



City of Franklin

109 3rd Ave S
Franklin, TN 37064
(615) 791-3217

Meeting Minutes

Work Session

Tuesday, July 11, 2023

4:00 PM

Board Room

CALL TO ORDER

Mayor Moore called the meeting to order at 04:00 PM

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

Board Members Absent:

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.

Tiffany White, 20 Daniels Drive, Franklin, TN, is opposed to the approval of the Middle Eight Project.

Paul Lebovitz, 102 Winslow Road, Franklin, TN, is opposed to the approval of the Middle Eight Project

Other Comments:

Alderman Potts recognizes the City of Franklin for being a Top Workplace in Tennessee and also commends City employees for serving their community. He specifically honored Raymond Straughn from the City's IT Department for dedicating his personal vacation time to serve as a volunteer at a Boy Scout Summer Camp for the last nine years.

Mr. Stuckey explains to the Board that the developer of the Reese Farms neighborhood is currently working on improvements of Del Rio Pike. The opportunity for them to extend their work on Del Rio Pike, funded by the City, has presented itself. Staff is looking for authorization to move forward with this work at tonight's meeting. The Board can formally approve the item at the next Board of Mayor and Alderman Meeting. Mr. Holzen emphasizes that the contractors are already mobilized, and the project estimate is under \$200,000. Hence, it would be cost-effective and timely for the Board to authorize this work.

Alderman Brown expresses support for this project.

Alderman Potts also supports the authorization of this request. He recommends sharing the completion dates with the adjacent schools and their traffic safety officers.

Mayor Moore asks if this project includes the culvert on Del Rio Pike.

Answer: No. The City would come back and complete that as part of the separate project.

This item will come forward to the Board of Mayor and Aldermen on the August 8, 2023 Board of Mayor and Aldermen Meeting for consideration.

WORK SESSION DISCUSSION ITEMS

1. Presentation Of The Williamson County CTE STEM Emerging Careers Camp

Sponsors: Vernon Gerth, Amy Diaz-Barriga

Ms. Diaz-Barriga presented the success of the Williamson County Schools CTE STEM Emerging Careers Camp. One day of the program specifically focused on middle school girls and their interaction with the development community. They were challenged with proposing a redevelopment plan for the old Williamson County Animal Shelter property. The winners of the challenge were Jenna Pottmeyer, Annabelle Bowman, Aarushi Moturi, Jocelyn Johnson, and Madelyn Fisher. They were present to discuss their experience at the camp.

2. **Presentation Update On The New City Hall Architecture Elevations**

Sponsors: Vernon Gerth, Kelly Dannenfelser, Anna Ruth Kimbrough

Mr. Gerth introduced the item and allowed Ms. Kimbrough to present the 50% schematic design for the City Hall Project. She explained the preference for Concept 1 with key design elements from Concept 3 and Concept 4 integrated in based on feedback from the Design Review Committee. The next steps are:

- July 31, 2023: Special DRC Meeting to Review 75% Schematic Design Building Elevations
- August 22, 2023: BOMA Work Session to Receive an Update on 75% Schematic Design Building Elevation

The Board proceeded with discussion on concerns regarding the underground parking garage. There were technicalities being scrutinized.

Alderman Burger argues that the Board and Staff need to rely on the experts that have been hired to scope out technical engineering issues.

Alderman Petersen insists on requiring due diligence by the geotechnical engineer for the underground parking garage regarding potential flooding. The design team has engaged with technical experts and has direct experience with the renovation of the 231 Building on the Square, which directly addressed flooding concerns.

Alderman Baggett requests an informal vote for the underground parking garage, so the Board can move past this discussion. He thinks the Board needs consensus, or the Board will spend the next six months deciding on a parking solution when there are other design features to discuss. He asks: who is in favor of the underground parking garage?

Answering vote: Majority is in favor as declared by Mayor Moore.

Vice Mayor Barnhill wants to confirm that there will be cost engineering near the end of the design phase to trim the fat out of this project.

3. ***Consideration Of Resolution 2023-52, A Resolution To Award The Construction Contract (COF Contract No. 2022-0315) For The "Bicentennial Park" Project (COF Project No. 2016-005) To Sain Construction Company In The Amount Of \$10,281,197**

Sponsors: Paul Holzen, Lisa Clayton, Jonathan Marston, Shahad Abdulrahman

Alderman Blanton is excited to see the project finally move forward.

Alderman Baggett asks if this CIP Project includes the parking lot?

Answer: It does not. That will be a separate CIP Project.

Vice Mayor Barnhill confirmed that the Bicentennial Park Project was approved as a Capital Investment in 2019. Then, he asks how much money was allotted for this item in 2019?

Answer: The preliminary estimate in 2018 was \$4.7M. Then during COVID, Staff adjusted the figures and it amounted to \$8.5M. Now, it is at \$11.7M.

Then, Vice Mayor Barnhill concludes that a deeper analysis of the Franklin Capital Investment program may be beneficial because, at this rate, both City Hall and the Bicentennial Park are three times the initially predicted cost.

Alderman Burger asks if the City has used this contractor in the past?

Answer: Yes. The City just completed the joint ball field project with the Franklin Special School District under this contractor.

The item is expected on the July 11, 2023 Board of Mayor and Aldermen Meeting for consideration.

4. Discussion Concerning The City Of Franklin Capital Investment Program

Sponsors: Paul Holzen

Historically, the Board of Mayor and Alderman have revisited the Capital Investment Program (CIP) every 2-3 years to evaluate both short and long term priority projects. The City of Franklin defines a Capital Improvement Plan as a document issued separately but in coordination with the budget document, the CIP is the plan or schedule of project expenditures for public facilities and infrastructure (buildings, roads, parks, etc.), with estimated project costs, sources of funding, and timing of work over a ten-year period. Generally, projects over \$500,000 are included in the CIP. The goal of this presentation is to provide an update on current projects, provide an overview of the prioritization schedule, and obtain feedback from the Board.

Alderman Brown wants a historical perspective on the projects that have been ranked highly by prior Boards. He has questions regarding the categorical structure in the scorecard. For example, he would separate sidewalks and roads from the same transportation category. He is curious about the different funding mechanisms for different categories as well.

Alderman Petersen wants to know the exact date the CIP list was last discussed? She wants to reference the minutes for their discussion.

Answer: The February 22, 2022 BOMA Meeting.

Alderman Burger thinks the Board should tackle low-hanging fruit when it comes to these projects. For example, the Main Street sidewalk repair has a comparatively lower cost and could also increase safety for pedestrians downtown. She also wants funding mechanisms for the projects when ranking them.

Mr. Stuckey contends that the Main Street sidewalk repair is more of a streetscape refresh. Safety is dealt with on an ongoing basis.

Mr. Walters Young emphasizes that typically the Board ranks the projects then the City team determines the funding source and best distribution of those funds.

Vice Mayor Barnhill asks what the drop-dead date is for the house raising process with the Army Corps?

Answer: Last update from the Army Corps was hopefully in the next 3 years.

Alderman Brown still thinks there needs to be a column on the scorecard to discuss the federal or state match versus the city funding. He wants a clear idea of what the city is actually paying for.

Alderman Blanton wants to rediscuss the Mallory Lane/ Royal Oaks Blvd/ Liberty Pike roundabout. Additionally, she suggests having a CIP hardcopy book for each Board member to reference rather than just online. Staff indicated that this will be provided as part of the CIP process.

5. Presentation On Road Impact Fee Study Update

Sponsors: Vernon Gerth, Paul Holzen, David Diaz

As is routine and customary, City Staff periodically evaluate City policies with regard to road impact fees. Mr. Diaz and Mr. Holzen conducted this evaluation. As part of such evaluation, the City Staff consult the services of outside expert(s) and other interested parties to determine fees that are reasonable and prudent. The primary goal of such endeavor is to ensure the City's infrastructure adequately supports the growing needs of our community and to make recommendations that align with the best interests of our City and its residents. Accordingly, in June 2023, City Staff completed a new Road Impact Fee Study under the consult of not one, but two, outside expert firms. The study concluded that the fees had fallen behind the actual costs of road improvements, resulting in an inadequate funding stream for necessary infrastructure projects and upgrades. To validate the data and methodology used in updating the road impact fees, staff enlisted two reputable consultants, Duncan & Associates and Alfred Benesch & Company.

The 2023 Study indicates that the current fee structure falls short of the required funds to keep pace with pressing infrastructure needs. An update of the Road Impact Fees is crucial to bridge this funding gap and to assist in maintaining a funding source for essential road projects. The proposed increase in Road Impact Fees is needed to ensure the burden of infrastructure costs is proportionally distributed among developers and their projects.

Based on a thorough evaluation of the 2023 study findings, City Staff recommends advancing to the next phase which is to initiate public stakeholder engagement and inform the community about the results of the 2023 Road Impact Fee Study. Mr. Stuckey adds that this will be further discussed with the Board, and the consultants will provide a presentation to shed some light on the findings as well.

Alderman Brown asks if the City has ever compared infill and new development with greenfield development? How do the costs differ?

Answer: Mr. Gerth states that the fees are predicated on the cost of increasing capacity for arterial and collector roads. The development, whether infill or greenfield, will generate a certain amount of traffic. They are paying a fee, but how the City uses that fee is up to the Board.

Alderman Burger uses East Works as an example of an infill development. There is mixed-use development, so traffic flow is inconsistent. How does redevelopment look at that property and hence what would the road impact fees look like?

Mayor Moore adds that another good example is Cool Springs at McEwen.

Alderman Baggett asks if the larger sample size has bigger outlying projects that might skew the values? Answer: Mr. Holzen said outliers were removed from the calculations.

Alderman Baggett also brings up the state and federal funding credit. It makes up a large portion of the calculation (~38%). Was the state transportation bill considered in this fee structure? Answer: We do not have a clear answer on what roads will qualify for funding from that State bill yet.

Mr. Hozlen states that if there is suddenly a large influx of funding, this needs to be completely reworked.

6. Consideration Of Ordinance 2023-22, An Ordinance To Rezone 2.906 Acres From Regional Commerce 6 (RC-6) District To Planned (PD 61.3/3,362) District For The Property Located East Of Mack Hatcher Memorial Parkway And North Of Cool Springs Boulevard (101 Cool Springs Boulevard PUD Subdivision). Establishing A Public Hearing On September 12, 2023

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

The applicant is requesting to rezone the property from Regional Commerce 6 (RC-6) District to Planned District (PD 61.3/3,362) to accommodate the proposed development plan for 101 Cool Springs Boulevard. The development plan has been submitted concurrently. Envision Franklin places this property in the

Regional Commerce Design Concept.

The proposed development meets the minimum recommendations of Envision Franklin by providing a mix of uses that include commercial and multi-family residential, although the amount of activated ground-floor commercial use is very minimal, like approved developments nearby. The site layout provides an urban feel with building-lined streets creating a walkable development and provides architecture that fits in with the style of the corridor. The Regional Commerce Design Concept supports a mix of uses and the uses proposed are supported within the design concept.

With that said, a better mixture of uses, as allowed within the existing RC6 zoning district, could help facilitate an improvement in projected traffic flow by dispersing traffic onto Cool Springs Boulevard at different peak times of day. While the proportion of multi-family to commercial space is consistent with approved projects adjacent to this property, the transportation infrastructure does not support the proposed mixture of uses, which is predominantly multifamily residential with peak traffic volumes projected at similar times of day. Envision Franklin directs growth in areas where existing or planned infrastructure can support the proposed uses, and the uses proposed with this development plan place so much strain on the existing transportation infrastructure that minimum traffic requirements cannot be met. (See below for more detailed information.)

The 101 Cool Springs Development has submitted their final version of the Traffic Impact Analysis (TIA), in accordance with City of Franklin TIA guidelines. There were study intersections that did not meet our overall Level of Service D and individual movements that had delay worse than Level of Service E, thus, there are intersections and movements that did not meet City standards. Mitigation was not recommended for the Cool Springs at McEwen intersection, which is showing the greatest amount of excessive delay in this study. This intersection fails to an overall Level of Service F with this development. The added vehicular trips of this and adjacent developments in this area further increase traffic along Cool Springs Boulevard, and this area in general.

The intersection of Cool Springs Boulevard @ Mallory Lane and Mallory Lane @ McEwen were outside the study area. Any development in this area increases traffic at these intersections, as discussed during the Optima development, adding to existing excessive vehicle delays. It should be noted that the current TIA guidelines are being discussed with the Board, and the TIA requirements are anticipated to be adjusted as a result of these discussions. It is unknown at this time if those adjustments would bring the affected intersections of this development into meeting the future TIA standards.

Greg Gamble of Gamble Design Collaborative presented the development plan and argued for approval of the project at 101 Cool Springs Boulevard. Jason Ritson, owner of the property, was in attendance to answer any questions from the Board.

Alderman Blanton reminds the Board that, by right, the developer can build something bigger than proposed. This project does blend with what is already proposed to be built there. Her sticking point is whether there are too many apartments coming down the pike, but the Board has to be fair. In other words, the Board should not approve some apartment projects and not other arbitrarily. It is appropriate to have density in a corridor outside of the Mack Hatcher loop. She supports the project but wants to wait to see what TIA will bring into the conversation.

Mr. Gerth emphasizes that "by right" means compliance with land use plan and zoning regulations but also TIA guidelines. Impact on the road network is critical.

Alderman Burger does not want more apartments. However, she likes the proposed design of this project.

Alderman Potts feels obligated to comment due to his connections to Roper's Knob and the adjacent intersection. He appreciates that they are not proposing a building as tall as is allowed in the zoning, but he still thinks the City got the zoning wrong on this one. There should not be such tall buildings or dense corridors next to Roper's Knob. This is more palatable than what was proposed before, but it still looks super dense with a landlocked design.

Alderman Brown is still not in support, but he appreciates the context presented today. The core of the issue for him is that this is not the last piece of Cool Springs. He urges the Board to consider: how do we know when to stop? What is the impact of continuing to make this area dense?

Vice Mayor Barnhill asks what the vacancy rate is for apartments/units in Franklin? What is the incentive for building the apartment if it won't be occupied?

Answer: Alderman Burger says that there are 5,000 units in the pipeline that have not been built but approved. The vacancy rate is around 4.5%.

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

7. **Consideration Of Resolution 2023-42, A Resolution Approving A Development Plan For 101 Cool Springs Boulevard PUD Subdivision, For The Property Located East Of Mack Hatcher Memorial Parkway And North Of Cool Springs Boulevard. Establishing A Public Hearing On September 12, 2023**

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

The item was heard concurrently to Item 6.

The item is expected on the September 12, 2023 Board of Mayor and Aldermen Meeting for consideration.

8. **Consideration Of Resolution 2023-49, A Resolution Adopting A Plan Of Services For The Annexation Of Property Located South Of The Intersection Of Peytonsville Road And Pratt Lane, Outside Of The Southeastern Part Of The Franklin Urban Growth Boundary (UGB), By The City Of Franklin, Tennessee. Establishing A Public Hearing On September 12, 2023**

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

The item was acknowledged and is expected on the September 12, 2023 Board of Mayor and Aldermen Meeting for consideration.

9. **Consideration Of Resolution 2023-48, A Resolution Requesting A Referendum For The Annexation Of Property Located South Of The Intersection Of Peytonsville Road And Pratt Lane, And Outside Of The Southeastern Part Of The Franklin Urban Growth Boundary (UGB), By The City Of Franklin, Tennessee. Establishing A Public Hearing On September 12, 2023**

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

The item was acknowledged and is expected on the September 12, 2023 Board of Mayor and Aldermen Meeting for consideration.

10. **Consideration Of Ordinance 2023-24, An Ordinance To Zone 5 Acres Estate Residential (ER) District, For The Property Located South Of The Intersection Of Peytonsville Road And Pratt Lane, At 4436 Pratt Lane. Establishing A Public Hearing On September 12, 2023**

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

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

11. Consideration Of Resolution 2023-44, A Resolution To Recommend Changes To The Williamson County Growth Plan To The Williamson County Coordinating Committee. Establishing A Public Hearing On August 8, 2023

Sponsors: Eric Stuckey, Emily Wright, Andrew Orr

The City of Franklin is proposing changes to its UGB. Due to continued growth and development along the I-65 corridor, the City proposes an expansion of the UGB south of Long Lane and east of I-65. Through the referendum process, the City has annexed properties outside of the UGB in this area, and city services and infrastructure can be extended to support additional growth. A coordinated study of land uses and infrastructure is ongoing for the territory recommended to be added. The City is also proposing a reduction of the UGB north of New Highway 96 West, along US 31 Columbia Pike, and also along Carters Creek Pike and Southall Road. The reductions will help preserve rural character in these areas. Minor adjustments along the fringes of the UGB have been made so the proposed boundary follows parcel lines. In total, the City of Franklin is proposing adding approximately 2,173 acres to the UGB and removing approximately 2,534 acres for a net loss of 361 acres.

The Coordinating Committee officially met for the first time on June 13, 2023. They have six months to complete the state-required process. The next steps for the City include holding two public hearings. The FMPC will hold a public hearing at the July 27, 2023 meeting and also vote on Resolution 2023-44. The BOMA will also hold a public hearing and vote on Resolution 2023-44 at the August 8, 2023 meeting. It is anticipated that each City will present its recommendations to the Coordinating Committee in late August, prior to the Coordinating Committee holding two public hearings and holding a recommendation vote on the Growth Plan. Then, each municipality and the County will be requested to ratify the Growth Plan at the legislative body level.

Public Comment:

Dana Frick, 1527 Indian Meadows Drive, Franklin, TN, wants her property to be in the Franklin UGB rather than the Thompson's Station UGB to preserve the rural character of this parcel and surrounding land.

Alderman Baggett asks if this parcel of land is proposed to go into the Thompson' Station UGB?

Answer: Staff will have to verify.

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

12. Consideration Of Ordinance 2023-16, An Ordinance To Amend Title 8, Chapter 2, Section 211 Of The Franklin Municipal Code Relative To Special Event Beer Permits

Sponsors: Shauna Billingsley, Jessica Davey

The Franklin Municipal Code requires event organizers to obtain a permit for their special event under certain circumstances. Should the organizers desire to serve beer at their event, they are required to obtain a special event beer permit from the Beer Board. Failure to obtain a special event permit when required prohibits organizers from holding the special event where beer was intended to be served. The practice of the Beer Board has been to grant beer permits conditioned upon the event organizer receiving a special event permit when the beer permit approval was on a Beer Board agenda prior to obtaining the special event permit.

The ordinance amendment as drafted would require that where a special event permit is necessary and the event organizers desire to serve beer, the special event permit must be obtained before appearing before the Beer Board. It is important to note that, while BOMA meets twice monthly, the Beer Board meets only once a month. The differing timelines for the two governing bodies, along with their respective filing deadlines, could create a hardship for applicants, and result in their inability to obtain a beer permit before their event. And, many times, the special event application was at work session the prior meeting and then set on the Beer Board agenda and the voting meeting on the same night. However, Beer Board meets before BOMA and having the flexibility to approve a beer permit contingent on the special event approval has worked well.

As stated above, the practice has been to obtain the issuance of the special event beer permit contingent upon receiving approval for the special event. This would be consistent with the Beer Board's current practice related to certificates of use and occupancy. For establishments going through the building inspection process the beer board issues a permit that is contingent upon obtaining a certificate of use and occupancy so that the business experiences no delay once it has passed inspection and is ready to open its doors.

Alderman Blanton thinks this amendment makes sense on paper, but execution will be tricky.

Alderman Hanson and Alderman Potts spoke on behalf of the Beer Board to explain that this amendment came about due to a series of permits passed that were contingent on approval of their special event permit.

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

13. **Consideration Of COF Contract No. 2023-0063, With The Hard Bargain Association For The Reimbursement Of \$100,000 For The Cost Of Purchasing Vacant Land In The Hard Bargain Neighborhood To Further The Goal Of Building Affordable, Deed Restricted Home(s) In The Hard Bargain Neighborhood**

Sponsors: Tom Marsh, Kathleen Sauseda

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

14. **Consideration Of Liquor License For Life Of Reilly, LLC, DBA Happy Ours Wine & Spirits, Owned By Jody W. Reilly (Managing Agent) 595 Hillsboro Road, Franklin, TN 37064**

Sponsors: Angie Johnson

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

15. **Consideration Of Ordinance 2022-18 An Ordinance To Amend The City Of Franklin Municipal Code For Alarm Fees - Apendix A, Chapter 20 Miscellaneous For The Purpose Of Increasing The Alarm Permit Fees, Failure To Respond To Activated Alarm Fees, False Alarm Fees, And Reinstatement Fees**

Sponsors: Shauna Billingsley, Deb Faulkner

The item was deferred.

16. **Consideration Of Resolution 2023-53, A Resolution Approving The City's On-Call Title Opinion Professional Services Agreements, COF Contracts 2023-0190, 2023-0191, 2023-1092, 2023-1093, And 2023-0194 And Authorizing The Use Of These Contracts Once Executed**

Sponsors: Bill Squires

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

17. **Discussion Of Peddlers, Solicitors, And Itinerant Merchants - Pop-Up Commercial Merchandise Sales, Services, And Permitting Requirements**

Sponsors: Eric Stuckey, Vernon Gerth, Jessica Davey

Title 9, Chapter 2 of the City of Franklin Municipal Code authorizes and provides for specific permitting and operating requirements for peddlers, solicitors, and itinerant merchants. This ordinance was created in the mid-1970's and amended last in 2004 and 2009. Recently, City Staff has received inquiries from potential permittees whose business models do not strictly fit the definitions and requirements in the current code as written. Additionally, some business owners have expressed concerns that some of the requirements are restrictive. City team members from Revenue Management and our Building and Neighborhood Services and Law Departments have identified sections of the Municipal Code that may be suited for an update. However, discussion and guidance from the Board regarding this section of the Municipal Code is needed.

For context, in FY 22 Franklin issued 63 permits with a total application fee of \$3,150 and, in FY 23, we have issued 95 permits to date with \$4,750 collected. If the BOMA decides to proceed with minor amendments to this section of the Municipal Code, there would likely be no additional administrative impact. Staff is not recommending that the current application fee of fifty (\$50) dollars be changed. However, with an increasing number of peddlers, solicitors, and itinerant merchants, the impact on existing brick-and-mortar businesses is not measurable.

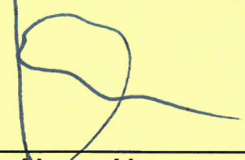
Staff recommends that the Board of Mayor and Aldermen provide guidance on amendments to the City's Municipal Code regarding the permitting and operation of peddlers, solicitors, and itinerant merchants for consideration in the future.

Alderman Burger believes this Ordinance needs to be reexamined closely.

OTHER BUSINESS

ADJOURN

Work Session Adjourned @ 6:57 PM



Dr. Ken Moore, Mayor

Minutes Prepared by Sarah Schilling, Assistant Deputy City Recorder, City Administrator's Office - 7/31/2023, 2:26 PM

