



Meeting Minutes

Work Session

Tuesday, August 27, 2024

5:00 PM

Board Room

CALL TO ORDER

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

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

Alderman Beverly Burger arrived to the meeting at 5:05 pm.

Board Members Absent:

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

CITIZEN COMMENTS

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

WORK SESSION DISCUSSION ITEMS

1. Presentation Of The Sustainability Commission Annual Report And Solar Expansion Recommendation

Sponsors: Emily Wright, Kelly Dannenfelser, Andrew Orr

Andrew Orr, Long Range Planning Supervisor, introduced the item and welcomed Mike Cassity, Chair of the Sustainability Commission, and Ron Merville, President & CEO of Energy Source Partners. Mr. Orr explained that the current initiatives of the Sustainability Commission are:

- Conducting an Annual Litter Survey
- Working on the Energy Efficiency and Conservation Block Grant (EECBG) Allocation of \$145,990 for sports lighting upgrades at Liberty Park
- Looking at an opportunity to expand the 200 kW solar array
- Participating in Bee City USA

Mr. Cassity further discussed the 200 kW Solar Expansion at the Claude Yates Wastewater Treatment Facility. He explained that the current array was commissioned in 2012 and is owned by Energy Source Partners who designed, built, financed, and maintains the system under the one acre lease agreement. The power generated is sold to the TVA and the City shares in the revenue with Energy Source Partners. Under the TVA Generation Partners Program, TVA purchased the solar generated power at the retail rate of electricity plus a 10 cents/kWh premium for the first ten years of the contract. After the ten-year period ended in 2022, the TVA now only purchases the solar power at the retail rate. The contract expires in 2032.

Over the last few months, Energy Source Partners has made presentations at multiple Commission meetings to receive direction on how to proceed in a way that will benefit the City. The Commission reviewed several options for expanding the 200 kW system and has recommended an option that would increase the leased premise from one acre to approximately 3.25 acres in order to accommodate 3 Megawatts (MW) of solar production. The recommendation also includes using a military grade flow battery for energy storage to help reduce the peak demand charges at the plant, which is a significant part of the monthly utility bill. The flow battery is an alternative to lithium-ion batteries. This option would utilize the additional power generated on-

site for plant operations, rather than selling it back to the power grid.

Wastewater treatment processes are energy intensive and the City spends approximately \$1.5 million annually on electricity to run the operations. The expanded array and battery storage component are expected to offset about 50% of the energy usage of the plant. If the BOMA approves a contract amendment, Energy Source Partners estimates about \$7 million in savings to the City over the next twenty years.

Staff can flesh out the project more if there is interest from the Board. As a reminder, there is no capital investment required by the City. There is also a tight deadline because in order for Energy Source Partners to qualify for Federal Funding, it must be 5% completed by the end of Calendar Year 2024.

2. **Consideration Of Resolution 2024-57, A Resolution To Approve Temporary Median Barrier Installation On SR-96 (Murfreesboro Rd) Between Royal Oaks And Interstate 65**

Sponsors: Paul Holzen, Adam Moser

Paul Holzen, Engineering Director, introduced the item to the Board. He explained that the section of SR-96 between Royal Oaks Boulevard and Interstate 65 continues to be the highest vehicular crash location in the City. In the Spring of 2020, the Vintage Franklin development was approved by the Planning Commission and the Board of Mayor and Aldermen. In the development's traffic impact study, a transportation safety mitigation project proposed the installation of a concrete median on SR-96 (Murfreesboro Road) between Royal Oaks and I-65 where the crash rate was over 3 times the statewide average, at that time. This project was part of the development conditions of approval for when the office building on Riverside Drive was constructed. However, this office building has no timetable to be constructed.

In 2022, TDOT proposed a less invasive striping solution to further discourage left turns along this section of roadway. The section was restudied in April 2024 and found that the striping and hatching has made zero reductions in left turn crashes and, in fact, the crash rate has increased slightly since the striping was implemented. The crash rate is now over four times the statewide average for this type of roadway and is still the number one crash area in the City of Franklin.

Hence, TDOT has proposed to pay for the temporary curbing with flexible delineators as long as the City of Franklin installs the device. The cost of installation could be handled under existing annual budgets. An alternative option would be to install a mountable concrete median. This option would cost approximately \$400,000 and the work would be completed by our annual contractor. Engineering staff would need to work the Finance Department to determine a funding source.

Public Comments

Stephanie Tillotson, 7018 Farmhouse Drive, Franklin, TN, expressed her support for the installation of some sort of median barrier to reduce the number of accidents on SR-96.

Josh Lee, 6100 Tower Circle #200, Franklin, TN, spoke on behalf of the owners of the Best Western at 1308 Murfreesboro Road, to express concern for the businesses whose only entrances would be blocked by the installation of medians. They want to work with the City to find a way to increase safety while not unduly harming the businesses that rely on access to their locations.

Alderman Burger supports the installation of some kind of barrier due to the increasing safety concerns.

Alderman Barnhill said doing nothing is not an option. What is the Staff's recommendation?

Answer: They agree in that a preventative measure needs to be built, but the decision on what that looks like is ultimately up to the Board.

To follow-up, Alderman Barnhill favored the flexible delineators because it is paid for by TDOT and the only expense to the City is installation.

Alderman Burger asked if there were any TDOT restrictions for what solution we can use?

Answer: No.

Alderman Burger does not love the look of the delineators and is aware that there is a lot of upkeep and general maintenance associated with them.

Vice Mayor Brown agreed with Alderman Barnhill in that doing nothing is not an option because the Board's number one priority should be public safety. In response to Alderman Burger, he thinks that there would be maintenance associated with either option. For example, trash and road debris can accumulate alongside concrete medians. Hence, the delineators are a good solution with a significantly lower price tag.

Alderman Caesar asked how long it would take to erect any type of median since it is on a state route? Do we have to wait for TDOT to come out and do the work?

Answer: No. With either option, the City would install and maintain the median barrier.

In response, Alderman Caesar supported the speed of a solution rather than the aesthetic of a solution. He feels that eliminating this left turn capability along that stretch of road could alleviate a lot of congestion and traffic issues at peak commute times.

Alderman Potts asked if TDOT would provide the replacement delineators moving forward, as they will inevitably be needed as part of a long-term maintenance plan. He does not like the cost of a concrete median, but he does not like the look of the delineators. He also wants to ensure that U-turn signage is added to highlight safe alternative routes once a median barrier is in place.

Alderman Baggett believes there may be a way to improve connectivity for impacted businesses on North Royal Oaks Blvd.

Alderman Blanton expressed a desire to meet with the businesses impacted by a median barrier to see what their needs are as far as improved signage to ensure customer access.

The item is planned for the September 10, 2024 Board of Mayor and Aldermen Meeting for consideration

3. Discussion Concerning The Franklin Ridge Development Project And Connectivity Associated With Jordan Road

Sponsors: Paul Holzen

Paul Holzen, Engineering Director, introduced the item. Greg Gamble, applicant, discussed the plan for the Franklin Ridge Subdivision. The Preliminary Plat was submitted in March of 2024. While this project does not require BOMA or FMPC approval, staff and the development team thought it was important to obtain feedback on impacts associated with Jordan Road. Mr. Gamble explained the following two options for BOMA input:

Option A – This option includes connecting Glen Eagle Lane to the future development and will provide connectivity from Liberty Pike to McEwen Drive. In addition, the developer would install a cul-de-sac north of the Church of the Nazarene. This option is what is currently shown in the approved preliminary plat, so it is already approved.

Option B - This option includes connectivity of Jordan Road, Gleneagle Lane and the future development. In addition, it would include the installation of a right-in right-out at Jordan Road and Liberty Pike.

The developer is supportive of both options. If option B is selected, they have requested reimbursement of approximately \$416,750. This would cover the increased cost associated with Option B. The development team held a neighborhood meeting on August 5, 2024. Option B appears to be the concept with the most support based on those that attended the meeting. If Option A is selected, there will be no cost to the City of Franklin. If Option B is selected, then it would be appropriate to reimburse the developer for the additional cost. It should be noted that Jordan Road is a local street and would not qualify for a road impact fee reimbursement. Mr. Gamble was present to answer any questions from the Board.

Alderman Burger further discussed the outcomes of the neighborhood meetings. Option A does not adhere to the City's connectivity policy, so Option B garnered more support.

Alderman Blanton supports Option B.

Public Comment

Shawn Jansen, 609 Gleneagle Lane, Franklin, TN, supports Option B. He expressed concern about current Jordan Road traffic being redirected into Eagle's Glen if that road is closed. With more traffic, that makes the neighborhood less safe for children.

Carol Edwards, 721 Fawn Circle, Franklin, TN, expressed concern about current Jordan Road traffic being redirected into Eagle's Glen if that road is closed.

Jenny Bittick, 512 Foxcroft Circle, Franklin, TN, supports Option B.

Jeff Lewis, 605 Gleneagle Lane, Franklin, TN, supports Option B. He expressed concern about current Jordan Road traffic being redirected into Eagle's Glen if that road is closed. With more traffic, that makes the neighborhood less safe.

Jim Pat Flowers, 638 Gleneagle Lane, Franklin, TN, spoke on behalf of the Eagle's Glen HOA and expressed support for Option B.

4. *Consideration Of Resolution 2024-74, A Resolution Awarding The City Hall Construction Manager At Risk To Skanska USA Building, Inc. And Authorizing The City Administrator To Enter Into Phase I, A Pre-Construction Contract For An Amount of \$260,000 With The Understanding The Board Of Mayor And Aldermen Will Be Presented Phase II For Consideration Of The Guaranteed Maximum Price For Development And Construction Of The New City Hall Site

Sponsors: Mark Hilty, Christopher Koeper, Robyn Freeman

Mr. Stuckey introduced the item. On May 23, 2024, the City released a Request for Proposals – Contract No. 2024-0106, to solicit Statements of Qualifications from professional firms interested in providing Construction Manager at Risk (CMAR) services for the construction of a replacement City Hall. Ten firms expressed interest in providing these services by submitting Statements of Qualifications (SOQs). A committee comprised of three City Staff, the Owner's Representative, and the Architect for the project independently scored the proposals. The top four ranking firms were Bell, Reeves Young, RC Mathews, and Skanska, and were invited to do interviews before the selection committee.

A panel consisting of four City Staff, the Owner's Representative, and the Architect for the project then conducted interviews of the top four firms. Alderman Baggett was present to observe the interviews. However, he did not score the interviews (at his request). The committee deliberated independently and submitted final scoring. Upon review, staff recommends that Skanska, the firm with the highest overall score through the process, be awarded the Pre-Construction Contract for Construction Manager at Risk, and that BOMA authorize the City Administrator to execute this Phase 1 contract. At a future date, BOMA will be presented early release bid packages and a guaranteed maximum price for Phase II for development of the site and construction of the new city hall for consideration.

The Pre-Construction Contract (Phase 1) is \$260,000 with the understanding that the Board of Mayor and Aldermen will be presented with a second phase at a later date for consideration of the guaranteed maximum price.

Alderman Baggett urged Chris Koeper, member of the Owner's Representative team, to approach the second phase of the deal with hard negotiations to ensure a favorable outcome for the City.

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

5. ***Consideration Of COF Contract No. 2024-0266, With The State Of Tennessee Department Of Transportation For Automated License Plate Reader (ALPR) License Agreement**

Sponsors: Jason Potts, Deb Faulkner

Jason Potts, IT Director, explained that this licensing agreement for Automated License Plate Readers (ALPRs) is a part of the Statewide Violent Crimes Intervention (VICF) grant program. This contract with TDOT allows Franklin's license plate readers to aid in criminal investigations and/or searches for missing or endangered persons. Mr. Stuckey emphasized that these ALPRs will not be used for traffic enforcement. These ALPRs have been established at several key intersections around the City to provide an added element of public safety to our citizens.

Alderman Burger asked if a company had been selected for this yet?

Answer: The State has selected Motorola as the vendor to ensure that the entire state is operating on the same system.

Alderman Burger expressed hesitation in working through the state vendors because she had several unanswered questions, such as:

- How long is the data retained?
- Who is the data shared with?
- How is the data used by law enforcement?

Staff assured her that they would provide the answers to her questions.

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

6. **Review Of The Department Of Housing & Urban Development Comprehensive Annual Performance & Evaluation Report (CAPER) And Annual Report From The Franklin Housing Commission**

Sponsors: Kathleen Sauseda

Alex Brown, Assistant Director of Building and Neighborhood Services, presented the Comprehensive Annual Performance Evaluation Report (CAPER). The CAPER is required by grantees to report to HUD their accomplishments and progress toward the goals that are identified in the City's current Consolidated Plan. This report reflects how the City spent the CDBG funds received for year 2023-2024. The City's allocation for 2023-24 was \$368,352.

7. **Consideration Of Resolution 2024-52, A Resolution Declaring The Intent Of The Board Of Mayor And Aldermen Of The City Of Franklin, Tennessee To Consider The Adoption Of A Commercial Property Assessed Clean Energy And Resiliency ("C-Pacer") Program. Establishing A Public Hearing On September 10, 2024**

Sponsors: Kristine Brock, Shauna Billingsley

Kristine Brock, Assistant City Administrator, expounded on the Board's discussion from the August 13, 2024 Work Session. Since the Board has agreed to move forward with a third party administrator for the Commercial Property Assessed Clean Energy and Resiliency (C-PACER) program, a Request for Qualifications is in the works and will be posted by early September. However, as Blake Harper, Staff Attorney, explained, the next legal step is the approval of a resolution declaring the intent to adopt a C-Pacer program and establishing notice of a Public Hearing on September 10, 2024. Following the public hearing period and passage of the Resolution of Intent, Staff will bring forward a separate resolution to actually adopt

the C-PACER program.

Alderman Petersen expressed hesitation about Williamson County's lack of participation in this program since they currently handle the City's property taxes.

Ms. Brock explained that the upcoming RFQ will give us a better idea of the billing and collection services typically provided by third-party administrators.

Vice Mayor Brown asked who will pay for the services of the third party administrator.

Answer: Ms. Brock expressed that compensation will be addressed in the RFQ process, but it is standard practice that the administrative fees are paid by the developer requesting the assessment. In other words, the third party administrator fees are normally wrapped into the cost of the loan.

The item is planned for the September 10, 2024 Board of Mayor and Aldermen Meeting for consideration.

8. Presentation And Discussion Of Sanitation And Environmental Services (SES) Operations Alternatives

Sponsors: Mark Hilty, Jack Tucker

This item will return on the September 10, 2024 Board of Mayor and Aldermen Work Session for discussion.

9. Presentation And Discussion Of Vested Rights And Vesting Extension Requests

Sponsors: Emily Wright, Amy Diaz-Barriga, Andrew Orr

This item will return on the September 10, 2024 Board of Mayor and Aldermen Work Session for discussion.

10. Road Impact Fee Update Discussion

Sponsors: Vernon Gerth, Paul Holzen

Vernon Gerth, Assistant City Administrator, discussed the results of the Design Professionals/Developer meetings as it pertains to the implementation of updated road impact fees. The key takeaways are as follows:

1. Assess Road Impact Fees at the time a pre-application meeting is held. (Not all projects require a pre-application meeting and there was no deadline proposed for the length of time the assessed fee would remain valid)
2. Assess Road Impact Fees at the time a project becomes vested. (Depending on the type of vested project, the assessed fee would remain valid for up to 5 years for a single building/single phase project and up to 15 years for a multi-building/multi-phased project)
3. Continue to assess Road Impact Fees at time Building Permits are issued with a city commitment to publish the Road Impact Fee Schedule a minimum of three years forward for predictability. Additionally, for larger multi-family and commercial projects, a portion of the Road Impact Fee would be due(collected) at the time the building permit is issued, and the balance would be due(collected) prior to requesting final inspection(s). Alderman Blanton appreciated the effort that City Staff exerted to work with the development community in order to come up with a fair solution for all parties involved.

Alderman Petersen asked what still needs to be determined by the Board.

Mr. Stuckey explained that the Board still needs to decide how they want to implement the updated impact fees (two years or three year implementation) for every project entitled after January 1, 2025. The recent discussions with developers mostly revolved around projects that have already been entitled. The suggestion provides a five-year window for single-phase projects and a 15-year window for multiphase projects. However, these entitled projects will see a 5% inflationary adjustment to their fees every year within the five-year or 15-year window, which would be provided in a fee schedule.

Alderman Baggett recognized that there is a huge advantage to projects vested prior to January 1, 2025. Not only that, he was concerned that this fiduciary advantage to those developers would reflect a significant disadvantage to the citizens of Franklin. When told that the road impact fees needed to be increased by 300% and the burden is not on the developers, the only logical conclusion is that the burden is now on the ratepayer. He is grappling with the idea of doing that to his constituents.

In response, Mr. Stuckey stated that Staff did an analysis of development activity over the last five years. They concluded that if the same level of development activity had happened, and we had already implemented phase one (the two-year implementation as proposed), we would have generated on average \$6 million more of impact fees per year.

Alderman Baggett asked for more time to digest this proposal and dissect the potential impact on citizens before making a decision.

Mr. Stuckey reminded the Board that we are not requesting action tonight, but rather trying to determine if this proposal is the right direction.

Vice Mayor Brown agreed with Alderman Baggett and requires more time to understand this proposal.

Alderman Burger requested that Staff continue to meet with developers to flesh out the details of this proposal.

Mr. Stuckey contended that Staff has clarified the developers' proposal, so we need to know what else you need us to do to make you feel comfortable making a decision. We need to know what questions to ask them to inform further meetings.

Alderman Burger requested that Staff present solutions that similar communities around the country have implemented in response to adjusting road impact fees.

Alderman Caesar stated that the proposal tonight feels like it is headed in the right direction. However, he wants to (1) ensure that something is implemented by January 1, 2025, (2) provide clarity to the development community, and (3) understand how this impacts our taxpayers.

Public Comment

Rachel Blackhurst, PO Box 3141, Brentwood, TN, thanked City Staff and the Board for their dedication to meeting with the development community in recent weeks. There have been several good conversations, but there is still progress to be made.

Glenn McGehee, 475 Whistler Cove, Franklin, TN, echoed Ms. Blackhurst's sentiments.

11. Discussion Of Possible City Naming Policy

Sponsors: Lisa Clayton, Blake Harper

This item will return on the September 10, 2024 Board of Mayor and Aldermen Work Session for discussion.

12. Consideration Of COF Contract No. 2024-0199, The Interlocal Agreement Between Williamson County, Tennessee And The City Of Franklin, Tennessee To Establish The Terms, Responsibilities, And Obligations Of The City Providing Funds Received From The National Opioid Settlements To The County To Be Allocated For Opioid Abatement And Remediation Projects That Impact The City

Sponsors: Eric Stuckey, Shauna Billingsley

This item will return on the September 10, 2024 Board of Mayor and Aldermen Work Session for discussion.

13. **Consideration Of New Wine In Grocery Store License For Mapco Express Inc, D/B/A Mapco #3326, (Marvin Hewatt, Scott Moon, And Bruce Thatcher, Managing Agent) 240 Franklin Road, Franklin, TN 37064**

Sponsors: Angie Skarp

This item will return on the September 10, 2024 Board of Mayor and Aldermen Work Session for discussion.

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

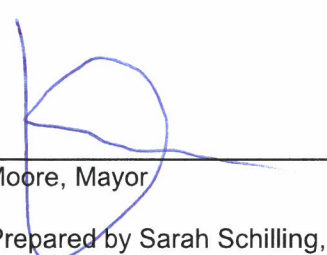
Sponsors: Alderman Beverly Burger

This item will return on the September 10, 2024 Board of Mayor and Aldermen Work Session for discussion.

OTHER BUSINESS

ADJOURN

Work Session Adjourned @ 7:23 PM



Dr. Ken Moore, Mayor

Minutes Prepared by Sarah Schilling, Assistant Deputy City Recorder, City Administrator's Office - 9/4/24, 11:13 AM