



City of Franklin

109 3rd Ave S
Franklin, TN 37064
(615)791-3217

Meeting Minutes - Final Board of Mayor & Aldermen

Tuesday, October 14, 2014

7:00 PM

Board Room

01 Call to Order

Vice Mayor Ann Petersen, called the October 14, 2014, meeting to order at 7:00 p.m.

Present: 8 - Vice Mayor Ann Petersen, Alderman Clyde Barnhill, Alderman Brandy Blanton, Alderman Pearl Bransford, Alderman Beverly Burger, Alderman Dana McLendon, Alderman Margaret Martin, and Alderman Michael Skinner

02 Invocation

The invocation was offered by Alderman Clyde Barnhill.

03 Pledge of Allegiance

All present pledged allegiance to the Flag of the United States of America.

This was approved

04 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.)

- *Jeremy Glaser, 2615 Baugh Road, Thompsons Station, TN: Commented on the City's Integrated Water Plan. The quality of life is better in Franklin except for the quality of the Harpeth River. He's observed a slight decline in wildlife around the river in the last four years. The river levels are starting to drop two times a year and the river needs to be monitored and on an upswing before the City does anything. A second concern is the amount of pollution and people trash at the railroad trestle in Pinkerton Park. He said he'd sent pictures of evidence of people smoking and partying in that area to the police chief. Algae forming is an indicator of low oxygen in the water and may impact fish and wildlife. He is not opposed to the City making improvements, but believes a little more research is needed before going into a big project.*
- *Emma Scanlon, 2605 Mashburn Court, Nashville, TN: Concerned that the waterways haven't been taken care of properly. Franklin is an excellent place to live, but as it grows the City should have the foresight to prioritize the environment and keep the river clean.*
- *Carl Wallace, 747 Pine Hill Lane, Nashville, TN: He is a Sanders Real Estate associate. He mentioned properties along the river and the fact that an active, clean and healthy river is an asset – for children, fish and wildlife. He said he read about the damage to the Harpeth River and was shocked. Many people care about the river and are speaking up and investing time and money in the river. Why is it being degraded? He made reference to a TDEC report that says due to degradation of the river certain areas are no longer suitable for fish or wildlife. The City is about to spend \$100 M on improvements. Couldn't that money be used wisely instead of drawing water from the Harpeth River? Figure out new and more modern ways for sewage. Find ways not to destroy the Harpeth River.*

05 Communications

None present

06 Approval Of Minutes.

Alderman Blanton moved to approve the September 23, 2014 Work Session and September 23, 2014 Board of Mayor and Aldermen minutes as presented. Seconded by Alderman Barnhill. Motion carried unanimously 7-0.

A motion was made by Alderman Burger, seconded by Alderman Barnhill, that this be approved. The motion carried unanimously.

Aye: 7 - Alderman Barnhill, Alderman Blanton, Alderman Bransford, Alderman Burger, Alderman McLendon, Alderman Martin, and Alderman Skinner

07 Recognitions

- *Proclamation Dyslexia Awareness Day*
Joining Vice Mayor Petersen at the podium, and accepting the Proclamation, Holly Ruskin with Joshua and Alex Ruskin, Melissa Perschau Tackett with Ellie Tackett and Barbara Perschau.

Vice Mayor Petersen read the proclamation:

- *Dyslexia is a language-based learning disability which results in people having difficulties with specific language skills, particularly reading.*
- *As many as one in five people have some of the symptoms of dyslexia, including slow or inaccurate reading, poor spelling, poor writing or mixing up similar words.*
- *There are many families in Franklin that have been touched by dyslexia and the struggles and gifts that come along with it.*
- *October is National Dyslexia Month; therefore, Dr. Ken Moore, Mayor of the City of Franklin proclaimed Wednesday, October 15, 2014 as Dyslexia Awareness Day, and encouraged everyone to raise awareness and increase their understanding of this disability.*

14-517 Proclamation of Dyslexia Awareness Day**08 Miscellaneous Reports**

- *Alderman Bransford asked people to vote for her for the October 23, 2014 fundraiser for Feed America First, Dancing with the Nashville Stars. The event raises money to provide food for needy families in our communities. People may vote online on the Feed America First website or donate non-perishable food items in the collection box in City Hall. Support Alderman Bransford as she shows her terpsichorean skills in an effort to win the coveted Disco Ball trophy.*
- *Vernon Gerth urged citizens to attend the Wednesday, October 22 public meeting with CHA regarding the Comprehensive Transportation Plan. It is a great opportunity for the public to provide input. Those who are unable to attend can leave their comments on the Connect Franklin page of the City Website.*
- *Mr. Gerth emphasized that the City knows the Harpeth River is a valuable resource and takes seriously the preservation of this resource. TDEC is holding a public hearing on the City's water withdrawal permit this coming Tuesday October 21, 2014 at 6:30 p.m. in the community room at the Police Headquarters.*

09 Consent Agenda

Alderman Burger moved to approve the Consent Agenda Items 16-31. Seconded by Alderman Bransford. Motion carried unanimously 7-0.

OLD BUSINESS

- 10 [14-477](#) PUBLIC HEARING: Consideration of Ordinance 2014-24, "an Ordinance Amending the city of Franklin Municipal Code, Appendix A - Comprehensive Fees and Penalties, chapter 16. Streets and Sidewalks, ETC. and Chapter 18. Water and Sewer. (08/27/14 CIC 3-0; 09/09/14 BOMA 8-0) Second and Final Reading

Sponsors: David Parker

Attachments: [boma 21.pdf](#)

Public Hearing:

With no one coming forth to speak, Vice Mayor Petersen declared the Public Hearing Closed

Alderman Barnhill moved to approve Ordinance 2014-24. Seconded by Alderman Martin. Motion carried unanimously (7-0) on Second and Final Reading.

This Ordinance was approved on second and final reading

- 11 [14-478](#) PUBLIC HEARING: Consideration of Ordinance 2014-30, 1st quarter 2015 Budget Amendments. (09/11/14 Finance 4-0); 9/23/14 BOMA 8-0) SECOND AND FINAL READING

Sponsors: Mike Lowe

Attachments: [boma 20.pdf](#)

With no one coming forth to speak, Vice Mayor Petersen declared the Public Hearing Closed

Alderman Bransford moved to approve Ordinance 2014-30. Seconded by Alderman Blanton. Motion carried unanimously (7-0) on Second and Final Reading.

A motion was made by Alderman Bransford, seconded by Alderman Blanton, that this Ordinance be approved on second and final reading. The motion carried by a unanimous vote.

- 12 [14-490](#) Consideration of Ordinance 2014-17, An Ordinance To Zone 61.01 Acres Specific Development-Residential (SD-R 2.28) For A Portion For the Property Located at 4101 Clovercroft Road; Tap Root Hills PUD Subdivision. (07/24/14 FMPC 5-2;09/23/14 BOMA 7-1) Third and Final Reading

Sponsors: Ann Petersen

Attachments: [Ordinance 2014-17](#)

Alderman Burger moved to approve Ordinance 2014-17. Seconded by Alderman Blanton. Motion carried unanimously (7-0) on Third and Final Reading.

A motion was made by Alderman Burger, seconded by Alderman Blanton, that this Ordinance be approved on third and final reading. The motion carried by a unanimous vote.

NEW BUSINESS

- 13 [14-382](#) PUBLIC HEARING: Consideration of Ordinance 2014-32, To Be Entitled: "An Ordinance Amending The City of Franklin Municipal code, Appendix A - Comprehensive Fees and Penalties, Chapter 18 - Water & Sewers For The Purpose of Updating Water and Sanitary Sewer User Rates". (10/14/14 BOMA 7-0) SECOND AND FINAL READING

Sponsors: Mark Hilty

Attachments: [ORD 2014-32 Rate Design 00018344](#)
[ORD 2014-32 BOMA Memo Supplemental Information](#)
[13 b.pdf](#)

Alderman Barnhill moved to approve Ordinance 2014-32. Seconded by Alderman Martin. Motion carried unanimously (7-0) on First of Two Readings.

A motion was made by Alderman Barnhill, seconded by Alderman Martin, that this Ordinance be referred as a Public Hearing Item to the Board of Mayor & Aldermen, meeting on 11/11/2014. The motion carried by a unanimous vote.

- 14 [14-473](#) Consideration of Ordinance 2014-34, An Ordinance to Appoint Deana Hood as City Judge for the City Court of Franklin, Tennessee. (10/14/14 BOMA 6-1) SECOND AND FINAL READING

Sponsors: Eric Stuckey

Attachments: [Hood.doc](#)

Alderman Skinner moved to approve Ordinance 2014-34. Seconded by Alderman Blanton.

Discussion:

- *Alderman Burger related she had discussed her concerns about this process with City Administrator Eric Stuckey. Her concern is about the process being usurped by City staff, when it is a responsibility of the Board. For this reason she will vote against this appointment. All the candidates met the qualifications and she isn't necessarily against this candidate. Approval by the Board will be no more than a rubber stamp because the boundaries were broken.*
- *Alderman Martin was relieved that the people that work with the City Judge did the interviews because the candidates are her friends and staff could be more objective.*
- *Alderman McLendon said he would ratify the recommendation because he is confident Deana Hood will do a great job. Staff are not responsible for the judge, the Board is, and can remove the judge for cause at any time. The aldermen were not invited to sit in on any of the interviews even though the judge is their responsibility. The process wasn't acceptable.*
- *Alderman Bransford will support the candidate; however, she will be discussing the process with the City Administrator.*
- *Vernon Gerth noted that when Mayor Moore and Eric Stuckey met to review the agenda, Mr. Stuckey reminded them the process had been shared with the aldermen and no one objected.*
- *Alderman Burger disagreed saying staff was to vet the candidates and bring it to the Board. They were not to make a recommendation. Just because Board members may know the people doesn't mean they are not objective.*
- *Alderman McLendon referred to an email Mr. Stuckey sent to the Board in August saying the resumes had been reviewed and initial screening was done by staff. That he would seek advice from the interview team before a determination was made.*
- *Alderman Bransford pointed out that this is the first of two readings and Mr. Stuckey is not here to speak. There will be a second reading.*
- *Mr. Gerth said he appreciated the Board moving this on to the second reading and discussing later when Mr. Stuckey was present.*
- *Alderman Skinner noted the Board hasn't had to appoint a judge for 27 years. He remembers when this was discussed at a work session, it was conspicuously quiet.*

Motion to approve Ordinance 2014-34 on the First of Two Readings carried 6-1 with Alderman Burger voting no.

This Ordinance was approved 6-1 on first of two readings with Aldermen Martin, Skinner, McLendon, Barnhill, Bransford, and Blanton voting yes and Aldermen Burger voting no.

- 15 [14-500](#) Consideration of Addendum (COF Contract No. 2014-250) to the Agreement of April 12, 2011 between the City and Berry's Chapel Utility, Inc. ("BCU") for the Collection of Sewer Service Charges.

Sponsors: Lawrence Sullivan

Attachments: [2014-0250ADDENDUM to the Agreement with the City of Franklin.DOC](#)
[04 Berry's Chapel BOMA Memo - Aug Mtg-ESS.doc](#)

Alderman Bransford moved to approve Amendment to Contract for Billing Services Berry's Chapel (Harpeth) Water. Seconded by Alderman Burger. Motion carried unanimously 7-0.

A motion was made by Alderman Barnhill, seconded by Alderman Burger, that this Contract/Agreement be approved. The motion carried by a unanimous vote.

CONSENT

- 16 [14-483](#) Consideration of Ordinance 2014-16, An Ordinance To Annex A Portion Of The Ingraham Property, Consisting of 61.01 Acres, Located On The Property At 4101 Clovercroft Road (Tap Root Hills PUD Subdivision); 07/24/14 FMPC 7-0, 09/23/14 BOMA 8-0 THIRD AND FINAL READING

Sponsors: Ann Petersen

Attachments: [boma 11.pdf](#)

This Ordinance was approved on third and final reading.

- 17 [14-485](#) Consideration of Contract Award To Total Administrative Service Corp. (TASC) of Madison, Wisconsin In The Amount of \$4.50 Per Participant Per Month (\$200 Minimum Fee Per Month) For Section 125 Plan Administration Services For A Two-Year Term of Service To Be Effective January 1, 2015, with Two (2) Options To Extend The Term of Service, Each Time For Up To One (1) Additional Year, For A Maximum Possible Term of Service of Four (4) Years total, For the Human Resources Department (Purchasing Office Procurement Solicitation No. 2015-008A; Contract No. 2014-0245) (09/23/14 WS)

Sponsors: Shirley Harmon

Attachments: [TASC](#)
[17 b task.pdf](#)

This Contract/Agreement was approved.

- 18 [14-486](#) Consideration of Contract Award To Unum of Franklin, TN For Voluntary Employee Benefits For A Three Year Term of Service To Be Effective January 1, 2015, With Two (2) Options To Extend The Term of Service, Each Time For Up To One (1) Additional Year, For A Maximum Possible Term of Service of Five (5) Years total, For the Human Resources Department (Purchasing Office Procurement Solicitation No. 2015-008B; Contract No. 2014-0246 (09/23/14 WS))

Sponsors: Shirley Harmon

Attachments: [Unum Contract](#)
[18 b unum.pdf](#)

This Contract/Agreement was approved.

- 19 [14-488](#) Consideration of Event Permit for Franklin cowboys Homecoming Parade on October 17th at 6 p.m. in Downtown Franklin (09/23/14 WS)

Sponsors: Deb Faulkner

Attachments: [Cowboys Parade Permit](#)

This Event Permit was approved.

- 20 [14-489](#) Consideration of Landscape Agreement with First Bank (COF Contract 2014-0233; 09/23/14 WS).

Sponsors: Brad Wilson

Attachments: [First Bank Landscape Agreement](#)

This Contract/Agreement was approved.

- 21 [14-444](#) Consideration Of A Request For Water Availability Approval For 305 General NB Forrest Dr (Map 270, Group B, Parcel 14)

Sponsors: David Parker

Attachments: [Battlewood Estates - 305 General NB Forrest Dr - Water Request](#)

This Contract/Agreement was approved.

- 22 [14-445](#) Consideration Of A Request For Water Availability Approval For 318 Jeb Stuart Dr (Map 270, Group B, Parcel 9.03)

Sponsors: David Parker

Attachments: [Battlewood Estates - 318 Jeb Stuart Dr - Water Request.doc](#)

This Contract/Agreement was approved.

- 23 [14-446](#) Consideration Of A Request For Water Availability Approval For 338 Jeb Stuart Dr (Map 270, Group B, Parcel 12)

Sponsors: David Parker

Attachments: [Battlewood Estates - 338 Jeb Stuart Dr - Water Request.doc](#)

This Contract/Agreement was approved.

- 24 [14-447](#) Consideration Of A Request For Water Availability Approval For A Parcel On General JB Hood Dr (Map 270, Group A, Parcel 13)

Sponsors: David Parker

Attachments: [Battlewood Estates - property on General JB Hood Dr - Water Request.doc](#)

This Contract/Agreement was approved.

- 25 [14-448](#) Consideration Of Purchase Of Right-Of-Way And Easements For Carothers Parkway (Gap Section) From Ladd Park

Sponsors: David Parker

Attachments: [CAROTHERS GAP ROW AND EASEMENT PURCHASE](#)

This Contract/Agreement was approved.

- 26 [14-449](#) Consideration Of Amendment No. 1 COF Contract No. 2014-0118 With Cannon & Cannon, Inc. For The Murfeesboro Road (Sr96) Sidewalk Project For An Amount Not To Exceed \$9,600

Sponsors: David Parker

Attachments: [COF 2014-0118 96ESidewalk - Amendment 1](#)
[COF 2014-0118 96ESidewalk - Amendment 1 Exhibit A](#)

This Contract/Agreement was approved.

- 27 [14-450](#) Consideration Of A Professional Services Agreement (COF Contract No. 2014-0209) With EG&G (A Division Of Ct Consultants, Inc) For The Preparation Of Final Plans And Specifications For The Franklin Road Corridor Improvements Project, From The Harpeth River Bridge To Harpeth Industrial Court, For An Amount Not To Exceed \$136,400.00

Sponsors: David Parker

Attachments: [COF 2014-0209 Franklin Road Corridor Final Design-PSA 09-24-14](#)
[COF 2014-0209 Franklin Road Corridor Proposal - EXHIBIT A 09-24-14](#)

This Contract/Agreement was approved.

- 28 [14-451](#) Consideration Of A Professional Services Agreement (COF Contract 2014-0248) With Gresham Smith And Partners For Right Of Way Plan Revisions Associated With The Franklin Road Project, From 1700 Feet South Of Moores Lane (SR 441) To Concord Road (SR 253), For A Lump Sum Fee OF \$7,000
- Sponsors:** David Parker
- Attachments:** [COF 2014-0248 Franklin Road Plan Revision Scope Exhibit A](#)
[08b COF 2014-0248 GSP PSA Franklin Road Plan Revision.pdf](#)
- This Contract/Agreement was approved.**
- 29 [14-454](#) Consideration Of Resolution 2014-70, A Resolution Declaring Certain Right-Of-Way Located Between Lot 9 And Lot 10 As Shown On The Heath Place At Franklin Section 1, Phase 2 Plat As Surplus
- Sponsors:** David Parker
- Attachments:** [Res 2014-70 Excess ROW Heath Place RES](#)
[Res 2014-70 Excess ROW Heath Place Exhibit A](#)
- This Contract/Agreement was approved.**
- 30 [14-455](#) Consideration Of A Request For Water Availability Approval For 208 General JB Hood Dr. (Map 270, Group B, Parcel 9.0)
- Sponsors:** David Parker
- Attachments:** [Battlewood Estates - 208 General JB Hood Dr - Water Request](#)
- This Contract/Agreement was approved.**
- 31 [14-525](#) Acknowledge Report of approval of end user license agreement with spikes Cavell analytic Inc. of Herndon, Virginia for spend analysis services to be purchased through Insight Public Sector of Tempe, Arizona in the total amount of \$14,039.72 for a twelve-month subscription for the Purchasing Office (\$20,000 budgeted in 110-82510-41340 for fiscal year 2015; COF Contract No. 2014-0229.
- Sponsors:** Russ Truell
- Attachments:** [2014-0229 Spikes Cavell EULA for CoF, signed for SC and CoF.pdf](#)
- *Acknowledge report of approval of end user license agreement with Spikes Cavell Analytic Inc. of Herndon, Virginia for spend analysis services to be purchased through Insight Public Sector of Tempe, Arizona in the total amount of \$14,039.72 for a twelve-month subscription for the Purchasing Office (\$20,000 budgeted in 110-82510-41340 for fiscal year 2015; Contract No. 2014-0229).* Russ Truell, ACA for Finance and Administration
- A motion was made by Alderman Burger, seconded by Alderman Bransford, that this Contract/Agreement be approved. The motion carried by a unanimous vote.**

Executive Session

No Executive Session was held.

- 32** [14-511](#) Consideration of Motion To Enter Executive session For Purpose of Reviewing Various Matters of Pending Litigation

Sponsors: Shauna Billingsley

RETURN FROM EXECUTIVE SESSION

- 33** [14-512](#) Consideration of Matters from Executive Session

Sponsors: Ken Moore

Scheduled Meetings and Events

Other Business

Adjourn

Alderman Barnhill moved to adjourn. Seconded by Alderman Skinner. Motion carried unanimously 7-0.

Meeting adjourned @ 7:43 p.m.

This was approved