



Meeting Agenda

Work Session

Tuesday, August 25, 2020

5:00 PM

Board Room

The Board of Mayor and Aldermen Work Session Meeting will limit physical access in the meeting room due to current limitations on public gatherings. Accommodations have been made to ensure that the public is able to participate in the meeting. The public may participate in the following ways: • Watch the meeting on FranklinTV or the City of Franklin website. • Watch the live stream through the City of Franklin Facebook and YouTube accounts. • Call in to the conference meeting 1-312-626-6799, Meeting ID: 992 0346 3925, Password: 756052. Callers will be unmuted and given an opportunity to comment during the meeting at specific times. • Limited viewing will be available in the lobby of City Hall to watch the live video. • The public may email comments and questions prior to 4:30 p.m. on the day of the meeting to recorder@franklinton.gov to be read aloud. • City YouTube: <https://www.youtube.com/user/CityOfFranklin> • City Facebook Live: <https://www.facebook.com/CityOfFranklin> • City website: <https://www.franklinton.gov/franklin-tv>

CALL TO ORDER

MEETING PROCEDURE CHANGES

1. Consideration Of Resolution 2020-147, A Resolution Declaring That The Board Of Mayor And Aldermen Members Shall Meet On August 25, 2020 For Work Session And Conduct Its Essential Business By Electronic Means Rather Than Being Required To Gather A Quorum Of The Members Physically Present In The Same Location Because It Is Necessary To Protect The Health, Safety, And Welfare Of Tennesseans In Light Of The COVID-19 Outbreak.

Sponsors: Shauna Billingsley

CITIZEN COMMENTS

WORKSESSION DISCUSSION ITEMS

2. Presentation Of Bulk Leaf Collection Operations.

Sponsors: Steve Grubb

3. Presentation Of Status Update For The Cool Springs Transportation Study Future Conditions Report Summary.

Sponsors: Paul Holzen, Jonathan Marston, Jimmy Wiseman, Adam Moser

4. Discussion Concerning Collector Roadways And Appropriate Implementation Of Road Impact Fee.

Sponsors: Paul Holzen, Jonathan Marston

5. *Consideration Of Ordinance 2020-01, An Ordinance To Rescind Ordinance 2017-22 And To Adopt A Revised Policy For Public Records Requests And Codify Into Franklin Municipal Code.

Sponsors: Lanaii Benne

6. *Consideration Of Resolution 2020-153, A Resolution To Amend Article XXI, Section V Place Of Residence In The Human Resources Manual.

Sponsors: Kevin Townsel

7. *Consideration Of Resolution 2020-134, A Resolution To Provide Sanitary Sewer Services To Franklin Christian Church.

Sponsors: Michelle Hatcher

8. Consideration Of Amendment No. 1 To Contract No. 2019-0302 Of Parkland Impact Fee Agreement For Carothers Stacked Flats Between The City Of Franklin And Poora Properties.

Sponsors: Lisa Clayton

OTHER BUSINESS

ADJOURN

Anyone needing accommodations due to disabilities please contact the ADA Coordinator at 615-791-3277 at least 24 hours prior to the meeting.



City of Franklin

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

File #: 20-0964

DATE: July 23, 2020
TO: Board of Mayor and Alderman
FROM: Eric Stuckey, City Administrator
Shauna Billingsley, City Attorney

SUBJECT:

Consideration Of Resolution 2020-147, A Resolution Declaring That The Board Of Mayor And Aldermen Members Shall Meet On August 25, 2020 For Work Session And Conduct Its Essential Business By Electronic Means Rather Than Being Required To Gather A Quorum Of The Members Physically Present In The Same Location Because It Is Necessary To Protect The Health, Safety, And Welfare Of Tennesseans In Light Of The COVID-19 Outbreak.

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning conducting the Board of Mayor and Aldermen by electronic means to limit physical contact for the health and safety of all citizens.

BACKGROUND/STAFF COMMENTS:

Due to the COVID-19 Outbreak citizens need to limit potential exposure to the virus by limiting contact with others. To support this effort the City of Franklin boards and commissions will meet electronically rather than gathering a quorum physically in the same location to conduct their essential business.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of Resolution 2020-147.

RESOLUTION 2020-147

A RESOLUTION DECLARING THAT THE BOARD OF MAYOR AND ALDERMEN SHALL MEET ON AUGUST 25, 2020, FOR WORK SESSION AND CONDUCT ITS ESSENTIAL BUSINESS BY ELECTRONIC MEANS RATHER THAN BEING REQUIRED TO GATHER A QUORUM OF THE MEMBERS PHYSICALLY PRESENT IN THE SAME LOCATION BECAUSE IT IS NECESSARY TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF TENNESSEANS IN LIGHT OF THE COVID-19 OUTBREAK

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory disease that appears to occur through respiratory transmission, presents with similar symptoms to those of influenza, and can lead to serious illness or death, particularly in the case of older adults and persons with serious chronic medical conditions; and

WHEREAS, the Centers for Disease Control and Prevention has recommended that all states and territories implement aggressive measures to slow and contain transmission of COVID-19 in the United States; and

WHEREAS, on March 12, 2020, pursuant to the authority granted by Tenn. Code Ann. § 58-2-107, the Governor of Tennessee, Bill Lee, issued Executive Order No. 14, declaring a state of emergency to facilitate the response to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States, Donald J. Trump, declared a national state of emergency with respect to COVID-19; and

WHEREAS, on March 20, 2020, Mayor Ken Moore issued Executive Order No. 2020-01 Declaring a State of Emergency and Civil Emergency; and

WHEREAS, Governor Lee issued Executive Order No. 16, and later issued Executive Order No. 34 and Executive Order No. 51, allowing electronic meetings while continuing to function openly and transparently; and

WHEREAS, Mayor Moore issued Executive Orders No. 2020-03, No. 2020-05, No. 2020-07, No. 2020-09, No. 2020-11, No. 2020-12, No. 2020-13, No. 2020-14, No. 2020-15, No. 2020-16, and No. 2020-17 continuing the Declaration of a State of Emergency and Civil Emergency; and

WHEREAS, the Board of Mayor and Aldermen believes it is in the best interest of the City of Franklin to conduct the August 25, 2020, work session by electronic means.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

The work session scheduled for August 25, 2020, at 5 p.m. shall be conducted by electronic means rather than requiring a quorum of the members of the Board of Mayor and Aldermen to attend in person to protect the health, safety, and welfare of Tennesseans in light of the COVID-19 Outbreak. Physical access in the meeting room will be limited. The public can view and participate in the meetings by watching the meeting live or later as a recording on FranklinTV, the City of Franklin website, the City of Franklin's Facebook page, and the City of Franklin's YouTube account. Specific dial-in and website links can be found on the City's website at

<https://www.franklintn.gov/Home/Components/Calendar/Event/10211/1092>

IT IS SO RESOLVED AND DONE on this 25th day of August, 2020.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
Eric S. Stuckey
City Administrator

By: _____
Dr. Ken Moore
Mayor

Approved as to Form By:
Shauna R. Billingsley, City Attorney



File #: 20-01012

DATE: August 5, 2020
TO: Board of Mayor and Alderman
FROM: Eric Stuckey, City Administrator
Steve Grubb, Director of Streets

SUBJECT:
Presentation Of Bulk Leaf Collection Operations.

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning the City's Bulk Leaf Collection Process.

BACKGROUND/STAFF COMMENTS:

The Bulk Leaf Collection Process has virtually been unchanged for 24 years. Due to the growth of the community and the maturation of trees within neighborhoods, we are experiencing significant delay in the collection process during peak times. Our resources are very thin during the bulk leaf collection season (October 1st through January 31st). For some time we have been unable to meet the commitment of guaranteeing a daily collection of leaves (one pick-up per week) during the peak season. Given the limitation of time and resources, City staff will layout the need to shorten the season and move to a bi-weekly collection schedule throughout the City with exception to the Downtown corridor. We are seeking to improve our collection process by providing a more definitive schedule for our citizens and more clearly define the level of service in the community. This revised service level is consistent with those offered in other cities.

FINANCIAL IMPACT:

The revised collection schedule works within the City's existing resources and operating budget.

RECOMMENDATION:

Staff recommends that the Board of Mayor and Aldermen acknowledge the presentation and approve this change in the structure of the City's bulk leaf collection service.



Bulk Leaf Collection

City of Franklin
Street Department

Steve Grubb, Director

Jerry Garrett, Landscape Maintenance Supervisor

August 25, 2020

Comparison

Staff Research

Collection Zone

Communication

Questions

Bulk Leaf
Collection



Comparison



DAILY PROCESS
VS BIWEEKLY



FUEL
CONSUMPTION
REPORT



VEHICLE &
EQUIPMENT
MAINTENANCE



OVERTIME



OTHER
MAINTENANCE
PROJECTS

Staff Research

- Bowling Green, KY
- Clarksville, TN
- Cookeville, TN
- Dickson, TN
- Grand Junction, CO
- Naperville, IL
- Raleigh, NC
- Rock Hill, SC
- Shaker Heights, OH
- Tullahoma, TN
- Upper Arlington, OH
- Winston Salem, NC
- Starts Oct, 14th Ends Dec, 31st
- Does not operate Leaf Vacuums
- Collection every 3-4 weeks
- Street by Street collection process
- Eight week Program
- Three collection date opportunities
- Twelve Zones, 2 collection opportunities
- Bi-Weekly collection process
- Starts Oct, 15th Ends Dec, 15th
- Three collection opportunities
- Starts Oct, 28th Ends Dec, 1st
- Starts Nov, 2nd Three opportunities

Collection Zone

Red Zone Week of Dates

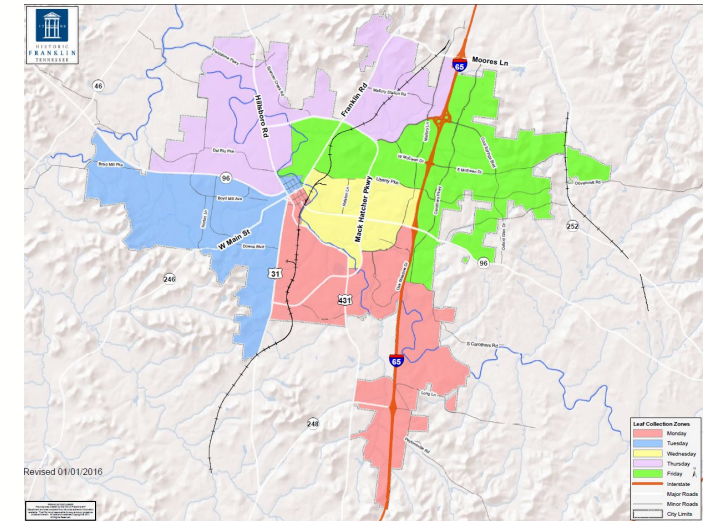
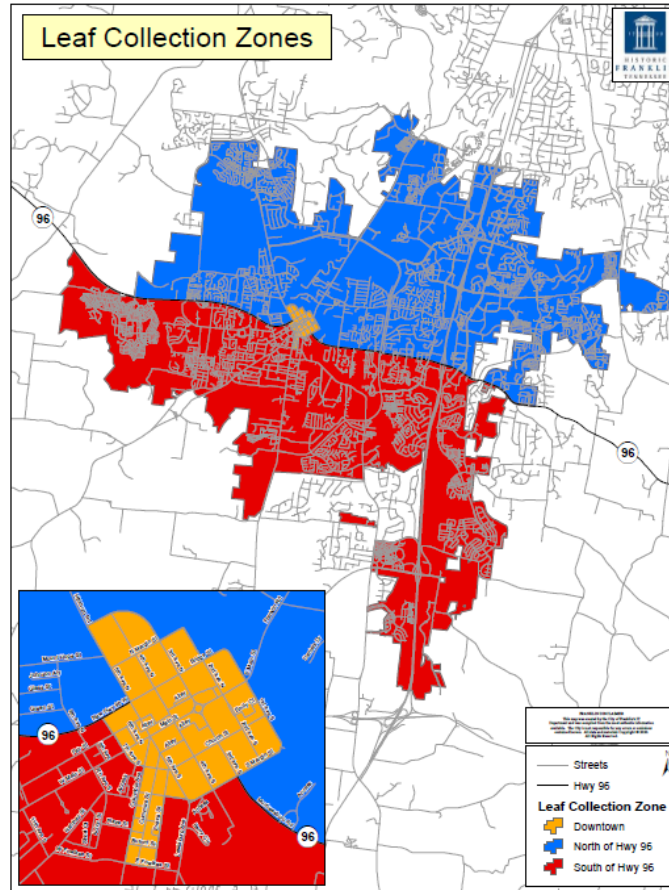
- .October 26th
- .November 9th
- .November 23rd
- .December 7th
- .December 21st
- .January 4th

Blue Zone Week of Dates

- .November 2nd
- .November 16th
- .November 30th
- .December 14th
- .December 28th
- .January 11th

Gold Zone Week of Dates

- .October 26th thru January 11th





Communication

Social Media
Blast

Web Page
updates

Variable
Message
Boards

Neighborhood
Sign
Placement

Door Hangers
non HOA

Email Blast to
HOA

Message in
the Utility Bill

Questions?





Date: August 25, 2020

HISTORIC
FRANKLIN
TENNESSEE

To: Board of Mayor and Alderman

From: Eric Stuckey, City Administrator

Steve Grubb, Street Director

Subject: Bulk Leaf Collection Operations

Purpose

The purpose of this of this memorandum is to provide information to the Franklin Board of Mayor and Alderman (BOMA) concerning the Street Departments Bulk Leaf Collection Process.

Background

The Bulk Leaf Collection Process has virtually been unchanged for 24 years. We are experiencing significant delay in the collection process during peak times. Trees are reaching maturity in developments 15 and 20 years old. Our resources are very thin during the Long Leaf Season, October 1st thru January 31st. For some time we have been unable to meet the commitment of guaranteeing a daily collection of leaves during the peak season. We will layout the need to shorten the season and move to a bi-weekly collection schedule throughout the City with exception to the Downtown corridor. We are seeking to improve our collection process by providing a more definitive schedule for our citizens.

Fund Implication

No budget impact to the City of Franklin

Recommendation

Staff recommends beginning a bi-weekly collection process outside of the Downtown Corridor. We recommend starting the Bulk Leaf Collection process on October 26, 2020 and ending the season on January 15, 2021.



File #: 20-0989

DATE: July 29, 2020
TO: Board of Mayor and Alderman
FROM: Eric Stuckey, City Administrator
Paul Holzen, Director of Engineering
Jonathan Marston, Asst. Director of Engineering
Jimmy Wiseman, Asst. Director of Engineering
Adam Moser, Traffic Engineer

SUBJECT:

Presentation Of Status Update For The Cool Springs Transportation Study Future Conditions Report Summary.

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning the Cool Springs Transportation Study status. This is the second status presentation of the project and will review ongoing efforts, including a review of approved development traffic conditions and a look at future maximized build out scenarios in the Cool Springs project area as it relates to impact on traffic conditions.

BACKGROUND/STAFF COMMENTS:

On November 26, 2019, the BOMA approved a Professional Services Agreement (COF Contract No. 2019-0321) to KCI Technologies Inc for the Cool Springs Transportation Study. This comprehensive study reviews the Cool Springs area's existing traffic conditions, along with approved and ongoing development and its expected affects on the transportation infrastructure in this area. The study will ultimately develop recommendations for future development and redevelopment within this area of Franklin in regards to addressing traffic congestion.

FINANCIAL IMPACT:

No direct financial impact at this point.

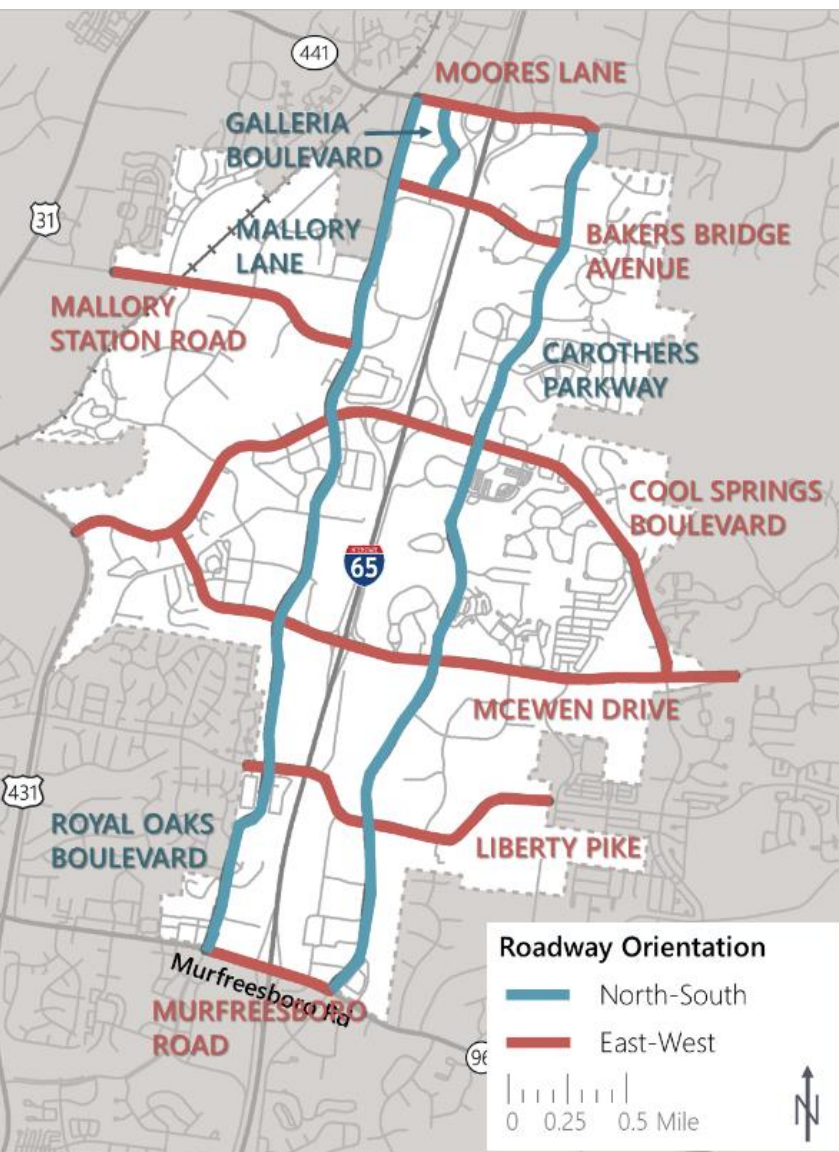
RECOMMENDATION:

There is no recommended action at this time.

COOL SPRINGS

Transportation Network Study





YOUR STUDY

Study Scope Summary:

- ☒ Task 1: Inventory and analyze existing conditions
- ☒ Task 2: Evaluate potential impacts to the transportation system from approved and future development scenarios
- ☐ Task 3: Recommend infrastructure and operational improvements as well as policy strategies for achieving desired transportation outcomes

FUTURE SCENARIOS (2030)

ALL SCENARIOS INCLUDE

- Generalized background growth
- Programmed and recommended improvements stated in traffic impact studies

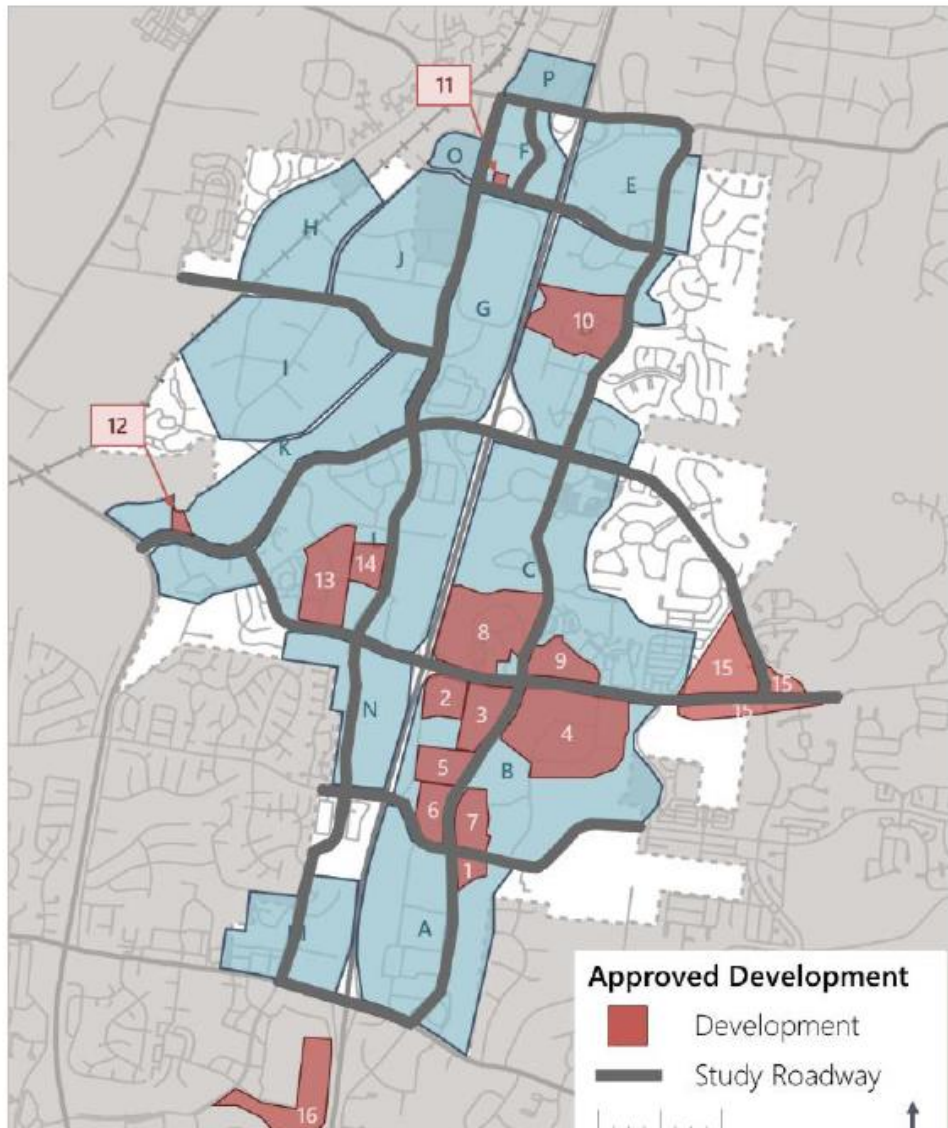
APPROVED DEVELOPMENT

- 50% Build out
- 100% Build out

MAXIMIZED DEVELOPMENT

- 25% Development Potential
- 50% Development Potential

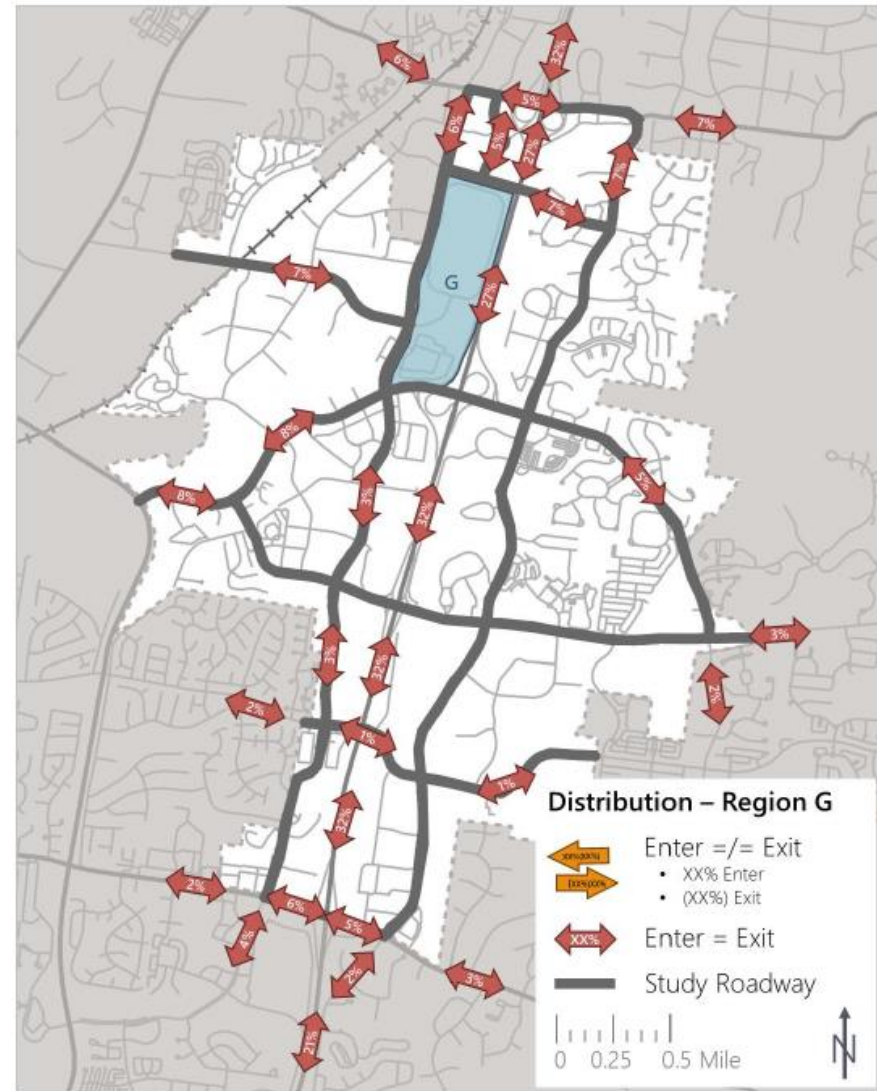
APPROVED DEVELOPMENT



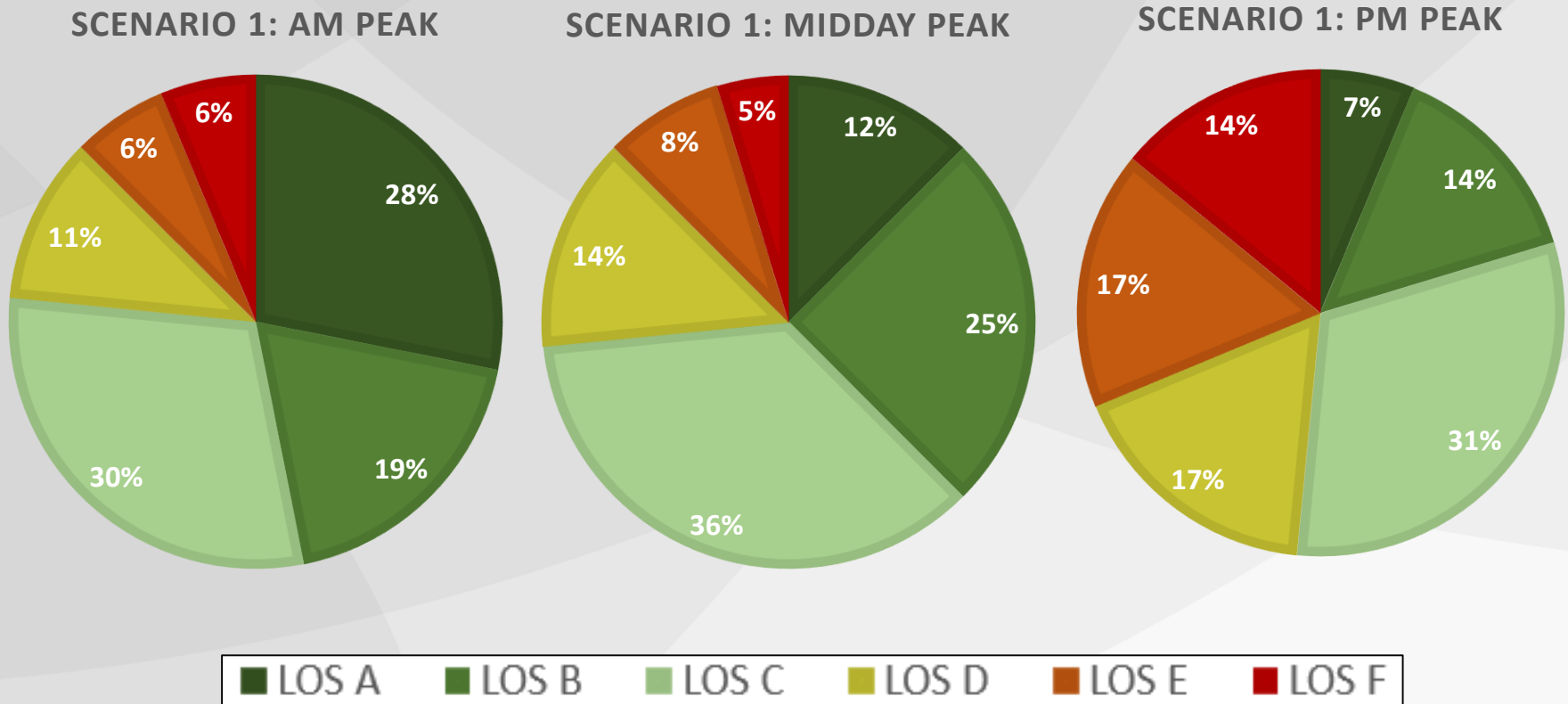
- | | |
|----------------------------|-------------------------------|
| 1. Liberty Station | 9. Franklin Park |
| 2. Franklin Summit | 10. East Works |
| 3. Aureum | 11. 7086 Bakers Bridge Avenue |
| 4. Ovation | 12. The Franklin at Legends |
| 5. Huffines Ridge | 13. Mallory Green |
| 6. Carothers Crossing West | 14. McEwen Town Center |
| 7. Carothers Crossing East | 15. Avalon Square |
| 8. Apex Village | 16. Vintage Franklin |

BACKGROUND GROWTH AND DISTRIBUTION

- **Background Growth**
 - Historic Counts
 - AADT data (TDOT tube counts)
- **Distribution**
 - StreetLight analysis



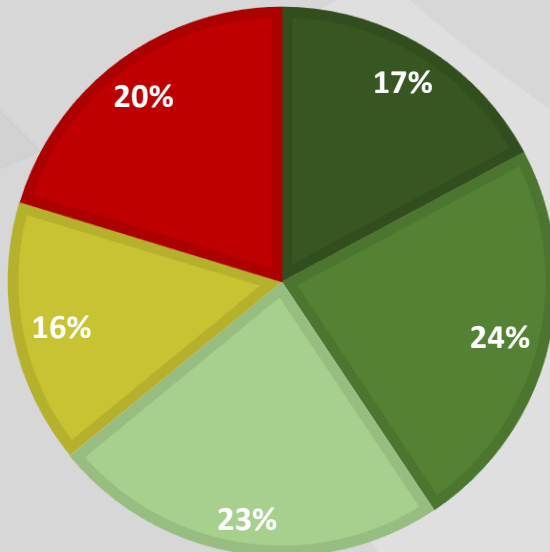
Scenario 1: 50% APPROVED DEVELOPMENT RESULTS



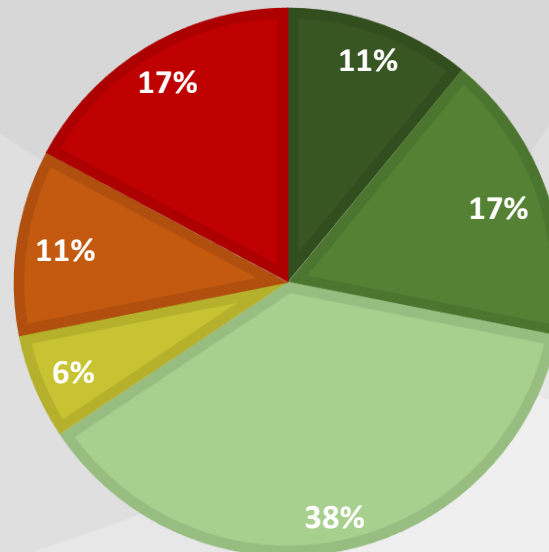
Scenario 2:

100% APPROVED DEVELOPMENT RESULTS

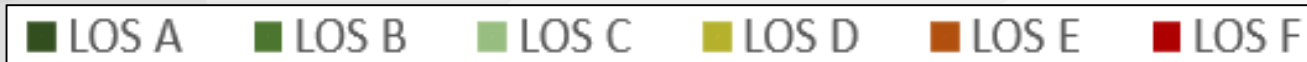
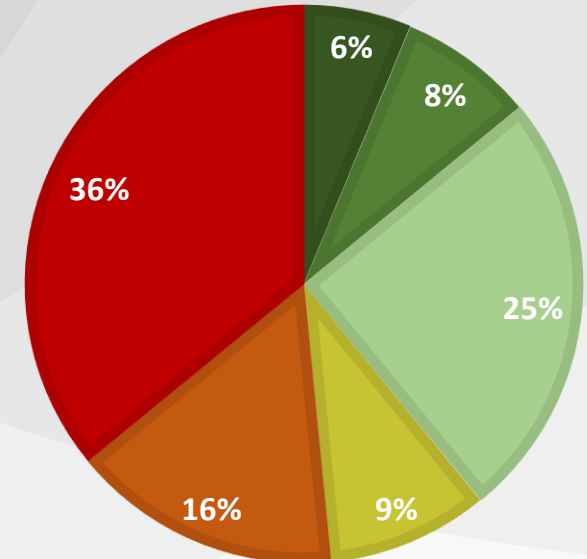
SCENARIO 2: AM PEAK



SCENARIO 2: MIDDAY PEAK



SCENARIO 2: PM PEAK



MAXIMIZED DEVELOPMENT

Methodology

- Available Acreage Determination (Undeveloped or for Redevelopment)
- Zoning
- Land Use Policy
- Discussions w/ Staff

ENVISION



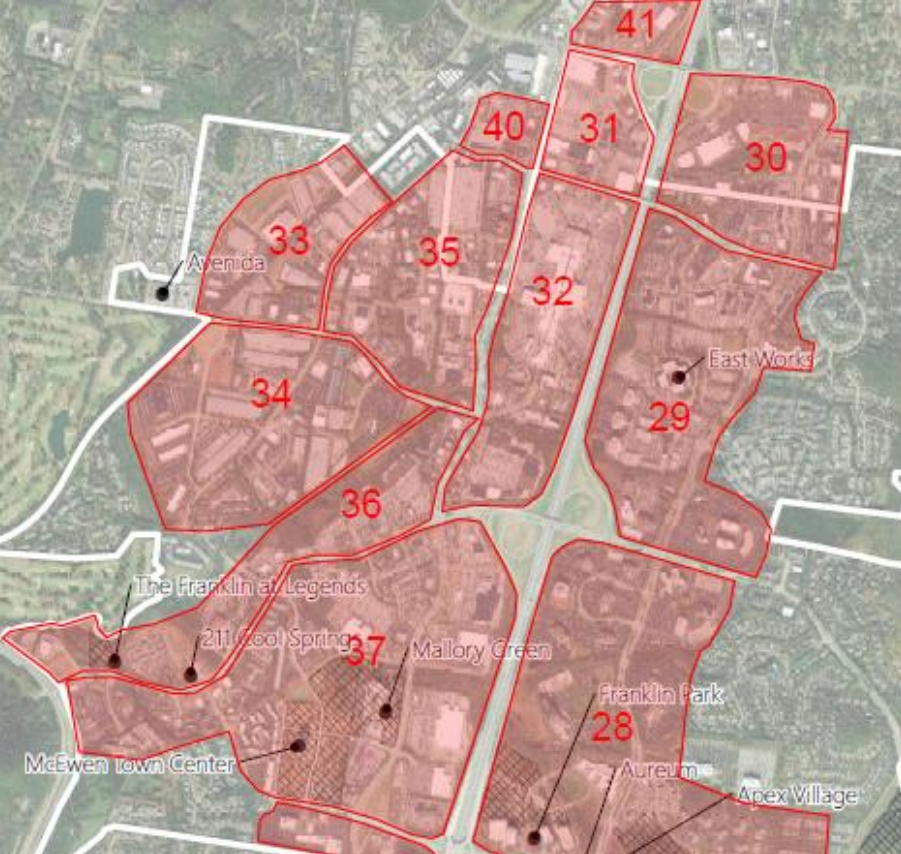
FRANKLIN

PRESERVING THE PAST, PLANNING THE FUTURE



FRANKLIN
ZONING
ORDINANCE

ADOPTED 12-10-2019
EFFECTIVE 12-30-2019



Zone 38

12.71 total acres

6-story building

112.7k s.f. office per acre

11.3k s.f. retail per acre

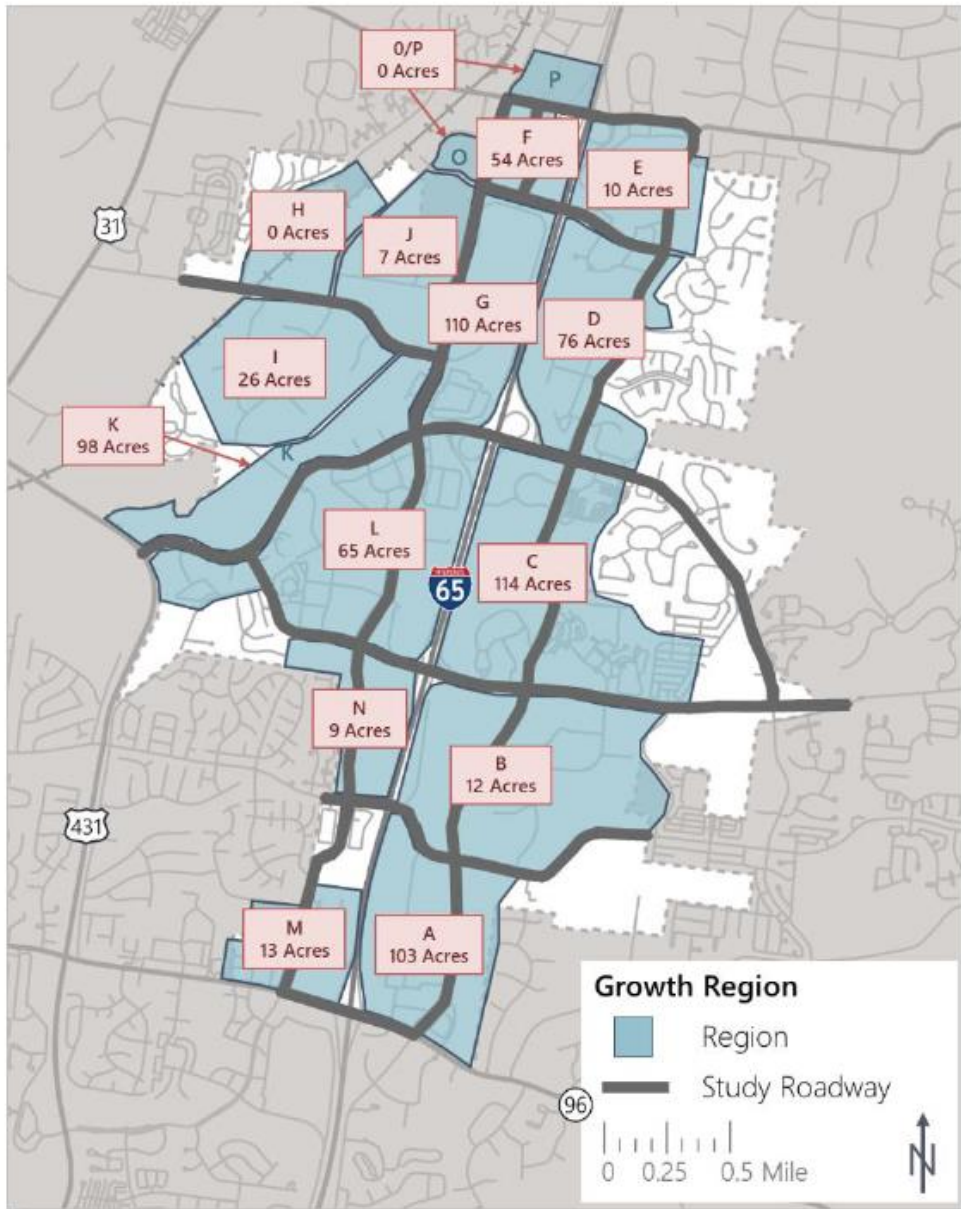
11.3k s.f. restaurant per acre



MAXIMIZED DEVELOPMENT

Methodology Findings:

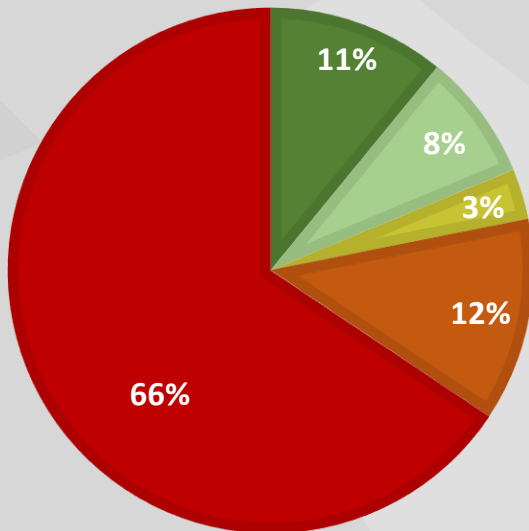
- 695 acres
- Trip Generation
 - 129,980 AM peak hour trips,
 - 204,004 Midday peak hour trips
 - 162,190 PM peak hour trips



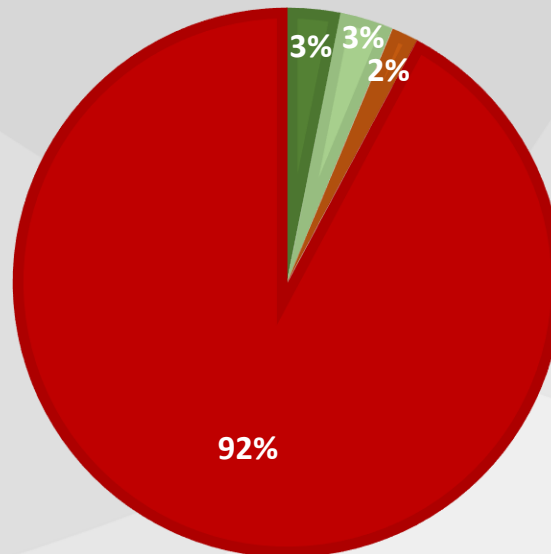
Scenario 3:

25% MAXIMIZED DEVELOPMENT RESULTS

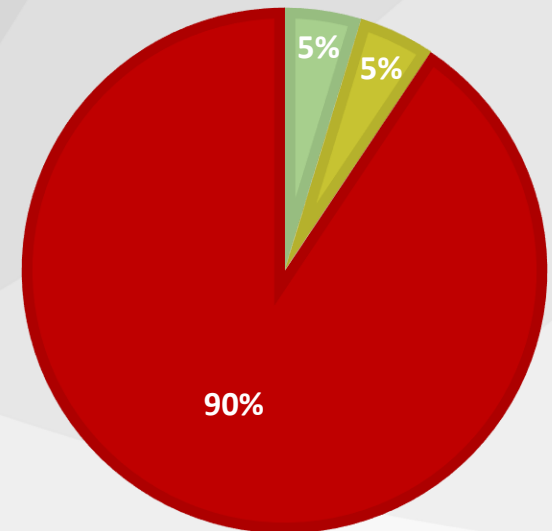
SCENARIO 3: AM PEAK



SCENARIO 3: MIDDAY PEAK

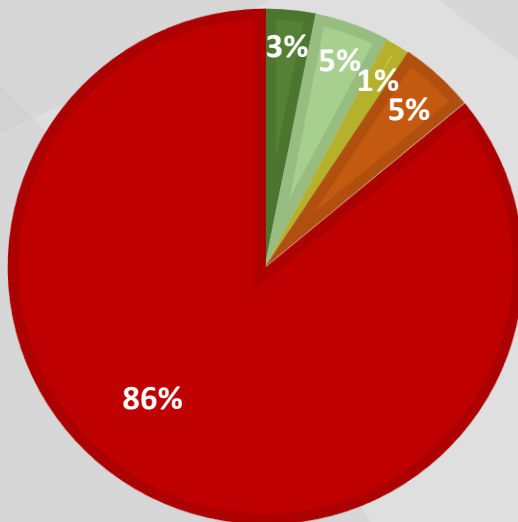


SCENARIO 3: PM PEAK

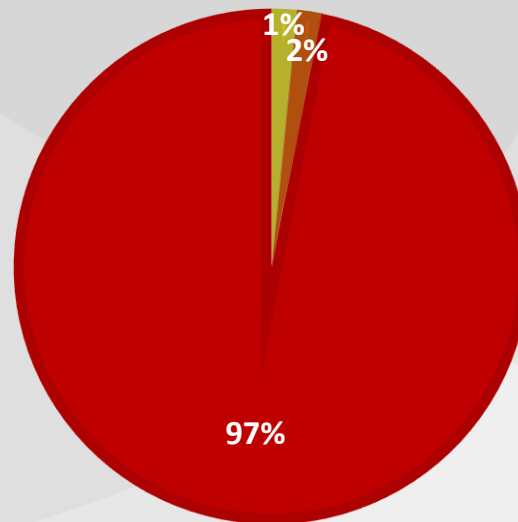


Scenario 4: 50% MAXIMIZED DEVELOPMENT RESULTS

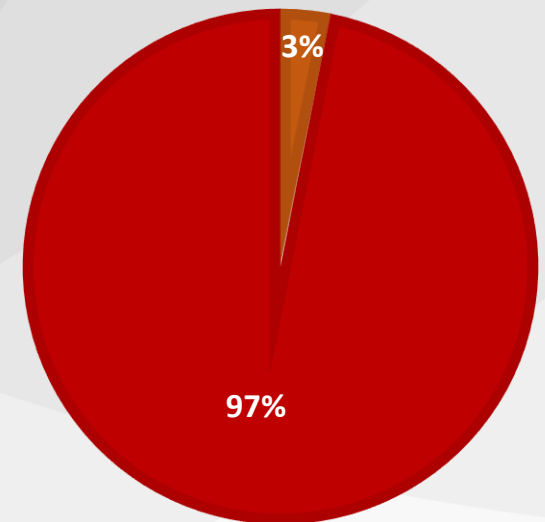
SCENARIO 4: AM PEAK



SCENARIO 4: MIDDAY PEAK



SCENARIO 4: PM PEAK





NEXT STEP

Discussion

- Quality of Life
- Economic Vitality
- Policy Review
 - Acceptable LOS
 - Land Use
- Travel Demand Management Strategies



NEXT STEP Discussion

- Infrastructure Improvements
 - Traditional (*e.g.* road widening)
 - Alternative Intersection Design
 - Street Connectivity



THANK YOU |



File #: 20-01019

DATE: August 6, 2020
TO: Board of Mayor and Alderman
FROM: Eric Stuckey, City Administrator
Paul Holzen, Director of Engineering
Jonathan Marston, Asst. Director of Engineering

SUBJECT:

Discussion Concerning Collector Roadways And Appropriate Implementation Of Road Impact Fee.

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning roadway classifications and the appropriate implementation of arterial and collector impact fees.

BACKGROUND/STAFF COMMENTS:

On May 9, 2017, the Board of Mayor and Aldermen approved Ordinance 2017-02, "AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 4 OF TITLE 16 AND CHAPTER 16 OF APPENDIX A OF THE FRANKLIN MUNICIPAL CODE CONCERNING ROAD IMPACT FEES". This ordinance included updated arterial impact fees and new collector impact fees. Both impact fees are associated with an established service area. The service area for arterial impact fees includes the corporate boundaries of the City of Franklin and the service area for collector impact fees is broken down into four service areas within the corporate boundaries. Impact fees are used to finance arterial and collector road improvements across the City, including but not limited to, new roads, additional lanes, widened lanes, intersection improvements, turn lanes, bridges, traffic signals, intelligent transportation systems, street lighting, and associated drainage facilities that expand the capacity of the arterial or collector road system. The cost of water, wastewater, electricity except as required for the street lighting, natural gas utilities located within the road right-of-way, or the cost of relocating such utilities as necessitated by a road improvement are not allowed by municipal code. In addition, land dedication and improvements, which are for the exclusive or primary use or benefit of a new development or to provide ingress and egress to a particular development are also excluded.

Following approval of Ordinance 2017-02, City staff has received numerous request to reclassify roadways as collectors. The main reason for these requests was to allow developers the ability to obtain reimbursement for the construction of proposed roadways within their development(s). If a proposed development is required to make improvements or to construct a new arterial or collector roadway, then the City will typically enter into a Road Impact Fee Reimbursement Agreement with the developer. The City of Franklin's roadway classifications are currently identified within the City's Comprehensive Transportation Network Plan (Major Thoroughfare Plan). The adopted Comprehensive Transportation Network Plan serves as the City's long-range plan for the transportation network. Staff uses this document to help guide development, identify projects, prioritize projects, reserve right-of-way/easement and evaluate offsite improvements associated with development.

The process associated with changing or updating a roadway classification involves a staff review and recommendation, a Board of Mayor and Aldermen review and recommendation and final approval from the Franklin Municipal Planning Commission. Prior to making any roadway classification recommendations to the Board of Mayor and Aldermen and the Franklin Municipal Planning Commission, City staff will evaluate the following criteria:

Does or will the roadway provide a regional benefit to the service area? (EX. roadways that connect other collector and arterial roadways.)

Does or will the roadway comply with the Franklin Transportation & Street Technical Standards? (EX. street typical cross section elements, design vehicle requirements, lane width requirements, turn lane requirements, bike/pedestrian requirements, design speed/posted speed requirements, vertical / horizontal alignment requirements, access control requirements, etc.)

FINANCIAL IMPACT:

No financial impact. Staff is providing an overview of our current policy/process only.

RECOMMENDATION:

No recommendations required. Staff is providing an overview of our current policy/process and seeking feedback from the Board of Mayor and Aldermen.



CITY OF FRANKLIN, TN

COLLECTOR ROADWAYS AND APPROPRIATE APPLICATION OF ROAD IMPACT FEES

AUGUST 25, 2020 BOMA WORK SESSION



Agenda

- Impact Fee History / Overview
- Overview of Proposed Roadway Classifications
- Examples of Collector and Local Roadways
- BOMA Questions/Feedback



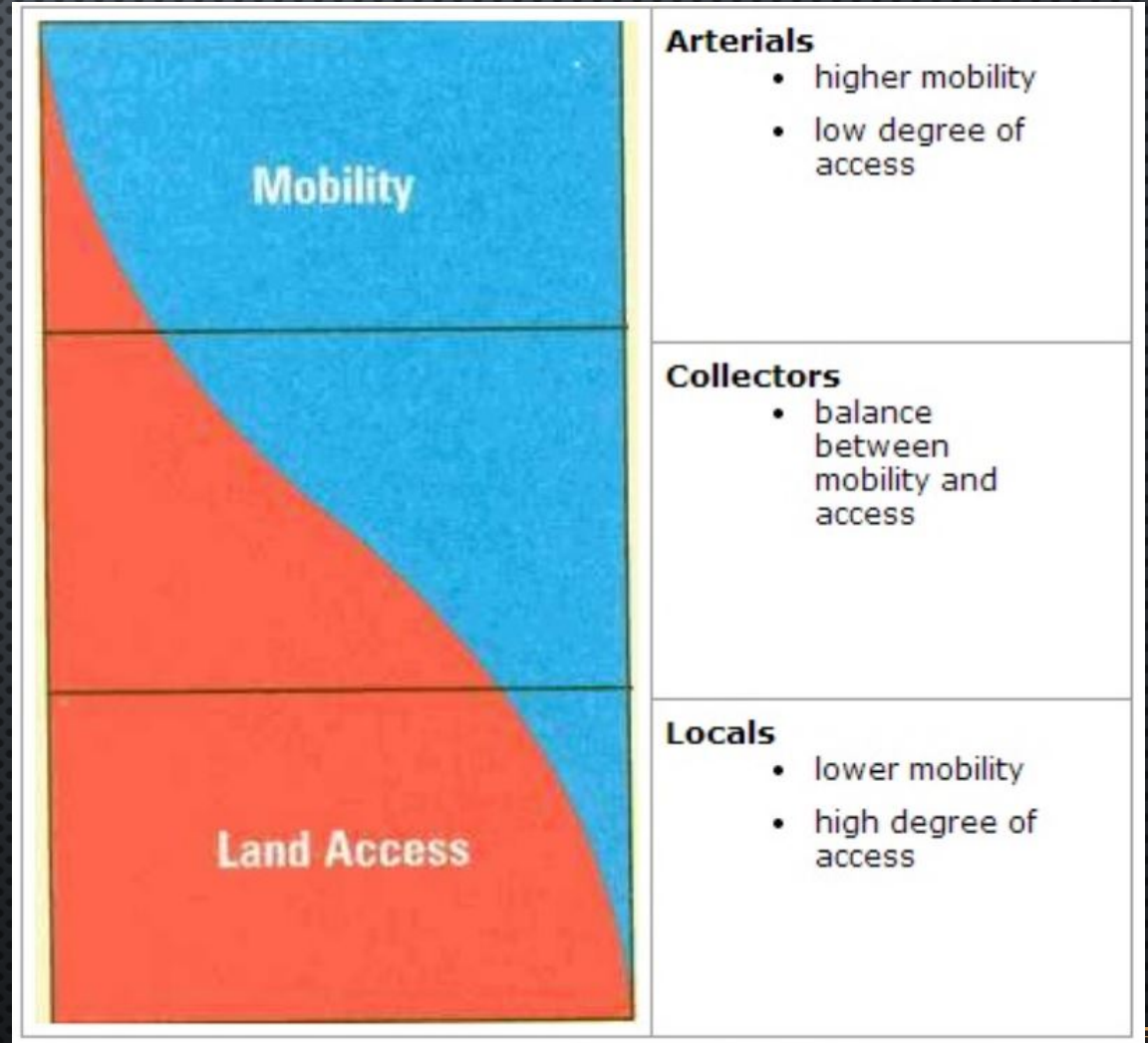
Impact Fee History / Overview

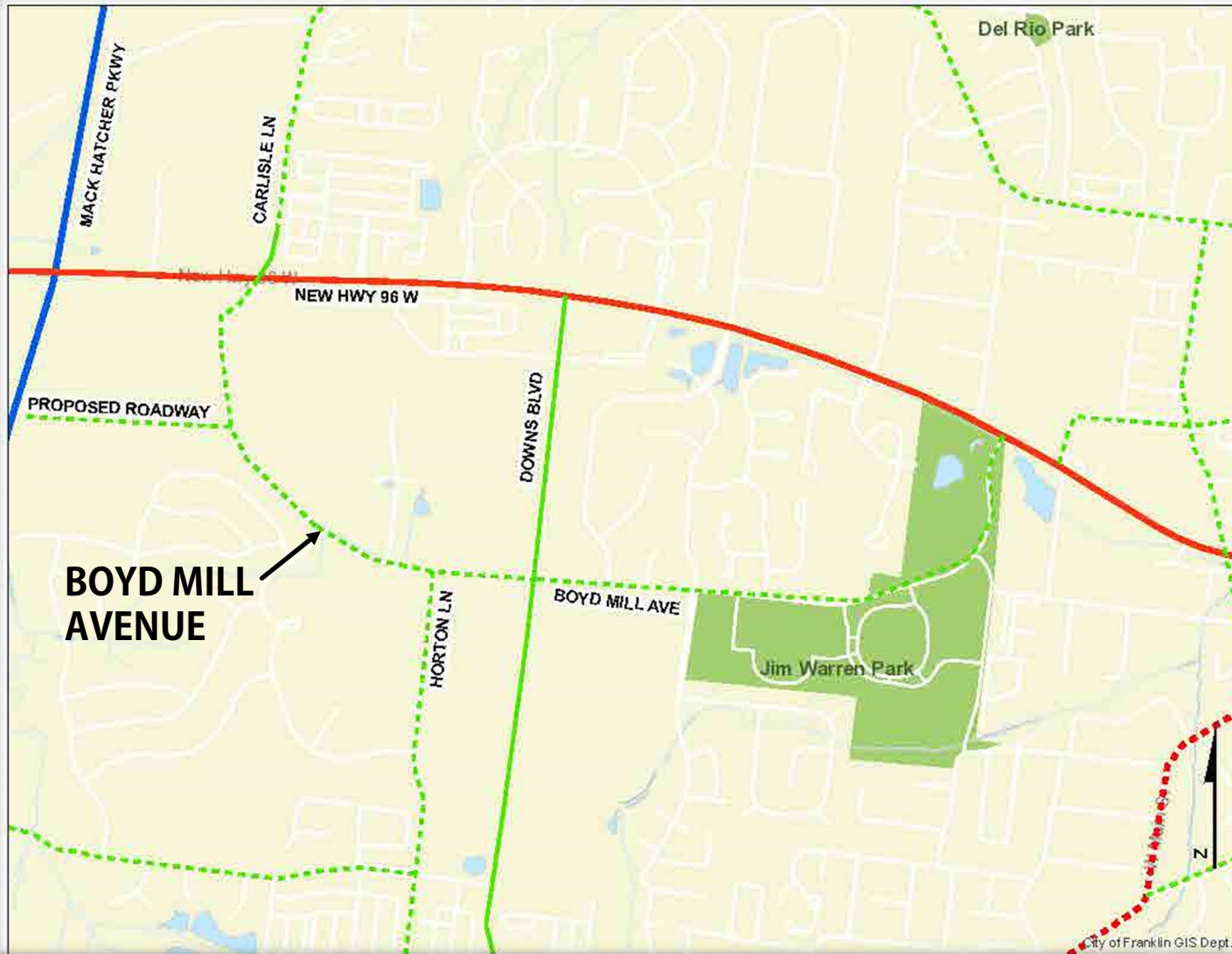
- **Impact fees were first established on June 16, 1988 via Ordinance 88-13**
- **Impact fees were updated in 2000, 2005, 2007, 2011, 2014 and 2017**
- **May 9, 2017 – BOMA approved Ordinance 2017-02 updating our arterial impact fees and establishing new collector impact fees.**
- **Impact fees are used to finance arterial and collector road improvements across the City, including but not limited to, new roads, additional lanes, widened lanes, intersection improvements, turn lanes, bridges, traffic signals, intelligent transportation system, street lighting, and associated drainage facilities that expand the capacity of the arterial or collector road system.**
- **The cost of water, wastewater, electricity except as required for the street lighting, natural gas utilities located within the road right-of-way, or the cost of relocating such utilities as necessitated by a road improvement are not allowed by municipal code. In addition, land dedication and improvements, which are for the exclusive or primary use or benefit of a new development or to provide ingress and egress to a particular development are also excluded.**



Arterial / Collector Roadway Determination

- 1) Does or will the roadway provide a regional benefit to the service area? (EX. roadways that connect other collector and arterial roadways.)
- 2) Does or will the roadway comply with the Franklin Transportation & Street Technical Standards?
 - street typical cross section elements
 - design vehicle requirements
 - lane width requirements
 - turn lane requirements
 - bike/pedestrian requirements
 - design speed/posted speed requirements
 - vertical / horizontal alignment requirements
 - access control requirements

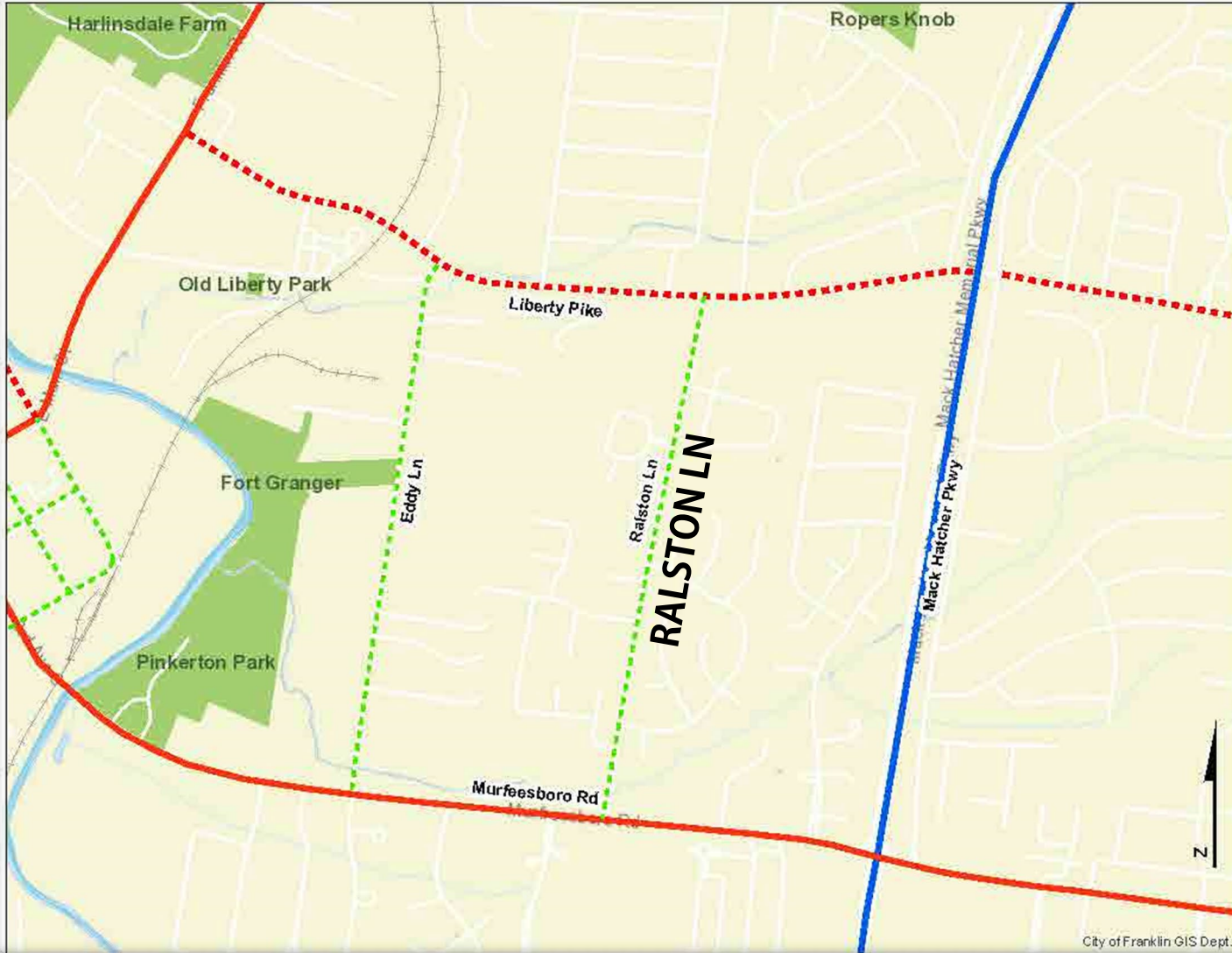




Boyd Mill Avenue

- Benefits the overall service area
- Distributes traffic to a variety of arterial and collector streets.
- Good balance between vehicular mobility and access
- Posted Speed = 40MPH
- 2018 AADT = 5,192
- 2~12' wide lanes





Ralston Lane

- Benefits the overall service area
- Distributes traffic to a variety of arterial streets.
- Good balance between vehicular mobility and access
- Posted Speed = 30MPH
- 2018 AADT = 2,000
- 3~12' wide lanes

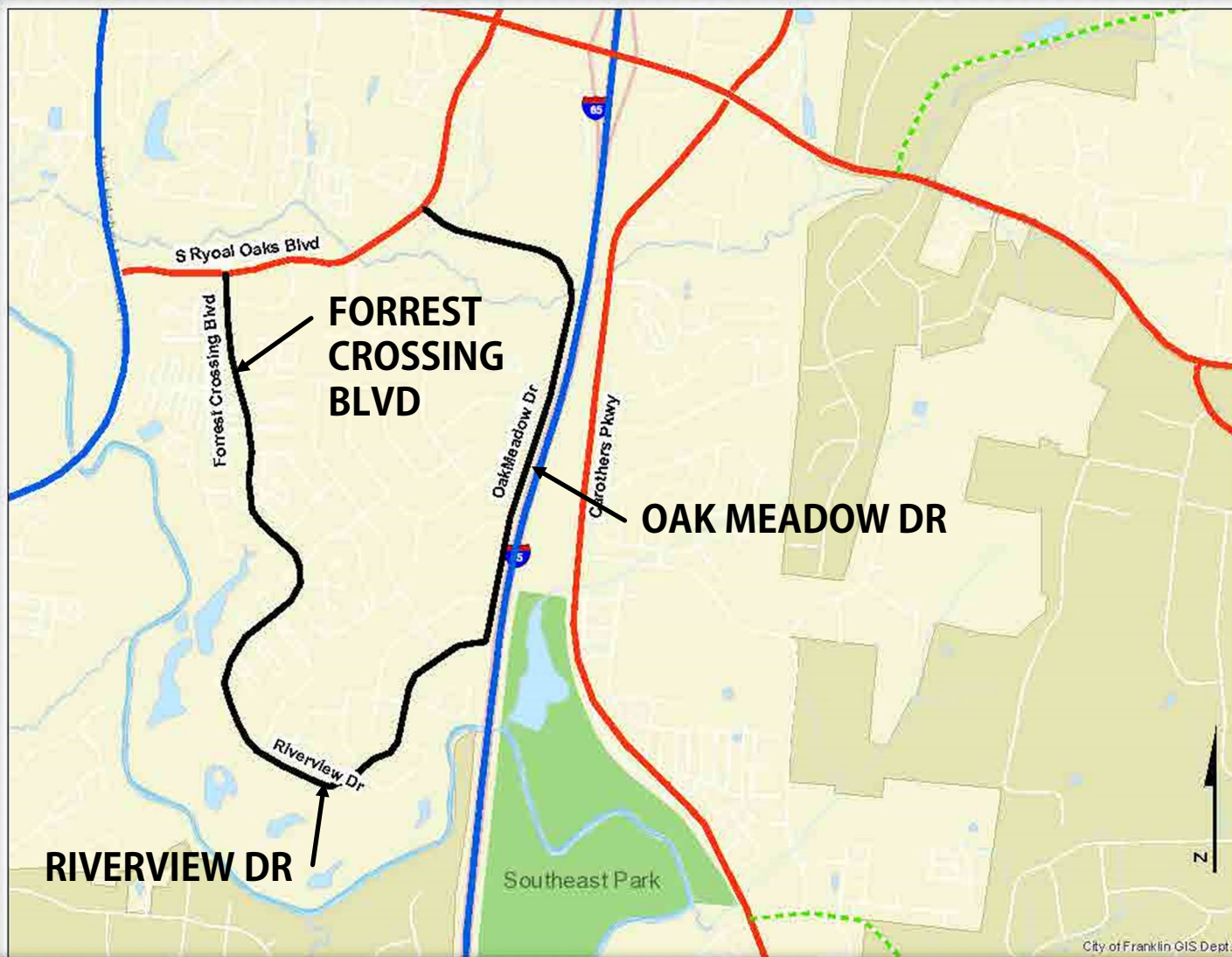




Nichol Mill Lane

- Benefits the overall service area
- Distributes traffic to a variety of arterial and collector streets.
- Good balance between vehicular mobility and access
- Posted Speed = 30MPH
- 2~12' wide lanes





Forrest Crossing Blvd / Riverview Dr / Oak Meadow Dr

- DOES NOT benefit the overall service area
- Distributes traffic to a variety of local streets and residential units
- Lower vehicular mobility with high degree of access

Forrest Crossing Blvd

- Posted Speed = 25 MPH
- 4~12' wide lanes on Forrest Crossing Blvd

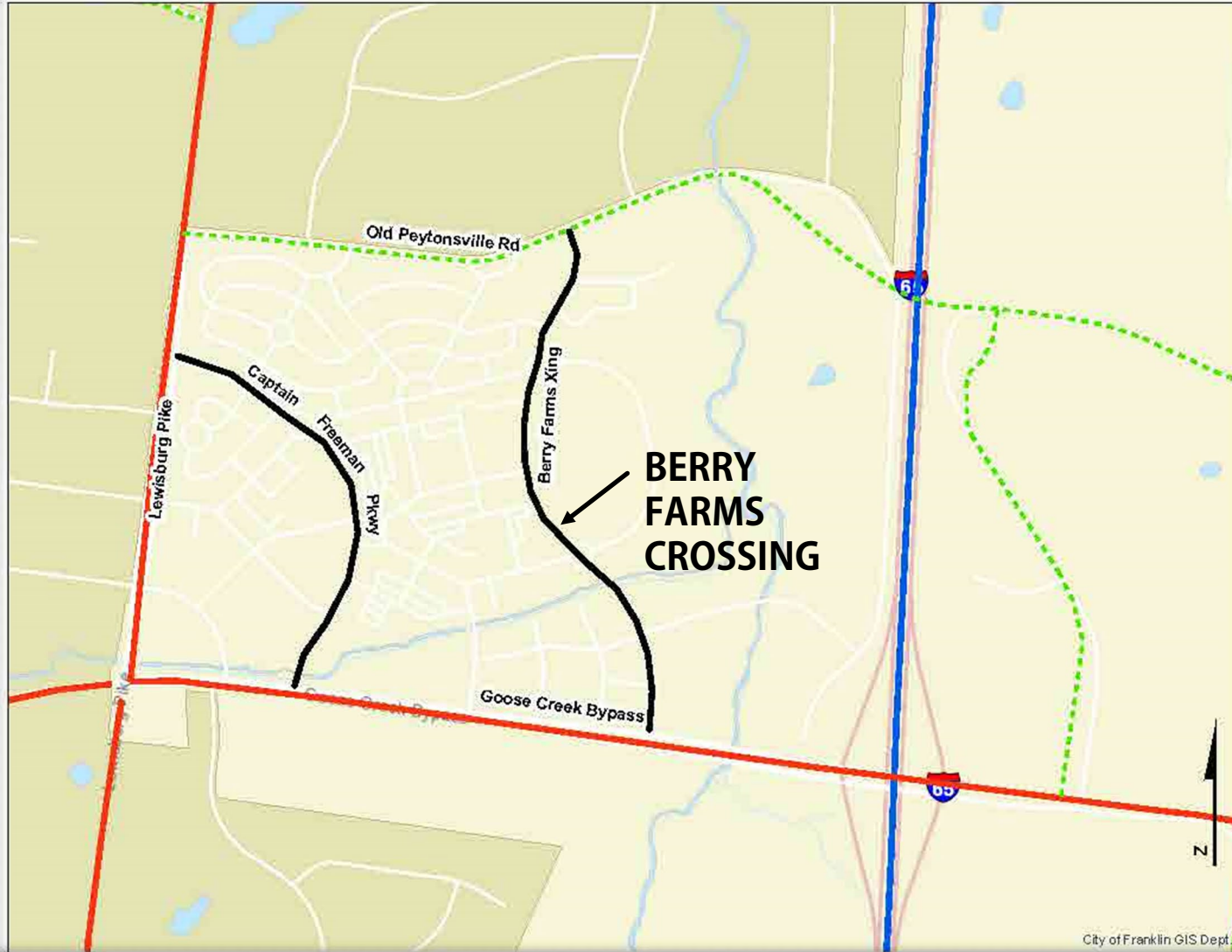
Riverview Dr

- Posted Speed = 25 MPH
- 2~12' lanes on Riverview Drive

Oak Meadow Dr

- Posted Speed = 30-40 MPH
- 2-3~12' lanes on Oak Meadow Dr

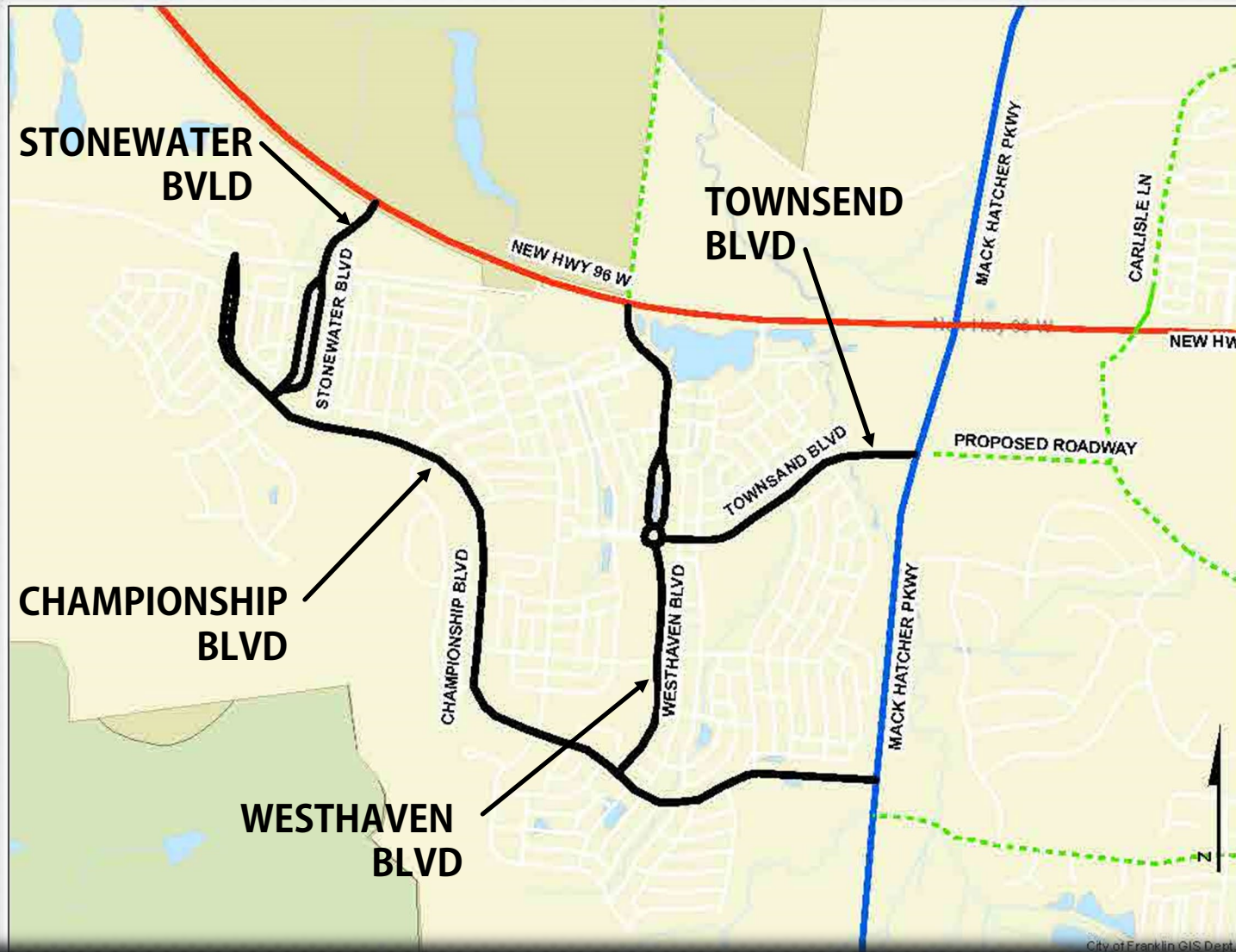




Berry Farms Crossing

- DOES NOT benefit the overall service area
- Distributes traffic to a variety of arterial, collector, local streets, businesses and residential units
- Lower vehicular mobility with high degree of access
- Posted Speed = 25 MPH
- 2~12' wide lanes.
- Some intersections are designed as traffic circles vs. roundabouts.





Westhaven

- DOES NOT benefit the overall service area
- Distributes traffic to a variety of local streets, businesses and residential units
- Lower vehicular mobility with high degree of access
- Posted Speed = 25 MPH
- 2~12' wide lanes.
- Some intersections are designed as traffic circles vs. roundabouts.



QUESTIONS / FEEDBACK?





City of Franklin

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

File #: 20-01007

DATE: August 4, 2020
TO: Board of Mayor and Alderman
FROM: Eric Stuckey, City Administrator
Lanaii Benne, Asst. City Recorder

SUBJECT:

*Consideration Of Ordinance 2020-01, An Ordinance To Rescind Ordinance 2017-22 And To Adopt A Revised Policy For Public Records Requests And Codify Into Franklin Municipal Code.

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning Ordinance 2020-01 to adopt a revised policy for Public Record Requests.

BACKGROUND/STAFF COMMENTS:

With the implementation of the online portal, JustFOIA, to submit, track and responds to public record requests, the Public Record Request Policy requires an update to properly reflect the current situation. Additional language is added to include submitting and receiving public record information through the online portal. A provision is also added to allow out of state individuals doing business in Franklin on a particular project access to public records related to the project.

FINANCIAL IMPACT:

No direct financial impact.

RECOMMENDATION:

Staff recommends that the Board of Mayor and Aldermen approve Ordinance 2020-01 on First Reading.

ORDINANCE NO. 2020-01

AN ORDINANCE TO RESCIND ORDINANCE 2017-22 AND TO ADOPT A REVISED POLICY FOR PUBLIC RECORDS REQUESTS AND CODIFY INTO FRANKLIN MUNICIPAL CODE.

WHEREAS, the Charter of the City of Franklin, Article VII, Section 3, establishes the City Recorder as the keeper of the public records of the City; and

WHEREAS, Ordinance 2017-22, adopted by the Board of Mayor and Aldermen revised The City of Franklin Guidelines for Access to and Reproduction of Public Records and Schedule of Charges for Reproduction of Public Records (“Guidelines”); and

WHEREAS, the City of Franklin implemented an online public records request portal (JustFOIA) to submit, track, and respond to public record requests; and

WHEREAS, the Board of Mayor and Aldermen believe it is in the best interest of the City of Franklin to rescind Ordinance 2017-22, modify the Guidelines, and codify the Public Records Request Policy into Franklin Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee:

SECTION I. That Ordinance 2017-22 is hereby rescinded.

SECTION II. That the City of Franklin hereby amends the Municipal Code to add Chapter 9 to Title 1 of Franklin Municipal Code entitled Access to and Reproduction of Public Records and Schedule of Charges for Reproduction of Public Records and shall read as follows:

TITLE 1 – GENERAL ADMINISTRATION

CHAPTER 9 - GUIDELINES FOR ACCESS TO AND REPRODUCTION OF PUBLIC RECORDS AND SCHEDULE OF CHARGES FOR REPRODUCTION OF PUBLIC RECORDS

Sec. 1-901. – Objectives.

- (1) Pursuant to Tenn. Code Ann. § 10-7-503(g), this Chapter is hereby adopted by the Board of Mayor and Aldermen to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (“TPRA”) in Tenn. Code Ann. § 10-7-501, et seq.
- (2) The TPRA provides that all state, county, and municipal records shall at all times during business hours be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. See Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the City of Franklin are presumed to be open for inspection unless otherwise provided by law.
- (3) Personnel of the City of Franklin shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this Policy shall be used to hinder access to public records. However, the integrity and organization of public records, as well as the efficient and safe operation of the City of Franklin, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records

Request Coordinator for the City of Franklin or to the Tennessee Office of Open Records Counsel ("OORC").

This Chapter is available for inspection and duplication in the office of the City Recorder. Additionally, this Ordinance is posted online at www.franklintn.gov. This Policy shall be reviewed periodically as needed.

This Chapter shall be applied consistently throughout the various offices, departments, and/or divisions of the City of Franklin.

Sec. 1-902. – Definitions.

- (1) Records Custodian: The office, official, or employee lawfully responsible for the direct custody and care of a public record. *See* Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- (2) Public Records: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency. *See* Tenn. Code Ann. § 10-7-503(a)(1)(A).
- (3) Public Records Request Coordinator ("PRRC"): The individual, or individuals, designated in Section 1-904(1)(c), who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. *See* Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- (4) Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

Sec. 1-903. – Requesting Access to Public Records.

- (1) Public record requests shall be made to the PRRC or his/her designee or via online submission, in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
- (2) Requests for inspection only cannot be required to be made in writing. The PRRC will request a mailing or email address from the requestor for providing any written communication required under the TPRA.
- (3) Requests for inspection may be made through the online portal found at www.franklintn.gov; orally; in writing on Form A developed by the PRCC and found at the City of Franklin, 109 Third Avenue South, Franklin, Tennessee, 37064; by phone at 615-791-3217; or by email to recorder@franklintn.gov.
- (4) Requests for copies, or requests for inspection and copies, shall be made through the online portal found at www.franklintn.gov; in writing on Form A developed by the PRCC and found at City of Franklin, 109 Third Avenue South, Franklin, Tennessee, 37064; by phone at 615-791-3217; or by email to recorder@franklintn.gov.

- (5) Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license or alternative acceptable form of ID showing Tennessee residency is required as a condition to inspect or receive copies of public records.
 - (a) Individuals doing business in Franklin by requesting information on a particular project may provide proof that they are connected to the project and may have access to the records regardless of residency.
 - (b) Individuals involved in automobile accidents on roadways within Franklin, or those representing individuals involved in automobile accidents on roadways within Franklin may have access to the records regardless of residency.

Sec. 1-904. – Responding to Public Records Requests.

(1) Public Record Request Coordinator

- (a) The PRRC shall review public record requests and make an initial determination of the following:
 - i. If the requestor provided evidence of Tennessee citizenship;
 - ii. If the records requested are described with sufficient specificity to identify them; and
 - iii. If the City of Franklin is the custodian of the records.
- (b) The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):
 - i. Advise the requestor of this Policy and the elections made regarding:
 - (A) Proof of Tennessee citizenship;
 - (B) Form(s) required for copies;
 - (C) Fees (and labor threshold and waivers, if applicable); and
 - (D) Aggregation of multiple or frequent requests.
 - ii. If appropriate, deny the request in writing, providing the appropriate ground, such as one of the following:
 - (A) The requestor is not, or has not presented evidence of being, a Tennessee citizen;
 - (B) The request lacks specificity;
 - (C) An exemption makes the record not subject to disclosure under the TPRA;
 - (D) The City of Franklin is not the custodian of the requested records;
 - or
 - (E) The records do not exist.
 - iii. If appropriate, contact the requestor to see if the request can be narrowed.
 - iv. Forward the records request to the appropriate records custodian in the City of Franklin.

(c) The designated PRRC(s) is(are):

- i. Assistant City Recorder – Records. Contact information: City of Franklin, 109 Third Avenue South, Suite 103, Franklin, TN, 37064, or by phone at 615-791-3217, or by email to recorder@franklintn.gov.

(2) Records Custodian

- (a) Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.
- (b) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, notify the requestor through the online portal or send the requestor a completed Public Records Request Response Form B (found in the Recorder's Office), both based on the form developed by the OORC.
- (c) If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section 1-904(1)(c) through the online portal or may use the Public Records Request Response Form B.
- (d) If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records or additional time is necessary to prepare the records for access, the records custodian shall notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed. Notification may occur through the online portal or with Public Records Request Response Form B.
- (e) If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practicable.

(3) Redaction

- (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.
- (b) Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

Sec. 1-905. – Inspection of Records

- (1) There shall be no charge for inspection of public records.
- (2) The location for inspection of records within the offices of the City of Franklin shall be determined by either the PRRC or the records custodian.
- (3) When a reasonable basis exists, the PRRC or a records custodian may require an appointment for inspection.
- (4) A city employee will sit with the requestor while the requestor views the records.
- (5) A requestor will not be allowed to make copies of records with personal equipment. Requestors may purchase storage devices from the City upon which the records will be downloaded.

Sec. 1-906. – Copies of Records

- (1) A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- (2) Copies will be available for pickup at the City of Franklin.
- (3) Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.
- (4) A requestor will not be allowed to make copies of records with personal equipment. Requestors may purchase storage devices from the City upon which the records will be downloaded.

Sec. 1-907. – Fees and Charges and Procedures for Billing and Payment

Fees and charges for copies of public records should not be used to hinder access to public records.

- (1) Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- (2) When fees for copies and labor do not exceed \$1.00, the fees may be waived.
- (3) Fees and charges for copies are as follows:

(a) Copies – Standard Sizes:

- i. Black & White (8 ½ x 11 or 8 ½ x 14) documents \$.15 per page
- ii. Color (8 ½ x 11 or 8 ½ x 14) documents \$.50 per page
- iii. Certified copies \$.50 per page
- iv. Accident reports (8 ½ x 11 or 8 ½ x 14) \$.15 per page
- v. Maps, plats, electronic data, audio discs, video discs and all other materials shall be duplicated at actual costs to the City.

(Duplex copies shall be equivalent to two (2) separate pages)

In the event actual costs of the records custodian are higher than those reflected above or if the requested records are being reproduced on a medium other than standard size paper, the records custodian will compute the actual costs of the reproduction and inform the requestor prior to the charges being incurred. All copying of records must be performed by employees of the City or by an outside vendor designated by the records custodian.

(b) Large Copies:

The terms and conditions of Tennessee Code Annotated 10-7-506 (c) are included herein by reference as fully and completely as though copied herein verbatim. The charge shall be \$2.00 per square foot for copies of documents in sizes other than 8 ½ x 11 or 8 ½ x 14 such as maps, plats, or other large format documents. (Paper cost approximately \$.21/sq. ft.; ink-\$.75-\$1.00/sq. ft.; plotter/GIS system-\$.80 - \$1.00/sq. ft.)

(c) Flash Drive:

The charge to transfer digital records onto a new flash drive shall be the cost of the flash drive, provided by the City. (This does not include possible labor costs associated with uploading the records.)

(d) Labor Costs:

After the first hour, the cost of the employee's salary/wages for time spent producing the records will be charged. If participation by more than one employee is required to produce the requested records, the requestor shall not be invoiced for first hour of the highest paid employee. Requests for copies of records may not be broken down to multiple requests for the same information in order to qualify for the first free hour.

(e) Delivery of Copies:

Delivery of copies of records to a requestor is anticipated to be by hand delivery when the requestor returns to the custodian's office to retrieve the requested records. If the requestor chooses not to return to the custodian's office to retrieve the copies, the records custodian may deliver the copies through the United States Postal Service, and the cost incurred in delivering the copies shall be assessed in addition to any other charge. Additionally, the costs of packing materials and necessary media required shall be added to the total charges.

(f) Outside Vendor:

If the records custodian utilizes an outside vendor to produce copies of requested records because the custodian is legitimately unable to produce the copies in the office, the costs assessed by the vendor to the City shall be paid by the requestor in addition to any other allowable charges.

(g) CD-ROM:

Reproduction of an existing CD-ROM shall be \$3.00. (This does not apply to uploading information onto a CD-ROM).

(h) DVD:

Reproduction of an existing DVD shall be \$5.00. (This does not apply to uploading information on a DVD).

(4) Payment is to be made in cash, by personal check, or by credit card payable to the City of Franklin and presented to the records custodian.

(5) Payment in advance will be required when costs are estimated to exceed \$10.00.

(6) Aggregation of Frequent and Multiple Requests

(a) The City of Franklin will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

(b) If more than four (4) requests are received by the City within a calendar month:

- i. Records requests will be aggregated at the City level.
- ii. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian will inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.
- iii. Requests for items that are routinely released and readily accessible are exempt from this policy. These records include, but are not necessarily limited to, meeting agendas and approved minutes.

(7) Safe Harbor Policy:

The Safe Harbor Policy established by the OORC is adopted herein by reference as fully and completely as though copied herein verbatim. The City of Franklin is committed to adhering to the Schedule of Reasonable Charges and the Policy for Frequent and Multiple Request as established by the OORC. This policy is reviewed annually by the OORC.

(a) Waiver of fees established.

The records custodian is not required to impose charges for copies or duplications of public records. The City of Franklin shall waive fees for a single request totaling less than \$1.00.

(b) Frequent Requestor.

When the total number of requests made by a requestor during a calendar month exceeds four (4), the requestor shall be charged a fee for all labor that is reasonably necessary to produce copies of the requested records. The requestor shall not be entitled to one (1) free hour of labor, and the requestor shall be notified accordingly.

(8) Police Department Personnel Records:

The Police Chief shall maintain in his/her office records of undercover investigators containing personally identifying information. All other personnel records of the police department shall be maintained in the office of the records custodian, the Human Resources Department. Requests for personnel records, other than for undercover investigators, shall be made to the records custodian, who shall promptly notify the Police Chief of such request. The Police Chief shall make the final determination as to the release the information requested. In the event the Police Chief refuses to release the information, he/she shall provide a written explanation of his/her reasons for not releasing the information.

(9) Frail Records:

If the public records requested are frail due to age or other conditions and copying of the records will cause damage to the original records, the requesting party may be required to make an appointment for inspection.

(10) The PRRC may adopt Best Practices Guidelines to assist records custodian(s) with responding to requests for public records.

SECTION III. This Ordinance will be available for inspection and duplication in the office of the City Recorder. Additionally, this Ordinance will be posted online at www.franklinton.gov and in Franklin Municipal Code.

SECTION IV. If a part of this Ordinance is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

SECTION V. That this Ordinance shall repeal any ordinance or parts of any ordinance in conflict herewith and shall take effect immediately after its passage on second and final reading, the health, safety, and welfare of the citizens of Franklin requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

BY:

ERIC S. STUCKEY
CITY ADMINISTRATOR

BY:

DR. KEN MOORE
MAYOR

Approved as to Form:

Sauna R. Billingsley, City Attorney

PASSED FIRST READING
PASSED SECOND READING

PUBLIC RECORDS REQUEST FORM A

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: Lanaii Benne, Assistant City Recorder - Records, City of Franklin, 109 Third Ave. S., Suite 103, Franklin, TN, 37064

From: _____
Name

Address

City, State, Zip Code

Contact Phone number / email

Is the requestor a Tennessee citizen? ☐ Yes ☐ No

Request: ☐ Inspection (The TPRA does not permit fees or require a written request for inspection only.)
☐ Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ _____? If so, initial here: ____.

Delivery preference: ☐ On-Site Pick-Up ☐ USPS First-Class Mail
☐ Electronic ☐ Other: _____

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

Signature of Requestor & Date Submitted

Signature of Public Records Request Coordinator
& Date Received

PUBLIC RECORD REQUEST RESPONSE FORM B
City of Franklin
109 Third Ave. S, Suite 103, Franklin, TN 37064

Requestor's Name and Contact Information

Date

In response to your records request received on _____, our office is taking the
action(s) indicated below: Date Request Received

- ☐ The public record(s) responsive to your request will be made available for inspection:

Location: _____

Date & Time: _____

- ☐ Copies of public record(s) responsive to your request are:

☐ Attached

☐ Available for pickup at the following location:

_____; or

☐ Being delivered via:

☐ USPS First-Class Mail ☐ Electronically ☐ Other: _____

- ☐ Your request is denied on the following grounds:

☐ Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).

☐ No such record(s) exists, or this office does not maintain record(s) responsive to your request.

☐ No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.

☐ You are not a Tennessee citizen.

☐ You have not paid the estimated copying/production fees.

☐ The following state, federal, or other applicable law prohibits disclosure of the requested records:

_____.

- ☐ It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:

☐ It has not yet been determined that records responsive to your request exist; or

☐ The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is: _____.

If you have any additional questions regarding your record request, please contact Lanaii Benne, Assistant City Recorder - Records.

Sincerely,

Lanaii Y. Benne, MMC, Assistant City Recorder - Records, City of Franklin, 109 Third Ave S., Suite 103, Franklin, Tennessee 37069. lanaiib@franklintn.gov



City of Franklin

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

File #: 20-01033

DATE: August 11, 2020
TO: Board of Mayor and Alderman
FROM: Eric Stuckey, City Administrator
Kevin Townsel, Director of Human Resources

SUBJECT:

*Consideration Of Resolution 2020-153, A Resolution To Amend Article XXI, Section V Place Of Residence In The Human Resources Manual.

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) to consider an amendment to Article XXI Section V regarding residency requirements for the Police and Fire Chief.

BACKGROUND/STAFF COMMENTS:

The Human Resources Manual was recently updated effective January 1, 2020. One element that was updated is the residency requirement for department directors (non-public safety) and the Risk Manager, which requires individuals to establish and maintain a residence within thirty-five (35) miles of the city limits of Franklin, Tennessee. In an effort to better recruit top candidates for all leadership positions, the staff recommends a further amendment to the place of residency requirements in the Human Resources Manual for Police Chief and Fire Chief positions. The existing manual requires that the Police Chief and Fire Chief maintain a permanent residence within the City of Franklin. The proposed resolution would modify the residency requirement for Police Chief and Fire Chief to be within 10 miles of the Franklin city limits.

FINANCIAL IMPACT:

No direct financial impact.

RECOMMENDATION:

It is recommended that the Board of Mayor and Aldermen approve Resolution 2020-153.

RESOLUTION 2020-153

A RESOLUTION TO AMEND ARTICLE XXI, SECTION V PLACE OF RESIDENCE IN THE HUMAN RESOURCES MANUAL

WHEREAS, the Article XXI, Section V Place of Residence provision in the Human Resources Manual no longer meets the needs of the City; and

WHEREAS, the modification to the Place of Residence section in the Human Resources Manual will improve our recruiting efforts for the City of Franklin public service leadership positions; and

WHEREAS, the Board of Mayor and Aldermen believe it is in the best interest of the City to adopt the changes below relative to the update in the Human Resources Manual.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen for the City of Franklin as follows:

Section 1. Currently, the Place of Residence section reads as follows:

Section V. Place of Residence: As a condition of employment, all Department Directors, the Risk Manager, and regular employees of the City of Franklin determined to be in "critical response" positions (as defined in Article II of these Rules) shall continuously maintain a place of residence that will permit the employee to report for work at the required time, both during normal and emergency periods, regardless of road and weather conditions. Department Directors will establish emergency response guidelines regarding time and/or distance. Failure to comply with these provisions may be cause for dismissal. All Department Directors and the Risk Manager, employed or selected after January 1, 2020, must establish and continuously maintain a residence within thirty-five (35) miles of the city limits of Franklin, Tennessee, within twelve (12) months of employment. Any exemptions from these requirements must have prior approval from the City Administrator. The Police Chief and the Fire Chief must maintain a residence within the City of Franklin.

To be replaced with the following (updated language underlined):

Section V. Place of Residence: As a condition of employment, all Department Directors, the Risk Manager, and regular employees of the City of Franklin determined to be in "critical response" positions (as defined in Article II of these Rules) shall continuously maintain a place of residence that will permit the employee to report for work at the required time, both during normal and emergency periods, regardless of road and weather conditions. Department Directors will establish emergency response guidelines regarding time and/or distance. Failure to comply with these provisions may be cause for dismissal. All Department Directors and the Risk Manager, employed or selected after January 1, 2020, must establish and continuously maintain a residence within thirty-five (35) miles of the city limits of Franklin, Tennessee, within twelve (12)

months of employment. Any exemptions from these requirements must have prior approval from the City Administrator. **The Police Chief and the Fire Chief must maintain a residence within ten (10) miles of the city limits of Franklin, Tennessee.**

Section 2. BE IT FINALLY RESOLVED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this resolution shall take effect from and after its passage on first and final reading, the health, safety, and welfare of the citizens requiring it.

IT IS SO RESOLVED AND DONE on this ___ day of _____, 2020.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

By: _____
Eric S. Stuckey
City Administrator

By: _____
Dr. Ken Moore
Mayor

Approved as to Form

By: _____
Shauna R. Billingsley
City Attorney



File #: 20-0953

DATE: July 15, 2020
TO: Board of Mayor and Alderman
FROM: Eric Stuckey, City Administrator
Michelle Hatcher, Director of Water Management

SUBJECT:

*Consideration Of Resolution 2020-134, A Resolution To Provide Sanitary Sewer Services To Franklin Christian Church.

PURPOSE:

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning Resolution No. 2020-0134 authorizing the City of Franklin to provide sanitary sewer services to Franklin Christian Church.

BACKGROUND/STAFF COMMENTS:

This property is located northeast at the intersection of Clovercroft Road and John Williams Road, outside of the City limits. The parcel is approximately 25 acres. The applicants were approved for sewer availability on the July 14, 2020 BOMA meeting. Consistent with Board policy, sanitary sewer service availability was provided based upon the property owner entering into a service agreement and an Annexation Agreement that states the property will annex into the City of Franklin in the future at the request of the City.

This resolution is proposed to allow the City Administrator to enter into agreements with the property owner, containing the following conditions:

- Property owner expresses a desire to annex into the City when the City deems it appropriate. -
- Property owner agrees to participate in any potential future special assessment district within the Goose Creek Basin.
- Property owner is responsible for all costs to connect to the public sanitary sewer system.
- The conditions of the agreement shall be recorded at the Williamson County Register of Deeds.

FINANCIAL IMPACT:

No direct financial impact.

RECOMMENDATION:

Staff recommends that the Board of Mayor and Aldermen approve Resolution 2020-134.

RESOLUTION NO. 2020-134

A RESOLUTION AUTHORIZING THE CITY OF FRANKLIN TO PROVIDE SANITARY SEWER SERVICES TO FRANKLIN CHRISTIAN CHURCH (MAP 079 PARCEL 05505) CONTINGENT UPON ALL CONDITIONS PRESENTED HEREIN.

WHEREAS, Franklin Christian Church (hereinafter "Property Owner") currently owns the property located at the northwest intersection of Clovercroft Road and John Williams Road (Map 079 Parcel 05505) (hereinafter "Property"); and

WHEREAS, on July 1, 2020, the Property Owner submitted a Request for Sewer Availability for 13 SFUE (1 SFUE = 350 gallons per day); and

WHEREAS, the Property Owner will be responsible for all costs to connect the Property to the sewer to include, but not limited to, extending the public main, required permits, necessary public and private easements, right of way acquisition, pavement restoration, property restoration, and complying with all local, state, and federal requirements and all costs associated with the sewer connection and required fees; and

WHEREAS, the Property Owner, on behalf of itself, its heirs and assigns, will agree to convey unto the City of Franklin (hereafter "the City") the irrevocable and perpetual right to file on its behalf a Petition of Annexation at any time after annexation becomes possible.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE THAT:

Authority is granted to the City Administrator to enter into the appropriate agreements with the Property Owner to meet the contingencies listed herein as conditions by which the City will provide sanitary sewer services to the Property.

IT IS SO RESOLVED AND DONE on this ____ day of _____, 2020.

ATTEST:

By: _____
ERIC S. STUCKEY
City Administrator

CITY OF FRANKLIN, TENNESSEE:

By: _____
DR. KEN MOORE
Mayor

Approved as to Form

By: _____
Sauna R. Billingsley, City Attorney

**AMENDMENT NO. 1 TO
PARKLAND IMPACT FEE (PAYMENT OF FEE ONLY) AGREEMENT
FOR CAROTHERS STACKED FLATS
BETWEEN THE CITY OF FRANKLIN AND POORA PROPERTIES
COF Contract No. 2019-0302**

THIS AMENDMENT is made and entered into on this the ____ day of _____ 20____, by and between the **City of Franklin, Tennessee ("City")** and **Poora Properties ("Poora ")**.

WITNESSETH:

WHEREAS, on February 13, 2020, City and Poora executed a Parkland Impact Fee Agreement ("Agreement") for **Carothers Stacked Flats**; and

WHEREAS, said Agreement stipulated that Poora was in the process of developing property located at 3513–3515 Carothers Parkway, Franklin TN (the "Development Project") located in Parkland Quadrant Four (4) of the City and consisting of Five (5) dwelling units known as Carothers Stacked Flats; and

WHEREAS, the Agreement incorrectly stated that the Development Project was in Parkland Quadrant Four (4) of the City; and

WHEREAS, the Development Project is in Parkland Quadrant Two (2) of the City.

NOW, THEREFORE, in consideration of these premises and the mutual promises contained herein, the parties agree to amend the agreement to read as follows:

"Poora is in the process of developing the property located at 3513–3515 Carothers Parkway, Franklin TN (the "Development Project") located in Parkland Quadrant Two (2) of the City and consisting of Five (5) dwelling units known as Carothers Stacked Flats;"

All other provisions of the Agreement executed February 13, 2020, are unchanged and remain in full force and effect.

[Signature pages to follow]

IN WITNESS WHEREOF the said parties have hereunto set their signatures, on this day and date first above written.

CITY OF FRANKLIN, TENNESSEE

Attest:

By: _____
Dr. Ken Moore, Mayor
Administrator

By: _____
Eric S. Stuckey, City

Date: _____

Date: _____

STATE OF TENNESSEE)
)
COUNTY OF WILLIAMSON)

Before me, _____, a Notary Public of said State and County, personally appeared Dr. Ken Moore and Eric S. Stuckey, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and where, upon oath, Dr. Ken Moore acknowledged himself to be Mayor and Eric S. Stuckey acknowledged himself to be City Administrator of the City of Franklin, Tennessee, and that as such, being authorized to do so, have executed the foregoing instrument for the purposes therein contained.

Witness my hand and seal, at office, this _____ day of _____, 20__.

NOTARY PUBLIC
My Commission Expires: _____

Approved as to form:

By: _____
Maricruz R. Fincher
Staff Attorney

Poorra Properties

By: Poonam Bera
Name: POONAM BEA Y
Title: PARTNER

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF TN)

COUNTY OF Davidson)

On Aug 14, 2020, before me, Michael Wesley Allred Notary Public, personally appeared Poonam Bera who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of TN that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Michael Wesley Allred (seal)
NOTARY PUBLIC
My Commission Expires: Sept 7, 2021

