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**MINUTES OF THE SPECIAL MEETING  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, APRIL 24, 2018 – 7:00 P.M.**

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**Board Members**

Mayor Ken Moore	P		
Vice Mayor Margaret Martin	P	Alderman Beverly Burger	P
Alderman Clyde Barnhill	P	Alderman Dana McLendon	A
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, Engineering Director	P
Shauna Billingsley, City Attorney	P	Emily Hunter, Planning & Sustainability Director	
Deb Faulkner, Police Chief		Kevin Townsel, Human Resources Director	
Rocky Garzarek, Fire Chief		Joe York, Streets Director	
Jordon Shaw, 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 April 24, 2018, meeting to order at 7:00 p.m.

**INVOCATION**

Alderman Barnhill delivered the invocation.

**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 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 FROM WILLIAMSON COUNTY MAYOR AND WILLIAMSON COUNTY COMMISSION**

No one present

**APPROVAL OF MINUTES**

1. **18-0235** Alderman Petersen moved to approve the April 10, 2018 Work Session and Board of Mayor and Aldermen minutes as presented. Seconded by Vice Mayor Martin. Motion carried unanimously 7-0.

**RECOGNITIONS**

None

**MISCELLANEOUS REPORTS**

- Alderman Blanton: Main Street Festival in Downtown Franklin Saturday, April 29 @ 10:00 a.m. and Sunday, April 29 @ 11:00 a.m.
- Eric Stuckey gave a rundown of City meetings through May 8, 2018.

## **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 18-28 be placed on the Consent Agenda.

### **2. 18-0236 Consideration of Items 18-28 on the Consent Agenda**

*Alderman Bransford removed Item 25 for review and moved to approve Consent Agenda Items 18-24 & 26-28. Seconded by Alderman Speedy. Motion carried unanimously 7-0.*

## **NEW BUSINESS**

### **3. 17-0972 Consideration of ORDINANCE 2016-25, "An Ordinance to Amend the City of Franklin Municipal Code to Create a New Title 25, Parks, and to Add a New Chapter 4 to Establish Requirements for Parkland Impact Fees and Parkland Dedication, and Amend Appendix A, Comprehensive Fees and Penalties to Add a New Chapter 25, Parks, to Establish Fees for Parkland Impact Fees and Parkland Dedications."**

**Eric Stuckey, City Administrator**

**[FIRST OF TWO READINGS]**

**Vernon Gerth, Assistant City Administrator**

**Lisa Clayton, Parks Director**

*Alderman Burger moved to defer this item to May 8, 2018. Seconded by Alderman Bransford. Motion carried unanimously 7-0.*

### **4. 17-0973 Consideration of ORDINANCE 2016-36, To Be Entitled: "An Ordinance to Amend Chapter 5 of the Zoning Ordinance of the City of Franklin, Tennessee to Amend Subsections 5.5.4 Pertaining to the Requirements for the Dedication of Land for Parks and Greenways/Blueways." Establishing a Public Hearing of May 22, 2018**

**Alderman Ann Petersen**

**[FIRST OF THREE READINGS]**

**James Svoboda, Assistant Director Planning**

*Alderman Barnhill moved to defer this item to May 8, 2018. Seconded by Vice Mayor Martin. Motion carried unanimously 7-0.*

### **5. 18-0282 Consideration of Event Permit for Derby Day Party at the Park at Harlinsdale Farm sponsored by the Downtown Franklin Rotary Club on May 5, 2018.**

**Lisa Clayton, Parks Director**

*Alderman Barnhill moved to approve Event Permit. Seconded by Alderman Petersen. Motion carried unanimously 7-0.*

### **6. 18-0387 Consideration of Long Term Special Event Permit for the Pilgrimage Music and Cultural Festival at the Park at Harlinsdale Farm.**

**Lisa Clayton, Parks Director**

*Alderman Burger moved to approve Long Term Special Event Permit for Pilgrimage Music and Cultural Festival. Seconded by Alderman Barnhill. Motion carried unanimously 7-0.*

### **7. 18-0291 Consideration of RESOLUTION 2018-20 to Award the FY 2019 On-Call Annual Contract for Pavement Preservation (COF Contract No. 2018-0036 to Jarrett Builders, Inc.**

**Paul Holzen, Engineering Director**

*Alderman Blanton moved to approve Resolution 2018-20. Seconded by Alderman Bransford. Motion carried unanimously 7-0.*

### **8. 18-0300 Consideration of Certificate of Compliance RENEWAL for Wine in Grocery Store for Kroger #526 located at 2020 Mallory Lane, Franklin, TN 37067 (Jonathan David Poirier, Managing**

**Agent; Christine S. Wheatley [President & Secretary] and Carin Fike [Vice President & Treasurer], Executive Officers).**

**Lanaii Benne, Assistant City Recorder**

*Alderman Burger moved to approve Renewal for Wine in Grocery Stores for Kroger #526. Seconded by Alderman Blanton. Motion carried unanimously 7-0.*

9. 18-0301 **Consideration of Certificate of Compliance RENEWAL for Wine in Grocery Store for Kroger #568 located at 411 Whitman Road, Franklin, TN 37064 (Kevin M. Wright, Managing Agent; Christine S. Wheatley [President & Secretary] and Carin Fike [Vice President & Treasurer], Executive Officers).**

**Lanaii Benne, Assistant City Recorder**

*Alderman Barnhill moved to approve Renewal for Wine in Grocery Store for Kroger #568. Seconded by Alderman Speedy. Motion carried unanimously 7-0.*

10. 18-0302 **Consideration of Certificate of Compliance RENEWAL for Wine in Grocery Store for Kroger #570 located at 3054 Columbia Avenue, Franklin, TN 37064 (Managing Agent Holly M. Wadel; Christine S. Wheatley [President & Secretary] and Carin Fike [Vice President & Treasurer], Executive Officers).**

**Lanaii Benne, Assistant City Recorder**

*Alderman Bransford moved to approve Renewal for Wine in Grocery Store for Kroger #570. Seconded by Alderman Blanton. Motion carried unanimously 7-0.*

11. 18-0303 **Consideration of Certificate of Compliance RENEWAL for Wine in Grocery Store for Kroger #576 located at 595 Hillsboro Road, Franklin, TN 37064, (Paul R. Payton, Managing Agents; Christine S. Wheatley [President & Secretary] and Carin Fike [Vice President & Treasurer], Executive Officers).**

**Lanaii Benne, Assistant City Recorder**

*Alderman Bransford moved to approve Renewal of Wine in Grocery Store for Kroger #576. Seconded by Alderman Burger. Motion carried unanimously 7-0.*

12. 18-0304 **Consideration of Certificate of Compliance RENEWAL for Wine in Grocery Store for Kroger #592 located at 1203 Murfreesboro Road, Franklin, TN 37067 (Donnie P. Cranford, Managing Agents; Christine S. Wheatley [President & Secretary] and Carin Fike [Vice President & Treasurer], Executive Officers).**

**Lanaii Benne, Assistant City Recorder**

*Alderman Blanton moved to approve Renewal of Wine in Grocery Store for Kroger #592. Seconded by Vice Mayor Martin. Motion carried unanimously 7-0.*

13. 18-0343 **Consideration of RESOLUTION 2018-28 Authorizing and Directing the Industrial Development Board of the City of Franklin to Prepay a Portion of its Taxable Rate Tax Increment Revenue Refunding Bonds, Series 2015A (Variable Rate).**

**Eric Stuckey, City Administrator**

**Kristine Tallent, ACA/CFO**

*Alderman Burger moved to approve Resolution 2018-28. Seconded by Alderman Petersen. Motion carried unanimously 7-0.*

14. 18-0346 **Consideration of Request to Deny Sanitary Sewer Availability to 841 Old Charlotte Pike East.**

**Michelle Hatcher, Water Management Director**

*Alderman Bransford moved to Deny Sanitary Sewer Availability to 841 Old Charlotte Pike East. Seconded by Alderman Petersen. Motion carried unanimously 7-0.*

15. 18-0348 **Consideration of Request to Deny Sanitary Sewer Availability to 4176 and 4184 Columbia Pike.**

**Michelle Hatcher, Water Management Director**

*Alderman Blanton moved to Deny Sanitary Sewer Availability to 4176 and 4184 Columbia Pike. Seconded by Alderman Petersen. Motion carried unanimously 7-0.*

16. 18-0350 **Consideration of Amendment No. 2 to the Professional Services Agreement (COF Contract No. 2015-0052) with Sullivan Engineering, Inc. for the Final Design of the East McEwen Drive Phase 4 Improvements in an Amount Not-to-Exceed \$255,500.00.**

**Paul Holzen, Engineering Director**

*Alderman Burger moved to approve Amendment 2, COF Contract 2015-0052. Seconded by Alderman Bransford. Motion carried unanimously 7-0.*

17. 18-0330 **Consideration of Mayor's Appointment of Andy Shapiro to the Building and Street Standards Board of Appeals.**

**Dr. Ken Moore, Mayor**

*Vice Mayor Martin moved to approve appointment of Andy Shapiro to the Building and Street Standards Board of Appeals. Seconded by Alderman Barnhill. Motion carried unanimously 7-0.*

#### **CONSENT AGENDA**

18. 18-0131 **Consideration of ORDINANCE 2018-03, To BE Entitled: "An Ordinance to Rezone 22.37 Acres from Specific Development Variety (SD-X 0/34,500) District to Specific Development Variety (SD-X 0/60,820) District for the Property Located South of Moores Lane and East of Franklin Road (Near 554 and 562 Franklin Road) (Family Legacy PUD Subdivision, Revision 1).**

**Alderman Ann Petersen, FMPC Representative  
Franklin Municipal Planning Commission**

**[THIRD AND FINAL READING]**

**Emily Hunter, Planning/Sustainability Director  
Amy Diaz-Barriga, Current Planning Supervisor  
Josh King, Principal Planner**

*Ordinance 2018-03 approved unanimously 7-0 on Third and Final Reading.*

19. 16-0835 **Consideration of ORDINANCE 2016-42, "An Ordinance to Amend Title 17-Refuse and Trash Disposal of the Franklin Municipal Code for the Purpose of Providing for Various Clarifications and Other General Housekeeping, and Appendix A-Comprehensive Fees and Penalties to be Consistent with the Amendments to Title 17."**

**[SECOND AND FINAL READING]**

**Mark Hilty, ACA Public Works  
Jack Tucker, SES Director**

*Ordinance 2016-42 approved unanimously 7-0 on Second and Final Reading.*

20. 18-0215 **Consideration of RESOLUTION 2018-18, A Resolution to Revise the Organizational Chart within the Law Department.**

**Shauna Billingsley, City Attorney**

*Resolution 2016-42 approved unanimously 7-0.*

21. 18-0278 **Consideration of Event Permit for Mellow Mushroom Live on the Square Concert Series May-September 2018 in Downtown Franklin.**

**Deb Faulkner, Police Chief**

*Approved unanimously 7-0*

22. 18-0279 **Consideration of Event Permit for the Franklin Hot Air Balloon Festival in Westhaven on May 5, 2018.**

**Deb Faulkner, Police Chief**

*Approved unanimously 7-0*

23. 18-0281 **Consideration of Event Permit for the Heritage Ball sponsored by the Heritage Foundation on September 15, 2018 at Eastern Flank Battlefield Park.**

**Lisa Clayton, Parks Director**

*Approved unanimously 7-0*

24. 18-0286 **Consideration of Event Permit for the Rodeo Parade sponsored by the Franklin Noon Rotary Club on May 12, 2018 in Downtown Franklin.**

**Deb Faulkner, Police Chief**

*Approved unanimously 7-0*

25. 18-0290 **Consideration of Amendment #5 to the Professional Services Agreement (COF Contract No. 2013-0001) with CDM Smith for the Franklin Wastewater Reclamation Facility in the Amount of \$839,350.00.**

**Mark Hilty, ACA Public Works**

**Michelle Hatcher, Water Management Director**

**Patricia McNeese, Utilities Project Manager**

*Alderman Bransford moved to approve Amendment #5 to COF Contract 2013-0001 with CDM Smith. Seconded by Alderman Barnhill.*

**Discussion:**

- Alderman Bransford asked for an explanation for the public to understand why the cost keeps increasing from the \$108 million first projected.
- Eric Stuckey explained this relates to an extremely important project in our community, the upgrade and expansion of our Water Reclamation Facility. This was a critical component of the Integrated Water Resources Plan. There were many discussions with stakeholders and public meetings related to the Plan to meet the needs of our growing community to maintain and build on our stewardship environmentally, particularly the Harpeth River. Extensive modeling was done regarding the impact on the River. This project is for an upgrade of that plant to increase in capacity from 12 MGD to 16 MGD. It also upgrades existing facilities at that site that are aging and in need of upgrades. Also, it significantly increases and improves capability in terms of treatment technology and adding additional components to the treatment process, particularly those that help address nutrient removal, elements like phosphorous. We will add capacity that we do not have today to that plant and treatment train. We have been working on this project for several years. A project cost estimate was put out about 2+ years ago that was around \$108 million. It has about a 30+ year timeframe in terms of its operation in the community.

As we went out for bid on this project we expected higher than \$108 million, and thought it would be around \$120 M to \$125 M range given inflation incurred. We were surprised to see the bids come in the \$150 M range. We extensively reviewed the bid responses we received and met with bidders and sub-contractors to get their feedback on why pricing came in so much higher than expected. After extensive study, we recommended to reject the bids, but in conjunction with the bid rejection, do some additional redesign and updates of that plan to facilitate both cost savings and a more competitive environment related to sub-contracting areas, specifically electrical and HVAC subcontracting. Both had very limited competition and we thought that drove costs up. We wanted to make changes that might enhance that competitive environment and hopefully drive costs down. We have come forward with a number of adjustments and changes to the bid specs. Projected savings from those alterations could generate savings somewhere between \$10 M-\$15 M. That should bring forward a better value to the community and to the City for this project. Of the additional design money, \$839,000, approximately \$470,000 is directly related to needed redesign work, and the remainder is for bid related costs. From the previous bid, multiple addenda issues were cleaned up for a cost of \$140,000.

The project has long term implications for the community in terms of adding treatment capacity to support a growing community. It will give the capability to treat effectively now and well into the future, and to our commitment that we put into the river is no more than it is today. We looked at needs of the community and what can reasonably be

expected from the regulatory agencies. Our focus is on doing it right and there was enough savings on the table to justify spending additional dollars for additional design work to support an additional bid process.

- Alderman Speedy asked two questions: 1) Considering the anticipated increased cost, are we going back to the State Revolving Fund to get additional funds at that same revolving rate? 2) If the bids come in at \$135 M, do we know what this might do to the rate structure based on the projections made in the past?
- Mr. Stuckey responded 1) it is anticipated we will go back to the State Revolving Loan Fund to see if we can add on. We have a \$100 M loan that has been secured. Because of the lower interest rate provided in that loan we are saving well over \$30 M compared to if we had gone to a traditional revenue bond structure. 2) In some ways, the effect on rates remains to be seen until the numbers come in. We used very conservative estimates when we structured our rates. We've done five-year rate plans, and are in fourth year of our second five-year rate plan. For the last nine years we have structured our rates to support the debt needed for a facility like this. We have built a good amount of capacity and we are optimistic it will be able to be supported with the existing rate structure. We will continue to do smaller incremental inflationary adjustments on an annual basis.
- Mayor Moore asked Mr. Stuckey to explain all the committees and votes that have occurred prior to this being placed on the consent agenda. This is not something that we just put on the consent agenda because it was an easy place. It was because we followed our normal routine and procedures with all the committees and all the votes to get to this place. It was taken off consent for clarification for the public.
- Mr. Stuckey explained that it started a couple of months ago when we rejected bids and told why that was the recommendation at that time. We did anticipate redesign and additional work associated with that. There have been multiple public discussions on this item. It came through the Work Session two weeks ago and now this meeting. It came out of committee prior to that. He makes a judgment call for consent agenda items based discussion at work session whether the item is controversial. Mr. Stuckey apologized for putting it on the consent agenda even though it didn't seem to be a concern after all the discussions. However, he said he is always glad to explain any item that is on the consent agenda.

*Motion to approved Amendment #5 to COF Contract 2013-0001 with CDM Smith carried unanimously 7-0.*

26. 18-0292 **Consideration of Amendment No. 1 to Contract 2016-0077 with Community Housing Partnership (CHP) for Emergency Repair activity utilizing Community Development Block Grant funds.**

**Chris Bridgewater, BNS Director**  
**Kathleen Sauseda, Housing Development Coordinator**

*Approved unanimously 7-0*

27. 18-0293 **Consideration of RESOLUTION 2018-25, A Resolution Adopting an Annual Action Plan for Community Development Block Grant (CDBG) Funding (2018-2019) for the City of Franklin, Tennessee.**

**Chris Bridgewater, BNS Director**  
**Kathleen Sauseda, Housing Development Coordinator**

*Approved unanimously 7-0*

28. 18-0342 **Consideration of Amendment No. 1 to Contract 2013-0043, An Interlocal Agreement Between Williamson County, Tennessee and the city of Franklin, Tennessee for the Collection of Property Taxes.**

**Eric Stuckey, City Administrator**  
**Kristine Tallent, ACA/CFO**

*Approved unanimously 7-0*

**RECEIPT OF REPORTS AND ITEMS APPROVED ON BEHALF OF THE BOARD**

29. 18-0274 **Acknowledgement of Synchronization License Agreement with EMI Entertainment World (COF Contract 2017-0060) in the Amount of \$1,500 for the use of "Making Municipal Magic" for the 2017 State of the City.**  
*Acknowledged* Eric Stuckey, City Administrator
30. 18-0275 **Acknowledgement of Rental Agreement with The Factory at Franklin (COF Contract 2016-0014) in the Amount of \$500.00 for the 2016 State of the City.**  
*Acknowledged* Eric Stuckey, City Administrator
31. 18-0298 **Rental Agreement for The Factory at Franklin COF Contract No. 2017-0216.**  
*Acknowledged* Kevin Townsel, HR Director
32. 18-0299 **The Security Staffing Services Agreement for City Court, COF Contract No. 2018-0010.**  
Kevin Townsel, HR Director
33. 18-0310 **Rental Agreement with Factory at Franklin for FFD 2016 Award Ceremony (COF Contract No. 2016-0066).**  
*Acknowledged* Rocky Garzarek, Fire Chief
34. 18-0316 **Contract with Drury Hotel for FFD Promotional Assessment (COF Contract No. 2017-0128).**  
*Acknowledged* Rocky Garzarek, Fire Chief

**THERE WAS NO EXECUTIVE SESSION**

**ADJOURN**

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

Meeting adjourned @ 7:40 p.m.

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Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office 5/7/2018 11:41 AM