

**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, FEBRUARY 24, 2015 – 5:00 P.M.**

Mayor Ken Moore	P		
Vice Mayor Clyde Barnhill	P	Alderman Dana McLendon	P
Alderman Brandy Blanton	P	Alderman Margaret Martin	P
Alderman Pearl Bransford	P	Alderman Ann Petersen	P
Alderman Beverly Burger	P	Alderman Michael Skinner	P
 <u>Department Directors/Staff</u>			
Eric Stuckey, City Administrator	P	Lisa Clayton, Parks Director	P
Vernon Gerth, ACA Community/Economic Dev.		Shirley Harmon-Gower, Human Resources Director	P
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	P
David Parker, City Engineer/CIP Executive		Paul Holzen, Engineering Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning & Sustainability Director	
Rocky Garzarek, Fire Chief	P	Joe York, Streets Director	P
Deb Faulkner, Police Chief	P	Brad Wilson, Facilities Project Manager	
Fred Banner, IT Director	P	Lanaii Benne, Assistant City Recorder	P
Chris Bridgewater, BNS Director	P	Linda Fulwider, Board Recording Secretary	P
Becky Caldwell, SES Director	P		

Call to Order

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

Citizen Comments

None

- ★ Mayor Moore related that per request, items 10, 12 and 13 would be taken following item 5. Item 14 will be addressed at a subsequent meeting.

WORK SESSION DISCUSSION ITEMS

1. **Consideration of Event Permit for Snowball Express 5K on May 23, 2015 in Downtown Franklin**
Deb Faulkner, Police Chief
No questions or comments.

2. **Consideration of Event Permit for the Rodeo Parade sponsored by the Franklin Noon Rotary Club on May 9, 2015 in Downtown Franklin**
Deb Faulkner, Police Chief
No questions or comments.

3. **Consideration of Event Permit for the Heritage Ball Sponsored by the Heritage Foundation on September 19, 2015**
Lisa Clayton, Parks Director
If Bicentennial Park is not ready, the Ball will be held at Eastern Flank.

4. **Consideration of Event Permit for Walk Across Williamson Celebration Event Sponsored by the Williamson County Health Department on April 11, 2015 in Pinkerton Park**
Lisa Clayton, Parks Director

No questions or comments.

5. ***Consideration of RESOLUTION 2015-09, A Resolution Acknowledging the Letter of Agreement Between the Tennessee Main Street Program and the Downtown Franklin Association**
Eric Stuckey, City Administrator

No questions or comments.

(Item 6 was addressed after Item 13)

6. **Consider RESOLUTION 2015-16, A Resolution to Amend the City of Franklin Employees' Pension Plan**

Russ Truell, ACA Finance & Administration
Eric Stuckey, City Administrator

This item is from the Pension Committee. During their periodic review, the IRS found items that they thought were unclear and requested those items be amended. Mr. Truell noted this is the first time the IRS has asked for any changes. Pension counsel provided the amendments that reflect what has been done all along. Most of the amendments are qualifying statements rather than actual changes to the terms of the plan:

- Section 2.4, clarify that the election by a participant to opt out of plan participation is irrevocable.
- Section 3.1(c)(1)(iii), deleting the provision for additional contributions by the employer, since these provisions have never been used.
- Section 3.1(c)(4), clarify that the employee designation of any mandatory contribution amount is an irrevocable designation.
- Section 4.7(a), clarify that the required provisions of Section 401(a)(9) regarding timing of distributions are incorporated by reference, as permitted by law.
- Section 8.1(a), confirming that the employee designation of amounts contributed to a cash balance account is an irrevocable designation. A provision defining annual additions in accordance with the regulations as related to post-tax cash balance accounts.
- Section 8.2, clarifying permissible reversions to the City as employer per regulations.
- In addition to clarifying statements, pension counsel identified sections of the Plan that do not correlate with current law. Those sections relate to Qualified Domestic Relations Orders, which are not required by Tennessee and federal pension law. Those sections are to be deleted.

7. **Consideration of Bid Award to Midstate Welding of Franklin, TN in the Total Amount of \$28,090 to Remove and Replace existing pedestrian-type hand railing and to Install New Pipe Bollards at the City's Solid Waste Transfer Station, for the Disposal Division of the Sanitation and Environmental Services Department (Purchasing Office Procurement Solicitation No. 2015-023; \$35,000 Budgeted in 124-82654-46130 for Fiscal Year 2015; Contract No. 2015-0049)**

Becky Caldwell, SES Director
Brad Wilson, Facilities Project Manager

No questions or comments.

8. **Consideration of Contract Award to Hach Company of Loveland, Colorado in the Total Estimated Amount of \$341,890.00 Over Three (3) Years for Supply, Delivery, Installation, Operation and Maintenance of the Specified Estimated Quantities of Sanitary Sewer Flow Meters and Rain Gauges for an Initial Term of Award of Three (3) Years with Two (2) One-Year Options to Extend at \$7,435 Per Month Also for the Specified Estimated Quantities, for the Water Management Department (Purchasing Office Procurement Solicitation No. 2015-013; \$98,000 Budgeted in 431-82560-52219 for Fiscal Year 2015; Contract No. 2015-0035)**

Mark Hilty, Water Management Director

This equipment provides valuable data on capacity, wet weather incidents, etc. Anticipate using them long-term.

9. **Consideration of Contract 2013-0087 Awarding CDBG Funds to Community Housing Partnership for the Emergency Repair Program**
Chris Bridgewater, BNS Director

No questions or comments.

10. **Consideration of ORDINANCE 2015-03, An Ordinance Amending the City of Franklin Municipal Code Title 21, Chapter 7, Sections 21-702 and 21-703 Titled Inclusionary Housing for Previously Approved Planned Unit Developments (PUD)**

Eric Stuckey, City Administrator

Vernon Gerth, ACA Community/Economic Development

The proposed amendment would remove the reference to PUDs approved prior to April 1, 2010 thus making the requirements of this ordinance applicable to any previously approved PUD that is amended to increase density. This was discussed in relation to the housing funds used for the Reddick project.

Alderman Burger wanted to delay voting on this ordinance until the Board had thoroughly discussed and understood inclusionary zoning; she has issues with inclusionary zoning.

Eric Stuckey explained this amendment is only to eliminate the date and other discussions regarding inclusionary housing policy options will be forthcoming.

Mayor Moore, Alderman Bransford, Alderman Petersen, and Alderman Skinner thought this should move forward as it creates a level playing field for all PUDs that have been approved.

11. **Proposal of Amending the Tree Bank Ordinance**

Lisa Clayton, Parks Director

Todd Snackenberg, Arborist

Eric Stuckey related that if this proposal is accepted it will affect budgeting. The proposal came from the Tree Commission.

Todd Snackenberg explained an amendment would allow a portion of Tree Bank funds be used to purchase equipment for the City's Tree Crew and/or fund staff for the Tree Crew. The current Tree Crew consists of three part-time workers. In the upcoming budget, the Parks Department will request two of the three part-time positions be replaced with two full-time positions, with the one part-time position retained to create a three-person crew.

The current Tree Bank Ordinance states: The tree bank shall be a fund to receive monies from owners or developers who remain unable to successfully plant and maintain replacement and/or required trees on the site under development, with such monies to be used to planting public trees or maintenance of said trees during their first five years, as established in the zoning ordinance. This fund shall also be used for charitable contributions given to the City for planting trees. The applicant may contribute to the tree bank an amount of money equal to the costs of providing the required density of replacement trees, according to a fee schedule approved by the FTC, and in the event that the planning staff determines that a site is eligible and what percentage of the requirement may be contributed.

Mr. Snackenberg said the crew has over 400 subdivisions to maintain. The Tree Commission agreed 35% or an annual amount not to exceed \$20,000 should cover costs. They realize the Tree Bank is not always a sustained source of funds. The Aldermen were in favor and thought it could be done for two or three years to see if it can be sustained. Presently, the Fund has an approximate balance of \$200,000. An amendment will be drafted.

12. **Discussion and Consideration of a Three-Party Parkland Dedication Agreement Between the City of Franklin, Harpeth Associates, LLC, and Friends of Franklin Parks, for the Purpose of Meeting the Parkland Dedication Obligation for the Proposed Harpeth Square Development**
Eric Stuckey, City Administrator
Vernon Gerth, ACA Community/Economic Development
Lisa Clayton, Parks Director

Draft Agreement:

- Harpeth Associates, LLC, is obligated to pay the City a Parkland Dedication Fee of \$564,000 at the outset.
- Wagner Line Partnership acquired .46 acres of land at 1416 Columbia Avenue (Car wash Property) located on the site of the Union advance line at the Battle of Franklin, and spent \$326,500 on the site, including \$290,000 in capital invested by two family foundations operating under federal tax law.
- The City, recognizing that the Wagner Line Property is viewed as an integral component of the Battle of Franklin battlefield, is willing to accept the Wagner Line property as part of its City parks.
- The Parkland Dedication Fee shall be paid in cash by Harpeth to the City - \$564,000 less the appraised value of the property, estimated to be \$330,000. Harpeth shall have satisfied its Parkland Dedication Fee obligation in this manner.
- Harpeth shall reimburse the Wagner Line Partnership the amount of \$326,500.
- The two family partnerships shall donate the aggregate amount of \$326,500 to the Friends of Franklin Parks on or before December 31, 2020, with no less than \$50,000 in any one calendar year.
- In accordance with the objectives of the Parkland Dedication Fee, Friends of Franklin Parks will use the Heller foundation funds for improvements at Bicentennial Park as may be determined by the Board of Mayor and Aldermen of Franklin. Such improvements may include but shall not be limited to off-street parking, renovation of the shelter, greenways and pedestrian trails that directly connect to and from Bicentennial Park.

Discussion:

- Alderman Petersen expressed concern about the tax implications because of the difference between paying money required as a fee and paying into a non-profit.
- Alderman McLendon: This is letting the developer rearrange our priorities to projects that were not our priorities. Owning the car wash property and improvements to Bicentennial Park weren't priorities the Board voted on. It is self-serving. The private sector is telling us what to do and it benefits their project.
- Alderman Martin: It is to their benefit and to ours. Bicentennial has been on our books for years and they are providing a way to do it. It is practically across the street from this development and would meet criteria for betterment of the City.
- Roderick Heller a signatory to the proposal. The \$326,500 to Harpeth to reimburse two foundations does not benefit Harpeth. That money is to benefit the City's parks system. There is no benefit to any individual. It is pledged over five years to the City. If the City doesn't accept the property, they will turn it over to the Land Trust of Tennessee or someone else. The foundations have taken care of the taxes.
- Alderman Burger: Bicentennial has been there a long time. This is an opportunity to move it up to a priority.
- Mindy Tate, Friends of Franklin Parks: They are the only organization with a Memorandum of Understanding with Parks and the City, to promote parks. They have asked to take the money and move forward with a park that needs improvements. Bicentennial Park will benefit many and has so much potential. Many are interested in using that park. Allow Friends of Franklin Parks to do this following City policies, as a way to enhance investment downtown.
- Alderman Blanton: BOMA needs all the facts to make a decision. With all the numbers the requests get confusing. She is not comfortable with earmarks, but the City would be getting property and cash.

- Alderman Bransford: Either take just the money or take the money and create synergy between the City and Friends of Franklin Parks. Supports moving forward.
- Greg Gamble: Fees or dedication of land is typically for the site of the development. In this case, it can't be on the same development. They are offering the other land and also paying the fees. Once the land is paid for, the foundations would pay Friends of Franklin Parks or another non-profit.
- Alderman Petersen: There are more worthy park projects than money to spend. Parks projects need to be prioritized.
- Alderman McLendon: It is the earmark of Bicentennial Park over what the Board has established as priorities that bothers him. They mean well, and it is not inappropriate, it is just not the highest priority for the Board.
- Vice Mayor Barnhill: Taking the property would add .46 acres more into the parks system and the burden to maintain it, and it was not in our plans. Pay the \$564,000 and forget the land.
- Eric Stuckey: The Columbia Avenue property is at the head of the Battlefield and of historical significance. It plays into the Carter Hill project and into other broader parkland issues of the central battlefield. No, it is not on the list, but the Master Plan for Parks is being done now. How might this tie in? Bicentennial Park is on the doorstep of this development. Bicentennial is relevant to the River Walk. Are there worthy projects within the area to be done that wouldn't be done because of this opportunity.
- Alderman Skinner: The car wash property is a significant historic piece of property and would serve well as a pull-off for information and interpretive signs for tourists. It is at the front of the battlefield. He cited other times when priorities were changed when opportunities came along, such as buying 84 Lumber for the Public Works Complex. Priorities aren't always etched in stone.

13. Consideration of Two Requests by Harpeth Associates, LLC, Developer of the Proposed Harpeth Square Development in Historic Downtown Franklin for Additional Financial Assistance with Required Improvements Within the Public Right-of-Way, Specifically, Improvements to Traffic Control Devices and Streetscape

**Eric Stuckey, City Administrator
 Vernon Gerth, ACA Community/Economic Development
 Paul Holzen, Engineering Director**

Eligible items total \$1,283,355.00. The offset request will include Capacity Improvements Only. Harpeth Square Development Requests:

1. Request the City pay half of the cost of both the Traffic Signal Improvements at Second Avenue and Bridge Street and the restriping of Franklin Road and signal modifications at East Main Street and First Avenue through of the Road Impact Fee Fund.

First Avenue & Bridge Street Eligible Items	\$ 771,100.00
Franklin Road/East Main Street Restriping & Signal Modification	\$ 54,380.00
Traffic Signal at Second Avenue & Bridge Street	\$ <u>457,875.00</u>
Eligible Items Total	\$1,283,355.00

Anticipated Road Impact Fees Generated by Harpeth Square	\$ 966,000.00
Difference between cost of eligible items and impact fees	\$ (-317,355.00)
Requested Cost to City for half of the restriping and signal	\$ 256,127.50

Propose the final cost to the City would be based on half the actual cost for restriping and signal improvements. Asking that the City pay for their share of the cost at the completion and acceptance of the improvements.

2. City would pay for items not eligible for offset through Hotel/Motel Tax. Items would include demolition, brick sidewalks, crosswalks, street signs, limestone street markers, pavement markings, trash receptacles, bike bollards, grading, asphalt, concrete drive aprons, landscaping and irrigation. The basis for this request is the requirement

for Harpeth Square to make these improvements is above and beyond what is required by other developments without a means of offset or reimbursement. Following is a breakdown of the estimated cost for these items:

First Avenue & Bridge Street Non-eligible items	\$534,431.00
Second Avenue Non-eligible items	<u>\$360,000.00</u>
Non-eligible Items Total	\$894,431.00

Final cost would be based on the actual cost of these items. Propose the City pay for these items over a 4-year period beginning with the completion of the improvements. The estimated Hotel/Motel Tax generated by Harpeth Square is \$280,000 in Year One and projected to increase in subsequent years. With a 4-year payment period, the City would not be out any cost beyond what it would be collecting from the Development.

Road Impact Fee Offset Request Staff Recommendation: Staff does not recommend supporting this request. The City's Road Impact Ordinance does not allow the developer to recapture an amount greater than road impact fees required to pay.

Streetscape Request Staff Recommendation: It would be appropriate for BOMA to consider assisting private property owners with streetscape improvements that are located along public roads that were not included in the streetscape improvement project and that would be viewed as a natural extension to streetscape.

There is some precedent for doing this. BOMA must decide whether to accept the streetscape proposal, and if so, how much and from what fund. Discussion ensued.

(Item 6 was addressed next)

- * Alderman Burger left the meeting at 6:00 p.m.

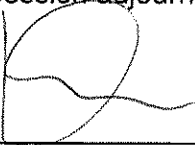
14. Presentation Regarding the Harpeth Square Development Economic Impact
Withdrawn.

Other Business

None

Adjournment

Work Session adjourned @ 6:35 p.m.



Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - updated 3/9/2015 10:31 AM