



## City of Franklin

109 3<sup>rd</sup> Ave S  
Franklin, TN 37064  
(615) 791-3217

### Meeting Minutes

#### Work Session

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Tuesday, February 14, 2023

5:00 PM

Board Room

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#### CALL TO ORDER

Mayor Moore called the meeting to order at 05:00 PM

Board Members Present: Clyde Barnhill, Matt Brown, Patrick Baggett, Ann Petersen, Gabrielle Hanson, Jason Potts, Beverly Burger, Brandy Blanton

Board Members Absent:

Staff Present: Eric Stuckey, Shauna Billingsley, Mark Hilty, Kristine Brock, Vernon Gerth, Angie Johnson

#### CITIZEN COMMENTS

Comments on agenda items may be made in person at City Hall or by emailing [recorder@franklinton.gov](mailto:recorder@franklinton.gov) before noon on the day of the meeting. Comments will be submitted for the record.

#### WORK SESSION DISCUSSION ITEMS

##### 1. 2022 Development Activity Report

**Sponsors:** Katherine Harelson

Mr. Stuckey introduced the Development Activity Report for calendar year 2022 presented by Katherine Harleson, Development Services Analyst.

In 2022, the City of Franklin maintained a high level of development activity. Despite economic concerns, the City issued over 5,800 permits which were valued at over \$874 million. Several major developments received building permits and began construction. The City also permitted over 900 housing units for the 5th year in a row. Impact fee collections in 2022 are down compared to the last five years. However, several large developments that received building permits in 2022 had paid impact fees in the previous year on foundation permits, so the lower impact fee collections are not a concern at this point.

Alderman Burger asks if there has been an increase in mobile food vendor licenses?

Answer: The City averages about 5-10 mobile food vendor licenses per year. There was growth in that type of business during the Pandemic, but it has plateaued in the last year.

Alderman Burger follows-up by inquiring about the number of applications for short-term vacation rentals in CY 2022?

Answer: There are about 180 active short-term rentals in the City, and they operate on an annual renewal.

##### 2. \*Consideration Of Resolution 2023-07, A Resolution To Support Restoring The Historic Revenue Sharing Relationship Between The State Of Tennessee And Its Local Governments And To Return The Local Share Of The Single Article Cap To Local Governments

**Sponsors:** Mayor Ken Moore, Eric Stuckey

Mayor Moore reminds the Board that this is the same Resolution that was passed last year. The Tennessee Municipal League has been working on this project for several years. It is not in the Governor's budget at this point in time, but Mayor Moore is hopeful it can be included when the budget is amended.

Mr. Stuckey adds that 90% of sales tax in the State of Tennessee is generated in the cities. There is a historic pattern of how that revenue was shared back out to the cities per capita that dates back to the 1940s. During the economic downturn in the 2000s, the state increased sales tax and the cities agreed to take less of a cut to help the state. However, the state is now generating a record surplus, so it is time to reevaluate how much sales tax revenue goes back to the cities to support local economic activity. It is also important because every dollar of local sales tax is matched and a dollar goes to local public schools as well.

The item is expected on the February 14, 2023 Board of Mayor and Aldermen Meeting for consideration.

### 3. **Discussion Of Ordinance 2022-47, An Ordinance To Amend Ordinance 2022-03 Amending Title 16 For Public Gathering And Expression Events**

**Sponsors:** Eric Stuckey, Shauna Billingsley

Staff wants feedback on 4 broad topics regarding the existing Public Gathering and Expression Ordinance. They are as follows:

- Amplification and noise regulation in general
- Event restrictions in the Downtown District on Friday and Saturday evenings
- Prohibition of events after dark City-wide
- Process for handling reoccurring events

Ms. Billingsley reviews the difference between public and private noise as currently evidenced in the Franklin Municipal Code. Public noise is created on public rights of way or public property, and it is either regulated by permit (Special Event Permit or Public Gathering and Expression Permit) or by policy. There is a blanket prohibition on amplification on City sidewalks or City rights of way. Private noise is created on a private residential or commercial lot, and it is regulated under Chapter Four of the Franklin Municipal Code, Offenses Against the Peace and Quiet. This code delineates a ban on amplification that can be heard beyond the property line or 100 feet from the property line from 10pm-7am Sunday through Thursday and 11pm-7am Friday and Saturday.

Alderman Brown wants to clarify that the issues surrounding the Public Gathering and Expression Ordinance could hopefully be addressed in the existing Noise Ordinance. He believes there is enough existing language on amplification and noise to avoid scrapping it entirely.

Ms. Billingsley contends that the section of code Alderman Brown is referring to deals only with amplification from within a building.

#### **Public Comments**

Autumn Daniels, 425 Perkins Drive, Franklin, TN, is confused why the City is trying to regulate the use of public space. She understands that the City wants to provide safety measures for these gatherings, but she feels that Staff is focusing on things that have not happened versus what is actually happening.

Gabriel Wren, 2901 Faldo Lane, Spring Hill, TN, is opposed to the existing Ordinance because it is an attack on religious freedom.

Bud Carmen, 3109 Stephen Way, Franklin, TN, believes that this Ordinance was crafted, in part, to deny the Square Prayer Group from gathering on Saturdays after 5 pm. He requests that the Ordinance be repealed, and that the Board appoint a Special Gathering and Expression Committee.

Justin Conley, 301 Monticello Road, Franklin, TN, respects the Board and does not see them as the enemy.

He states that the goal of the Square Prayer Group is to be bold in their faith and not be afraid to worship God in public. He thinks that the safety justification for a permit does not make sense since they worship in the center of town, less than a mile from the Police Department. He urges the Board to reconsider how the Ordinance is currently written.

Jeff Daniels, 2323 Abby Court, Murfreesboro, TN, believes that this Ordinance is an attack on his group because they are currently the only group that fits all the parameters of the Ordinance.

Jesse Hutch, 1007 Perkins Lane, Franklin, TN, urges the Board to think of the larger implications of this Ordinance. He wants the community to have the freedom to express themselves, regardless of faith.

Steve Berger, 4008 Grace Creek Valley Lane, Thompson Station, TN, is very concerned that the City is considering ordinances that infringe on constitutionally guaranteed freedoms. He requests that the Board repeal this Ordinance.

Andrew Clark, 1205 Middle Trace Court, Nashville, TN, believes this Ordinance is also targeting the worship group. Staff is focused on amplification, which is a form of disturbing the peace. He claims that worship music is not disturbing the peace; the United States was built on Godly principles.

Jay Frier, 1117 Settlers Court, Franklin, TN, reminds the Board that this Ordinance restricts an individual's First Amendment rights.

#### **Board Comments**

Alderman Hanson states that circumstantial evidence shows that this Ordinance intends to impact the Square Prayer Group. She states that the fact of the matter is that they meet after 5pm, on Fridays and Saturdays, every week, and with amplification; no one else fits that category. She hopes that Staff did not deliberately craft the ordinance with that intended consequence. She hopes there is not another person driving this agenda in the community who is anti-Christian or has a bias against Christianity. She respectfully asks that the Board repeal this Ordinance because it is tarnishing the community's image.

Alderman Brown reiterates that the current Noise Ordinance is already written to protect the community, and the Police Department is already enforcing it. The need for the Public Gathering and Expression Ordinance is moot since the biggest issue is the noise component.

Alderman Baggett believes there has never been an ulterior motive for the Board's legislative decisions. He wants to protect the constitutional rights of the people in his community. He goes on to say that since the current noise ordinance requires a permit for amplification on a City sidewalk, there would be no point in repealing the Public Gathering and Expression Ordinance. A permit would still be required under the other existing Ordinance. If the Board keeps the Public Gathering and Expression Ordinance, he wants to reconsider the number of people in the event threshold. His constituents are concerned about that, so he recommends increasing an event to a maximum of 40 people. Furthermore, he thinks there should be an allowance for events after dark. He recommends that reoccurring events may not require a permit if it is during off-peak hours too. Finally, he thinks that amplification should be regulated to prevent subject matter or music with negative and offensive connotations. However, he still belabors the point that repealing the Public Gathering and Expression Ordinance does not tackle the amplification issue.

Alderman Brown asks if there is already an Ordinance that addresses the gathering of mass crowds to the point of disruption?

Answer: There is not an Ordinance already in the Municipal Code to accommodate for the regulation of large gatherings. Ms. Billingsley reiterates that this Ordinance was not created to restrict prayer. It was constructed following the Charlottesville, VA violent protest and counter-protests and other protests nationally in order to support public expression events in Franklin in a safe manner. Hence, the event threshold of 20 people was created with the thought that 20 people could trigger a counter-protest. It is also critical to note that this Ordinance memorialized an event permit process that was already in place. The permits are written to facilitate an event, rather than deny it. Also, it is important to note that the Public Gathering and Expression permit allows the City Administrator to approve within a matter of hours, rather than wait for Board approval of

a special event at a meeting.

Alderman Burger agrees with Alderman Hanson and supports rescinding the Ordinance completely. She states that it will be easier to start over rather than build upon what is already there. The amplification issue is addressed in the Noise Ordinance, and that can be enhanced if needed. For the events on the Square, she proposes a "Scheduling of Events" rather than a permit. It can be accessible on the City website, and it would allow residents to be aware of pre-existing events and would keep Staff informed. Her goal is to simplify the issue at hand, not prepare for a problem that does not exist. She does not think that the Board or Staff intended for this Ordinance to target one specific group. Nonetheless, it should be rescinded to protect the First Amendment rights of Franklin residents.

Vice Mayor Barnhill asks how staff would accommodate a different group who wanted to meet on Saturday nights. Other residents have the same right to the space as the Square Prayer Group. For example, what if someone wanted to have their wedding on the Square on a Saturday night? If they had a permit in advance, would that event trump the Square Prayer Group?

Answer: The Special Event Permit or a Public Gathering and Expression Permit would give priority over a group without a permit. The permit gives them an exclusive right to the area. If there are multiple groups on the Square under the event threshold, the City does not intervene.

Alderman Potts wants to acknowledge Mr. Clark and thank him for summarizing the situation well. He is also grateful to live in a country where this discussion can be had peacefully. He further wants to thank Mr. Conley for promoting respectful conversations and still being bold in his faith. He tells the Board that he joined the Square Prayer Group on February 4, 2023. He values how welcomed he and his family felt in their time of grief. Then, he observed the group from afar the following Saturday, and he can attest that the amplification could barely be heard over the cars. He strongly believes that the intent of the Ordinance was never to target a certain group. The goal was to manage the City's events and ensure that all residents and visitors are safe.

Alderman Blanton does not believe that this Ordinance was a form of spiritual warfare. It is important to find a balance between keeping residents safe and protecting the rights of those who want to come use Franklin's public spaces. Everyone should have the same opportunity to use the space. For the Square Prayer Group, it is almost as if they are using the public square as their private event venue, which is not fair and equitable to other groups. She is open to reviewing this Ordinance more and appreciates the open dialogue amongst the Board members.

Alderman Baggett thinks a solution could be a long-term event permit. This would mitigate the need to continually apply for permits if a group intends to meet weekly. The City would then just communicate to them if there was a conflicting event on the books.

4. **\*Consideration Of Ordinance 2022-46, An Ordinance To Rezone 1.08 Acres From Residential 4 (R4) District To Planned (PD 5,578) District For The Property Located West Of West Main Street And South Of Eastview Drive, Located At 626 Eastview Drive (My Friends House PUD Subdivision). Establishing A Public Hearing On March 14, 2023**

**Sponsors:** Emily Wright, Amy Diaz-Barriga, Joseph Bryan

The applicant is proposing to rezone the property from Residential 4 (R4) District to Planned (PD 5,578) District to accommodate the My Friends House PUD Subdivision. The property is Lot 25 in the Eastview Subdivision, Block C. My Friends House has been located at that location for approximately 25 years and would like to increase the number of available beds from 8 to 12. A property with more than 8 beds is classified as a group home, which is an institutional use, so the property must be rezoned

The item is expected on the February 14, 2023 Board of Mayor and Aldermen Meeting for consideration.

5. **Consideration Of Resolution 2022-87, A Resolution Approving A Development Plan For My Friends House PUD Subdivision, For The Property Located West Of West Main Street And South Of Eastview Drive, Located At 626 Eastview Drive. Establishing A Public Hearing On March 14, 2023**

Sponsors: Emily Wright, Amy Diaz-Barriga, Joseph Bryan

This item was heard concurrently to Item 4. It is expected on the March 14, 2023 Board of Mayor and Aldermen Meeting for consideration.

6. **Consideration Of Resolution 2022-88, A Resolution Adopting A Plan Of Services For The Annexation Of A Property Located South Of Murfreesboro Road And East Of Ridgeway Drive, By The City Of Franklin, Tennessee. Establishing A Public Hearing On March 14, 2023**

Sponsors: Emily Wright, Amy Diaz-Barriga, Chelsea Randolph

The Plan of Services outlines how infrastructure will need to be provided to serve the property of 4.7 acres. The Watson Branch Drainage Basin is almost entirely composed of existing City properties, and this is one of the few remaining to be annexed. The property is within the Milcrofton Service area and water availability shall be approved and provided by Milcrofton prior to annexation. The owner will not be required to extend the sanitary sewer to provide service to the property as an existing sewer main is present on the property. Access to the property shall be provided from Murfreesboro Road. The development on this property is limited due to the steep slopes (anywhere from 10% and 20% plus) present on the site. No additional manpower or equipment will be necessary for either Fire, Police Protection, or Sanitation.

The item is expected on the March 14, 2023 Board of Mayor and Aldermen Meeting for consideration.

7. **\*Consideration Of Resolution 2022-89, A Resolution To Annex A Property On Murfreesboro Road, Consisting Of 4.7 Acres, Located South Of Murfreesboro Road And East Of Ridgeway Drive And Adjoining The City Limits Within The Eastern Part Of The Franklin Urban Growth Boundary (UGB). Establishing A Public Hearing On March 14, 2023**

Sponsors: Emily Wright, Amy Diaz-Barriga, Chelsea Randolph

This property was not included in the growth area study from 2016 as it is within the Watson Branch Drainage Basin. The Watson Branch Drainage Basin is almost entirely composed of existing City properties, and this is one of the few remaining to be annexed. This property is contiguous to the City on the north and south, but would be adjacent to County properties on the west and east. The subject property is within the Single-Family Residential Design Concept as defined by the Envision Franklin Land Use Plan. No additional plan for further development of the property has been submitted at this time. The applicant intends to subdivide the property into two single-family residential lots.

The item is expected on the February 14, 2023 Board of Mayor and Aldermen Meeting for consideration.

8. **\*Consideration Of Ordinance 2022-48, An Ordinance To Zone 4.7 Acres Estate Residential (ER) District, For The Property Located South Of Murfreesboro Road And East Of Ridgeway Drive. Establishing A Public Hearing On March 14, 2023**

Sponsors: Emily Wright, Amy Diaz-Barriga, Chelsea Randolph

Staff finds that Estate Residential (ER) is the most appropriate zoning district of the two options, should the Plan of Services, RES 2022-88, and Annexation, RES 2022-89, be approved by the Board of Mayor and Alderman, due to the property's assigned Design Concept of Single-Family Residential and that the existing development surrounding the subject property is primarily residential in nature.

The item is expected on the February 14, 2023 Board of Mayor and Aldermen Meeting for consideration.

9. **Consideration Of Resolution 2022-83, A Resolution Amending The Colletta Park PUD Subdivision To Extend The Vested Rights, For The Property Located Northeast Of South Carothers Road And South Of Murfreesboro Road. Establishing A Public Hearing On March 14, 2023**

**Sponsors:** Emily Wright, Amy Diaz-Barriga, Chelsea Randolph

The item was acknowledged and is expected on the March 14, 2023 Board of Mayor and Aldermen Meeting for consideration.

10. **\*Consideration Of Resolution 2023-02, A Resolution Authorizing The Use Of The Competitive Sealed Proposal Procurement Method For Choosing The Service Provider For Voluntary Products For Employees For A Term Of Award**

**Sponsors:** Kevin Townsel

The item was acknowledged and is expected on the February 14, 2023 Board of Mayor and Aldermen Meeting for consideration.

11. **\*Consideration Of Resolution 2023-06, A Resolution To Allow Reporting Of COF Contract No. 2022-0061, An Addendum For The City Of Franklin To Participate In The State Of Tennessee Purchasing Card Program Without Disclosing The Name Of The Financial Institution Of A Participating Entity**

**Sponsors:** Kristine Brock, Brian Wilcox

The State has requested that the City not identify the name of a financial institution on a State contract.

The item is expected on the February 14, 2023 Board of Mayor and Aldermen Meeting for consideration.

12. **Consideration Of COF Contract No. 2022-0029, A Memorandum Of Understanding Between The City Of Franklin, Tennessee And Williamson County, Tennessee Concerning Application Of Building And Code Requirements**

**Sponsors:** Shauna Billingsley, Emily Wright

The new Juvenile Services Facility property straddles Franklin and Williamson County. This contract serves as an agreement to follow City site development standards during redevelopment, while operating under County guidance.

13. **\*Consideration To Deny Sewer Availability For Six Unaddressed Properties (Map 119 And Parcels 00703, 00704, 00705, 00707, 00708, And 00709) And 1546 W Harpeth Road (Map 118, Parcel 00700)**

**Sponsors:** Michelle Hatcher, Scott Andrews

This item will be deferred to the February 28, 2023 Work Session.

14. **\*Consideration To Deny Sewer Availability For 1126 Warrior Drive (Map 106, Parcel 16200)**

**Sponsors:** Michelle Hatcher

This property is in the Red Wing Neighborhood outside of Franklin city limits. There is not a sewer hook-up within reasonable distance. The applicants have requested denial, and Staff is recommending denial.

The item is expected on the February 14, 2023 Board of Mayor and Aldermen Meeting for consideration.

**15. Consideration Of Amendment 2 To COF Contract No. 2016-0152, With CDM Smith For Sanitary Sewer Model Assistance For A Not-To-Exceed Amount of \$50,000**

**Sponsors:** Michelle Hatcher

This contract is for typical on-call modeling for the sanitary sewer model. It is included in the Water Operating Budget, and the modeling assistance has been beneficial for NAIOP responses.

The item is expected on the February 28, 2023 Board of Mayor and Aldermen Meeting for consideration.

**16. \*Consideration Of COF Contract No. 2022-0289, With CDM Smith For Water Reclamation Facility Rehabilitation And Resiliency Design For An Amount Not-To-Exceed \$1,737,669 For Design And Construction Services Using The American Rescue Plan Act Funds**

**Sponsors:** Michelle Hatcher

This contract with CDM Smith aims to complete more resiliency work at the wastewater plant that was uncovered during current construction projects.

The item is expected on the February 14, 2023 Board of Mayor and Aldermen Meeting for consideration.

**17. Consideration Of COF Contract No. 2022-0324, With C&T Engineering For Harpeth River Monitoring And Data Collection For A Not-To-Exceed Amount Of \$56,000**

**Sponsors:** Michelle Hatcher

As indicated in the 2017 National Pollutant Discharge Elimination System (NPDES) permit, the City is required to monitor the water quality in the Harpeth River at three locations upstream and downstream of our facilities. This monitoring data is then submitted to TDEC as part of the diurnal investigations that monitor the seasonal variations of the river. WMD staff was performing this work in-house. However, access to these sites has become more difficult over the past five years and WMD has evaluated the option of getting assistance on this as a long-term, feasible option.

Alderman Burger asks if outsourcing the water analysis will be long-term?

Answer: WMD does anticipate incurring this cost annually for the foreseeable future as this requirement remains in the NPDES permit.

The item is expected on the February 28, 2023 Board of Mayor and Aldermen Meeting for consideration.

**18. Consideration Of COF Contract No. 2023-0010, With AECOM For Engineering Services During Construction For The Water Treatment Plant Valve Access Improvement Project For An Amount Not-To-Exceed \$62,074**

**Sponsors:** Michelle Hatcher, Brian Goodwin, Patricia McNeese

AECOM will be creating the as-builts for the Water Treatment Plant Valve Access Improvement Project and will need to provide limited professional services during construction to approve submittals and provide

structural and electrical inspections throughout the progression of the project. This contract will provide those services in addition to meeting attendance with the contractor to discuss constructability issues as they arise on the project. The cost of this contract is funded from the Water Operating Fund.

The item is expected on the February 28, 2023 Board of Mayor and Aldermen Meeting for consideration.

19. **Review And Discussion On The Study Area and Criteria For Evaluating Alternative Sites For Our New City Hall**

**Sponsors:** Eric Stuckey, Vernon Gerth

Following the January 4, 2023 Board of Mayor and Alderman Special Worksession, Staff commissioned an appraisal of the present City Hall site and is in the process of securing a second, independent appraisal to determine its current value. Staff also started to develop a strategy which includes identifying potential sites that can be used to help illustrate the likely differences in development costs and related benefits and challenges. Based on previous discussions with the BOMA, Staff intends to identify parcels within the Central Franklin and Columbia Avenue Corridor Overlays exhibit included) using the following criteria in evaluating potential sites for our new City Hall.

City Hall Site Criteria:

- The location of the site is either in downtown Franklin or close to downtown Franklin, i.e. Central Franklin and Columbia Avenue Corridor Overlays
- The existing zoning district permits a city hall and/or commercial uses.
- The site is at least two acres in size.
- The site can accommodate an approximately 100,000 square foot building and 300 parking spaces, in accordance with Franklin's zoning requirements.

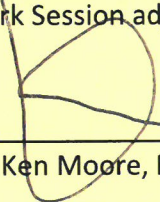
Mr. Stuckey adds that the Staff team used existing overlays, which makes the evaluation area large. It is essentially the Mack Hatcher loop. He is seeking Board guidance to help narrow down the evaluation area.

Alderman Brown thinks the area is too wide and needs to be adjusted to only evaluate Downtown Core sites. He believes it should not go past Columbia Ave in District I.

**OTHER BUSINESS**

**ADJOURN**

Work Session adjourned @ 7:33 p.m.

  
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Dr. Ken Moore, Mayor

Minutes Prepared by Sarah Schilling, Assistant Deputy City Recorder, City Administrator's Office - 2/20/2023,  
2:21 PM



