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**MINUTES OF THE WORK SESSION  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, NOVEMBER 22, 2016 – 5:00 P.M.**

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**Board Members**

Mayor Ken Moore	P		
Vice Mayor Pearl Bransford	P	Alderman Dana McLendon	P
Alderman Clyde Barnhill	P	Alderman Margaret Martin	P
Alderman Brandy Blanton	P	Alderman Ann Petersen	P
Alderman Beverly Burger	P	Alderman Michael Skinner	P

**Department Directors/Staff**

Eric Stuckey, City Administrator	P	Lisa Clayton, Parks Director	
Vernon Gerth, ACA Community/Economic Dev	P	Shirley Harmon-Gower, Human Resources Director	P
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
Shauna Billingsley, City Attorney	P	Paul Holzen, Engineering Director	P
Rocky Garzarek, Fire Chief		Jonathan Marston, Engineering Assistant Director	
Deb Faulkner, Police Chief		Emily Hunter, Planning & Sustainability Director	P
Fred Banner, IT Director		Joe York, Streets Director	P
Chris Bridgewater, BNS Director		Lanaii Benne, Assistant City Recorder	P
Becky Caldwell, SES Director	P	Linda Fulwider, Board Recording Secretary	P

**Call to Order**

Mayor Ken Moore called the Work Session to order at 5:00 p.m.

**Citizen Comments**

No one came forward to speak

**WORK SESSION DISCUSSION ITEMS**

**1. 16-0981 Update on the City of Franklin Proposed Public Art Program and Overview of Draft Guidelines.**

**Eric Stuckey, City Administrator  
Vernon Gerth, ACA Community & Economic Development  
Monique McCullough, Public Outreach Specialist  
Amanda Rose, Preservation Planner**

Vernon Gerth said staff and community members have been researching public art and guidelines since summer. They looked at programs in other communities and found a wide range of program types and mechanisms for funding. An Art Commission will be established. BOMA will be asked to approve a non-residential art display program for public buildings and areas. Several artists and those interested in the Arts were present in support of this endeavor. The Art Scene was established by citizens about five years ago and has been very successful. A formal proposal for the Public Art Program will be submitted after the first of 2017. Draft guidelines were submitted.

Ellie Westman Chin and Julie Walton provided background information and answered questions:

- Julie Walton said they visited 20 cities, reviewed certain elements and sorted out ones that might work for Franklin. Besides Nashville and Chattanooga in Tennessee, they visited cities in Arizona, Texas, Colorado and Florida.

- Alderman Blanton supports initiating the program. There are many talented artists in the area. The Downtown Neighborhood Association is also a part of this, and the art will first be placed where there is the most foot traffic. She would like to see it spread throughout the community as well.
- Ms. Chin indicated that has been discussed in committee meetings; they want to make sure it encompasses all of Franklin, not just Downtown.
- Alderman Bransford asked that the 16 members are supportive of young artists and hopes they will consider students as well. Get schools involved.
- Alderman Burger mentioned that the Cool Springs area is void of everything that is art, and she too wants the entire community involved. She cautioned to make the art relative to Franklin, and not a bunch of sticks oddly formed that no one understands. She is adamant that young people be involved as well. Ms. Chin advised the commission is set up as a recommending commission. Art work will come before BOMA before it can be displayed anywhere.
- Alderman Martin said this is a wonderful idea and a great start, but cautioned that issues may come up wherein a work of art may not be appropriate. Don't hesitate to seek counsel from BOMA.
- Alderman McLendon asked if in-house counsel had reviewed the guidelines. Many of the decisions in law school involved public art. That is a concern. He referred to paragraph B. Ineligible Artworks 9) Artwork that is considered distasteful not suitable for public viewing as determined by the FPAC, and suggested this be clarified.
- City Attorney Shauna Billingsley responded she had not reviewed the document.
- Ms. Walton commented that no controversial issues have been discovered thus far. Anything inappropriate would be flagged by BOMA.

**2. 16-1017 Discussion Regarding the Number of Units for Bed and Breakfast per the City of Franklin Zoning Ordinance.**

**Alderman Margaret Martin**

Alderman Martin said it had been brought to her attention that a house on Third Avenue with four bedrooms and bathrooms would like to use the fourth room for a bed and breakfast; however, the ordinance allows only three bedrooms for a B&B. Short-term rentals are allowed 4 bedrooms. The house was previously used as a B&B by two different owners.

Discussion:

- Aligning the B&B room number with the short-term rental number and off-street parking requirement discussed: Beside the dwelling or back of the dwelling only.
- Committee okay with staff amending the ordinance to 4 bedrooms to align with short-term rentals and bringing it back to BOMA.
- Alderman Petersen requested a report on the number B&B's and Short-Term Rentals that are in the City.
- Aldermen Petersen and Skinner have heard complaints that some short-term rentals have become party houses, as has happened in Nashville.
- Mr. Stuckey said the City hasn't received any complaints, and asked that the Aldermen share those with him.
- Vernon Gerth related BNS tracks complaints and responses on short-term rentals. Some of these could be operating without a license.

**3. 16-0980 Discussion Concerning Road Impact Fees**

**Vernon Gerth, ACA Community & Economic Development**

**Paul Holzen, Engineering Director**

**Jimmy Wiseman, Assistant Director (Development)**

Further work has been done on this since the last discussion. Input is being sought from design professionals and developers as well.

Paul Holzen and Jimmy Wiseman presented the following:

Road Impact Fee – Fees that are assessed on new development to help pay for the capital facility cost they impose on the community. Essentially, impact fees require that each new residential or commercial project pay its pro-rata share of the cost of new infrastructure facilities required to serve the development.

Legal Framework – Courts have gradually developed guidelines for constitutionally valid impact fees, based on a “rational nexus” that must exist between the regulatory fee or exaction and the activity that is being regulated. Generally, impact fee needs to meet a two-part test:

1. The Fee must be proportional to the need for a new facility created by the new development.
2. The expenditure of impact fee revenues must provide benefit to the fee-paying development.

Road Impact Fees History reviewed: In 1987, the City obtained authority from the Tennessee legislature to enact road impact fees – Ordinance 87-32. There have been six amendments since. Financing costs associated with City projects, and various charts were reviewed.

Collector Impact Fee Summary

- Collector impact fees should be established based on the approved Major Thoroughfare Plan.
- Collector impact fees can pay for the engineering, right-of-way and construction cost associated with collector roadways. Collector roadways would need to be designed to meet City of Franklin Street Standards. (Ex: right-of-way width, access management, width, design speed, etc.)
- Collector impact fees can provide compensation for right-of-way dedications associated with development.
- Benefit districts would be recommended if impact fees include both Major and Minor Collectors. Benefit districts would not be recommended for impact fees that include Major Collectors only.
- Impact fees would not pay for utility relocations.
- In no event may the City apply an offset which is greater than the applicable impact fees due from the development project.

Major Collector

- 4-5 Lane Roadway
- No on street parking allowed
- Limited Driveway and Street access
- Design Speed = 40 MPH
- Posted Speed = 30-35 MPH
- Design Vehicle = WB-50 must be able to physically traverse the street and remain in the correct lane for each street.

Minor Collector

- 2-3 lane Roadway
- On street parking allowed
- Frequent Driveway and Street access
- Design Speed = 35 MPH
- Posted Speed = 25-30 MPH
- Design Vehicle = WB-50 must be able to physically traverse the street by using the full width of the traveled way if necessary.

Collector Benefit Districts were reviewed as well as showing how this would affect Carlisle Lane and Jordan Road if collectors were added. A broader overview will be brought forward later. Scenarios with numbers will be created for review.

4. 16-0982 ★Consideration of RESOLUTION 2016-77, A Resolution Authorizing the City of Franklin to Contribute \$400,000 to the Goose Creek Sanitary Sewer Extension Project as Part of the Lampo Group Corporate Headquarters Project.  
Eric Stuckey, City Administrator

### **Vernon Gerth, ACA Community & Economic Development**

Details of this gravity sewer line to cross under I-65 that were provided. Map exhibits A and B were reviewed. In assessing the various options, staff considered the costs associated with the three options, long-term, reliability, maintenance, and future growth in the area.

Estimated Out-of-Pocket Costs Associated with each sanitary sewer option to the Lampo Group (all of these expenses would be incurred by the developer/owner):

- *Serving Property from the north with gravity sewer - \$1.6 million.* Includes raising the site (grade) and lowering the sewer from the north. The depth required for this gravity sewer would be extremely deep and well beyond City standards.
- *Serving Property with a Pump Station - \$600,000 plus operating and replacement costs.* Includes pump, structure, 10 years of maintenance and monitoring. Replacement of pump is inevitable in 15-20 years (additional \$300,000 for a single replacement).
- *Serving Property from the west under I-65 - \$1.8 million.* The cost associated with extending the sewer from Stream Valley, boring under I-65 through bedrock, and completing the installation to the southernmost property line of the Lampo parcel. It is estimated cost of boring under I-65, without any consideration for rock is \$400,000.

Reliability and Maintenance: Gravity sewer takes precedence. City policy is to utilize gravity wherever practical. Routine maintenance, required monitoring, and replacement costs long-term do not make the installation of a pump a desirable option compared to gravity sewer. A gravity sewer is a viable option and provides service to a broader area that is likely to develop in future.

Future Development in Area: While the property to the south and east of the Lampo Property is not within the UGB, selecting the option to extend the sewer under I-65 allows the City to provide sanitary sewer to a broader area in the Goose Creek Drainage Basin, whether or not these properties are annexed. Based on discussion with property owners in the area, interest exists for additional development and is likely to occur at this major interchange. This is not recommended.

The 3<sup>rd</sup> option allows sewer extension under I-65 and will cost Lampo \$1.8 million. Approximately \$270,000 should be generated in access fees. Staff recommends approval of Resolution 2016-77 utilizing \$400,000 in the Sanitary Sewer Fund to assist the Lampo Group in completing the extension of the sewer line. Lampo is required to upsize the line to 12”.

5.      16-0983    **★Consideration of RESOLUTION 2016-85, Authorizing the City of Franklin to Enter into an Agreement, Subject to Review and Approval by the Board of Mayor and Aldermen, With the Customers of the Goose Creek Sewage Treatment Plant (TN0060216) to Construct Sanitary Sewer Infrastructure to Connect to the City of Franklin Wastewater Collection System.**

**Paul Holzen, Engineering Director**

**Mark Hilty, Water Management Director**

This small sewer plant that serves three properties is failing. Additional feedback has been received from the property owners. Mark Hilty provided the history of the plant and explained the options to consider:

1. The City provides support to the entities in terms of plan review and connection to the system only. With this approach the entities would continue working privately with the State to resolve the situation. It is anticipated the facility would be shut down.
2. During prior discussion staff proposed a special assessment district to connect the affected property owners to City sewer. Based on research, this mechanism will not provide adequate protection to the City as requested by BOMA in October. An alternative option would be an agreement outside of this structure. Estimated cost of the project is \$415,757.00 (not including interest), and would be paid off within a term no longer than five years. The property owners shall be required to pay all connection fees established in the Municipal Code. A lien will be filed. All three property owners are in agreement.

Parties involved that opted to speak:

- Nigel Hodge, real estate representative for Mapco: The station is no longer in operation because TDOT didn't provide a curb cut during construction. The area will continue to grow and sewer infrastructure is a huge issue. They are on board to reimburse the City.
- Linda Sullivan of Civil Infrastructure Associates, referred to the lawsuit involving Mr. Moore. The existing plant cannot be saved. Gravity sewer is very expensive for one or three to pay. She agreed with Mr. Hilty and Mr. Holzen.
- Ted Petty, and on behalf of his brother and himself, 424 Old Peytonsville Road, said they are glad to pay their share rather than do it themselves.

**6. 16-0979 ★Consideration of RESOLUTION 2016-78, A Resolution to Adopt a Retirement Health Savings Plan for Employees and Approve Adoption Agreement with ICMA-RC.**

**Eric Stuckey, City Administrator**

**Shirley Harmon-Gower, HR Director**

**Russ Truell, ACA Finance & Administration**

In 2006 when the City was first approached about a Health Savings Plan, it was a voluntary program. Since then, the IRS changed the rules and it is no longer voluntary but must be all of a defined group participating. The first defined group to participate: City Administrator, Assistant City Administrators and Department Directors. The remaining City employees will be educated on the plan over the next year. Currently, the lump sum payout at retirement includes unused vacation hours and up to 120 day of sick leave. The first \$24,000 goes into the payout. Every dollar above that is split with half going into the health savings spending account, and half into the payout. It is a source to manage healthcare costs and lessen the tax burden. The lump sum is taxable. The healthcare account can be passed on to heirs. The Pension Committee met yesterday and recommended this option be pursued. The fund can be used for insurance premiums, deductibles, and anything else of a medical nature.

**7. 16-1020 Status Report on Special Census.**

**Eric Stuckey, City Administrator**

At the end of last week 33,500 citizens had responded. Response is ahead of the last special census. HOA participation is up and there is more advertisement this time. The census takers will soon start door to door canvassing in the evenings and on weekends. Several City employees will participate.

**Other Business**

None

**Adjournment**

Work Session adjourned @ 6:35 p.m.

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Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - updated 10/25/2017 4:00 PM