



Meeting Minutes

Work Session

Tuesday, June 13, 2023

5:00 PM

Board Room

CALL TO ORDER

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

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

Board Members Absent: Jason Potts

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

CITIZEN COMMENTS

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

WORK SESSION DISCUSSION ITEMS

1. Development Services Advisory Commission Annual Update

Sponsors: Vernon Gerth, Katherine Harelson

Katherine Harelson, Development Services Analyst, and Dwight Kiser, Chairman of the Development Services Advisory Commission, briefly presented the purpose and current goals of the Development Services Advisory Commission (DSAC).

Alderman Baggett suggests invoking a penalty for people and/or developers who deliberately disregard building and zoning decisions made by the City.

Ms. Harelson and Chairman Kiser assure Alderman Baggett that Staff is in the early stages of discussing and implementing such penalties.

Mayor Moore adds that he is also frustrated with several development projects that have been blatantly disregarding the rules lately and agrees that there should be a penalty for said violations.

Alderman Blanton asks about the monetary request that was inadvertently skipped in the presentation. Ms. Harelson explains that the DSAC is seeking \$25,000 in the next budget cycle to conduct a survey amongst the local development community to gauge how the City is performing.

Alderman Burger asks if the development professional survey will be anonymous?
Answer: Yes.

Then, Alderman Burger asks for an example of an incentive listed in the presentation.
Answer: Chairman Kiser explains that during the development process and permitting stage, some developers and contractors do it right and understand the process. Perhaps there could be an expedited timeline for this group that has proven to follow the rules and have a good track record with the City.

Alderman Burger follows-up by ensuring that penalties should not prevent developers or contractors from getting permits in the future for an indefinite period of time.

Alderman Baggett emphasizes the importance of anonymity for this survey.

Alderman Burger encourages qualifying citizens listening to apply for one of the three upcoming vacancies on the DSAC.

2. **Consideration Of Ordinance 2023-01, An Ordinance To Amend Title 12, Chapter 1 Of The Franklin Municipal Code To Amend Section 12-105 Relating To Certificate Of Use And Occupancy And Certificate Of Completion**

Sponsors: Vernon Gerth, Katherine Harelson

Ms. Harelson introduces Ordinance 2023-01 and explains the current process for Certificates of Use and Certificates of Occupancy, challenges with the current process, and the Staff Recommendation for improvements.

New Development

Current Process:

- Municipal Code: Sec.12-105 (1) (a). "A new building shall not be occupied or a change made in the occupancy, nature or use of a part of a building or structure until after the certificate of use and occupancy has been issued. Said certificate shall not be issued until all required building, infrastructure, zoning, life safety, electrical, gas, mechanical, accessibility, property maintenance, plumbing, and fire protection systems have been inspected by building and neighborhood services (or the designees of building and neighborhood services director) and the Franklin Fire Department for compliance with technical codes and other applicable laws and ordinances..."
- Final Certificates of Use and Occupancy (CUOs) are issued once a building or structure passes all building, fire, and zoning inspections.
- Site work covered under performance sureties does not have to be completed before a final CUO is issued but does need to be functional and stabilized.

Current Challenges:

- When Certificates of Use and Occupancy are issued, much of the site work is not completed. Performance sureties were the incentive to complete the site work. Site work is not being completed in a timely manner.
- Some performance agreements are almost a decade old.
- \$78 million of open letters of credit.
- Staff is becoming concerned that lingering sureties will no longer cover the cost of completing the improvements.

Staff Recommendation:

Final Certificates of Use and Occupancy (CUO) would be issued once all inspections are completed and all required site work and improvements have moved from performance agreements to maintenance obligations.

- Single Site Non-Residential (inc. Multi-Family): A Temporary CUO would be issued once all required building inspections are completed. Site must be stabilized. Once site work is completed and the sureties are released, a Final CUO would be issued.
- Residential: A Temporary Certificate of Completion (COC) would be issued on each section. As buildings are completed, Final CUOs shall be issued on the individual buildings. A Final COC shall be issued once the appropriate amount of site work is completed on that section.
- Multi-Tenant Developments: A Temporary COC would be issued on the shell building once inspections are completed. Final CUOs would be issued on the individual tenant spaces as they are

completed and inspected. A Final COC would be issued once all site work is performed and moved to maintenance.

Alderman Baggett asks if someone can close on a home with a temporary CUO?

Answer: Yes. There could even be a CUO for an individual home with a temporary COC for the site if the entire development is not complete.

Alderman Hanson wants to ensure protection for tenants who may receive a CUO, but then the builder does not comply with the COC. She does not want innocent tenants to be kicked out if the builder does not hold up their end of the deal.

Mr. Gerth states that the purpose is to develop a process to remind builders/developers/contractors to get a final COC, ultimately finish their project, and eliminate the City's excess of performance sureties.

Alderman Blanton asks: how does Franklin mirror other cities with this policy and procedure, and how will Staff educate people on this change in procedure? What are the processes for the reminder every 30 days?

Answer: Mr. Gerth states that Staff will be able to run reports and notify people electronically. Secondly, there will not be a fee charged if there is a violation. The goal is to re-educate and see how much progress Staff can make. Lastly, this process is already pervasive across many jurisdictions across the country. He wishes he had tackled this when he started with the City 17 years ago.

Alderman Burger asks Mr. Marsh to explain how this new process will help frustrated citizens in communities where the developers simply will not finish the site development?

Answer: The goal is to focus on the COCs and put teeth behind it to really light a fire under the developers.

Existing Buildings & Sites

Current Process:

- A new Certificate of Use and Occupancy is required when the occupancy or the use of a building or structure changes.
- Municipal Code: Sec.12-105 (1) (a). "A new building shall not be occupied or a change made in the occupancy, nature or use of a part of a building or structure until after the certificate of use and occupancy has been issued. Said certificate shall not be issued until all required building, infrastructure, zoning, life safety, electrical, gas, mechanical, accessibility, property maintenance, plumbing, and fire protection systems have been inspected by building and neighborhood services (or the designees of building and neighborhood services director) and the Franklin Fire Department for compliance with technical codes and other applicable laws and ordinances..."

Current Challenges:

- Current requirements do not accurately capture changes that are occurring to existing buildings and sites or new uses of land.
- Inspectors find building code violations after a new business has opened.
- Building code upholds the minimum requirements for life safety.
- Creates hardship for business owners when improvements are required after they have already opened for business or advised that their use is not permitted.

Staff Recommendation:

- A new Certificate of Use and Occupancy shall be required when:
 - A new business license is issued.
 - A parcel of land is being utilized for commercial/business purposes.
 - There is a change in a non-residential building tenant/occupant.

- Then, property owners will fill out an application online. Staff will provide a complimentary inspection on the building or site and provide guidance to the owner/tenant on any renovations required to support the proposed use/occupancy.

Alderman Baggett supports the intention of this Ordinance but wants the Board to be cautious of unintended consequences for business owners.

The item is expected on the June 27, 2023 Board of Mayor and Aldermen Meeting for consideration on First Reading.

3. **Presentation Of City Of Franklin 2023 Employee Engagement Survey**

Sponsors: Eric Stuckey, Jaime Ewald

Jaime Ewald, City of Franklin Organizational Development Specialist, provided information to the Franklin Board of Mayor and Aldermen (BOMA) concerning the 2023 Employee Engagement Survey.

In February 2023, the City of Franklin conducted its first professionally administered, citywide employee engagement survey. A high level of engagement is linked to increased performance, healthier employees, and better employee retention.

City Staff reviewed options for survey providers and contracted with Energage. Energage has over 15 years of experience conducting research on workplace culture, and has a goal of helping leaders make a valuable impact on organizational culture, the working lives of employees, and society overall. The company has surveyed over 70,000 organizations and administers the regional and national Top Workplace program.

To ensure confidentiality, Energage administered the survey and tracked responses. Responses can not be tracked to individual employees. Energage also provides reporting on survey results. The charts and graphs included in the attached presentation were provided directly by Energage.

The survey was sent to each City employee via email. The survey was open for two weeks. The response rate was 91.6%. The survey consisted of approximately 30 statements, which employees scored on a Likert scale of 0-6 (strongly disagree to strongly agree). Employees were also given the opportunity to offer open-ended comments.

The survey offered staff an opportunity to provide feedback about their workplace experiences. This information will help leaders ensure that the City of Franklin is not only one of the best places to live, but also, one of the best places to work.

4. **Consideration Of Ordinance 2023-15, An Ordinance To Rezone 7.2 Acres From Residential 4 (R4) To Planned (PD 38.19/3,000) District For The Property Located East Of Franklin Road And South Of Liberty Pike, Located At 209 Old Liberty Pike (Middle Eight PUD Subdivision). Establishing A Public Hearing On August 8, 2023**

Sponsors: Emily Wright, Amy Diaz-Barriga

Ms. Diaz-Barriga, Assistant Director of Planning Development, and Emily Wright, Director of Planning and Sustainability, presented updates on the Middle Eight PUD Subdivision. They discussed that there is a special consideration within the Multifamily Design Concept for properties south of Liberty Pike & west of Daniels Drive, east of the Truett House. The design team brought forth an Envision Franklin Plan Amendment to the Planning Commission on March 23, 2023, in which they proposed Special Consideration language specific to this site that allowed for the consideration of additional height when underground parking is provided, as well as a small amount of commercial space when it is a use that supports the surrounding community. The Planning Commission approved this requested amendment to Envision Franklin. The Planned District zoning

district with proposed entitlements meets the recommendations of Envision Franklin.

Alderman Baggett tries to clarify the height comparison to Jamison Station for the Board and the public because the 30-inch difference is a pain-point for everyone.

Gary Vogrin, Kiser + Vogrin Designs, reiterates that they have surveyed the Jamison Station building and have determined the height to be 52 feet, 9 inches tall. The goal for the Middle Eight building was to be within 30-inches of the Jamison Station elevation. The relationship of elevation between the existing buildings in Franklin and the proposed Middle Eight Development is critical. Currently, the proposed building height for the Middle Eight Development is 57 feet, and Jamison Station is 52 feet, 9 inches.

Joe Antunovich, CEO and Founder of Antunovich Associates representing the Middle Eight Project, adds his input. He discusses how the sub-grade parking allows for a lower elevation of all Middle Eight buildings on the 7.2-acre site. Of the two primary buildings, one is 36-feet high (three-stories), and one is 57-feet high (five-stories). The sticking point is the 57-foot building, but this height is needed to accommodate the five-story design and intended use/programming. He highlights an as-built survey of Jamison Station where the estimated height was 54-feet, 6 inches tall. This is a 30-inch difference from the 57-foot building for Middle Eight that was proposed and approved by the Historic Zoning Commission. However, the estimations were incorrect, and their surveyors determined that Jamison Station was actually 52 feet, 9 inches. Hence, they were off by 21 inches, and now the height difference is 51 inches rather than 30 inches. He shows what that 51 inches realistically looks like with a tape measurer and reiterates that to maintain the quality and programming intended for the Middle Eight five-story building, they request approval for the 57-foot building. He continues by stating the similar heights of other notable buildings in Franklin.

Public Comments:

Tom Bell, 177 Lancaster Drive, Franklin, TN, is opposed to the approval of the Middle Eight Project.

Tyrus Sturgis, 112 Birdge Street, Franklin, TN, representing the Heritage Foundation of Williamson County, is opposed to the approval of the Middle Eight Project.

Board Comments:

Mayor Moore states that this item will have to come back for discussion because there is not enough time to address all Board Members' comments and questions.

The item is expected on the June 27, 2023 Board of Mayor and Aldermen Meeting for consideration on First Reading.

5. **Consideration Of Resolution 2023-30, A Resolution Approving A Development Plan For Middle Eight PUD Subdivision With 1 Modifications Of Development Standards (Parking), For The Property Located East Of Franklin Road And South Of Liberty Pike, Located At 209 Old Liberty Pike. Establishing A Public Hearing On August 8, 2023**

Sponsors: Emily Wright, Amy Diaz-Barriga

This item was discussed concurrently to Item 4.

The item is expected on the August 8, 2023 Board of Mayor and Aldermen Meeting for consideration.

6. **Consideration Of COF Contract No. 2023-0095, With 228 Franklin, LLC For Parkland Impact Fee And Construction Agreement For The Middle Eight**

Sponsors: Lisa Clayton, Heather Eusebio

This item was discussed concurrently to Item 4.

The item is expected on the August 8, 2023 Board of Mayor and Aldermen Meeting for consideration.

7. ***Consideration Of Ordinance 2023-12, An Ordinance To Amend Title 8, Chapter 2, Section 219 Of The Franklin Municipal Code Relative To Background Checks For Beer Permit Applicants**

Sponsors: Bill Squires, Jessica Davey

The item is expected on the June 13, 2023 Board of Mayor and Aldermen Meeting for consideration on First Reading.

8. **Consideration Of Amendment 3 To COF Contract No. 2019-0007, With Reese Farms, LLC For Parkland Impact Fee And Greenway Trail System Construction Agreement (Change In Owner Only)**

Sponsors: Lisa Clayton, Heather Eusebio

This item will be discussed at the June 27, 2023 Work Session.

9. **Consideration Of COF Contract No. 2021-0119, With Franklin Special School District For The Interlocal Agreement For The Freedom Ballfields**

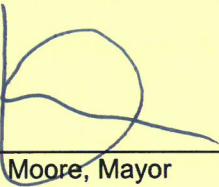
Sponsors: Lisa Clayton, Heather Eusebio

This item will be discussed at the June 27, 2023 Work Session.

OTHER BUSINESS

ADJOURN

Work Session Adjourned @ 7:01 PM



Dr. Ken Moore, Mayor

Minutes Prepared by Sarah Schilling, Assistant Deputy City Recorder, City Administrator's Office - 6/21/2023, 9:48 AM

