engineering Director**

[SECOND AND FINAL READING]

Public Hearing

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

Alderman Barnhill moved to approve Ordinance 2017-02 with comment. Seconded by Alderman Skinner.

Alderman Barnhill asked for clarification as to when this ordinance will go into effect. Also, if a project is already in the pipeline, how will it affect that project.

Vernon Gerth responded that the Ordinance will be effective as of July 1, 2017. When the plat is recorded the fees that were in effect at that time will carry through. If the Site Plan is after July 1, 2017, the Impact Fee will apply.

Motion to approve Ordinance 2017-02 carried 4-1 with Alderman Petersen voting no on the Second and Final Reading.

5. 17-0136 **PUBLIC HEARING: Consideration of RESOLUTION 2017-09, To Be Entitled: “A Resolution Approving a Revised Development Plan for Simmons Ridge PUD Subdivision, With One (1) Modification of Standards (Backing onto City Streets) for the Property Located East of Carothers Parkway and North of South Carothers Road.”**

**Franklin Municipal Planning Commission
Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Planning Supervisor
Josh King, Senior Planner**

Public Hearing

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

Alderman Skinner moved to approve Resolution 2017-09. Seconded by Alderman Barnhill.

Alderman Skinner moved to approve Modification of Standards 1, Backing onto City Streets. Seconded by Alderman Barnhill. Motion carried unanimously 5-0.

Motion to approve Resolution 2017-09 carried unanimously 5-0.

6. 17-0205 **PUBLIC HEARING: Consideration of RESOLUTION 2017-14, To Be Entitled: “A Resolution Approving a Revised Development Plan for Harpeth Square PUD Subdivision, with 5 Existing Modifications of Development Standards for the Property Located Within the Block of 1st Avenue, Bridge Street, 2nd Avenue North and East Main Street.”**

**Franklin Municipal Planning Commission
Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Planning Supervisor
Josh King, Senior Planner**

Public Hearing

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

Alderman Blanton moved to approve Resolution 2017-14. Seconded by Alderman Skinner. Motion carried unanimously 5-0.

7. 17-0206 **PUBLIC HEARING: Consideration of ORDINANCE 2017-06, To Be Entitled: “An Ordinance to Rezone 4.66 Acres from Specific Development Variety (33.4/35000/115) District To Specific Development Variety (33.4/35000/119) District for the Property Located Within the Block of 1st Avenue, Bridge Street, 2nd Avenue North and East Main Street (Harpeth Square PUD Subdivision).”**

[SECOND OF THREE READINGS]

**Franklin Municipal Planning Commission
Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Planning Supervisor
Josh King, Senior Planner**

Public Hearing

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

Alderman Barnhill moved to approve Ordinance 2017-6. Seconded by Alderman Skinner. Motion carried unanimously 5-0 on Second of Three Readings.

8. 17-0345 **Consideration of RESOLUTION 2017-28, A Resolution Authorizing and Providing for the Financing of the Construction of a Wastewater Facilities Project, Including Authorizing the Execution of Applications, Contractual Agreements, and Other Necessary Documents, and Making Certain Representations, Certifications, and Pledges of Certain Revenue in Connection with Such Financing for the Water Reclamation Facility Upgrades and Expansion Project with the State Revolving Fund.**

Mark Hilty, ACA Public Works

Alderman McLendon moved to approve Resolution 2017-28 with Two Conditions: 1) that the greenhouse drying portion of the project, which is a design option, be eliminated; 2) that staff prepare a follow along resolution for us to express our commitment to continue to consider alternative technology in final design. Seconded by Alderman Blanton.

Alderman McLendon said the reason he placed those conditions is that he was told the Resolution could not be modified or amended. The Resolution must remain as written if the City wants to be considered for financing. He is convinced the financing is appropriate and necessary no matter what BOMA ultimately chooses to do. He wants to make it clear that the City has considered and decided to eliminate the greenhouse portion of the project while continuing to give sincere consideration to alternative treatment methodologies pending the final evaluation of those meeting our criteria.

Motion to approve Resolution 2017-28 with two conditions carried 4-1 with Alderman Skinner voting no.

9. 17-0353 Consideration of RESOLUTION 2017-29, a Resolution to Approve Financing for the Water Reclamation Facility Upgrades and Expansion Project with the State Revolving Fund.

Mark Hilty, ACA Public Works

Alderman McLendon moved to approve Resolution 2017-29 with Two Conditions: 1) that the greenhouse drying option of the project, which is a design option, be eliminated; 2) that staff prepare a follow along resolution for us to express our commitment to continue to consider alternative technology in final design. Seconded by Alderman Blanton.

Discussion:

- Alderman McLendon related his reasons are the same as in Resolution 2017-28, remove the greenhouses, continue to explore what may or may not be viable options, secure financing at a reasonable rate.
- Alderman Skinner: We've spent years studying this and have used consultants, plus an advisory committee. There were evaluations and scoring to get to where this is today. We should not throwaway all the work spent on this. If more landfills close or refuse to take sludge, the City will have to find other places. Brokers tested the drying process again and again assuring the drying process would produce Class A.
- Alderman McLendon: Eliminating the greenhouse doesn't change the drying, it just makes it more palatable to the neighborhood. The greenhouses are unnecessary and the alternatives are simpler mechanical drying that produce Class A.
- Alderman Skinner: Part of the reason solar dryers were suggested is because of long term sustainability. If we lean on old drying methods, they are not as good and there is no guarantee there won't be a problem with the neighborhood.
- Alderman Barnhill: Heard the motions and looked at \$80 million and now \$100 million. What does this do to the permitting process and all the things already done. We have vetted this for a long time. Suddenly, within two weeks we're scrapping that and are looking at something else.
- Mr. Stuckey: The permit is a discharge permit. The greenhouses have always been a bid alternate, and we recognize the concerns of the neighborhood. The project is still in the \$100 million to \$110 million range. We will continue to look at other technology options with vendors and regulators. There will be further discussion with the Board on how this process will play out. We want to hit the Class A standard with the best options long term with a product that we can sell. When it comes out of the treatment process it is Class A. The drying process is how the market wants it; 60% dry material at the end of the process. Prior to drying the biosolid is expected to come out as 35% dry material. What comes out of our current process is unclassified sludge that can only go to a landfill. We need to get it to Class A which is best for the long term.

- Alderman McLendon: We don't have any broker or anyone lined up to buy anything yet. We haven't gotten to that point. It is not as if that is being taken out of the equation. It says we are going to be good neighbors as we do this. The greenhouses are large, not like regular greenhouses.

Motion to approve Resolution 2017-29 with two conditions carried 4-1 with Alderman Skinner voting no.

NEW BUSINESS

- 10. 17-0273 Consideration of Request to Deny Sanitary Sewer for the Property Located at 1134 Beech's Tavern Trail (Map 053 Parcel 10.04).**

Paul Holzen, Engineering Director

Alderman Blanton moved to DENY Sanitary Sewer for 1134 Beech's Tavern Trail. Seconded by Alderman Barnhill.

- Mayor Moore: The property is in the UGB and close to existing sewer lines.
- Mr. Stuckey: Handle this request consistent with City policies. The property is contiguous to the City. If the applicant chooses to annex, sewer availability is there.
- Alderman McLendon: Offer sewer contingent upon annexation per the City's long-standing policy. This request is because the County requires denial. It is prudent to us planning-wise to tell the applicant that the City can serve you if you ask to be annexed; however, they cannot be compelled to request. We should be in the business of making rational and prudent policy decisions. If they ask for annexation, the reality is we would be governed by our development standards, which would remove a lot of property from development because of hillside regulations and such. Tell an applicant if you want sewer, request annexation. Let the County wrestle with that instead of putting the City in this position.

Motion to deny sanitary sewer was withdrawn by Alderman Blanton, as was the Second by Alderman Barnhill.

Alderman McLendon moved to grant sanitary sewer availability for 1134 Beech's Tavern Trail contingent on the applicant requesting annexation and carrying through with the annexation process. Seconded by Alderman Barnhill. Motion carried unanimously 5-0.

- 11. 17-0274 Consideration of Request to Deny Sanitary Sewer Request for the Property Located at 1126 Beech's Tavern Trail (Map 053 Parcel 10.02).**

Paul Holzen, Engineering Director

Same scenario as item 10.

Alderman McLendon moved to grant sanitary sewer availability for 1126 Beech's Tavern Trail contingent on the applicant requesting annexation and carrying through with the annexation process. Seconded by Alderman Barnhill. Motion carried unanimously 5-0.

- 12. 17-0405 Consideration of a Request for Water Availability Approval for 1708 Berrys Chapel Road (038-0304)**

Paul Holzen, Engineering Director

Alderman Petersen moved to approve Request for Water Availability for 1708 Berrys Chapel Road. Seconded by Alderman McLendon. Motion carried unanimously 5-0.

This property is in the City's Water Service Area. If denied, the City would forfeit the service area.

- 13. 17-0398 Consideration of RESOLUTION 2017-31, a Resolution Authorizing the City Administrator to Enter into Contracts for Emergency Investigation and Repair Activities Related to the Harpeth River Interceptors.**

**Mark Hilty, ACA Public Works
Michelle Hatcher, Interim Water Management Director**

Alderman Barnhill moved to approve Resolution 2017-31. Seconded by Alderman Petersen. Motion carried unanimously 5-0.

14. 17-0400 **Consideration of Amendment to City of Franklin Contract 2016-316 with Hazen & Sawyer for Assessment of the Harpeth River Interceptor.**

Mark Hilty, ACA Public Works

Michelle Hatcher, Interim Water Management Director

Alderman Barnhill moved to approve Amendment to COF Contract 2016-316. Seconded by Alderman Petersen. Motion carried unanimously 5-0.

15. 17-0395 **Consideration of Amendment No. 1 to the Professional Services Agreement (COF Contract No. 2014-0033) with Smith Seckman Reid, Inc. for the Curd Branch and Watson Branch Interceptor Sewer Improvements Projects for an Amount Not-to-Exceed \$45,500.**

Paul Holzen, Engineering Director

Alderman Barnhill moved to approve Amendment No. 1 to COF Contract 2014-0033 with Smith Seckman Reid. Seconded by Alderman Blanton. Motion carried unanimously 5-0.

CONSENT AGENDA

16. 17-0318 **Consideration of ORDINANCE 2017-14, “An Ordinance to Amend Various Sections of the City of Franklin Municipal Code, Title 15 – Motor Vehicles, Traffic and Parking, Relating to Truck Traffic.”**

[SECOND AND FINAL READING]

Paul Holzen, Engineering Director

Jonathan Marston, Assistant Engineering Director

Ordinance 2017-14 approved unanimously 5-0 on Second and Final Reading

17. 17-0315 **Consideration of Procurement Award to BlueCross BlueShield of Tennessee of Chattanooga, Tennessee for Administrative Services for the City’s Group Employee Health, Pharmacy and Vision Insurance Benefits, for a Term of Award of Three (3) Years, to be Effective July 1, 2017, with Two (2) One-Year Options to Extend the Term of Award thereafter, for the Human Resources Department (Purchasing Office Procurement Solicitation No. 2017-014; Contract No. 2017-0090).**

Kevin Townsel, HR Director

Sara Sylvis, Risk Manager

Approved unanimously 5-0

18. 17-0309 **Consideration of Event Permit for Mellow Mushroom Live on the Square Concert Series May-August 2017 in Downtown Franklin.**

Deb Faulkner, Police Chief

Approved unanimously 5-0

19. 17-0379 **Acknowledge Report of Procurement Award to and Execution of Contract with West Publishing Corp. Thomson Reuters in the Amount of \$753.00 Per Month for the First Twelve Months, \$775.59 Per Month for the Second Twelve Months, and \$798.86 Per Month for the Third Twelve Months, for a Three-Year CLEAR Online Investigation Software Subscription for the Police Department (Contract No. 2017-0058).**

Deb Faulkner, Police Chief

Approved unanimously 5-0

20. 17-0311 **Consideration of ORDINANCE 2017-11, To Be Entitled: “An Ordinance to Rezone 0.42 Acres From Detached Residential 3 (R-3) District To Specific Development – Residential (SD-R 4.7) District for John B. McEwen Addition PUD Subdivision, for the Property Located at 1226 Adams Street.” Establishing a Public Hearing for June 13, 2017.**

[FIRST OF THREE READINGS]

Alderman Ann Petersen, FMPC Representative

Ordinance 2017-11 approved unanimously 5-0 on First of Three Readings

21. 17-0316 **Consideration of ORDINANCE 2017-08, To Be Entitled: “An Ordinance to Amend Chapter 5 of the Zoning Ordinance of the City of Franklin, Tennessee, In Order to Amend the Building Design Standards to Remove the Requirement Pertaining to the Maximum Length of Attached Residential Buildings.” Establishing a Public Hearing for June 13, 2017.**
[FIRST OF THREE READINGS] Alderman Ann Petersen, FMPC Representative
Ordinance 2017-08 approved unanimously 5-0 on First of Three Readings
22. 17-0392 **Consideration of Change Order No. 1 to the Construction Contract (COF Contract No. 2015-0002, TDOT PIN 108409.00 with Eutaw Construction Company, Inc. for the Hillsboro Road Improvements Project Phase 2, Independence Square to Mack Hatcher Parkway.**
Paul Holzen, Engineering Director
Approved unanimously 5-0
23. 17-0393 **Consideration of a Local Agency Project Agreement (COF Contract No. 2017-0101) with the Tennessee Department of Transportation for the Interchange Lighting of I-65 at Goose Creek Bypass (TDOT PIN 125454.00).**
Paul Holzen, Engineering Director
Approved unanimously 5-0
24. 17-0394 **Consideration of an Agreement (COF Contract No. 2017-0104) with the Tennessee Department of Treasury to Allow the Payment of Project Costs for the Interchange Lighting of I-65 at Goose Creek Bypass from the City of Franklin’s Local Government Investment Pool Account.**
Paul Holzen, Engineering Director
Approved unanimously 5-0
25. 17-0396 **Consideration of Amendment No. 6 to Tennessee Department of Transportation Agreement No. 070112 (COF Contract No. 2009-0051) for the SR-397 (Mack Hatcher Parkway West) from South of SR-96 West of Franklin to East of SR-106 (US-431) North of Franklin Project (TDOT PIN 101454.01; Federal Project No. STP-397(8) and STP/HPP-397(10); State Project No. 94092-1224-14) for an Increase of \$92,601.00 in Eligible Reimbursement Costs.**
Paul Holzen, Engineering Director
Approved unanimously 5-0
26. 17-0386 **Acknowledge Report of Emergency Purchase form FiberCom, LLC of Gallatin, Tennessee of the Relocation of City Fiber Optic Cable Near the Intersection of Carothers Parkway and East McEwen Drive for the Ovation Development in the Amount of \$46,360 for the IT Department.**
Fred Banner, IT Director
Approved unanimously 5-0

ADJOURN

Alderman McLendon moved to adjourn. Seconded by Alderman Skinner. Motion carried unanimously 5-0.

Meeting adjourned @ 7:43 p.m.

Dr. Ken Moore, Mayor