
BOARD OF MAYOR & ALDERMEN *WORK SESSION* MINUTES
TUESDAY, January 10, 2022 – 5:00 P.M.
CITY HALL BOARD ROOM
FRANKLIN, TENNESSEE

Board Members

Mayor Ken Moore	P		
Vice Mayor Clyde Barnhill	P	Alderman Beverly Burger	P
Alderman Brandy Blanton	P	Alderman Matt Brown	P
Alderman Gabrielle Hanson	P	Alderman Jason Potts	P
Alderman Ann Petersen	P	Alderman Patrick Baggett	A

Department Directors/Staff

Eric Stuckey, City Administrator	P	Angie Johnson, City Recorder	P
Vernon Gerth, ACA Development	P	Cayce Anderson, Deputy City Recorder	P
Mark Hilty, ACA Public Works	P	Sarah Schilling, Assistant Deputy City Recorder	P
Kristine Brock, ACA/CFO	P	Hannah Lampela, Executive Assistant	P
Shauna Billingsley, City Attorney	P	Steve Grubb, Streets Director	P
Deb Faulkner, Police Chief	P	Lisa Clayton, Parks Director	P
Paul Holzen, Engineering Director	P	Jack Tucker, SES Director	P
Mike Lowe, Comptroller	P	Tom Marsh, BNS Director	P
Monique McCollough, Public Events Specialist	P	Scott Williar, Emergency Management Coordinator	P
Michelle Hatcher, Water Director	P	Jason Potts, IT Director	P
Chris Franklin, Public Works Operations Analyst	P	Milissa Reirson, Communications Manager	P

CALL TO ORDER

Mayor Ken Moore called the Meeting to order at 5:01 p.m.

CITIZEN COMMENTS

Comments on agenda items may be made in person at City Hall or by emailing recorder@franklintn.gov. Comments will be submitted for the record.

WORK SESSION DISCUSSION ITEMS

1. ***Consideration Of Resolution 2022-91, A Resolution To Affirm Compliance With Federal Title VI Regulations**
Eric Stuckey

This item was acknowledged.

2. **Consideration Of Resolution 2022-90, A Resolution Acknowledging The Letter Of Agreement Between The Tennessee Main Street Program And The Downtown Franklin Association**

Eric Stuckey

This Letter of Agreement is reiterated annually to support the Tennessee Main Street Program and Downtown Franklin Association collaboration.

3. **Presentation On Downtown Traffic And Parking Study**

Paul Holzen, Jonathan Marston, Adam Moser

This presentation was deferred to later date so Alderman Baggett can be a part of the discussion.

4. **Consideration Of COF Contract No. 2022-0264, A Professional Services Agreement With Civil And Environmental Consultants, Inc (CEC) For The Liberty Hills Pond Stream Restoration Project For An Amount Not To Exceed \$259,150**

Paul Holzen, Jeff Wiloughby

This Contract is to fund Engineering Services associated with the Liberty Hills Pond Stream Restoration Project. The project has full endorsement from the Board and the neighborhood. The project is funded with American Rescue Plan Act dollars, so 65% will be funded by the State and the remaining 35% will be funded by the City.

Alderman Burger asks if every aspect of the restoration is included in this contract?

Answer: Yes.

5. ***Consideration Of Ordinance 2022-39, An Ordinance To Rezone 29.46 Acres From Estate Residential (ER) District To Planned (PD 2.61) District For The Property Located South Of Liberty Pike And East Of Oxford Glen Drive (Novara PUD Subdivision). Establishing A Public Hearing On February 14, 2023**

Emily Wright, Amy Diaz-Barriga, Chelsea Randolph

The PUD has 77 single-family dwelling units. Envision Franklin calls for mixed residential zoning in this area, so the plan promotes more development, but the single-family zoning is well within the parameters of the adopted land-use plan. There are two lot sizes: 65-feet wide and 40-feet wide. Staff is in support of the Ordinance, and the Planning Commission also voted unanimously in support of the item. The only requirement for this plan is that there will be a right-of-way that goes through McKay's Mill Open Space. The HOA has discussed this, but they have not granted full access yet. However, this element can come later with the site plan.

Alderman Burger is in support of the plan based on conversations with constituents.

Public Comment:

Greg Gamble, 716 Hampton Cove, the representative for the developer, is here to answer any questions regarding Novara PUD.

Randy Arnold, 1612 Westgate Circle Ste 222, Brentwood, TN, the applicant, appreciates the support and the approval from the Board.

6. **Consideration Of Resolution 2022-65, A Resolution Approving A Development Plan For Novara PUD Subdivision, For The Property Located South Of Liberty Pike And East Of Oxford Glen Drive, At 4080 Clovercroft Road. Establishing A Public Hearing On February 14, 2023**

Emily Wright, Amy Diaz-Barriga, Chelsea Randolph

This item was heard concurrently with Item 5.

7. **Consideration Of COF Contract No. 2022-0247, With Clovercroft Holding, LLC Between The City Of Franklin For The Parkland Impact Fee And Construction Agreement For Novara PUD Subdivision**

Lisa Clayton, Heather Eusebio

This item was acknowledged.

8. **Consideration Of COF Contract No. 2020-0132, With MarketStreet Management, LLC For The Parkland Impact Fee And Construction Agreement For East Works District**

Lisa Clayton, Heather Eusebio

This item is intended to close the loop on this project. Approval for the Development Plan has already been given, but the Parkland agreement itself did not get fully executed at the time. This provides appropriate credit for amenities related to Parkland and recreation services, and it will holistically act as clarification and will be executed by the development team.

9. ***Consideration Of Ordinance 2022-40, An Ordinance Revising Section 106 And Section 207 Of Title 18 Water And Sewers And Appendix A, Comprehensive Fees And Penalties Chapter 18 For Revision To The Impact Fees To The Franklin Municipal Code. Establishing A Public Hearing On February 14, 2023**

Michelle Hatcher, Brian Goodwin

This discussion should be a follow-up to the Board of Mayor and Alderman Special Work Session on November 28, 2022, on water and sewer impact fees.

As a reminder, Staff is proposing an implementation of the water impact fee as proposed, and a 4-phase implementation of the sewer impact fees. Mr. Stuckey states that the result of the November Special Work Session was to implement the first phase, and then work further to scope out different options for funding the remaining balance.

Recommended 4-Phase Approach

Phase 1:

July 1, 2023 = Current Impact Fee + 25% Of Proposed Impact Fee = \$6,837 per SFUE

Future Phases – Implementation Timeline To Be Determined:

Phase 2 = Current Impact Fee + 50% Of Proposed Impact Fee = \$10,130 per SFUE

Phase 3 = Current Impact Fee + 75% Of Proposed Impact Fee = \$13,423 per SFUE

Phase 4 = Current Impact Fee + 100% Of Proposed Impact Fee = \$16,719 per SFUE

There are many components in the pipeline to inform the rest of the approach, but the Board needs to at least take the first step. This is a pathway to assign both the project costs that have already been incurred and the growth-related costs that will arise as the new wastewater facility project makes headway. Overall, it transitions the City from meter-size basis into a single-family unit equivalent (SFUE) basis which better represents the demand on the system.

Alderman Brown thought the Board was aligned on implementation in January 2024. He cannot support anything earlier than that.

Alderman Potts agrees with Alderman Brown's recollection of the November Special Work Session.

Alderman Hanson wants to know why the City did not have incremental increases to the impact fees over the years?

Answer: Modifications to impact fees need to be relative to projects in the pipeline. The bulk of this cost is attributed to current projects and future capacity.

Alderman Hanson further agrees with Alderman Potts and Alderman Brown on the 2024 implementation. She needs to see protection for development projects already in the pipeline.

Vice Mayor Barnhill supports January 2024 implementation. He believes that a year's notice is plenty of time for any developments in the pipeline. He is in support of the Ordinance as proposed along with the 4-phase implementation method from Staff.

Alderman Burger is very concerned for the developers in the pipeline like Alderman Hanson. She cannot vote yes on this item until the meeting with NAIOP on Friday.

Mr. Stuckey still asks for the Board to approve the first impact fee adjustment because it is a fixed cost related to an existing investment. The meeting with NAIOP will likely only be discussion on the new SE Cleanwater Treatment Plant.

Alderman Blanton thinks this item needs to proceed to public hearing. This will allow the Board to hear directly from the development community. The additional capacity added to the Claude Yates Treatment Plant will never be able to accommodate the anticipated growth in the City which is why the new plant capacity is necessary. She supports the need for impact fee adjustments, but she just wishes the City had forecasted all the population growth better and the increase in the fee would not feel like "whiplash."

Alderman Potts asked if Board members could attend the NAIOP meeting?

Answer: No, but Staff can provide a summary of the meeting.

Mayor Moore wants to know more about the projects in the pipeline. What exactly is in the pipeline? He would love to see this item continue to move forward. He would also like the Board to consider indexing for the impact fees.

Alderman Petersen wants to emphasize that these impact fees will be paid for by the people using the water and sewer; it will never be paid by the taxpayers.

10. Consideration Of Ordinance 2022-44, An Ordinance Revising The Installation Fees For Title 18, Chapters Appendix A, Comprehensive Fees And Penalties Chapter 18 Of The Franklin Municipal Code

Michelle Hatcher, Brian Goodwin

This item is a continuation of a discussion from the December 13, 2022 Board of Mayor and Alderman Work Session. The goal is to update installation fees to match the actual cost incurred by the City when work is done. The actual cost includes labor, equipment, and material costs. The City charges installation fees based on meter size, and the current discussion highlights the percentage increase or decrease of current installation fees compared to the proposed.

The phased-in approach is proposed to be used for installation fees. This would allow for a two-year full implementation plan, at the initial installation fee plus 50% of the delta of change.

Alderman Burger thinks she needs more time to examine the analysis.

11. ***Consideration Of Resolution 2022-86, A Resolution To Solidify The Goals For Schematic Design Of A New City Hall On The Historic Public Square In Downtown Franklin**

Vernon Gerth

This item was withdrawn.

Public Comment:

Bari Beasley, 3042 Old Hillsboro Road, Franklin, TN, President and CEO of the Heritage Foundation, believes that the City Hall Project is big decision that will impact the landscape of Historic Downtown. The Foundation is committed to doing their due diligence by discussing the project with merchants, building owners, and foundation members. They also plan to consult with Main Street America and the National Trust for Historic Preservation for recommendations and case studies for the best path forward.

Bob Ravener, 221 Third Ave S, Franklin, TN, representing the Downtown Neighborhood Association, respects and recognizes that the Board must do its due diligence in terms of costs, but there needs to be a vision and cohesive end goal. The Downtown Neighborhood Association could not support moving City Hall without knowing what would replace it. The vibrancy of the downtown community could be impacted by this decision either way.

J. Roderick Heller, 1344 Carnton Lane, Franklin, TN, gives kudos to Mr. Granbery for being a business leader, but thinks City Hall needs to remain downtown. The vitality of this community rests in the balance of embracing the new and preserving the old.

12. ***Consideration Of Amendment 3 To COF Contract No. 2020-0041, A Professional Services Agreement With Orchard, Hiltz & McCliment, Inc. D/B/A OHM Advisors For The Design Of New City Hall Facility (Phase II - Schematic Design) For A Price Increase Of \$123,400**

Eric Stuckey, Vernon Gerth

This item aims to consider an update to the current schematic design contract for City Hall with OHM Advisors. It will reflect the scope of the new building discussed at the January 4, 2023 Board of Mayor and Alderman Special Work Session.

Next Steps:

The current City Hall needs replacement. The building is insufficient to meet ongoing and future needs of Staff and the community. The process to date focused on replacement on site. However, there is now a clear desire from the Board to at least investigate alternative locations. Staff wants to support that evaluation.

- First, the Board needs to understand the value of the current City Hall property. Staff is working on obtaining two separate appraisals for the site, inclusive and exclusive of the parking garage, and the Pull-Tight Players Theatre property. Staff predicts this process will take about 60 days.
- Second, Staff would like to work with the Board to define the parameters to evaluate alternative sites (i.e., location, lot size, access, etc.)
- Third, Staff wants to review existing legal framework for buying and selling property.
 - The City Charter gives power to the City to acquire and sell real property. The Municipal Code provides the process to sell/dispose of real property.
 - Step 1: Declare the property surplus and finding the property to be of no further use to the City.
 - Step 2: When the value is likely to be more than \$75,000, the property shall be sold by sealed bid after 45 days public notice, advertised at least twice in the newspaper. The City can reject or refuse the bids, but the decision is determined by these factors: tax records, comparable sales, and advice from real estate professionals. Generally, case law shows that the highest sealed bid, at or above the appraised value, is chosen.
 - Step 2(b): When the value is likely to be more than \$75,000, but the board determines that the property is well-suited to be of public benefit and would like to determine a purpose of the property and the

- future owner, the Board can create a public process to find the owner for that purpose. This is similar to how the Hill Property was handled.
 - There is a state statute that gives municipalities the authority to negotiate private sale but only when sold to a non-profit for a public purpose.

The cleanest method is to sell one property and buy another separately.

Hence, Staff recommendation is to work the two avenues concurrently.

- Get appraisals, create general parameters for comparison, evaluate legal process, and continue engagement of public outreach and local stakeholders.
- Approve revision to the contract with OHM/Studio 8 to continue to 50% schematic design. This 4-month process is estimated to have an incremental cost of around \$480,000.
- Provide enough information on both options to allow the Board to make an educated decision.

Vice Mayor Barnhill does not think the Board ever considered selling this property altogether. For the taxpayers' benefit, the Board needs to explore options that are as economically feasible as possible. He wants to research a public-private partnership.

Mr. Stuckey wants him to clarify the desire for a public-private partnership.

Vice Mayor Barnhill wants an assessment of all possible public-private partnership options.

Ms. Billingsley clarifies that municipalities cannot enter a P3 (public-private partnership) by law.

Alderman Burger still thinks the Board needs to do due diligence in regards to alternatives, but how much will it cost to do the due diligence? How long will that due diligence take? Generally, she thinks it might make sense to stick with the current site plan progress.

Mr. Gerth knows this undertaking comes with a large price tag, but he wants to move forward as Staff proposed today to get the Board to a comfortable decision-making point.

13. Consideration Of COF Contract No. 2022-0276, A Development Agreement With The Refuge Center For Counseling For The Extension Of Temporary And Permanent Sanitary Sewer Infrastructure, Located Along A Section Of Long Lane

Eric Stuckey, Vernon Gerth, Michelle Hatcher, David Diaz

This item was initially discussed a few months ago. This agreement reflects both a temporary service and a pathway forward to a more permanent service installation.

Public Comment:

Greg Gamble, 716 Hampton Cove, Franklin, TN, applicant, added that temporary sewer construction plans have been filed with the City, and the site plan documents for the building, parking area, and water infrastructure have been filed with the City as well. The mass grading plan is only waiting for this approval to move forward.

Amy Alexander, applicant, is hopeful because this feels like the final steps in a decade-long vision.

14. Consideration Of Procurement Award To Waypoint Analytical, LLC Of Memphis, Tennessee In The Total Estimated Annual Amount Of \$27,676 For Industrial Pretreatment Sampling And Testing, Water Reclamation Facility Influent And Effluent Testing, And River Sample Testing External Laboratory Contract Services For A Term Of Award For The Water Reclamation Division Of The Water Management Department (Purchasing Office Procurement Solicitation No. 2023-008; \$85,000 Budgeted In 431-82280-52213 For Fiscal Year 2023; Contract No. 2022-0316)

Michelle Hatcher

This item was acknowledged.

15. **Consideration Of Procurement Award To Haren Construction Company, Inc Of Etowah, Tennessee In The Total Lump-Sum Amount Of \$997,000 (Including Stipulated \$100,000 Contingency) For Water Treatment Plant Valve Access Improvements For The Water General Division Of The Water Management Department (Purchasing Office Procurement Solicitation No. 2023-009; \$2,285,800 Budgeted In 421-89320-52109 For Fiscal Year 2023; Contract No. 2022-0182)**

Michelle Hatcher

This item was acknowledged.

16. **Discussion Of Ordinance 2022-47, An Ordinance to Amend Ordinance 2022-03 Amending Title 16 for Public Gathering and Expression Events**

Eric Stuckey Shauna Billingsley

Mr. Stuckey provides context for the Ordinance by explaining that in 2020, a permitting process was put in place to facilitate safe public expression. The City has had general success with this process. In the last two years, the City had 24 requests, 23 of which resulted in issuance of a permit within 48 hours. The Board made amendments to the Ordinance last October based on public feedback. The four primary adjustments were to:

1. Limit downtown permitted activities on Friday and Saturday evenings.
2. Add general prohibitions to after-dark demonstration permit use.
3. Limit recurring event demonstrations to once per month to allow other community members to take advantage of the public space as well.
4. Add amplification as a trigger for a demonstration permit.

The goal all along has been to facilitate safe demonstrations of public expression and to allow equal access to public space. The focus has always been on regulating time, place, and manner but never message.

Alderman Hanson says that in August when these amendments were being considered, she had asked if the proposed adjustments could accidentally be used to target the individual who leads worship on the Square on Saturdays. She claims that her concerns were continually deflected and turned back around to address protests. Once it passed, which was done apprehensively, the unintentional consequence was direct impact to the Saturday worship. She says that when she asked, Staff told her that there had been complaints. The complaints were unrelated to each other, but one had been filed by Alderman Potts. She wants to know how to draw the line between a nuisance that detracts from the quiet enjoyment of downtown and a targeted stop on certain types of public expression. In her opinion, it does more harm than good to regulate public gatherings on the Square. She states that since being elected she has noticed a pattern of targeting towards one particular demographic. She goes on to say that as a Christian, conservative member of this community, this pattern is gravely concerning. She does not think this is the image the community wants to portray. She thinks that people bought in to Franklin because it is a Hallmark movie.

Alderman Potts clarifies that he did not make a complaint. He received the complaint from a resident which he then properly forwarded on to authorities.

Mr. Stuckey wants to emphasize that there have actually been many complaints, mostly regarding amplification. When looking at a solution, he thinks the Board should examine the permit as it deals with amplification and group sizes larger than 20.

Public Comment:

Bill Woodward, 1889 Carters Creek Pike, Franklin, TN, is concerned most about the violation of his first amendment rights. The right of assembly should not have a permit attached.

Rick Davis, 2108 Chaucer Park Lane, Thompson Station, TN, says he moved here 15 years ago because this is the Bible Belt. He is sad to come to the Middle Tennessee and not be able to practice his religion in the public square.

Jadyn Stevens, 3122 Bush Drive, Franklin, TN, thinks the Church should be held outside the walls of a building. He thinks that worship on the Square is powerful and should not be restricted.

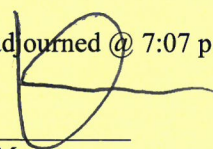
Pastor Marvin Young II, 1245 Carter Street, Franklin, TN, says that his primary mission is to pray for this community and its leaders. His main issue is with the 20-person cap because it is hard to predict worship attendance. He has had

up to 60 people attend worship on the Square before, and in order to comply with the Ordinance, he broke the prayer groups into people of 10. He asks the Board to pray before making any decisions that will impact the community.

OTHER BUSINESS

ADJOURN

Work Session adjourned @ 7:07 p.m.



Dr. Ken Moore, Mayor

Minutes prepared by Sarah Schilling, Assistant Deputy City Recorder, City Administrator's Office 1/20/2023 3:02 PM

