HISTORIC FRANKLIN TENNESSEE

# City of Franklin

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

## Meeting Minutes

## Work Session

**Tuesday, May 14, 2024** | **5:00 PM** | **Board Room**

**CALL TO ORDER**

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

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

*Alderman Burger left the meeting at 5:35 PM; returning to the meeting at 6:43 PM*

Board Members Absent: Brandy Blanton

Staff Present: Eric Stuckey, Shauna Billingsley, Mark Hilty, Vernon Gerth, 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.**

Liam Whittkopp, 234 Winter Hill Road, Franklin, TN, as the new Sister Cities intern, expressed his excitement at being selected.

Charles Lam, 133 Lucinda Court, Franklin, TN, asked how the citizens could help move the Eddy Lane sidewalk project forward.

**WORK SESSION DISCUSSION ITEMS**

1. **Presentation Of Visit Franklin**

   ***Sponsors:*** Maureen Haley Thornton

   Maureen Haley Thornton, President and CEO of Visit Franklin, presented the impact of tourism on the City of Franklin in advance of National Travel and Tourism Week.

10. **Consideration Of COF Contract No. 2023-0346, With Pull-Tight Players, Inc., For Lease Agreement Extension**

    ***Sponsors:*** Eric Stuckey

    Mr. Stuckey introduced the item. He explained that the building located at 112 2nd Avenue S, Franklin, TN 37064 has been leased by the Pull-Tight Players for use as a community theater since 1989. The most recent version of their lease is expiring next year, and this new agreement seeks to lease the building for 15 years with an option, at the City's sole discretion, to renew for an additional 15 years. He also stated that the execution of this contract is within his administrative authority if that is how the Board wishes to proceed.

    Blake Harper, Staff Attorney, added that this lease agreement is a mirror of what has been approved in the past, except for the term length. Under the terms of the current and proposed lease, The lessee, Pull Tight Players, pay a minimum cost ($1 per year) in exchange for their maintenance of the interior, payment of utilities, maintaining insurance for their use of the building, and managing events in the space. Pull-Tight is hoping to invest in their space but hope to have the security that it will be their home for the foreseeable future before making significant monetary investments.

Johnny Peppers, President of the Pull-Tight Players, was present to answer any questions from the Board.

Alderman Burger asked what the cost to the City is for Pull-Tight to occupy that space? For instance, how do we fund exterior maintenance?
Answer: Mr. Stuckey explained that our Facilities team manages the exterior maintenance in conjunction with City Hall, so we do not have an exact figure for you.

Alderman Burger than inquired about what happens in the space when there is not a show? How do we generate revenue during the downtime?
Answer: Mr. Peppers explained that it is never truly a dead space. When there are no patrons, the next show is already building and rehearsing for their upcoming performances. Hence, it is always used by at least the Pull-Tight team.

As a follow-up, Alderman Burger asked: what kind of investments are they planning to make to the interior of the building?
Answer: The Board has not voted on these improvements yet, but he does know that upgrades will be made to the catwalk, sound system, lighting, etc. Essentially, they want to improve the elements that will enhance the patrons' experiences.

Then, Alderman Burger expressed concern with the 15-year term for this lease. She is worried that with the new City Hall, there could be alternative uses for the building.

Mr. Harper clarified that in 2020 the Board passed a resolution allowing for long-term leases, and at that time, it was widely supported by the Board.

Vice Mayor Brown supports the 15-year lease, with 15-year extension option, and he is comfortable with Mr. Stuckey using his administrative authority to execute it as well.

Alderman Baggett also expressed hesitation with the 15-year lease. He asked Mr. Stuckey about how we came about owning that historic building?
Answer: It has been City property for a long time, so to get specific background details would require some research.

Alderman Barnhill requested that the Board vote on this lease and any upcoming leases.

*The item is planned for the May 28, 2024 Board of Mayor and Aldermen Meeting for consideration.*

## 2. Development Activity Report

***Sponsors:*** Vernon Gerth, Katherine Harelson

Katherine Harelson, Development Services Operations Analyst, presented the Development Activity Report for January to March 2024. This report detailed the planning, permitting, and building activity in Franklin.

Vice Mayor Brown asked if these numbers are inflated as developments, such as Optima, raced to get permits before the fees increased?
Answer: From what we can see, Optima was the only one that was racing to the finish line. Other developments, such as Westhaven, have stayed consistent. However, that is something we will analyze moving forward.

## 3. *Consideration Of Resolution 2024-23, A Resolution Making Certain Adjustments For Retirees Electing Coverage In Option II

***Sponsors:*** Kristine Brock, Sara Sylvis

Kristine Brock, Assistant City Administrator, and Sara Sylvis, Benefits and Risk Manager, introduced this item. Staff routinely reviews the retiree health benefit program for opportunities to modify plan design in ways that are both beneficial to employees and feasible financially to the City. At the March 25, 2024 meeting of the Employee Pension and Trust Committee, staff presented a proposal to modify the retiree health benefit plan (Option II) in the following areas:

- Annual Deductibles and Out of Pocket Maximum Amounts to become aligned with the Active Employee PPO plan. Currently, the retiree plan has higher amounts.
- Increase the employer (city) portion of the premium paid to 55%, which is an increase from 50%.
- Establish a sick leave conversion program.

Analysis by staff shows the changes above may be incorporated within existing appropriation for employee health benefits. Changes in the City's Other Post Employment Benefit (OPEB) liability will next be calculated in mid-2025, per generally accepted accounting principles.

Alderman Baggett expressed support for these adjustments, but he requested that staff keep an eye on the books to monitor our long-term liability.

Alderman Caesar noticed that in 2023 we adjusted our share of premiums from 40% to 50%. So why are we now adjusting it again by 5%?
Answer: Mr. Stuckey explained that this has been a journey. For many years, it was a set dollar amount, and that percentage is relative, it decreased every year as costs went up. Around the same time, the City as a whole adopted a new strategy for premiums for active members (full-time employees). In that strategy, they transitioned to percentages as well. Hence, the goal with the new adjustments is to make them consistent with what employees have today.

Then, he asked if a 5% annual increase is fairly standard for the City's retirement healthcare budget?
Answer: It has fluctuated, and it was determined by the annual cost.

In response, Alderman Caesar expressed caution about the proposed modifications to the plan design due to overall cost. Additionally, he was hesitant about incentivizing employees not to take their sick time. It is a benefit to the employee that should be utilized.

*The item is planned for the May 14, 2024 Board of Mayor and Aldermen Meeting for consideration.*

4. **Consideration Of Resolution 2024-38, A Resolution Providing A Cost Of Living Adjustment To The Monthly Benefit For Retired Recipients Of The Closed Pension Plan, Effective July 2024**

***Sponsors:*** Kristine Brock, Sara Sylvis

Ms. Brock explained that the Board of Mayor and Aldermen approved a Cost of Living Policy for the Closed Plan by Resolution 2022-79, which establishes a framework for determining a rate of increase based upon the factors of 1) change in the Consumer Price Index ("CPI") as a percentage year over year, 2) the most recent funded ratio as calculated by a licensed actuary in accordance with the City's Funding Policy and actuarial best practices and 3) a maximum and minimum cost of living percentage in line with other well-funded pension plans including the Tennessee Consolidated Retirement System ('TCRS") and in accordance with the State of Tennessee Public Employee Defined Benefit Financial Security Act of 2014 as codified in TCA Title 9, Chapter 3, Part 5.

The City's actuary has certified the current funding ratio of the closed plan as 68.83%, which in accordance with Section 1 of Resolution 2022-79, results in a maximum cost of living increase of 2.5%.

Based on the most recent monthly payment to closed plan retirees of $712,895, an adjustment of 2.5% results in additional monthly expense of $17,822, or $213,868 annualized.

Alderman Baggett asked if we are required to do Cost of Living Adjustments for the Closed Pension Plan? Answer: No. However, Ms. Brock explained that there are more people receiving benefits from the Closed Pension Plan, than there are people signed up for Retiree insurance coverage. At the end of April, the City had 316 retirees, and only 39 on the Retiree insurance plan.

*The item is planned for the May 28, 2024 Board of Mayor and Aldermen Meeting for consideration.*

5. ***Consideration Of Ordinance 2024-15, An Ordinance To Remove 0.18 Acres Out Of The Central Franklin Overlay District (CFO) And Zone Into The Columbia Avenue Overlay District 1 (CAO1- Urban Commercial Development Sub-District) For The Property Located South Of South Margin Street And West Of Cummins Street, Located At 314 Cummins Street. Establishing A Public Hearing On June 11, 2024**

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

Joseph Bryan, Principal Planner, introduced the item. The applicant is requesting to remove 0.18 acres from the Central Franklin Overlay District (CFO) and zone that property into the Columbia Avenue Overlay District 1 (CAO1-Urban Commercial Development Sub-District). The CAO1 District rezoning is compatible with the surrounding properties that are already within the CAO1 and will provide a more cohesive design for future development.

*The item is planned for the May 14, 2024 Board of Mayor and Aldermen Meeting for consideration on First Reading.*

6. ***Consideration Of Ordinance 2024-14, An Ordinance To Rezone 1.11 Acres From Residential 4 (R4) To Office Residential (OR) District For The Property Located North Of West Main Street And West Of Roberts Street, At 1138 And 1142 West Main Street. Establishing A Public Hearing On June 11, 2024**

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

Mr. Bryan introduced the item. The applicant is requesting to rezone two properties consisting of 1.11 acres from Residential 4 (R4) District to Office Residential (OR) District located at 1138 and 1142 West Main Street. Envision Franklin places these parcels in the Neighborhood Mixed Use Design Concept. The properties are located along West Main Street across from commercially zoned properties and adjacent to established residential subdivisions. The recommendations of the Neighborhood Mixed-Use Design Concept supports Zoning Districts with high activity and retail opportunities, such as Central Commercial. However, the Office Residential Zoning District provides a more contextual and transitional district that allows for both residential and limited nonresidential opportunities that maintain the recommendations and principles of the Neighborhood Mixed-Use Design Concept. The applicant has not submitted any additional plans for redevelopment at this time.

Vice Mayor Brown does not support this rezoning. He hopes to protect the residential feel of this area and sustain the housing options that are available, because as it is, they are few and far between.

Alderman Baggett agreed with Vice Mayor Brown. He does not want to impact the character of the residential area. Hence, he disagreed with the Envision Franklin zoning designation for these two parcels.

Alderman Potts also disagrees with the Envision Franklin zoning designation. He wants to preserve as many homes as possible.

*The item is planned for the May 14, 2024 Board of Mayor and Aldermen Meeting for consideration on First Reading.*

## 7. Williamson County Growth Plan Update

***Sponsors:*** Eric Stuckey

Mr. Stuckey introduced the item. On April 30, 2024, the Williamson County Growth Plan Coordinating Committee reconvened because the growth plan was rejected by Spring Hill, Thompson's Station, and Williamson County. Hence, they met to consider requested modifications to the proposed Urban Growth Boundaries (UGB) of two cities, Thompson's Station and Spring Hill. Specifically, Thompson's Station requested that additional properties be removed from its updated UGB based on requests from property owners. The City of Spring Hill requested that property east of I-65 be added back into its proposed UGB. After consideration of the requests from Thompson's Station and Spring Hill, the Coordinating Committee voted to recommend the modified UGB's as part of the Williamson County Growth Plan update.

Ms. Billingsley explained that there will be one Resolution adopting the Williamson County Growth Plan and the Interlocal Agreement. All municipalities are doing the same thing.

Vice Mayor Brown clarified that we have already voted on the City of Franklin's growth plan, so this is the approval of the entire county growth plan?
Answer: That is correct.

Alderman Petersen pointed out that some of Franklin's UGB residents would probably have liked the option to be left out of the UGB as Thompson's Station did.
Mr. Stuckey contended that the citizens who expressed a desire to be removed from the Franklin UGB during our discussions were already in the UGB. In Thompson's Station, they were just added to the UGB in this latest update. That is an important distinction. As a reminder, the state law provides guidance to the coordinating committee that focuses on whether it is reasonable for the jurisdiction to plan for this area. The UGB is no annexation. Rather, it is a planning tool to align with infrastructure such as drainage basins and road network planning. Franklin's proposed UGB is smaller than the current UGB, but better aligns with infrastructure g

## 8. Consideration Of Resolution 2024-15, A Resolution Of The City Of Franklin, Tennessee Designating The City Of Franklin As A Bee City USA Affiliate

***Sponsors:*** Emily Wright, Kelly Dannenfelser, Andrew Orr

Andrew Orr, Long Range Planning Supervisor and Staff Liaison to the Sustainability Commission, introduced the item. The Bee City USA Program recognizes and encourages pollinator conservation efforts in cities, counties, and campuses. It provides a framework to increase the abundance of native plants while reducing the use of pesticides. There are approximately 212 total Bee City USA affiliates including five communities in Tennessee. The primary benefit of this initiative is to increase the abundance of native plants and pollinator habitat, which will not only support our local pollinators, but it will also improve community character by creating more visually interesting landscapes. Depending on the size and scale of new pollinator gardens, ongoing maintenance burdens for these areas could be reduced. Please note, the Bee City program is not about beekeeping and the production of honey.

The Bee City program provides the following framework:

- Establish a standing committee, which would be the Sustainability Commission. An interdepartmental staff committee would also likely form to help coordinate and implement the program;
- Increase pollinator habitats in our community by using native plants;
- Host or co-host at least one pollinator awareness event each year;
- Display at least one sign designating Franklin as a Bee City USA affiliate and have a project webpage on the City's website;
- Incorporate pollinator conscious practices into city policies and plans;
- Reduce the use of pesticides, where feasible, and provide an integrated pest management plan;
- Pay an initial application fee of $400 and an annual renewal fee of the same amount;

- Provide a report on the previous year's activities

Participation includes a $400 initial application fee and an ongoing annual renewal fee of $400 until Franklin reaches a population of 100,000 residents and then it will increase to $500 annually. Annual budget requests will likely be proposed and the amount will depend upon public and private partnership contributions, the size and scale of proposed pollinator habitat, and the type and maturity of plant material used.

Mike Cassity and Christina Christensen, the Chair and Vice Chair of the Sustainability Commission, were present to answer any questions from the Board. They shared example pollinator habitats that we could implement around the City.

On February 9, 2024, the Sustainability Commission invited a representative from Thompson's Station to share their experience with the program and the benefits of joining the Bee City USA program. The Commission then voted to continue advancing this initiative. The Planning and Sustainability Department drafted a resolution authorizing participation in the program and presented it to the Sustainability Commission on April 12, 2024. The Commission voted to recommend approval of Resolution 2014-15 to the BOMA. On April 22, 2024, the staff also presented this initiative to the Tree Commission, who also voted to recommend approval of Resolution 2024-15 to the BOMA. The next step in order to advance this initiative is for BOMA to authorize participation by passing Resolution 2024-15.

Alderman Burger expressed support for the Bee City USA Designation.

Mr. Stuckey added that there should be minimal budget implications for theses pollinator habitats. In many ways, it is just switching up the vegetation in areas we already maintain to pollinator friendly flowers and plants.

Vice Mayor Brown and Alderman Potts also expressed support for the designation and offered up potential locations for the pollinator habitats as well.

*The item is planned for the May 28, 2024 Board of Mayor and Aldermen Meeting for consideration.*

9. ***Consideration Of Resolution 2024-35, A Resolution To Reject All Construction Bids For The Water Reclamation Facility Rehabilitation And Resilience Improvements Project (COF Project No. 2023-015)**

***Sponsors:*** Michelle Hatcher, Brian Goodwin

The item was acknowledged and is planned for the May 14, 2024 Board of Mayor and Aldermen Meeting for consideration.

11. **Consideration Of Resolution 2024-22, A Resolution To Implement The Jackson Law In The City Of Franklin, Tennessee, Regarding Landfills And Solid Waste Processing Facilities**

***Sponsors:*** Mark Hilty

Mr. Harper presented the Jackson Law to the Board. He explained that the general law codified in Tennessee Code Annotated, Title 68, Chapter 211, Part 7, known as the Jackson Law, provides for local approval of construction of privately owned landfills, and solid waste processing facilities, as well as the change in classification of any existing landfill or solid waste processing facility to one with higher standards. The procedures of the Jackson Law cannot be used by a municipality unless the City's legislative body approves of its use by a two-thirds (2/3) majority. If the Board of Mayor and Aldermen desires to have the ability to approve the construction of privately owned landfills for solid waste disposal and construction of solid waste processing in the City of Franklin, before such landfills or solid waste processing facilities are constructed, the Jackson Law must be voted on and approved by a two-thirds (2/3) majority.

Then, he clarified that there are no plans for landfills or solid waste processing facilities in the City that he's aware of, but this function might be useful to have in the long-term.

Vice Mayor Brown appreciated that last clarification.

Alderman Caesar asked about the limitations of the law.

Mr. Stuckey added that the chances of this being a feasible concern are slim due to land scarcity in Franklin, but in the event of a transfer station, for example, this would give the Board another layer of oversight.

*The item is planned for the May 28, 2024 Board of Mayor and Aldermen Meeting for consideration.*

12. **Consideration Of Resolution 2024-39, A Resolution To Adopt A Five-Year Rate Plan And Cost Of Service Study For The Sanitation And Environmental Services Fund, Fiscal Year 2025 Through Fiscal Year 2029**

***Sponsors:*** Mark Hilty, Jack Tucker, Nate Ridley, Chris Franklin

Vice Mayor Brown expressed concern on behalf of his single constituents who produce little to no trash that would have no way of opting out of this proposed fee. He believes it is disproportionately harmful to those have significantly less trash than a family.

In response, Mr. Stuckey explained there is a path for people on fixed incomes.

Alderman Caesar argued that it is less about fixed income and more about utilization.

Alderman Burger agreed with Vice Mayor Brown and Alderman Caesar.

Alderman Baggett contended that the cost to the city is the same whether a citizen has one bag of trash in their bin or a full bin. The City still has to pay the employee to drive the truck to collect it whether it's full or not.

Alderman Barnhill proposed payment for more than one trash can.

In response to Alderman Baggett, Alderman Caesar stated that the cost is more so associated with the disposal of the trash which is a weight-based cost. Hence, the amount of trash each household has, does matter.

*The item is planned for the May 28, 2024 Board of Mayor and Aldermen Meeting for consideration.*

13. **Consideration Of Ordinance 2024-11, An Ordinance To Amend Appendix A - Comprehensive Fees And Penalties, Chapter 17 Refuse And Trash Disposal, Of The Franklin Municipal Code To Increase The Fees For Collection Of Garbage And Refuse**

***Sponsors:*** Mark Hilty

*The item was acknowledged and is planned for the May 28, 2024 Board of Mayor and Aldermen Meeting for consideration on First Reading.*

14. **Discussion Of Board Of Mayor And Aldermen Pay**

***Sponsors:*** Alderman Beverly Burger

*The item will be discussed at the May 28, 2024 Work Session.*

**OTHER BUSINESS**

**ADJOURN**
Work Session Adjourned @ 7:02PM

Dr. Ken Moore, Mayor

Minutes Prepared by Sarah Schilling, Assistant Deputy City Recorder, City Administrator's Office - 5/16/24, 12:22PM