



Meeting Minutes

Work Session

Tuesday, February 13, 2024

5:00 PM

Board Room

CALL TO ORDER

Mayor Moore called the meeting to order at 05:01 PM

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

Board Members Absent:

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

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.

Steve Abernathy, 152 Clyde Circle, Franklin, TN, urged the Board to consider the importance of the Long Lane Overpass project.

WORK SESSION DISCUSSION ITEMS

1. **Consideration Of Event Permit For Tennessee Oncology Team Member Summer Event Sponsored By Tennessee Oncology On June 22, 2024 At The Park At Harlinsdale Farm**

Sponsors: Milissa Reiersen, Lisa Clayton, Monique McCullough

Mr. Stuckey and Ms. McCullough introduced the item. This is a private event for Tennessee Oncology statewide employees, but due to its size and scale, it does necessitate Board approval. It is a one-day event at the Park at Harlinsdale Farm with music and food trucks from 12PM to 8PM.

Alderman Barnhill asked if the event would serve beer.
Answer: No.

The item is planned for the February 27, 2024 Board of Mayor and Aldermen Meeting for consideration.

2. **Consideration Of Resolution 2024-12, A Resolution Of Support To Present The City Of Franklin's History To A Fuller Extent Through The Installation Of Three Historic Markers That Acknowledge, Honor, And Give Voice To The Stories Of Racial Injustice That Occurred In Williamson County Following The American Civil War**

Sponsors: Vernon Gerth

Caroll Van West, Tennessee State Historian and Director of MTSU Center for Historic Preservation, spoke in support of the three new historical markers. He was impressed by the desire of this projects' leaders to voice the stories of racial injustice in Franklin and Williamson County in a respectful yet accurate manner. He

claimed that this project is a very meaningful step in the right direction towards eradicating racial injustice in Franklin and the state of Tennessee.

Pastor Kenneth Hill was present to encourage the approval of these historical markers. It is part of a larger historical process of reconciliation and healing.

Lamonte Turner, Board Member of Tennesseans for Historical Justice and Franklin's Charge, which deals with acquiring land to preserve the narrative and expand the history of the Civil War, supported the erection of these markers. He hopes our community will read them and understand the story of injustice during the Civil War moving forward.

Alderman Barnhill referenced how long this project has been in the works.

Alderman Caesar was pleased with the intentionality and focus on the language displayed on the new historical markers. He applauded the Civil War Historical Commission (CWHC) members for recognizing the past but acknowledging the progress we have made in Williamson County as well. It is critical that people are educated to prevent history from repeating itself.

Alderman Baggett wanted to confirm that the feedback from the CWHC was included in the language before the Board today.

Answer: Yes, all those revisions have been included in the new language.

Alderman Baggett followed up by asking about the final locations of the markers. It is critical that each location serves a purpose towards the overall message.

Julian Bibb was invited to speak on the location of the markers. He emphasized that for these particular signs, the project leaders overwhelmingly suggest the locations that have been presented to you today.

Pastor Hill stated the need for a masterplan for the Natchez neighborhood that incorporates the preservation of historical buildings and the people amidst the new development.

Alderman Blanton thanked everyone for their dedication to this project. She commented that she hopes to drop the moniker of "lynching markers" that this project has been referred to in the past. Overall, she is supportive since this project is an indication of Franklin's true history and story.

Vice Mayor Brown was also thankful for the hard work put into this project. He supports the project, but he is still struggling with the Bicentennial Park location. He feels like all the pieces are not contextually connected if they are so spread apart geographically. He thinks the narrative would be best delivered in a more concise area.

Alderman Petersen also thanked the team for bringing this project to life.

Alderman Burger believed that the markers should list how many lynchings occurred locally, not nationally.

The item is planned for the February 27, 2024 Board of Mayor and Aldermen Meeting for consideration.

3. ***Consideration Of Amendment 4 To COF Contract No. 2020-0055, With Ascension St. Thomas Urgent Care For Renewal Regarding Near-Site Clinic Services**

Sponsors: Kevin Townsel

The item was acknowledged and is planned for the February 13, 2024 Board of Mayor and Aldermen Meeting for consideration.

4. ***Consideration Of Resolution 2024-10, A Resolution Authorizing The Use Of The Competitive Sealed Proposal Procurement Method For Choosing The Service Provider For Group Employee Insurance Benefits Consulting Services For A Term Of Award For The Human Resources Department (Purchasing Office Procurement Solicitation No. 2024-010)**

Sponsors: Kevin Townsel

The item was acknowledged and is planned for the February 13, 2024 Board of Mayor and Aldermen Meeting for consideration.

5. ***Consideration Of COF Contract No. 2024-0017, With Cumberland River Compact For The Purchase Of Compensatory Mitigation Credits In The Amount Of \$220,195 For The McEwen Drive Phase IV Project**

Sponsors: Paul Holzen

Mr. Holzen explained that the McEwen Phase IV project is impacting 380 LF of an intermittent stream and 0.03 acres of wetlands located within the project limits. As part of the permitting process, compensatory mitigation is required to offset the adverse impacts on these water resources. The project cannot move forward without compensatory mitigation and there is no opportunity for the City to do the mitigation onsite. As an alternative to onsite mitigation, staff is recommending that we purchase mitigation credits from an approved mitigation bank. The permitting agencies have approved the city to purchase credits from the Cumberland River Compact. The Cumberland River Compact in-lieu fee program has credits available within the Upper Cumberland River watershed.

The City is required to purchase 93.70 credits for a total cost of \$220,195. This expense is part of the McEwen Phase IV project budget.

Alderman Burger requested to go on the record stating her frustration with the constant setbacks for the McEwen Drive Project. She wants her constituents to hear her indignation, but there are a lot of players in an infrastructure this large, and the City is doing what they can to keep the ball rolling.

Alderman Caesar asked if there were other locations we could purchase the relief from?

Answer: Cumberland River Impact is the way to go to obtain the smoothest permitting process and most cost-effective mitigation based on per-credit pricing.

The item is planned for the February 13, 2024 Board of Mayor and Aldermen Meeting for consideration.

6. ***Consideration Of COF Contract No. 2024-0008, With Harpeth River Reserve, LLC For The Purchase Of Compensatory Mitigation Credits In The Amount Of \$373,860 For The McEwen Drive Phase IV Project**

Sponsors: Paul Holzen

The item was heard concurrently to Item 5 and is planned for the February 13, 2024 Board of Mayor and Aldermen Meeting for consideration.

7. **Presentation Of City Hall 100% Schematic Design, Opinions Of Cost, And Guidance On Proceeding With A Construction Manager At Risk, Owners Representative, And A Professional Services Agreement For Phase 3 - Design Development And Construction Documentation**

Sponsors: Vernon Gerth, Kelly Dannenfelser, Joe Marlo

Mr. Stuckey reintroduced the item. At the last work session, Staff presented the latest schematic design and tonight the focus will be on updated opinions of cost. He reminded the Board that it is imperative to view this project as more than a building. This is an opportunity to reinvest and revitalize one of the most important

blocks in Franklin's iconic downtown. It will provide the community City team with modern, functional space, and the capacity and flexibility to meet City needs now and well into the future. The goal has always been to make this a 100+ year building.

Kelly Dannenfelser, Assistant Director of Planning and Sustainability, summarized the history of the City Hall project process and the plan as it stands today. In 2019, BOMA launched the design process to build a new City Hall on its current location on the Historic City Square. The team spent the year of 2020 virtually engaging the community and developing the master plan, which was well-supported through the public outreach process. Fast-forward to today, we have completed schematic design, and we are poised for the next phase which is design, development, and construction drawings. As Mr. Stuckey mentioned, this is an opportunity to re-invest into the block at the heart of the City of Franklin. It includes various components that all work together to collectively bring broad benefit to the City.

This re-investment provides a functional and efficient city hall for Franklin that provides a quality place for citizens to engage in local government and a quality place for employees to serve the community. We set out to "complete" the square with the design. This re-investment provides subgrade parking for 200 vehicles, which is a rare opportunity one block off the Square of historic Franklin. This re-investment produces a new prominent, public plaza on the Square with an inviting pedestrian promenade and handicap access from the 2nd Ave Parking Garage. It also provides access to the public restrooms that are directly off the Square. All of those needs were identified through that community visioning process. This re-investment includes streetscapes on both sides of Third Avenue from the Square to Church Street. The engineering design work was actually completed 10 years ago, but there were other competing projects, and it was not chosen to move forward at that time. Now we have the opportunity to compete the streetscape project, including lights, trees, wider sidewalks, and upgrading the aging infrastructure underground. This re-investment provides shell commercial space for 2–3 tenants, which activates the street and brings a reason for visitors to walk down that block. Importantly, it also gives us flexibility for future city hall space needs. All of this works well with the adjacent new 1-acre park in Downtown Franklin. There is a lot of enthusiasm about this park. We mentioned before that over 1000 people responded to the survey, and 80 inspirational photos were submitted as part of that process. We will come back before you soon to review this unique opportunity in more detail.

All of those components are wrapped into the two opinions of cost.

Joe Marlo, Staff Engineer, reviewed the opinions of cost. We have been getting costing information from the Parent Company to date. In an effort to give BOMA full transparency and additional validation, we reached out to Concord Addis to give us a second, independent opinion of cost. They forecast within 2% of the true values. The cost values include: hard costs, soft costs, construction contingency of 5%, inflation contingency (3 years at 3.5%), design services funds spent, and design services funds remaining. The Concord Addis total cost was \$99,671,163. The Parent Company total cost was \$104,909,855.

Mr. Gerth explained that there are five well-known construction delivery methods, but he wanted to focus on two for this project. Design-bid-build is one option. The other is construction manager at risk. This method was recently approved by TN State Legislature to allow counties and cities to implement in their construction projects moving forward. It is newer to cities in TN, but it allows the owners and architects to bring on a construction manager sooner to help collaborate through design development and construction documents through to actual construction. As we know with design-bid-build, we get a price from a contractor. This is really the guaranteed minimum price because there will inevitably be change orders with this delivery method. With the construction manager at risk approach, you get a guaranteed maximum price that they are on the hook for. That price comes at the end of the construction drawings. Williamson County used this method on the Archive building and jail facilities off of Century Court. This proved to be a productive approach for them. The Franklin Special School District used it on their performing arts center and their new administration building on Eddy Lane. The construction manager approach does require timely decisions to keep the project moving forward and attempt to reduce inflationary costs. Staff recommended the construction manager at risk delivery method for the City Hall Project.

Mr. Stuckey explained that as a complement to the construction manager at risk approach, the Board has requested the involvement of an owner's representative. This would be an additional component providing

oversight and expertise. The Board designated Alderman Baggett to be a part of the Owner's Rep RFP proposal reviews.

Alderman Baggett presented the advantages of utilizing an owner's representative for this project. An owner's rep is a seasoned building professional appointed by the owner to oversee and manage the various phases of the project, including design through construction, acting as a liaison between the owner and other stakeholders to ensure a successful project. This role extends beyond value engineering, but offers a structured process from now until the end. This project is the largest and most visible project that this Board will work on, so it is important to get it right by assembling the best team possible. We want to ensure efficiency, value engineering, and cost savings. Owner's reps can help ensure that while providing expertise of public and private sector.

Then, Mr. Marlo introduced the totals with other costing decisions in mind, like the construction manager at risk, owner's rep, and temporary relocation of City Hall.

Mr. Stuckey asked the Board if they support moving forward with the following 3 things:

1. A professional services agreement for OHM Advisors/Studio 8 Design to proceed with Phase 3: Design Development and Construction Documentation
2. A resolution and advertisement (RFP) for a construction manager at risk
3. Direction on using an owner's representative

Board Comments:

Vice Mayor Brown supports all three components.

Alderman Burger supports all three components.

Alderman Blanton supports all three components. She recommended that the owners' rep should be from our area or at least be familiar with our community.

Alderman Potts supports all three components. He was in alignment with Alderman Blanton. The rep should be vested in our community.

Alderman Barnhill commented a new city hall is needed, but he still thinks its total cost is too high. He further commented that the Board and Staff did not do comprehensive due diligence on moving it to another location. However, he did express support for engaging an owner's representative.

Alderman Petersen commented that \$12 million on subgrade parking seems absurd. She believed that the 1-acre park should be an extra parking garage. This would be less expensive because it would be above ground. She further noted that the sidewalk is too wide in her opinion.

Alderman Caesar noted that with the construction manager at risk, owners rep, and \$99M total cost estimate, this proposal puts us way above budget. We should ensure via contract that the owner's rep comes in at or below budget to validate their cost-saving services.

Alderman Baggett encouraged Alderman Caesar to look at time savings and staff time savings as well. That will offset the cost of the owner's rep over time.

Alderman Caesar contended that he did not want to seem anti-owner's rep. He simply said that if we pay all these people (construction manager at risk, owner's rep, etc) and have a building in the end that costs \$115M, he will be disappointed and his constituents will hold him accountable. This is the time to go fast, but not hurry.

Mr. Stuckey stated it is not unreasonable to ask the owner's rep to document the time and cost savings they are providing.

Alderman Burger does not want to limit the owner's rep to the local area. She is more considered about finding the best. Also, she urged her fellow board members to stop belaboring points that are in the past. The train has left the station, so need to stop talking about location and parking.

8. **Review And Guidance For Staff To Proceed With Finalizing The Professional Services Agreement Inclusive Of The Attached Scope, Schedule, And Fee For Consideration By The BOMA Which Will Allow For OHM Advisors/Studio 8 Design To Complete the Phase 3 - Design Development & Construction Documentation For The New City Hall And Site**

Sponsors: Vernon Gerth

This item was heard concurrently to Item 7 and is planned for the February 27, 2024 Board of Mayor and Aldermen Meeting for consideration.

9. ***Consideration Of Ordinance 2023-42, An Ordinance To Rezone 2.004 Acres From Residential 3 (R3) District To Civic Institutional (CI) District For the Property Located South Of Del Rio Pike And West Of Alexander Drive, At 810 Del Rio Pike. Establishing A Public Hearing On March 12, 2024**

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

Joseph Bryan, Principal Planner, introduced the item. The applicant is requesting to rezone the property at 810 Del Rio Pike from Residential 3 (R3) to Civic Institutional (CI) District. The request to rezone CI meets the recommendations of Envision Franklin and maintains the established character of that section of Del Rio Pike. The change of base zoning district does not trigger any sort of traffic study. If or when the school expands or redevelops, Engineering will evaluate the proposal to determine if a traffic study is warranted as part of the development approval process.

The item is planned for the February 13, 2024 Board of Mayor and Aldermen Meeting for consideration on First Reading.

10. ***Consideration Of Ordinance 2023-43, An Ordinance To Rezone 93.32 Acres From Planned (PD 12.76/1,156,378/315) District To Planned (PD 15.15/1,092,515/315) District For The Property Located North And South Of McEwen Drive And West Of Mallory Lane, Located At 5000 Aspen Grove Drive (McEwen Place Town Center PUD Subdivision). Establishing A Public Hearing On March 12, 2024**

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

Mr. Bryan introduced the item. This is a revision to the McEwen Place Town Center PUD Subdivision. They are requesting to reduce the nonresidential use by 63,863 square feet, and then add another 223 residential dwelling units to the entitlements. The revised plan still meets the recommendation of Envision Franklin, as well as the intent of the original concept plan. Staff recommends approval of the rezoning and the development plan.

The item is planned for the February 13, 2024 Board of Mayor and Aldermen Meeting for consideration for First Reading.

11. **Consideration Of Resolution 2023-84, A Resolution Approving A Revised Development Plan For McEwen Place Town Center PUD Subdivision, Located North And South Of McEwen Drive And West Of Mallory Lane, Located At 5000 Aspen Grove Drive. Establishing A Public Hearing On March 12, 2024**

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

The item was heard concurrently to Item 10.

The item is planned for the March 12, 2024 Board of Mayor and Aldermen Meeting for consideration.

12. **Consideration Of Resolution 2023-81, A Resolution Amending The Tuck Away PUD Subdivision To Extend The Vested Rights For The Property Located South Of Bowman Road And West Of Lewisburg Pike, Located At 1190 Lewisburg Pike And 2208 Crossway Drive. Establishing A Public Hearing On March 12, 2024**

Sponsors: Emily Wright, Amy Diaz-Barriga

Ms. Diaz-Barriga introduced the item. The applicant has requested to extend the vesting period by three years until March 2027. This was for a PUD that was 37 single-family dwelling units.

The item is planned for the March 12, 2024 Board of Mayor and Aldermen Meeting for consideration.

13. **Consideration Of Resolution 2024-02, A Resolution To Ratify The Williamson County Growth Plan As Recommended By The Williamson County Growth Plan Coordinating Committee And To Approve The Interlocal Agreement (COF Contract No. 2023-0197)**

Sponsors: Shauna Billingsley, Emily Wright, Kelly Dannenfelser, Andrew Orr

Mr. Stuckey stated that the next stage of the Williamson County Growth Plan process is to come before the Board for action. The only requirement under state law is that the revised growth plan (UGB) maps be acted on by the cities and Williamson County. He proceeded to give updates on the process thus far. The County Board of Commissioners voted to reject the growth plan because they expect modifications coming from Thompson's Station and Spring Hill. We are waiting for each individual jurisdiction to take action. With one rejection on the table, Mr. Stuckey anticipates that the Coordinating Committee will have to re-engage to discuss changes. He recommends we approve and ratify the Franklin UGB Map.

The item is planned for the February 27, 2024 Board of Mayor and Aldermen Meeting for consideration.

14. **Consideration Of COF Contract No. 2023-0334, With Middle Tennessee State University For Professional Services Agreement For Toussaint L'Ouverture Cemetery**

Sponsors: Lisa Clayton, Heather Eusebio, Emily Huffer

The item was acknowledged and is planned for the February 27, 2024 Board of Mayor and Aldermen Meeting for consideration.

15. **Consideration Of Ordinance 2024-03, An Ordinance To Amend The City Of Franklin Municipal Code, Title 16, Chapter 5, Special Events, Public Gatherings And Expression Events, And Temporary Street Closures, Section 502 Definitions, To Redefine "Applicant" To Require Either A Sponsor Or Business Be Located In Franklin**

Sponsors: Shauna Billingsley

Ms. Billingsley explained that the definitions provided in the Franklin Municipal Code are applicable to and describe special events or public gathering and expression events within the City. This Ordinance would amend the word "Applicant" to require a sponsor, the applicant, or the business/non-profit organization to be located in Franklin. Permits have been requested in the past where applicants, or the non-profit, are not

located in Franklin. These events require significant staff time for an event that may not be connected to the Franklin community. Some of those events have had smaller than anticipated participation but staff time is the same regardless of how many participants actually come to an event.

Mr. Stuckey added that the goal is to ensure there is pre-existing support from Franklin residents for events in Franklin. This is especially important for runs and bike races, as they require ample staff for road closures.

Alderman Blanton asked if it would impact the public gathering and expression event changes that were made in the last year.

Answer: If an event does not require a permit under current code, this amendment would not apply.

The item is planned for the February 27, 2024 Board of Mayor and Aldermen Meeting for consideration.

16. Discussion Of Aldermen Pay

Sponsors: Alderman Beverly Burger

Alderman Burger brought forward a proposal regarding increased Alderman compensation. Her statement was as follows:

As we continue to serve our vibrant and rapidly growing city of 86,000 residents, it's imperative that we reflect on ways to ensure effective governance and representation. I am advocating for an increase in Alderman and Mayor monthly pay for the board of Mayor and Aldermen, with a particular reason to focus on empowering those how are coming after us as well as younger candidates who juggle family responsibilities and full-time employment.

Here are compelling reasons why such an increase is not only warranted but crucial for the continued success of our city:

1. **Attracting Diverse Talent:** *Our city boasts highly talented citizens and it's essential that our city council reflects the diversity those individuals and the skill-sets they can offer to our city. By offering compensation that contributes somewhat more towards all the responsibilities we must cover we can attract a wider range of candidates, especially those who may currently be deterred by the investment of time, study, and the financial strain of serving in public office alongside their existing family, job, and community commitments.*
2. **Ensuring Representation for Working Families:** *Many of our residents are young professionals with families and demanding careers. By increasing the compensation, we send a clear message that our community values and supports individuals from all walks of life, including those who may not have the financial flexibility to cover sitters (at \$15 and \$20 per hour), attending community meeting, events, seminars and just juggling their family and career lives.*
3. **Encouraging Civic Engagement:** *A increased compensation can incentivize more individuals, particularly younger demographics, to engage in local public service and consider running for the Board of Mayor and Aldermen. This infusion of fresh perspectives and energy is essential for keeping our governance dynamic and responsive to the evolving needs of our community.*
4. **Balancing Commitments:** *Serving on the Board of Mayor and Aldermen is a significant responsibility that often requires time away from family and work obligations. Increasing compensation can assist in alleviating the financial burden associated with this important commitment, enabling BOMA members to strike a better balance between their civic duties and personal and professional lives.*
5. **Investment in Effective Governance:** *Ultimately, investing in fair compensation for Board of Mayor and Aldermen members is an investment in the effectiveness and integrity of our governance and can help attract and retain dedicated individuals who are representative of our community.*

In conclusion, raising the monthly compensation for city council members is not just about fair compensation—it's about fostering inclusivity, promoting civic engagement, and ensuring effective governance for the benefit of all residents. I urge my fellow Aldermen to consider this proposal seriously and to join me in taking this important step towards a future vibrant and representative Board of Mayor and

Aldermen.

Let's remember:

1. No one takes on this position / job as a working income or expects anything close to a sustainable income. That is not why any of us do this job or the public servants to come after us. I have never met any Alderman who ran for office because they thought a monthly compensation was a paying job they were applying for.
2. People should not be penalized for wanting to serve or be disincentivized because of the demands on time and finances.
3. Let's not overlook the non-visible things, working through the issues, studying massive amounts of material at times, attending seminars, community meetings, and dealing with explosive growth and all the challenges that brings to our city and board.
4. BOMA members are not just board members, they are members of an executive board the take on critical responsibilities for our city.
5. Look at the growth over the last 10 year and the work load the complexities of the issues (sewer treatment plant, drinking water plant, impact fees, growth, sewer basins challenges, long term planning, financial planning for a fast-growing community, the list goes on).
6. Aldermen and the Mayor in reality, don't have a day off a they serve 365 days a year. Yes, one of us even got a call on Christmas day. So, the Aldermen and Mayor are on the clock.
7. Just one metric for the increase growth and increased activity is look at the number of increased numbers of employees that work for the city, the increases in pay for staff and especially the increase in pay for administration over the last 15 years. In a weak Mayor system, the actual decision-making via votes on important issue primarily rest on the shoulders of the Aldermen. It is their responsivity to become extremely well informed on each decision, thus adding more to the workload of the current board and to those to come. The workload of our mayor has increase just as well and his ambassadorship for a nationally and internationally recognized city is very demanding here locally and at the state level and beyond.

Alderman Blanton believes, like she said in 2010, that we have a weak mayor system but not a weak mayor role. She may not support an increase in alderman pay, but she supports an increase in mayoral pay. She would rather consider perpetuating health insurance for board members who have served a minimum number of terms instead.

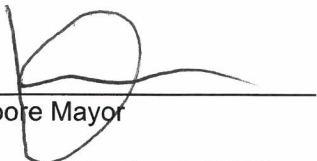
Alderman Baggett claimed that the only way he would consider raising alderman compensation was if he heard from an ad-hoc committee of citizens on the matter. If anything, he believed their compensation should probably decrease.

Alderman Potts echoed Alderman Blanton and Alderman Baggett's sentiments. He does not serve on the Board for the compensation.

OTHER BUSINESS

ADJOURN

Work Session Adjourned @ 7:04PM



Dr. Ken Moore Mayor

Minutes Prepared by Sarah Schilling, Assistant Deputy City Recorder, City Administrator's Office - 2/21/24, 9:07AM