
**MINUTES OF THE REGULAR MEETING
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, MAY 8, 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	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	A	Paul Holzen, Engineering Director	
Shauna Billingsley, City Attorney	P	Emily Hunter, Planning/Sustainability Director	P
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	P
Chris Bridgewater, BNS Director		Lanaii Benne, Assistant City Recorder	P
		Linda Fulwider, Board Recording Secretary	P

CALL TO ORDER

Mayor Ken Moore called the May 8, 2018 BOMA meeting to order at 7:00 p.m.

INVOCATION

The invocation was given 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. 18-0331** Alderman Petersen moved to approve the April 24, 2018 Work Session and April 24, 2018 Board of Mayor and Aldermen minutes as presented Seconded by Alderman Burger. Motion carried unanimously 7-0.

RECOGNITIONS

2. 18-0220 **Proclamation of Children's Mental Health Awareness Day**
Paul Highfill, Tennessee Voices for Children accepted the proclamation.
3. 18-0450 **Proclamation of Jerome Bannister Day**
Deferred. Mr. Bannister was not present.

MISCELLANEOUS REPORTS

- Eric Stuckey was Chairman of the United Way Campaign this year and received the Special Events Award. The campaign goal was met!!
- Items 1 and 20 will be deferred to the June 12 BOMA meeting. Also, the sewer capacity item 23 on the consent agenda and item 34 in the On Behalf of section following the consent agenda, are duplicate items.
- Alderman Blanton mentioned that Mr. Stuckey accepted two Sizzle awards, Best Tourist Attraction (won every year), and Pinkerton Park as best park. Harlinsdale came in as 3rd best park. People nominate candidates for these "best of" awards and vote on them as well.

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 21-24 be placed on the Consent Agenda.

4. 18-0332 **Consideration of Items 21-24 on the Consent Agenda**
Alderman Burger moved to approve the Consent Agenda Items 21-24. Seconded by Vice Mayor Martin. Motion carried unanimously 7-0.

OLD BUSINESS

5. 18-0133 **PUBLIC HEARING: Consideration of ORDINANCE 2018-04, To Be Entitled: "An Ordinance to Rezone 3.95 Acres from Light Industrial District (LI) to Neighborhood Commercial (NC) District for the Property Located West of Columbia Avenue and South of Fairgrounds Street (Near 200 and 300 Downs Boulevard)."**
- Alderman Ann Petersen, FMPC Representative
Franklin Municipal Planning Commission
Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Current Planning Supervisor
Josh King, Principal Planner
- [SECOND OF THREE READINGS]
- Rezoning of property on the northside of Downs Boulevard West to Neighborhood Commercial. Staff and FMPC recommend approval.
- Public Hearing**
With no one coming forward to speak, Mayor Moore declared the Public Hearing closed
-
- Alderman Bransford moved to approve Ordinance 2018-04. Seconded by Alderman Blanton.*
- Vice Mayor Martin asked how the property will be used. Emily Hunter responded it is unknown now. A Site Plan will be submitted later. The property does back up to residential.
- Motion to approve Ordinance 2018-04 carried unanimously 7-0 on Second of Three Readings.*
6. 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**

[FIRST OF TWO READINGS]

Eric Stuckey, City Administrator
Vernon Gerth, Assistant City Administrator
Lisa Clayton, Parks Director

Mr. Stuckey clarified that going forward, 25% would go to community parks, and 75% to the quadrant where the funds were generated. It also states that any funds collected prior to this ordinance amendment will go 100% to the quadrant that generated the funds.

Alderman Barnhill thought the 100% more defensible than 75%/25% and supports 100%.

Discussion:

- Shauna Billingsley explained quadrant lines are imaginary lines and a nexus that could make possible crossing the imaginary line if a need were in close proximity.
- The intricacies with the ordinance and what the law allows were discussed at length with many questions and comments.
- Alderman Burger was not comfortable with this and wanted the board to have more data.
- Alderman Petersen related the Parkland Dedication Fund is not the only way the City will pay for parks. So, some quadrants may get more funds from other sources.
- Vice Mayor Martin, and Aldermen Blanton and Barnhill supported the change to 100%, while Aldermen Speedy and Burger questioned it.

Amendment to the motion supporting 100% of Parkland Dedication going to the originating quadrant carried 4-3 with Vice Mayor Martin, Alderman Blanton, Alderman Barnhill and Alderman Petersen voting in favor, and Alderman Speedy, Alderman Burger, and Alderman Bransford voting against the amendment.

Motion to approve Ordinance 2016-25 as amended carried 7-0 on First of Two Readings.

7. 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.”

[FIRST OF THREE READINGS] Alderman Ann Petersen, FMPC Representative
James Svoboda, Assistant Director Planning/ Sustainability

This ordinance takes Parkland Dedication out of the Municipal Code and puts it into the Zoning Ordinance.

Alderman Petersen moved to approve Ordinance 2016-36. Seconded by Vice Mayor Martin. Motion carried unanimously 7-0.

8. **18-0217 Consideration of ORDINANCE 2018-05, An Ordinance Granting a Natural Gas Franchise Agreement with Atmos Energy Corporation (COF Contract No. 2018-0032)**
[FIRST OF TWO READINGS] Kristine Tallent, ACA/CFO
Alderman Bransford moved to approve Ordinance 2018-05. Seconded by Alderman Blanton.
 (withdrawn)

Eric Stuckey asked to withdraw this item. After discussions with Atmos, it would work better if we amend the existing agreement and add the same term extension to the existing agreement. That helps keep language we find more favorable in terms of the maintenance of public right-of-way. Withdraw this item and we will bring back an amended existing agreement that adds 10 years to the agreement.

Alderman Bransford moved to withdraw this item until such time staff has amended the existing agreement to add 10 years to the agreement. Seconded by Alderman Barnhill. Motion carried unanimously 7-0.

NEW BUSINESS

9. 18-0349 **Consideration of RESOLUTION 2018-38, A Resolution Authorizing the City Administrator to Forward a Letter to the Tennessee Department of Transportation – Excess Land Committee Waiving the City’s Right to Purchase a Strip of Excess Right-of-Way and to Execute a Cross-Access Easement Agreement with Franklin Investment Holdings, LLC.**
Eric Stuckey, City Administrator
Vernon Gerth, Assistant City Administrator
Alderman Blanton moved to approve Resolution 2018-38. Seconded by Alderman Speedy.

Alderman Petersen added this is not our land, the City is giving them first chance to purchase.

Motion to approve Resolution 2018-38 carried unanimously 7-0.
10. 18-0396 **Consideration of Amendment #2 to the Professional Services Agreement (COF Contract No. 2011-0076) with Smith Seckman Reid for the Mack Hatcher Parkway Water and Sanitary Sewer Relocation Project in the Amount of \$7,850.00.**
Paul Holzen, Engineering Director
Alderman Barnhill moved to approve Amendment #2 to COF Contract No. 2011-0076. Seconded by Alderman Burger. Motion carried 6-0 with Vice Mayor Martin recused.
11. 18-0397 **Consideration of Amendment #4 to the Professional Services Agreement (COF Contract No. 2014-0177) with Hethcoat and Davis for Goose Creek Sanitary Sewer Extension Project from West of I-65 to East of I-65 in the Amount of \$5,500.00.**
Michelle Hatcher, Water Management Director
Alderman Blanton moved to approve Amendment #4 to COF Contract No. 2014-0177. Motion carried 6-0 with Vice Mayor Martin recused.
12. 18-0407 **Consideration of Change Order No. 3 to the Construction Contract (COF Contract No. 2015-0062) with Judy Construction Company for the Water Treatment Plant Modifications Project for a Total Time Extension of 78 Calendar Days.**
Michelle Hatcher, Water Management Director

Alderman Burger moved to approve Change Order No. 3 to COF Contract No. 2015-0062. Seconded by Alderman Barnhill. Motion carried 6-0 with Vice Mayor Martin recused.

13. 18-0414 **Consideration of Amendment No. 5 to the Professional Services Agreement (COF Contract No. 2013-0034) with CDM Smith, Inc. for the Mack Hatcher Extension Project [SR-397 Mack Hatcher Parkway West from South of SR-96, West of Franklin, to East of SR-106 (US-431), North of Franklin, Williamson County] at a Cost Increase Not-to-Exceed \$32,640.00.**

Paul Holzen, Engineering Director

For TDOT reimbursement.

Alderman Petersen moved to approve Amendment No. 5 of COF Contract No. 2013-0034. Seconded by Alderman Speedy. Motion carried unanimously 7-0.

14. 18-0479 **Consideration of Amendment No.1 to the Professional Services Agreement (COF Contract No. 2016-0325) with Alfred Benesch and Company for the SR-96 W Multi-Use Trail Project for a Cost Increase in the Amount Not-to-Exceed \$46,226.50.**

Paul Holzen, Engineering Director

Alderman Bransford moved to approve Amendment No. 1 to COF Contract 2016-0325. Seconded by Alderman Blanton. Motion carried unanimously 7-0.

15. 18-0454 **Consideration of RESOLUTION 2018-36 Authorizing the Use of the FY 2019 On-Call Annual Contract for Pavement Preservation (COF Contract No. 2018-0036) Prior to July 1, 2018.**

Joe York, Streets Director

Alderman Blanton moved to approve Resolution 2018-36. Seconded by Alderman Burger. Motion carried unanimously 7-0.

16. 18-0442 **Consideration of RESOLUTION 2018-35, A Resolution of the Board of Mayor and Aldermen for the City of Franklin Employees' Pension Plan, Providing a Cost of Living Adjustment to the Monthly Benefit for Retired Recipients, Effective July 2018.**

Eric Stuckey, City Administrator

Christine Tallent, ACA/CFO

Alderman Barnhill moved to approve Resolution 2018-35. Seconded by Alderman Burger. Motion carried 6-0 with Vice Mayor Martin recused.

17. 18-0411 **Consideration of Procurement Award to Symetra Life Insurance Co. of Enfield, Connecticut, for Voluntary Group Term Life Insurance with Accidental Death & Dismemberment Benefits and Voluntary Short-Term Disability Insurance for a Three-Year Term of Service to be Effective July 1, 2018, with Two (2) One-Year Options to Extend the Term of Service. (Purchasing Office Procurement Solicitation No. 2018-015; Contract No. 2018-0082).**

Kevin Townsel, HR Director

Sara Sylvis, Benefits Manager

Alderman Burger moved to approve Procurement Agreement. Seconded by Alderman Speedy. Motion carried unanimously 7-0.

18. 18-0462 **Consideration of Certificate of Compliance RENEWAL for Wine in Grocery Stores for Aldi, Inc. (Tennessee) d/b/a Aldi #52, Located at 209 South Royal Oaks Boulevard, Franklin, TN 37064 (Jesse Lopez, Managing Agent; Jason C. Hart, Chairman and CEO; David K. Behm, President; Charles E. Youngstrom, COO, and Terry R. Pfortmiller, Secretary/Treasurer).**

Lanaii Benne, Assistant City Recorder

Alderman Blanton moved to approve Renewal for Wine in Grocery Stores for Aldi #52. Seconded by Vice Mayor Martin. Motion carried unanimously 7-0.

19. 18-0400 **Consideration of Appointment of Mr. Larry Eley to the Williamson County Equalization Board.**

Mayor Ken Moore

Alderman Burger moved to approve appointment of Larry Eley to the Williamson County Equalization Board. Seconded by Alderman Bransford. Motion carried unanimously 7-0.

20. 18-0223 **Consideration of RESOLUTION 2018-34, A Resolution Authorizing the City of Franklin to Assign Capacity Fees to Five Parcels that will Benefit from an Unplanned Capital Improvement to the City's Public Wastewater System for the Purpose of Recapturing the City of Franklin's Monetary Contribution Toward Upsizing of Sanitary Sewer Infrastructure in the Area of Boyd's Mill. (Wards Mill)**

Eric Stuckey, City Administrator

Vernon Gerth, Assistant City Administrator

Mark Hilty, ACA Public Works

Michelle Hatcher, Water Management Director

Jimmy Wiseman, Assistant Director Engineering

Alderman Petersen moved to defer to the June 12, 2018 Work Session and BOMA meetings. Seconded by Alderman Barnhill. Motion carried unanimously 7-0.

CONSENT AGENDA

21. 18-0361 **Consideration of ORDINANCE 2018-06, To Be Entitled: "An Ordinance to Amend Chapter 5 of the Zoning Ordinance of the City of Franklin, Tennessee, to Amend Various Sections of the Sign Regulations Pertaining to Temporary Signs, and Adding a New Temporary Sign Type for Temporary Multi-Story Building Development-in-Progress Signs." Establishing a Public Hearing for June 12, 2018.**

Alderman Ann Petersen, FMPC Representative

[FIRST OF THREE READINGS]

Emily Hunter, Planning/Sustainability Director

James Svoboda, Planning/Sustainability Assistant Director

Ordinance 2018-06 approved unanimously 7-0 on First of Three Readings.

22. 18-0355 **Consideration of COF Contract No. 2018-0057, Engagement Agreement with Miller & Martin, PLLC, for Outside Counsel Services for Right-of-Way and Slope Easements on Lewisburg Pike.**

Sauna Billingsley, City Attorney

Approved unanimously

23. 18-0357 **Consideration of a Professional Services Agreement (COF Contract No. 2018-0062) with Alfred Benesch & Company for the Design of Intersection Improvements at the McEwen Drive Interchange with I-65 in an Amount Not-to-Exceed \$28,365.60.**

Paul Holzen, Engineering Director

Approved unanimously

24. 18-0399 **Consideration of Long Term Special Event Permit for Main Street Festival in Downtown Franklin.**

Eric Stuckey, City Administrator

Approved unanimously

RECEIPT OF REPORTS AND ITEMS APPROVED ON BEHALF OF THE BOARD

25. 18-0393 **Reimbursement of Attorney Fees to the Williams County Election Commission Associated with the Defense of the Williamson County Election Commission in Litigation for Michael Vaughn vs. Williamson County Election Commission, Dana McLendon III in an Amount of \$79.50.**
Acknowledged Shauna Billingsley, City Attorney
26. 18-0420 **Acknowledgement of City of Franklin Contract No. 2017-0210 Interactive Systems Security System & Services Agreement.**
Acknowledged Lisa Clayton, Parks Director
27. 18-0421 **Acknowledgement of City of Franklin Contract No. 2017-0265 for Rental of Franklin Trolley.**
Acknowledged Lisa Clayton, Parks Director
28. 18-0423 **Acknowledgement of City of Franklin Contract No. 2017-0269 for the Rental of Golf Carts for Family Day at the Park at Harlinsdale Farm.**
Acknowledged Lisa Clayton, Parks Director
29. 18-0425 **Acknowledgement of Extension of Contract 2017-0003 with Paul Johnson for Administrative Assistance with Development of the Consolidated Action Plan and Report (CAPER) for Community Development Block Grant Program (CDBG) in the Amount of \$7,500.**
Acknowledged Chris Bridgewater, BNS Director
30. 18-0435 **Statement of Work with Presidio Network Solutions Group, LLC for Parking Structure Capacity Project, COF Contract No. 2017-0360.**
Acknowledged Kristine Tallent, ACA/CFO
Jordon Shaw, IT Director
31. 18-0436 **Nondisclosure Agreement with Schneider Electric, COF Contract No. 2017-0261.**
Acknowledged Kristine Tallent, ACA/CFO
Jordon Shaw, IT Director
32. 18-0438 **Services between the Tennessee Department of Health and the City of Franklin, COF Contract No. 2017-0351.**
Acknowledged Eric Stuckey, City Administrator
33. 18-0449 **Tennessee Consolidated Retirement System (TCRS) Employer Actuarially Determined Contribution Rate for Fiscal Year 2019, COF Contract No. 2018-0077.**
Acknowledged Eric Stuckey, City Administrator
Kristine Tallent, ACA/CFO
34. 18-0456 **Consideration of a Professional Services Agreement (COF Contract No. 2018-0062) with Alfred Benesch & Company for the Design of Intersection Improvements at the McEwen Drive Interchange with I-65 in an Amount Not-to-Exceed \$28,365.60.**
Duplicate of Item 23 Paul Holzen, Engineering Director
35. 18-0268 **Agreement for Dedication of Easement for Watson Branch Sewer Improvements, COF Contract No. 2015-0260.**
Acknowledged Michelle Hatcher, Water Management Director

36. 18-0269 **Agreement for Dedication of Easement for Water Main Easement, COF Contract No. 2016-0029 for \$100.00 to Franklin Iron Wood Retail Partners and Madison Brookside Cary JV Member, LLC.**

Acknowledged

Michelle Hatcher, Water Management Director

EXECUTIVE SESSION

37. 18-0333 **Consideration of Motion to Enter Executive Session for Purpose of Reviewing Various Matter of Pending Litigation.**

Shauna Billingsley, City Attorney

Alderman Burger moved to enter Executive Session. Seconded by Alderman Barnhill. Motion carried unanimously 7-0. (7:42 p.m.)

RETURN FROM EXECUTIVE SESSION

38. 18-0334 **Consideration of Matters from Executive Session**

Dr. Ken Moore, Mayor

(8:15 p.m.) There were no matters for consideration

ADJOURN

Vice Mayor Martin moved to adjourn. Seconded by Alderman Barnhill. Motion carried unanimously.

Meeting adjourned @ 8:15 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office-5/18/2018 2:49 PM