
**MINUTES OF THE REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, AUGUST 14, 2018 – 7:00 P.M.**

Board Members

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

Department Directors/Staff

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

CALL TO ORDER

Mayor Ken Moore called the August 14, 2018 BOMA meeting to order at 7:15 p.m.

INVOCATION

The invocation was given by Alderman Clyde Barnhill.

PLEDGE OF ALLEGIANCE

Mayor 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 later. 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

Not present

APPROVAL OF MINUTES

- 1. 18-0644** *Alderman Petersen moved to approve the June 26, 2018 Work Session and Board of Mayor and Aldermen minutes and the July 10, 2018 Work Session and Board of Mayor and Aldermen minutes. Seconded by Alderman Burger. Motion carried unanimously.*

RECOGNITIONS

None

MISCELLANEOUS REPORTS

Ribbon cutting for the new sidewalk on Highway 96-E is Friday, August 17. As a tie in to Franklin Tomorrow’s Get Fit Franklin, there will be a Walk with the Mayor from Church of the City to Pinkerton Park.

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 17-23 be placed on the Consent Agenda.

- 2. 18-0646 **Consideration of Items 17-23 on the Consent Agenda**
Vice Mayor Martin moved to approve Consent Agenda Items 17-23 except for Item 21. Seconded by Alderman Burger. Motion carried unanimously.

OLD BUSINESS

- 3. 18-0561 **PUBLIC HEARING: Consideration of ORDINANCE 2018-34, To Be Entitled: “An Ordinance Authorizing Certain Incentives be Provided to the Franklin Housing Authority in Support of Developing a 48-Unit Multi-Family Senior Housing Complex on Chickasaw Place.”**

[SECOND OF THREE READINGS]

Eric Stuckey, City Administrator
Vernon Gerth, Assistant City Administrator

Public Hearing

- Derwin Jackson, 200 Spring Street, Franklin: This development is for senior citizens. Funding: Low Income Housing Tax Credits, \$150,000 in future Community Development Block Grant funding, new PILOT agreement for payment in lieu of taxes of \$50 per unit totaling \$2,400 annually. The Housing Authority appreciates everything the City has already done and asks for assistance with the \$2 million gap in funding.
- Ron Crutcher, 1324 Adams Street, Franklin: It is time to put tax money into affordable housing and this is a good place to start with housing for people who have made Franklin what it is. He appreciates the new leaning toward affordable housing.

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

Alderman Bransford moved to approve Ordinance 2018-34 with an amendment to delete paragraphs numbered 3 and 4 as they relate to appropriating funds to offset the road and parkland impact fees, and request the Board/City staff work with the Housing Commission to draft a policy for consideration for entities that leverage federal tax credits and grants who develop affordable housing. Seconded by Alderman Blanton.

Discussion:

- This approves the PILOT and CDBG funds, with no decision on amounts from the General Fund.

- Alderman Barnhill said he was not comfortable tying the two together. The Housing Authority looked for certain concessions, and now you're adding the Franklin Housing Commission to develop a policy for General Fund fees. A vote against the amendment, is a vote against the ordinance. The motion included the amendment instead of making a motion to approve the ordinance then a motion to amend.
- Alderman Burger: The two paragraphs were pulled to establish a policy because other entities may come forward as other sources of revenue. Vote on the motion as stated since this item needs to move forward.
- Mayor Moore understood the policy would come back another time

Alderman Burger called the question and it was seconded by Vice Mayor Martin. Motion failed by a vote of 3 in favor and 5 against (Aldermen Petersen, Blanton, McLendon, and Barnhill). Discussion continued.

- Alderman Bransford: Have the Housing Commission come up with an incentive program to present to BOMA.
- Alderman Petersen: The Mayor appoints the Housing Authority and the Housing Commission. Taxpayer money comes out of the General Fund.
- Discussion continued back and forth.

Motion to approve Ordinance 2018-34 with the amendment to delete paragraphs numbered 3 and 4 as they relate to appropriating funds to offset the road and parkland impact fees, and request the Board/City staff work with the Housing Commission to draft an incentive program for consideration for entities that leverage federal tax credits and grants who develop affordable housing carried 6-2 with Aldermen Petersen and Blanton voting no on Second of Three Readings.

NEW BUSINESS

4. 18-0599 **Consideration of COF Contract No. 2018-0087, An Agreement with The Jones Company of Tennessee, LLC for Reimbursement of Cost in the Amount of \$11,640.00 for Sanitary Sewer Collection System Improvements in the area of Ladd Park between Sections 32-34 and Section 37.**

**Mark Hilty, Assistant City Recorder/Public Works
Michelle Hatcher, Water Management Director**

Vice Mayor Martin moved to approve Contract No. 2018-0087. Seconded by Alderman McLendon. Motion carried unanimously.

5. 18-0608 **Consideration of Professional Services Agreement (COF Contract No. 2018-0143) with CDM Smith, Incorporated for Construction Administration and Inspection Services for the Water Reclamation Facility Upgrades Project in the Amount of \$11,677,396.00.**

Michelle Hatcher, Water Management Director

Alderman McLendon moved to approve Contract No. 2018-0143. Seconded by Alderman Burger.

Alderman Speedy asked if this oversight cost is comparable to oversight on other projects. Mr. Stuckey advised the cost is under 9% and in a range one would expect with this extensive project. Using Best Practice for the industry and it is for three years.

Motion to approve Contract No. 2018-0143 carried unanimously.

6. 18-0769 **Consideration of RESOLUTION 2018-61 Entitled, A Resolution to Establish a Grace Period for Mobile Food Vendors to Operate Temporarily Through December 31, 2018 or Until the City of Franklin Board of Mayor and Aldermen Have Adopted a Comprehensive Mobile Food Vending Ordinance, Whichever Occurs First.**

Eric Stuckey, City Administrator

Vernon Gerth, Assistant City Administrator

Alderman Burger moved to approve Resolution 2018-61. Seconded by Alderman Blanton. Motion carries unanimously.

7. 18-0562 **Consideration of ORDINANCE 2018-29 to be entitled: An Ordinance to Amend Title 9, Chapter 2, Section 9-201(2) of the City of Franklin Municipal Code as it Pertains to Itinerant Merchants and the Removal of Vehicles, Trailers, Kiosks, Stands, Tables, Signage, Furniture, and Related Ancillary Equipment when Not Open for Business.**

(First of Two Readings)

Eric Stuckey, City Administrator

Vernon Gerth, Assistant City Administrator

Alderman Blanton moved to approve Ordinance 2018-29. Seconded by Alderman Bransford. Motion carried unanimously on First of Two Readings.

8. 18-0690 **Consideration of Contract No. 2018-0100 Riverbluff Homeowners Association/City of Franklin Easement Access Agreement.**

Eric Stuckey, City Administrator

Vernon Gerth, Assistant City Administrator

Alderman Speedy moved to approve Contract No. 2018-0100. Seconded by Alderman Petersen. Motion carried unanimously.

9. 18-0676 **Consideration of ORDINANCE 2018-31, An Ordinance to Reappoint Deana Hood as City Judge for the City Court of Franklin, Tennessee.**

(First of Two Readings)

Shauna Billingsley, City Attorney

Alderman Burger moved to approve Ordinance 2018-31. Seconded by Alderman McLendon. Motion carried unanimously on First of Two Readings.

10. 18-0772 **Consideration of ORDINANCE 2018-37, An Ordinance to Amend Title 16, Chapter 14, and Appendix A of the City of Franklin's Municipal Code as it Pertains to Small Wireless Facilities in the Public Right-of-Way.**

(First of Two Readings)

Shauna Billingsley, City Attorney

Misty Foy, Assistant City Attorney

Paul Holzen, Director of Engineering

Alderman Burger moved to approve Ordinance 2018-37. Seconded by Alderman McLendon with an amendment.

Alderman McLendon moved to amend Ordinance 2018-17 to exclude micro cells. Seconded by Alderman Barnhill. Motion carried unanimously.

Motion to approve Ordinance 2018-37 as amended carried unanimously on First of Two Readings.

11. 18-0774 **Consideration of a Professional Services Agreement (COF Contract No. 2018-0162) with Windrow Phillips Group, to provide Lobbying and Advisory Services on Behalf of the City of Franklin.**
Shauna Billingsley, City Attorney
Vice Mayor Martin moved to approve Contract No 2018-0162) Seconded by Alderman Bransford. Motion carried unanimously.
12. 18-0784 **Consideration of RESOLUTION 2018-62 to Adopt the Amended and Restated Pension Plan Effective January 1, 2018, and to Adopt the First Amendment to the Amended and Restated Pension Plan Effective January 1, 2018.**
Eric Stuckey, City Administrator
Kristine Tallent, Assistant City Administrator/CFO
Kevin Townsel, HR Director
Alderman Barnhill moved to approve Resolution 2018-62. Seconded by Alderman Speedy. Motion carried unanimously.
13. 18-0721 **Consideration of Liquor License Issuance for an Existing Store Known as Carothers Wine and Spirits (Bacolet Investment Corp.); Ruby Richmond (Managing Agent), 103 International Drive, Franklin, Tennessee 37067.**
Lanaii Benne, Assistant City Recorder
Alderman Blanton moved to approve Liquor License Issuance. Seconded by Alderman Burger. Motion carried unanimously.
14. 18-0147 **Consideration of Liquor License for HolBev, LLC, d/b/a Holiday Cigars & Spirits (Alpa Patel, Managing Agent), 108 North Royal Oaks Boulevard, Franklin, Tennessee 37067.**
Lanaii Benne, Assistant City Recorder
Alderman Blanton moved to defer this item to September 11, 2018 meeting. Seconded by Alderman Burger. Motion carried unanimously.
15. 18-0780 **The Stanard & Associates, Inc. Contract for Police Department Promotional Testing (Contract No. 2018-0166).**
Kevin Townsel, HR Director
Alderman Bransford moved to approve Contract No. 2018-0166. Seconded by Alderman Blanton. Motion carried unanimously.
16. 18-0736 **Consideration of Appointments to the Development Services Advisory Commission: Matt Bryant, Danny Anderson, Dwight Kiser, Ryan McMaster, Scot Dever, Kate Holliday, Bridget Parkes, Alan Thompson, Nick Biniker, BOMA Representative Alderman Scott Speedy, and City Administrator appointment Michael Walters Young.**
Dr. Ken Moore, Mayor
Alderman Bransford moved to approve the above-named persons to the Development Services Advisory Commission. Seconded by Alderman Burger. Motion carried unanimously.

The newly appointed members were present and were recognized by Mayor Moore.

CONSENT AGENDA

17. 18-0659 **Consideration of Contract No. 2018-0146 with Thomson Reuters for Westlaw Online Legal Research Subscription (Contract No. 2018-0146).**
Shauna Billingsley, City Attorney
Approved unanimously
18. 18-0591 **Consideration of Event Permit for Franklin Classic 5K/10K benefitting Mercy Community Healthcare in Downtown on September 3, 2018.**
Deb Faulkner, Police Chief
Approved unanimously
19. 18-0726 **Consideration of ORDINANCE 2018-28, To Be Entitled: "An Ordinance to Rezone 2.17 Acres from Estate Residential (ER) District to Residential-3 (R-3) District for the Property Located North of New Highway 96 and South of Del Rio Pike at 1044 Carlisle Lane." Establishing a Public Hearing Date of September 11, 2018.**
(First of Three Readings) Emily Hunter, Planning/Sustainability Director
Ordinance 2018-28 approved unanimously on First of Three Readings.
20. 18-0684 **Consideration of ORDINANCE 2018-30, To Be Entitled: "An Ordinance to Rezone 49.10 Acres from Estate Residential (ER) District to Civic-Institutional (CI) District for the Property Located East of Hillsboro Road and South of the Harpeth River, 1215 Hillsboro Road (Christ Community Church PUD Subdivision)." Establishing a Public Hearing Date of September 11, 2018.**
Franklin Municipal Planning Commission
(First of Three Readings) Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Planning Supervisor
Josh King, Senior Planner
Ordinance 2018-30 approved unanimously on First of Three readings.
21. 18-0752 **Consideration of ORDINANCE 2018-33, To Be Entitled: "An Ordinance to Zone 419 Murfreesboro Road into the Historic Preservation Overlay (HPO) District, consisting of 1.08 Acres and Located at 419 Murfreesboro Road." Establishing a Public Hearing Date of September 11, 2018.**
(First of Three Readings) Emily Hunter, Planning/Sustainability Director
Vice Mayor Martin moved to accept withdrawal of this item as requested by the applicant. Seconded by Alderman Blanton. Motion carried unanimously.
22. 18-0750 **Consideration of Amendment No. 2 to the Professional Services Agreement (COF Contract No. 2017-0007) with Barge Design Solutions, Inc. for the Design of Intersection Improvements at East McEwen Drive and Cool Springs Boulevard for a Cost Increase Not-to-Exceed \$52,300.00.**
Paul Holzen, Director of Engineering
Jonathan Marston, Assistant Director of Engineering
Approved unanimously.
23. 18-0775 **Consideration of a Professional Services Agreement (COF Contract No. 2018-0169) with Civil & Environmental Consultants, Inc. for the Municipal Services Complex Improvements in an Amount Not-to-Exceed \$85,500.00.**

Paul Holzen, Director of Engineering
Jonathan Marston, Assistant Director of Engineering

Approved unanimously

RECEIPT OF REPORTS AND ITEMS APPROVED ON BEHALF OF THE BOARD

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| 24. | 18-0600 | Professional Services Contract with Civil and Environmental Consultants, Inc. for Surveying, Phase 1, Parking Count and Utility Inverts located at 109 3rd Avenue South Contract for Services \$15,300.00 (COF Contract No. 2018-0040).
Brad Wilson, Facilities Project Manager |
| 25. | 18-0692 | The City's Use of Temporary Staffing Agency Express Employment Professionals, COF Contract No. 2018-0058.
Kevin Townsel, HR Director |
| 26. | 18-0695 | Report of Memorandum of Understanding (MOU) between the 21st Judicial Drug Task Force and The City of Franklin Police Department. Contract No. 2018-0147
Deb Faulkner, Police Chief |
| 27. | 18-0696 | Quit Claim Deed (COF Contract 2017-0042) for Right-of-Way Dedication from First Farmers and Merchants Bank (Map 117A, Parcel 00400).
Paul Holzen, Director of Engineering |
| 28. | 18-0697 | Professional Services Agreement (COF Contract No. 2017-0046) with Boozer and Company, P.C. for the Franklin Road Improvements EPA Appraisal in the Amount of \$3,500.00.
Paul Holzen, Director of Engineering |
| 29. | 18-0698 | Professional Services Agreement (COF Contract No. 2017-0047) with John M. Hahn, Jr. for the Franklin Road Improvements EPA Appraisal in the Amount of \$3,500.00.
Paul Holzen, Director of Engineering |
| 30. | 18-0700 | Professional Services Agreement (COF Contract No. 2017-0074) with Huner Consulting, LLC, for the Municipal Services Complex Pavement Rehabilitation Plan for an Amount Not to Exceed \$24,000.00.
Paul Holzen, Director of Engineering |
| 31. | 18-0702 | Agreement (COF Contract No. 2017-0092 and 2017-0096) for Dedication of Public Drainage and Access Easement and Agreement (COF Contract No. 2017-0114) for Dedication of Riparian Buffer Conservation Easement for the Jordan Branch Stream Restoration Project.
Paul Holzen, Director of Engineering |
| 32. | 18-0704 | Public Utility and Drainage Easement Abandonment Agreement (COF Contract 2017-0352 and COF 2017-0353) with SS McEwen, LLC.
Paul Holzen, Director of Engineering |
| 33. | 18-0705 | Agreement for Dedication of Easement Agreement (COF Contract 2017-0143 and COF 2017-0144) with First Presbyterian Church at Franklin, Inc.
Paul Holzen, Director of Engineering |
| 34. | 18-0706 | Agreement for Dedication of Easement (COF Contract 2017-0070 and 2017-0071) with Crescent Lockwood MF, LLC.
Paul Holzen, Director of Engineering |

35. 18-0707 **Quit Claim Deed (COF Contract No. 2017-0105) for Dedication of Right-of-Way with John Roderick Heller, III and Kay Culbreath Heller for the Carnton Lane Bridge Replacement Project.**
Paul Holzen, Director of Engineering
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36. 18-0708 **Professional Services Agreement (COF 2017-0107) with Barge Waggoner Sumner & Cannon, Inc. for the Phase 1 – Franklin Eastside Park Development Traffic Counts and Phase 1 ESA in the Amount of \$9,700.00.**
Paul Holzen, Director of Engineering
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37. 18-0709 **Professional Services Agreement (COF Contract 2017-0129) with Mainstream Commercial Divers, Inc. for the Robinson Lake Hydrographic Soundings Project for an Amount Not-to-Exceed \$5,300.00**
Paul Holzen, Director of Engineering
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38. 18-0710 **Professional Services Agreement (COF Contract 2018-0015) with Geotek Engineering Company, Inc. for the Chestnut Bend Geotechnical Investigation of Settlement Areas for an Amount Not-to-Exceed \$17,500.**
Paul Holzen, Director of Engineering
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39. 18-0711 **Professional Services Agreement (COF Contract 2017-0375) with Stantec Consulting Services, Inc. for the Third-Party Review for Wetlands Delineation and Hydrologic Determinations, Cheekwood Golf Course in the Amount of \$4,000.00**
Paul Holzen, Director of Engineering
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40. 18-0712 **Professional Services Agreement (COF Contract 2017-0262) with K. S. Ware and Associates, LLC, for Asbestos and Regulated Material Survey for the Mack Hatcher Parkway (SR-397) Northwest Extension Project in the Amount of \$5,800.00.**
Paul Holzen, Director of Engineering
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41. 18-0713 **Professional Services Agreement (COF Contract 2017-0246) with Alfred Benesh & Company for the FY 2018 Transportation Alternatives Program (TAP) Grant Application Project in the Amount of \$4,794.00.**
Paul Holzen, Director of Engineering
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42. 18-0714 **Professional Services Agreement (COF Contract 2017-0218) with Kimley-Horn and Associates, Inc. for the 2017 Congestion Mitigation and Air Quality (CMAQ) Grant Application Project in the Amount of \$4,500.00.**
Paul Holzen, Director of Engineering
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43. 18-0715 **Professional Services Agreement (COF Contract 2017-0201) with Stantec Consulting Services, Inc. for the 2016 Macroinvertebrate Stream Survey Sample Sorting and Analysis, Data Reduction and Report in the Amount of \$7,520.00.**
Paul Holzen, Director of Engineering
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44. 18-0716 **Irrigation Repair Agreement (COF Contract 2017-0193) with the Carlisle Homeowners Association, Inc. as part of the SR-96 West Trail Project in the Amount of \$3,500.00.**
Paul Holzen, Director of Engineering
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45. 18-0717 **Warranty Deed (COF Contract No. 2017-0138) from George Dwight Lynch and Mary Delores Lynch for the Offsite Improvements associated with the Harpeth Square Development Project.**
Paul Holzen, Director of Engineering
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46. 18-0718 **Professional Services Agreement (COF Contract 2017-0134) with Fulmer Engineering, LLC, for the Flood Plain Cut and Fill Evaluation for City Property Known as Map 063 Parcel 02101 in the Amount Not-to-Exceed \$5,000.00.**

Paul Holzen, Director of Engineering

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47. 18-0719 **Professional Services Agreement (COF Contract 2017-0130) with CDM Smith, Inc. for the Robinson Lake Dam Assessment in the Amount of \$5,000.00.**

Paul Holzen, Director of Engineering

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48. 18-0732 **COF Contract No. 2018-0021 Rental Agreement with Southern Events Party Rental Company.**

Rocky Garzarek, Fire Chief

Cyndi Wright, Administrative Assistant

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49. 18-0766 **Agreements for Dedication of Easement (COF Contract Nos. 2016-0195, 2016-0196, 2016-0199, 2016-0200, 2016-0204, 2016-0206, 2016-0207, 2016-0208, 2016-0209, 2016-0210, 2016-0211, 2016-0212, 2016-0213, 2016-0214, 2016-0215, 2016-0216, 2016-0217, 2016-0219, 2016-0220, 2016-0223, 2018-0055) for the Bobby Drive Water Line Improvements Project.**

Michelle Hatcher, Water Management Director

Patricia McNeese, Utilities Project Manager

Acknowledge receipt of Items 24-49.

THERE WAS NO EXECUTIVE SESSION

EXECUTIVE SESSION

50. 18-0648 **Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matter of Pending Litigation.**

Shauna Billingsley, City Attorney

RETURN FROM EXECUTIVE SESSION

51. 18-0650 **Consideration of Matters from Executive Session**

Dr. Ken Moore, Mayor

ADJOURN

Alderman Bransford moved to adjourn. Seconded by Alderman Burger. Motion carried unanimously.

Meeting adjourned @ 7:58 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office-9/17/2018 10:23 AM