

Dear Commission,

July 22, 2007

This e-mail comes in response to a letter I received last week signed by the acting City Manager, Sheila Luckett. The letter gives reasons for my termination different from the one provided in my termination letter of July 13th. It is curious why my termination letter of July 13th simply stated “in the best interest of the city” if so many reasons existed at that time.

Because the reasons given in this second termination letter are both false and slanderous, I felt I must respond to them in detail. Here is the list of allegations (bold) and my responses:

- a) **your documented, poor performance in managing projects through the planning stage and to ensure that all conditions required by the City Engineer, Board of Commissioners, and the Planning Commission were satisfied;**

This is a general allegation containing no specific example. The acting City Manager has never brought this complaint to my attention. If she had I would have reminded her that conditions of approval must be enforced by the Public Works Department, which issues all building permits and certificates of occupancy. The Planning Department has no ability and has never had the responsibility of insuring compliance with conditions of approval.

- b) **the combative, hostile and insubordinate comments you have made to other city employees and myself;**

Again, no specific example here of any combative, hostile, or insubordinate comments and never has the acting City Manager said anything to me about any. It would seem important that if any of this were true the acting City Manager would have taken immediate action – she didn’t because it isn’t true.

- c) **your failure to communicate within your own department and with other representatives of City government;**

This allegation is again non-specific and the acting City Manager has never mentioned to me that I was not communicating. In 60 of the 80 days that the acting City Manager has been acting, only Jennifer Hamblen has been in the Planning Department. I guess you could ask Jennifer or look at the e-mail record to see if I have been communicating. You might also check your own e-mail inbox to see if I have been communicating with you. This allegation is laughable.

d) consistent, documented complaints about the inaccurate and incomplete information provided to the Board of Commissioners by your department;

The Planning Department does not assemble the City Commission Agenda packets – the City Recorder does. The GIS technician, Mike Chambers, does provide maps on request of the City Recorder to go in those packets. There have been some maps submitted by Mike that contained colors from one resource and a legend from another. I asked the acting City Manager (who is also City Recorder) to get those maps directly from me instead of Mike to ensure that I had a chance to review for accuracy. The acting City Manager instead wanted me to initial all maps prior to them being placed in the agenda packets. I began initialing the correct maps several months ago, but not one initialed map has ever been submitted to the City Commission by the City Recorder. It is difficult for me to accept responsibility for map inaccuracy when I have been following the instructions of the acting City Manager and she has not been following the procedures that she herself established.

e) your providing inaccurate regulatory information to developers, which resulted in significant development resources being required in planning of projects that did not comply with city regulations, including, but not limited to, the two-story office building project you allowed to proceed despite its non-conformance with the Town Center Overlay Villages District architectural requirements;

I have a hard time believing the acting City Manager wrote allegation (e). She certainly never mentioned this to me. If she had I would have explained to her that the Planning Department does not read the Zoning Ordinance to developers. We did place the Zoning Ordinance on the city's website so it can be accessed in its entirety, anytime, for free. We do not design projects for the development community because the taxpayers should not be subsidizing those design costs. The city's Tech Review Committee did initially place the two-story office project on a Planning Commission agenda, but as soon as it was pointed out that it was not in compliance with the Town Center Overlay, the error was corrected. It was the developer's responsibility to insure that the plans submitted complied with all appropriate zoning requirements. That the City did not initially detect the deficiencies does not relieve the developer of an obligation to comply. By ordinance, the Tech Review Committee is chaired by the Zoning Administrator. In her defense, this oversight occurred at the first meeting she had presided over.

Of most concern to me, as well, was your attempt to deliberately deceive the State of Tennessee by submitting a grant application containing grossly understated population figures in an attempt to secure additional funding from the State. When this was brought to your attention your comment to me was “the Mayor can be too smart for her own good” and that by stating a lower population we would have a better chance of receiving the grant. Providing knowingly false information to secure such a grant could be considered fraud.

Knowingly making false allegations could be considered slander too. **I did not submit the S and S Industry grant application – Leann Cox of GNRC did.** She used the 2000 census numbers on that application and when I asked her about it she said that the most recent federal census was the appropriate number to use. She explained to me that the state’s checklist requires them to determine whether a city grant applicant has a population over 5,000 or not. Since the City of Mt. Juliet’s population exceed 5,000 in the 2000 federal census, supplementing it with data from a non-federal, special census would be irrelevant and possibly confusing to state and federal regulators who routinely rely upon federal census data.

The problem with the grant application, quite frankly, was with the Mayor. She would not sign the application for a week after she received it. To make matters worse, she would not return phone calls from the acting City Manager, Nixon Pressley (attorney for S and S Industries), or me. The June ECD Committee meeting was the last chance before August that the grant could be approved (the State does not accept grant applications during the month of July while making the transition from one budget year to the next). We were all very frustrated that the Mayor would not sign (or call us to tell us why she wouldn’t) until the morning of the scheduled ECD Committee meeting. When she finally told why she had a problem signing the application I did say, “the Mayor is being too smart by half”, which she was. Both GC Hixson and Leann Cox told me that the State uses the population figure only to determine if the population of the city is above or below 5000. Mt. Juliet was already at 12,000 in the 2000 census so none of this mattered. What did matter was that the Mayor was about to delay the approval process for 60 to 90 days over something that unimportant.

This allegation does have one thing in common with all of the others – the acting City Manager never once talked to me about it. If she really thought the City Planner was trying to defraud the State of Tennessee why would she not state her concerns to me and take immediate action? Why would she make this allegation against me when I did not fill out the application?

The acting City Manager *has* said many things to me in the 80 or so days she has had that position. Most of her comments have been in front of many witnesses too.

- (a) When I was elected Vice-Chair of the MPO Technical Coordinating Committee she said, “way to go – good job”.
- (b) When I submitted a 4 phase plan to fund the Eastern Connector for 5 million dollars she said, “good job”.
- (c) When she found out that 9.4 million of funding had been included for the Eastern Connector in the new MPO Transportation Improvement Plan she said, “way to go Bobby – great job”.
- (d) When Mitchell Development Group offered 500,000 dollars to build 2900 feet of the Eastern Connector she said, “good job” – we need to take advantage of that.

- (e) When I found 70 acres of potential Park land in the heart of the City for 20,000 to 25,000 dollars an acre she said, “that’s great Bobby, the Commission may want this – good job!
- (f) When I came back from a meeting with Mae Beavers, Susan Lynn, and Paul Deggs to tell her that Mr. Deggs had indicated that TDOT would look favorably upon an LIC grant application from the city and suggested we apply for a million dollar LIC grant she said, “that’s great Bobby, I’m sorry Jill and I missed the meeting but we were late finding a parking place near the Capital”.

It is very difficult for me to believe that the acting City Manager would continually tell me what a great job I was doing and not mention **any** of these allegations.

I have known many of you on the City Commission for more than 10 years. You know me and the job I have done in the last 7 years. We all have very much to be proud of. I believe my termination is in retaliation for my testimony in the Hatton Wright Ethics Investigation. That testimony ultimately led to the Mayor being censured. My testimony was the truth and was never disputed by the Mayor.

It is illegal for any employer to retaliate against an employee for participating in an investigation into wrongdoing. It is also illegal for an employer to slander an employee. This letter accuses me of being a poor manager, uncommunicative, hostile, combative, of providing inaccurate information and guilty of attempted fraud. These allegations are false and could damage my ability to secure future employment.

Your acting City Manager has now terminated and slandered me. I believe my termination was unjustified and an act of retaliation. I am requesting that the acting City Manager withdraw both letters and immediately reinstate me in my job. Barring that, I would request that the City Commission terminate the appointment of Sheila Luckett as acting City Manager and appoint some qualified person to act as City Manager who **will** withdraw the letters and reinstate me. How you deal with this will determine my future course of action.

Bobby Franklin