



Meeting Minutes

Work Session

Tuesday, February 28, 2023

5:00 PM

Board Room

CALL TO ORDER

Mayor Moore called the meeting to order at 5:00 PM

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

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@franklintn.gov before noon on the day of the meeting. Comments will be submitted for the record.

WORK SESSION DISCUSSION ITEMS

1. ***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

Mr. Stuckey recommends denying sewer availability and ultimately removing these properties from the Urban Growth Boundary (UGB) because it will be difficult for the City to service adequately at this time. This location is about 2.5 miles away from the nearest water and sewer infrastructure. The property owners have also requested previously to be removed from the UGB.

Vice Mayor Barnhill asks if this item also handles the adjustment to the UGB?

Answer: No. That will be handled through the Urban Growth Plan Update process.

Alderman Hanson clarifies whether this action will move this property out of Franklin and into Thompson's Station?

Answer: They are not in Franklin currently. They are in the UGB. Their new address will be determined at a later date.

Alderman Hanson believes that denying sewer availability to this property could have lasting repercussions. She feels like she needs more information on the intent of the property owners and how that will impact the surrounding properties. The owners are a development group, so how many homes are they planning to build on this land?

Public Comment:

Dana Frick, 1527 Indian Meadows Drive, Franklin, TN, believes that A1 Builders, the listed property owners, are not being transparent with their intentions for the land. She has seen conflicting information on how many homes they intend to build. It ranges from 37-150 homes depending on whether the information comes from the City of Franklin or Williamson County. She is concerned that if these neighboring properties are absorbed into Thompson's Station, her land will be too. Her goal is to be in Franklin long-term.

Mr. Stuckey wants to clarify that Ms. Frick's property is not being removed from the Franklin UGB at this time.

He reminds the Board that the adjacent area in question is consistent with the Board's prior direction for Staff. He urges that if new boundaries are something the Board would like to reconsider, please communicate that new guidance.

Alderman Brown confirms that Staff's direction is on track with previous Board decisions on the UGB. He thinks the City should focus their resources on more pressing matters.

Alderman Petersen and Mayor Moore concur that the Board should hear from the applicant before making a decision on this item.

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

2. ***Consideration Of Amendment 1 To COF Contract No. 2022-0217, With C&T Engineering For Wastewater Reclamation Facility Liquid Maintenance For An Amount Not-To-Exceed \$31,200**

Sponsors: Michelle Hatcher

As the processes of the newly expanded Wastewater Reclamation Facility (WRF) is brought online, the City will begin ownership and maintenance of the equipment. The Maintenance Technician position at the WRF is the person who typically handles maintenance required for this equipment. The position has been posted for over 8 months with no applicants, and maintenance needs to continue to move forward in order to maintain the assets that have been newly installed. The Department requested this contract to help bridge this gap. The initial contract was for 3 months and is nearing its term, and maintenance is still needed at the facility. The amendment would address a contract extension. Staff is hopeful that this will be the last amendment before the position is filled.

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

3. **Presentation On The Economic Consultant's Retail Recommendations And Initial Elevation Studies For The New City Hall**

Sponsors: Vernon Gerth, Anna Ruth Kimbrough

Mr. Gerth reintroduces the City Hall project and reminds the Board that Staff is moving forward on two parallel tracks simultaneously, per the Board's instructions. The OHM Advisors and Studio 8 Design Team is exploring schematic design up to 50% completion at the current site, while staff conducts an analysis of alternative sites for City Hall in the Downtown District. This process includes obtaining two independent appraisals for City Hall's current property.

This presentation is intended to provide (1) the economic consultant's recommendations for a potential retail space of 4,500 square feet along Third Avenue South; and (2) the initial elevation studies completed for City Hall on the Square (25% schematic design).

Recommendations for Retail Space:

- Recommendation for highest and best use: Food service that complements and interacts with the Park.
- The 4500 square footage would be more successful as 2-3 smaller restaurants.
- Healthy competition between multiple tenants is preferable to one single tenant.
- Outdoor seating in the open space is important for success.
- City leaders should work with surrounding property owners, stakeholders, and citizens to set the purpose of commercial lease space.

Initial Elevation Studies:

The proposed preliminary design's goal is to complete the geometry on the Square. The front wall on the Square will align with the Courthouse. The proposed design has a raised plaza in front of City Hall that wraps around to Third Avenue. The proposed materiality of the building is predominantly brick and limestone. The courtyard on Third Avenue helps break down the mass and scale of the overall structure and provides a break before the building steps down to two stories to best match the scale of residential buildings further down the road.

Alderman Petersen advises that adding trees near street parking as seen in the elevation design is not the best idea. In the past, they have caused issues and have required removal. Mr. Stuckey recalls that the trees on Main Street have been adjusted to avoid this problem in the future.

Alderman Blanton asks if there will be a corner entrance to City Hall?

Answer: No. The goal was to have a Square entrance and Third Avenue Entrance to give a civic presence to the building and align with the Courthouse. Also, the Design Team did not want to completely mimic the other corners of the Square.

Vice Mayor Barnhill asks if the Design Team is only proceeding with a structure at the current location?

Answer: Yes, that has been feedback from Staff. Mr. Stuckey reminds him that this schematic design is being done in parallel to the appraisals for alternate City Hall Properties.

Vice Mayor Barnhill worries that this design will not work on another location.

Staff reiterates that the designs are site-specific. To move forward, assumptions have to be made and, as such, this schematic design was only meant for the current location on the Square.

Vice Mayor Barnhill follows-up by asking at what point have we reached the "point of no return" with the current site and design?

Answer: This is not a "no-turning-back situation." Staff is moving forward as instructed. Staff was told to get to 50% schematic design at the current site, and then simultaneously set up a framework for scoping out two alternate sites. The decision point comes when the 50% schematic design for this site has been presented to the Board, and once the Board understands the value and cost comparisons of alternate sites in the Downtown Core.

Vice Mayor Barnhill understands the plan forward as is. However, he does not agree that all the money spent on design should go towards the development of a site that the Board ultimately might not choose.

Mr. Gerth reminds him again that this is only schematic design - the first step in the whole process. These are not construction plans.

Alderman Burger wants Staff to continue down this path. She wants to see the schematic design for this site. She argues that too much time has gone into master-planning this site to abandon it. As of right now, this is the only option on the table. The Board cannot know what will come of the alternative site appraisals. Alderman Baggett agrees with Alderman Burger.

Presentation concludes and Mayor Moore turns back to the Board.

Alderman Baggett then finishes his comments. He has a lot of confidence that the design can be fine-tuned to reflect a building that people will want to preserve. He urges the Board to think about how the community wants to preserve the neighboring courthouse on the Square. He requests case-study images to accompany the presentation next time to help pick out detail preferences. For example, he liked the character on Birmingham City Hall. Additionally, he likes the direction for the retail space. However, he thinks that the materials should somehow differentiate it from City Hall's facade.

Alderman Brown is not as complementary as Alderman Baggett. He feels like the building keeps getting larger. For the retail component, he gets back to the original problem the Board was trying to solve by integrating retail space. It has 3 components:

1. Help offset the cost of the building by generating revenue.
2. Activate Third Avenue.
3. Create some energy and mixed usage in City Hall.

When he sees a retail space that is outside of City Hall, it defeats the purpose of getting the community more involved with the space. He wanted to eliminate compartmentalization rather than perpetuate it. He was under the assumption that Third Avenue might be fronted with retail. The additional building on the back does not seem cohesive and will not provide overflow space for City Functions like he assumed.

Anna Ruth Kimbrough, Consulting Design Team Representative, restates the economic consultant's suggestion that the retail space should accompany the park for best activation. Putting the retail space on Third Avenue would not give them prime activation.

Alderman Brown contends that he thought the goal was to use the retail to activate City Hall, not the other way around.

Alderman Potts agrees with Alderman Baggett that the community requires the Board to have a 100-year vision. City Hall must embody the character of the community. Then, he asks about the promenade to the parking garage in front of City Hall's Square entrance. Since it is much wider in the proposed plan, will the garage be visible from the Square? Are there any plans to conceal the garage from view?
Answer: There are landscaping plans that should conceal that corner.

Alderman Hanson agrees with Alderman Brown about activating Third Avenue with retail instead of moving forward with a building on the back. She thinks it will not inhibit City Functions because it will be on the exterior of City Hall. She argues that having two floors of retail space is a recipe for failure for the tenants on the second floor.

Ms. Kimbrough points out that there is no second-floor retail. It is only a two-story structure to provide the possibility for City Hall expansion long-term.

Alderman Hanson continues by asking about the security element that keeps resurfacing in conversation. She wonders if there has been an incident to necessitate this concern.

Answer: No. Security is just an important component of all public buildings. The consultant projects that danger in the City could increase as the population grows, so they are just trying to think long-term.

Alderman Petersen still wants to consider the two alternative sites.

Alderman Burger thinks retail should further activate downtown rather than just City Hall. Downtown is in need of more restaurants to support the growing number of residents and tourists. She does not think the retail should go around the corner off of Third Avenue because studies have shown that foot traffic does not extend more than 1 block off of the Square and Main Street.

Public Comment:

Bob Ravenor, 221 Third Ave S, Franklin, TN, president of the Downtown Neighborhood Association, presents feedback on the elevation from his members. He agrees that this is a hundred-year decision, and it should be considered an addition to the historic downtown. He recommends being wary of making it too commercialized. He suggests garnering more public feedback as the design process unfolds.

4. 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

Mr. Stuckey appreciates the feedback from the Board over the last few meetings. Overall, the Staff recommendation is to repeal Ordinance 2022-03 and to amend ordinance 2019-19 as follows:

- To allow amplification on city rights of way and parks from 6am to 9pm daily where the amplification cannot be heard 50 ft from the amplification device.
- If amplification is requested that would be heard beyond 50 feet from the amplification device, a permit will be required.
- Public gathering and expression events are allowed from the hours of 6am-9pm City-wide in all public spaces and any event that occurs outside of those hours will require a permit.
- Remove the term "observer" from Section 16-527.
- Re-insert the following language in Section 16-515: "Additionally, no public gathering or expression event shall take place during a permitted special event in the permitted space."

Chief Faulkner provides commentary on the Public Gathering and Expression Ordinance from the Police Department's perspective. She simplifies the argument as follows: if you attend any event, you RSVP to the host so that they can prepare ahead of time. The City of Franklin is the host of public spaces, and if you want to use them, the City wants to know about it. The use of public space requires preparation ahead of time, and the City wants to ensure another group has not requested the same space. Their goal is to manage public spaces safely and effectively for everyone to use.

Board Comments

Alderman Blanton believes that multiple events per month by the same group should require a permit. She still sees the issue as taking residence in a public space and not allowing an equitable distribution of time to others. There is a process to reserve public spaces like pavilions because there is such high demand for them. Similarly, there is demand for the Square.

Mr. Stuckey asked for Board feedback on the Staff Recommendations listed above. Board opinions are as follows:

	Amplification heard < 50 ft would not require permit	Events from 6am to 9pm daily would not require a permit	Multiple events per month would not require a permit
Vice Mayor Barnhill	Yay	Yay	Nay
Alderman Petersen	Yay	Yay	Nay
Alderman Potts	Nay; all amplification should require a permit	Yay	Nay
Alderman Hanson	Yay	Yay	Yay; should require internal signup not permit
Alderman Burger	Yay	Yay	Yay; no problem with multiple "gatherings"
Alderman Baggett	Yay	Yay	Yay; permit takes precedence, but it is not required
Alderman Brown	Yay; thinks the 50 feet will be hard to regulate though	Yay	Yay; could still use more work though
Alderman Blanton	Yay	Nay; 6 am is too early	Nay; see comment above

Public Comment

Jeff Daniels, 2323 Abby Court, Murfreesboro, TN, emphasizes that his group is respectful of permitted events. The goal of the Saturday Night Prayer Group is not to bring attention to themselves, rather to bring attention to God in a civilized way.

Andrew Clark, 1205 Meadow Trace Court, Nashville, TN, read a passage about freedom of assembly in the United States. It clarified the regulation of possible assemblies versus actual assemblies in a community.

Ben Peterson, 5016 Dubose Court, Spring Hill, TN, urges the Board to protect the community's First Amendment rights.

Jimmy Rice, 9180 Hester Beasley Road, Nashville, TN, apologizes for his outward negative commentary on how the Board has been handling this Item. He concluded with a prayer.

Marvin Young II, 1245 Carter Street, Franklin, TN, encourages the Board to continue following and trusting God in this process.

This item will be heard on First Reading at the March 28, 2023 Board of Mayor and Aldermen Meeting for consideration.

5. **Consideration Of COF Contract No. 2022-0212, With Friends Of Franklin Parks For The Lease For The Historic Hayes House**

Sponsors: Lisa Clayton, Heather Eusebio

Lisa Clayton, Director of Parks, presented this Contract to the Board. The City of Franklin and Friends of Franklin Parks desire to enter into a Lease Agreement for the Hayes House and grounds. Friends of Franklin Parks shall use the second floor of the Hayes House as its offices. It is understood during the initial year of this Lease, Friends of Franklin Parks shall make renovations and improvements to the Leased Premises. All alterations, additions, repairs, replacements and improvements made to or upon the Leased Premises shall be deemed to be part of the Leased Premises and shall become property of the City upon the expiration or termination of this Lease; provided, however, that trade fixtures, machinery, and equipment that are installed by Lessee and removable without materially injuring the Leased Premises shall remain the property of Friends of Franklin Parks. The term of the Lease ("Initial Period") shall be twenty (20) years commencing upon the completion of the renovations of the Hayes House, or March 1, 2024, whichever is sooner, or as agreed upon by the Parties.

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

6. **Consideration Of Amendment 1 To COF Contract No. 2020-0244, With Friends Of Franklin Parks For The Lease Of Event Spaces At The Park At Harlinsdale Farm**

Sponsors: Lisa Clayton, Heather Eusebio

Lisa Clayton, Director of Parks, presented this Contract Amendment to the Board. The City owns, operates and maintains certain facilities for equestrian and special events and other public uses, which facilities are generally known as the Park at Harlinsdale Farm. The Lessee (Friends of Franklin Parks) uses a portion of Harlinsdale Farm which includes designated amenities for programs under the direction of the Lessee. The Lessee occupies the Leased Premises for events contained solely within the Leased Premises and coordinates the use of the Leased Premises by organizations and individuals on a daily usage basis for events and programs and subject to the Special Events Application. The original Lease for the event spaces for the Park at Harlinsdale Farm was executed on 1/28/2021. The original Lease called for the attachment of

an exhibit as an Amendment in order to show the Hayes House grounds for future rental by Friends of Franklin Parks.

Alderman Hanson requested an overview of the relationship between the City of Franklin, Friends of Franklin Parks, the Hayes House, and Harlinsdale Farm.

Answer: The City has relationships with several non-profit organizations throughout the community. Friends of Franklin Parks is one of those public-private partnerships, where the City works with them on certain projects, such as the Hayes House and Harlinsdale Farm. Currently, they have offices leased from the City at Eastern Flank. As they restore the Hayes House, they will transition over there.

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

7. Consideration Of Special Event Permit For Franklin Pride Festival Sponsored By Franklin Pride TN At The Park At Harlinsdale Farm On June 3, 2023

Sponsors: Milissa Reiersen, Lisa Clayton, Monique McCullough

Franklin Pride TN has requested an event permit for a Pride Festival at the Park at Harlinsdale Farm on June 3, 2023. This is the third year for the event. The festival includes live music, food trucks, arts and crafts vendors, and non-profit booths, as well as a youth activity area. The applicant anticipates 5,000 attendees.

Staff conducts an after-action report on every permitted event. After last year's event, Staff and the Board reworked the permit to include a more specific breakdown of the event, especially around entertainment. For this year's event, the organizer states there will not be a drag show included as part of the entertainment. The organizer has also offered to rent the entire Park (including the Dog Park), so that anyone that is on site will know they are attending the Pride Festival.

Board Comments

Alderman Hanson states that following last year's Pride Festival, the organizers deemed the event a huge success despite the controversy over the drag entertainment. Due to this, she is not convinced that they will not try to incorporate it again. She does not want to take that chance with the pending State Bill banning drag shows as well. Also, in light of the Holiday Parade, where members of the Franklin Pride organization were slipping brochures to children without their parent's knowledge, she cannot support the event. For that reason, she believes this event should take place at a private venue.

Alderman Burger recommends postponing consideration of this application for this year. She states that she would have this recommendation for any organization that caused so much angst in the community. The group promoted this event as family-friendly, and that is not how it was received. She thinks the event organizers were withholding information from the City about their intentions, and in doing so, she and the community felt deceived. The bottom line is that the event did meet community decency standards and this needs to be reviewed in the Franklin Municipal Code before moving forward with this application.

Alderman Baggett did not support the entertainment from last year's Pride Festival and worked tirelessly with the event organizers to ensure that the drag show would not be component moving forward. He is confident in that agreement, so he does not agree with postponing the event. He feels that the new State law that criminalizes drag shows and application amendments are effective and will prevent anything untoward from occurring again.

Alderman Blanton thinks the applicant has done everything they can to remedy the issues from last year's event and should be able to move forward with the event this year as delineated in their special event permit. She does not believe that postponing the event for a year would help. In fact, she believes it would make the problem worse and make the cavern between groups in the community deeper.

Alderman Potts believes in everyone's right to freedom of expression. However, he wants to know what Staff is going to ensure that type of entertainment will never occur again, and who will be on-site monitoring during the event?

Answer: The applicants will submit a full list of performers before the event. There will be officers on site to monitor the performances. It is handled the same way as every other event in that the permit details are adhered to as submitted on the day of, and if that is not the case, there are provisions to stop an event immediately.

Public Comments

Andrew Clark, 1205 Meadow Trace Court, Nashville, TN, believes that the nature of the event is inherently explicit. From the attire to the conversation, he thinks it is not family-friendly and exposing children to either the performers or the attendees normalizes sexual behavior.

Clayton Klutts, 1480 Coleman Road, Franklin, TN, president of Franklin Pride, does not think that a private venue with age restrictions is the right direction for his event. Its intent is to be family friendly and a way for the community to unite.

Board Comments Continued

Vice Mayor Barnhill asks how the drag show slipped through the cracks last year? Who knew about it ahead of time? Was it approved by Staff?

Answer: Prior to this, Staff has not required a list of performers, so no one knew that was the plan. Now, moving forward for all events, Staff will require more specificity for event entertainment.

Vice Mayor Barnhill follows-up by asking if the act had to then be approved by the organizer of the event?

Answer: Yes.

Then, he asks how long it would take to shut down an event of this size?

Answer: A few minutes. It does not take long once a decision has been made. However, please be aware that shutting an event down and evacuating everyone safely are two different scenarios.

Alderman Brown cannot support postponement of the event after the organizers have eagerly complied with the new rigorous application standards and new State law. To fight for the rights of one group and not another, does not support his values or the values he thought the community had. With all the protections in place and all the due diligence, the Board needs to give the group a chance to hold their event.

8. Consideration Of Ordinance 2022-45, An Ordinance To Amend Title 16, Chapter 14 Small Wireless Facilities In The Public Rights-Of-Way And Appendix A, Comprehensive Fees And Penalties

Sponsors: Mark Hilty, Steve Grubb

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

9. Consideration Of Ordinance 2022-49, An Ordinance To Amend Title 8, Chapter 2, Section 202, Of The Franklin Municipal Code Relative To Definition Of Premises For Consumption Of Beer

Sponsors: Bill Squires, Jessica Davey

Tennessee Code Annotated § 57-4-101(p) was amended in 2018 to allow for the overlap of premises designations for entities operating in the same building or facility and which are seeking licensing for on premises consumption of alcohol. The Franklin Municipal Code, Title 8, Section 202, subsection (3) currently includes a definition of premises that does not anticipate more than one entity controlling or operating within the same building or facility. Therefore, in order to be clear and deliberate in the definitions of premises provided in the Franklin Municipal Code, an amendment to the Code is necessary.

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

10. Update On The American Rescue Plan Act Grant Programs

Sponsors: Kristine Brock, Mark Hilty, Mike Lowe, Michelle Hatcher, Paul Holzen

The item was deferred to the March 14, 2023 Work Session for discussion.

11. Presentation Of 2022 Franklin Citizen Survey Results

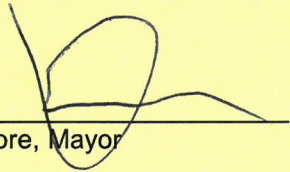
Sponsors: Eric Stuckey, Michael Walters Young

The item was deferred to a future Work Session for discussion.

OTHER BUSINESS

ADJOURN

Work Session Adjourned @ 7:33 p.m.



Dr. Ken Moore, Mayor

Minutes Prepared by Sarah Schilling, Assistant Deputy City Recorder, City Administrator's Office - 3/7/2023, 2:53 p.m.

