



Meeting Minutes

Work Session

Tuesday, October 22, 2024

4:30 PM

Board Room

CALL TO ORDER

Mayor Ken Moore called the meeting to order at 04:30 PM

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

Beverly Burger arrived at 4:37 PM

Board Members Absent: None

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

WORK SESSION DISCUSSION ITEMS

1. **Discussion Of An Update To The Historic Parks Audio Tour, A Subcommittee Project Of The Civil War Historical Commission**

Sponsors: Kelly Dannenfelser, Emily Huffer, Elizabeth Bulay

Elizabeth Bulay, Assistant Preservation Planner, introduced the item and explained the updates to the existing Historic Parks Audio Tour. The update to the audio tour introduces ten new stops, edits existing stops, and combines the remaining stops into fewer stops. Many existing stops feature sound effects that make it difficult to hear the audio, so a portion of this update is to make the overall listening experience better and expand our presentation of our history. The Audio Tour is available through a Dial-by-Cell program, which we also intend to update to a more engaging app and web-based program. The existing historic parks audio tour will be preserved and will also be available on the new platform alongside new recordings, written materials, and historic photographs.

Alderman Blanton supports the refresh of the Historic Parks Audio Tour. She suggested adding the Jimmy Gentry statue to the tour.

Alderman Potts thanked staff for organizing this refresh. He asked if we would be able to generate a report on the overall foot traffic at the tour stops now that it is on the web-based program.

Answer: Staff said that there is extensive reporting from the Dial-by-Cell program currently, but there is also robust data from the new web program as well.

Alderman Potts followed up by asking if the Civil War Historic Commission could present the foot traffic data to BOMA in the future.

Answer: Yes.

Then, he asked if there is a mechanism on the new website for citizens to suggest future potential sites for the Audio Tour?

Answer: We could look into adding that. The plan is to have many renditions of the Audio Tour with the

potential for new sites in the future.

Alderman Baggett wanted to ensure that any new suggestions for stops on the Audio Tour work cohesively with the Preservation Plan.

2. **Development Activity Report**

Sponsors: Michael Walters Young, Katherine Harelson

Katherine Harelson, Development Services Operations Analyst, presented the development activity in Franklin over fiscal year 2024 and the last three quarters of calendar year 2024.

3. **Discussion Of City Hall Commercial Space Options**

Sponsors: Alderman Patrick Baggett

Alderman Baggett led a discussion on City Hall Commercial Space Options. His goal is to utilize this space as a way to not only activate City Hall but also support local merchants.

Mr. Stuckey added that the assumption is the space would be best utilized as a restaurant or retail space to generate activity. He mentioned that we would work with a third party whose expertise is commercial leasing to bring in two to three merchants depending on the configuration of the space.

Alderman Burger expressed interest in encouraging an eatery to inhabit the corner space closest to the park.

Vice Mayor Brown was inspired by the Seaside Institute's model of helping local small businesses get on their feet in a prime downtown location, and then providing a mechanism for them to grow until they can afford their own retail space.

Alderman Potts expressed concern about potential parking issues associated with a busy retail corner. However, he did agree that there should be small businesses in those commercial spaces.

Alderman Blanton reminded the Board that we need to balance what the staff may need with what may be an interesting addition to the Downtown corridor. She wanted to take stock of what is already in the 16-block radius of Downtown and encourage something original to come into that space.

Mayor Moore appreciated Vice Mayor Brown's idea to encourage the growth of small businesses, but he did not want the Board to lose sight of the fact that part of the intent of this space was to offset some of the expense of the City Hall building and maintenance in the long term. It is meant to be revenue-generating.

Alderman Potts asked about noise pollution from the park.

Alderman Barnhill was unsure about subsidizing businesses in the City Hall retail space but not other downtown businesses, per Vice Mayor Brown's suggestion to use the Seaside model.

Alderman Baggett concluded that we need a committee in partnership with the Williamson County Chamber to flush out these ideas.

4. ***Consideration Of Ordinance 2024-30, An Ordinance To Establish An Updated Occupational Safety And Health Program Plan, Devise Rules, Provide For A Safety Director And The Implementation Of Such Program Plan**

Sponsors: Kevin Townsel

The item was acknowledged and is planned for the October 22, 2024 Board of Mayor and Aldermen Meeting for consideration on First Reading.

5. Consideration Of COF Contract No. 2024-0329, License Agreement Between Williamson County, Tennessee And City Of Franklin, Tennessee For Periodic Scheduled Use Of The County's Auditorium

Sponsors: Vernon Gerth, Blake Harper

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

6. Consideration Of COF Contract No. 2024-0098, With Thompson Energy Solutions For Preventative Maintenance For Twenty-Seven (27) Generators For A Term Of Three (3) Years

Sponsors: Brad Wilson

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

7. Discussion Of Zoning Ordinance Standards Regarding The Display Of Flags And Standard Enforcement Process Followed By The Building And Neighborhood Services (BNS) Department

Sponsors: Tom Marsh, Alex Brown, Dillon Gaster

Mr. Stuckey introduced the item and reminded the Board that this item came from a recent conversation and discussion with the Board of Mayor and Alderman regarding City of Franklin standards with respect to the display of flags on private property. Tom Marsh, Building and Neighborhood Services Director, explained that Section 15.9 of the Zoning Ordinance limits the quantity of flags being displayed to a "maximum of three per lot". As its written, flags are treated as signed since they are used to convey a message. The City has authority to regulate the size, location, timing, and materials of signs but not the message. He also walked the Board through the history of this section of the Zoning Ordinance. Dillon Gaster, Management Fellow, presented the Board with examples of flag display ordinances in comparable cities. Then, Mr. Marsh discussed the enforcement process for violations.

Bill Squires, Assistant City Attorney, provided the following legal opinion to the Board:

- Regulating first amendment issues is complex.
- In the current Zoning Ordinance, flags are treated as signs. Regulation of first amendment speech, like on a sign or flag, must be content neutral (i.e. no reference to content). This includes not disfavoring or favoring any kind of speech (showing preference for one type of flag over another).
- You can regulate time, place, and manner of signs or flags as is currently done in the Zoning Ordinance.
- You must have substantial government interest to regulate at all, which we do as the City in terms of safety, aesthetics, orderly maintenance of property, etc.
- What is in place now is not legally troublesome because as written, Section 15.9 does not unreasonably restrict speech. The only issue has been brought forth by citizens regarding the number of flags permissible on a single private property.
- The case law does not make distinctions about American flags. The Supreme Court has maintained that flags are not always considered speech, but most of the time, they are. Hence, it is going to be hard to discern an instance where a flag is not a form of protected speech. That is true for the American Flag as well.

Vice Mayor Brown noted that some cities have separate rules for official flags, such as government flags. His

neighborhood even permits flying the American flag outside his house but no other flags. It seems that is in conflict with Mr. Squire's legal advice, so how do some entities designate different rules for government flags? Answer: Mr. Squires would not speak on behalf of those other entities, but his advice remained the same. He would not recommend favoring or disfavoring any one type of flag.

Public Comments:

Nancy Laxton, 113 Beechlawn Drive, Franklin, TN, expressed opposition to Section 15.9 of the Zoning Ordinance as it is written today.

Joyce Mount, 700 W Meade Boulevard, Franklin, TN, expressed opposition to Section 15.9 of the Zoning Ordinance as it is written today.

Board Comments:

Alderman Baggett respected Mr. Squires legal opinion, but he argued that there is a precedent for local and comparable cities who are regulating certain flags. Hence, concessions for the American flag should be considered as an amendment to our Zoning Ordinance.

Mr. Stuckey asked Mr. Squires for his opinion on an unlimited number of flags for temporary or seasonal displays? For example, a Fourth of July display may have flags in excess of three, but the intention is to be short-term. Could it be regulated differently?

Answer: The law encourages the government to act in good faith and recognize such displays as seasonal decor, but it would be difficult to specifically call out the American flag as an exception. The ordinance would need to be content neutral and allow unlimited flags of any kind in temporary display scenarios. We want to be cautious of inadvertently regulating speech on flags by allowing one type of content over another.

Alderman Burger does not want the City to regulate the number of American flags or State of Tennessee flags.

Mr. Stuckey clarified that the current Zoning Ordinance has never been about regulating the number of American flags. It regulates the number of flags total, regardless of content.

Alderman Caesar is not opposed to limiting the number of flags to three per residence. He asked Mr. Squires to elaborate on the legal repercussions the City may face if we highlight the American flag as a special and specific instrument to display national pride? If we say that we can only fly the American flag in excess of three flags, how do we avoid a lawsuit from a community member who would rather express pride for a different cause, like the St. Jude flag, or a different country, like the Canadian flag?

Answer: Mr. Squires would advise against singling out any flag for special treatment because that is favoring one kind of speech over another kind of speech.

8. *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

Mr. Stuckey and Paul Holzen, Engineering Director, introduced the item. As a reminder, staff recommended the installation of temporary median barriers along SR-96 between Royal Oaks and Interstate 65. 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.

At the request of the property owners and some Board members, City staff is working with our on-call traffic engineer to evaluate a conceptual layout that includes the ability to do U-Turns at key intersections. Should the Board wish to have this work completed prior to installing the temporary median barriers, staff would request this item to be deferred to the December 10th work session to allow for additional evaluation and coordination with the property owners.

Alderman Potts wants to review the U-turn options on SR-96. He does not want U-turns near the tops of each of the I-65 on-ramps.

Alderman Burger expressed that there is no need for a U-turn in such close proximity to the I-65 on-ramps. She stated that the permissible U-turns at the next intersections could be close enough. However, she would only support the concrete median. She is opposed to the temporary flexible delineators.

Alderman Barnhill expressed support for the flexible delineators. He does not want to spend \$400,000 to solve a safety issue that could be solved for free.

The item is planned for the October 22, 2024 Board of Mayor and Aldermen Meeting for consideration.

9. ***Consideration Of Ordinance 2023-41, An Ordinance To Amend Chapter 4 Of Title 16 Of The Franklin Municipal Code, Concerning Road Impact Fees**

Sponsors: Vernon Gerth, Paul Holzen

Mr. Stuckey explained the proposed road impact fee amendment based on the guidance from the Board at the October 8th BOMA Work Session. Staff modified Ordinance 2023-41 as follows:

1. The updated Road Impact Fees will be implemented over a four (4) year period and are applicable to projects entitled on or after July 1, 2025.
2. Road Impact Fees will be published 5-years into the future and indexed annually based on the National Highway Construction Index.
3. For projects entitled prior to July 1, 2025, the current fees, indexed 10% annually, will remain in effect for eight (8) years.
4. Developers/Contractors/Building Permit applicants are provided with two options for paying the road impact fees that are assessed at the time the foundation or building permit is issued (whichever is issued first).
 - a. The entire Road Impact Fee is paid prior to requesting final inspections for the building.
 - b. The entire Road Impact Fee is paid at the time the foundation or building permit is issued (whichever is issued first) at a 10% discount.

Public Comments:

Glenn McGehee, 475 Whistler Cove, Franklin, TN, spoke on behalf of the development community and urged the Board to consider the long-term impacts of the proposed impact fee amendment.

Rachel Blackhurst, PO Box 3141, Brentwood, TN, explained the road impact fee proposal from the development community. The goal was to clearly define in the ordinance what constitutes grandfathering. She urged the Board not to lose sight of just how much money they are asking the development community to absorb with these fee increases.

Alex Chambers, 1080 Stockett Drive, Nashville, TN, supported a five-year phase-in approach. However, like Ms. Blackhurst mentioned he does not want the Board to lose sight of just how much money they are asking the development community to absorb with these fee increases.

Board Comments:

Vice Mayor Brown stated that he wants to use every tool in the toolbox to make this more digestible. He mentioned TIF Districts and TDRs in particular. He acknowledged that they can be difficult to implement, but ultimately, these are the tools that the state has provided to help build our community and not place unnecessary burden on any one group of people.

Alderman Blanton agreed with Vice Mayor Brown. Her biggest heartburn with the proposed increases to the impact fees is that there is no going back after it's implemented. Ultimately, the more burden we put on developers will trickle down to affect buyers and renters and impact the affordability of our community. She

worried that by making the development process too difficult, developers would stop investing in Franklin. Hence, she reiterated that we would be increasing these fees to provide for a future that might not happen.

Alderman Potts still supported the five-year (versus the proposed four-year) phase-in with an eight or ten-year grandfathering.

Alderman Barnhill does not agree with grandfathering. In response to Alderman Blanton and the development community, he contended that this same conversation with the same hesitations was had in 1988 when road impact fees were first implemented. The Board and development community feared that it would kill business, but as we can see now, that was not the case.

Alderman Burger supported the five-year phase-in and ten-year grandfathering, but she still does not think all her questions have been answered. She does not think we have fully vetted alternative options.

Alderman Baggett supported the five-year phase-in, with a 5% increase, and eight-year grandfathering, but he also thinks there is still work to be done. He stated that we need to better define what constitutes grandfathering - entitlement or pre-application phase?

The item is planned for the October 22, 2024 Board of Mayor and Aldermen Meeting for consideration on Second Reading and Public Hearing.

10. **Presentation & Discussion Of 10-Year Capital Improvement Plan (CIP) Rankings**

Sponsors: Paul Holzen

Public Comments:

Ned Dannenberg, 610 Dunbrooke Court, Franklin, TN, urged the Board not to let the pedestrian CIP projects fall to the wayside when ranking.

This item will be discussed further at a future Work Session.

11. **Discussion Of Downtown Paid Parking And Parking Management**

Sponsors: Emily Wright, Shanna McCoy, Adam Moser

This item will be discussed at a future Work Session.

OTHER BUSINESS

ADJOURN

Meeting Adjourned @ 6:57 PM

Dr. Ken Moore, Mayor

Minutes Prepared by Sarah Schilling, Assistant Deputy City Recorder, City Administrator's Office - 10/31/2024, 10:06AM

