

**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, FEBRUARY 10, 2015 – 5:00 P.M.**

Board Members

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

Department Directors/Staff

Eric Stuckey, City Administrator	P	Lisa Clayton, Parks Director	P
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
David Parker, City Engineer/CIP Executive	P	Paul Holzen, Engineering Director	P
Shauna Billingsley, City Attorney	P	Catherine Powers, Planning & Sustainability Director	P
Rocky Garzarek, Fire Chief		Joe York, Streets Director	P
Deb Faulkner, Police Chief	P	Brad Wilson, Facilities Project Manager	P
Fred Banner, IT Director	P	Lanaii Benne, Assistant City Recorder	P
Chris Bridgewater, BNS Director		Linda Fulwider, Board Recording Secretary	P
Becky Caldwell, SES Director			

Call to Order

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

Citizen Comments

- Ronnie Griffeth spoke on behalf of the First United Methodist Church. At the March meeting, the church will ask the Board to look at what they have spent during construction of the new church on things that benefit the church as well as the City: Access off Mack Hatcher to the land and the river on that side of the highway. He asked that Board members contact him prior to the March meeting if there are any questions.

WORK SESSION DISCUSSION ITEMS

- 1. Consideration of Event Permit for Main Street Brewfest Sponsored by the Downtown Franklin Association on March 14, 2015 in Downtown Franklin.**
Deb Faulkner, Police Chief
 No questions or comments.
- 2. Consideration of Event Permit from Mellow Mushroom for Concert Series from April - October, 2015.**
Deb Faulkner, Police Chief
 Alderman Martin asked why they are considering approval of serial concerts. Eric Stuckey responded that the same request was approved last year to eliminate the need to make application for each event. Monique McCullough added that beer sales would be only where their current permit allows. There will be no requests for a permit to sell beer from a kiosk outside. The streets will not be blocked, just the designated parking spaces in front.

 Alderman Barnhill asked that the barricades used to block the parking spots be removed immediately after each event. In the past, he has observed barricades still in place the next day.
- 3. Consideration of Event Permit from 21st Drug Court for Eat the Street Food Truck Festival on May 8, 2015 in Downtown Franklin.**
Deb Faulkner, Police Chief

Mr. Stuckey related the Festival will be held on the Third Avenue Extension and Bicentennial Park property instead of Main Street this year. Some voiced concern about parking. Ms. McCullough said there would be officers to help direct parking. There will be limited parking at Bicentennial Park. The food trucks will be parked on Third Avenue.

Phil Newman, attorney with 21st Drug Court, said this is the signature event for their non-profit. He thanked the City and Ms. McCullough for the support, and said they are glad to be the first to take advantage of this location.

4. Consideration of Liquor License Renewal for Red Dog Wine & Spirits, (Mr. Bard Quillman, Jr., Managing Agent), 1031 Riverside Drive, 37064.

Lanaii Benne, Assistant City Recorder

No questions or comments

5. *Consideration of ORDINANCE 2014-37, Amending the Zoning Ordinance by Removing Section 2.4.2 (11) Entitled Amendments or Revisions Approving Development Plan or (PUD) Concept Plan or PUD Regulating Plan and Section 2.4.2 (12) Entitled PUD's Approved Between July 1, 2008 and January 10, 2012, and to Replace With a New Section 2.4.2 (11) to be Entitled Amendment or Revisions to an Approved PUD Development Plan, Concept Plan or Regulating Plan and to Renumber Successive Sections Accordingly; Establishing a Public Hearing for March 10, 2015."

Alderman Ann Petersen, FMPC Representative

Catherine Powers noted this Ordinance had been deferred one month to make sure the amendments were in sync with the new vesting regulations.

- Amendments requiring FMPC/BOMA approval are related to changes in use or major revisions to the plan, which will impact external to the development.
- Amendments required to receive FMPC approval are regulatory and have impact to the aesthetic or function of the developments.
- Staff may address the amendments not mentioned in the BOMA or FMPC categories, but reserve the right to forward any amendment to the FMPC, BOMA, or DRT for review.

Both Design Professionals and elected officials have mentioned concern regarding subjectivity related to deciding what a major change to a development plan is. This discretion has always existed, the amendment is an attempt to simplify and clarify the process and provide clarity regarding the path for a particular amendment.

Amendments for Revisions to an Approved PUD, Concept Plan or Regulating Plan – 01/01/2000 – 12/31/2014 – BOMA and FMPC	Amendments for Revisions to Development Plans, Site Plans, Preliminary Plats Approved After 01/01/2015 – BOMA and FMPC
<p>I. Any Increase in entitlements, including the number of dwelling units for residential projects and square footage for non-residential or either for mixed use projects.</p> <p>II. Changes of increase from detached to attached dwelling unit(s).</p> <p>III. Changes in non-residential square footage related to the institutional and/or industrial use.</p> <p>IV. A change in the number and/or location of external access points, or streets classified as collector or arterial roadways.</p> <p>V. Revisions to the widths or lengths of provided buffers (historic, incompatible use, incompatible lot size, stormwater, etc.).</p> <p>VI. Any revision to a condition required by the BOMA.</p> <p>VII. Any revision that requires a Modification of Standards (MOS) or</p>	<p>Amendments to Development Plans, Site Plans and Preliminary Plats approved after January 1, 2015, will meet the criteria set forth in the State of Tennessee Vesting Property Rights Act of 2014, Section 1, (h) (l), addressing amendments.</p> <p>An amendment to an approved development plan by the developer must be approved by the Board of Mayor and Aldermen to retain the protections of the vested property right.</p> <p>An amendment may be denied based upon a written finding by the local government that the amendment:</p> <p>(A) Alters the proposed use;</p> <p>(B) Increases the overall area of the development;</p> <p>(C) Alters the size of any nonresidential structures included in the development plan;</p> <p>(D) Increases the density of the development so as to affect traffic, noise or other environmental impacts, or</p> <p>(E) Increases any local government expenditure necessary to implement or sustain the proposed use.</p>

that requires a change to an MOS previous approved.	
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Discussion:

- Important to note when changing from detached to attached housing, amendment would have to come back to BOMA.
- Height of buildings and setbacks important for citizens to know. The legislation takes that opportunity away.
- Government is taking the responsibility out of the hands of the elected officials who represent the people.
- No distinction between attached dwellings for sale or for rent. People do not want Franklin to be known as a rental community. Need some control over that. Density and apartments are a concern.
- The market is driving apartment dwellings because of lifestyle and choices. Need to look at the big picture decade by decade.
- Need designated time for education on the legislation as the Aldermen need more details.
- Concern voiced about infill being compatible within neighborhoods.

6. ***Consideration of ORDINANCE 2015-01, To Be Entitled “An Ordinance to Rezone +/- .56 Acres From Specific Development-Residential (SD-R 0) District To Specific Development-Residential (DS-R 8.0) District for the Property Located at 509 Hill Drive (Cottages at 509 Hill Drive PUD); Establishing a Public Hearing for March 10, 2015.”**

Alderman Ann Petersen, FMPC Representative

7. **Consideration of RESOLUTION 2015-05, To Be Entitled, “A Resolution to Approve a Development Plan for Cottages at 509 Hill Drive, by the City of Franklin, Tennessee; Establishing a Public Hearing for March 10, 2015.”**

Alderman Ann Petersen, FMPC Representative

Items 6 and 7 are rezoning and the Development Plan for this new subdivision. The project is an upgrade to the area and comes with unanimous recommendation from the Planning Commission and from staff. There is a grant involved. Positive comments received during the neighborhood meeting.

8. ***Consideration of RESOLUTION 2015-10, “A Resolution Directing the Appropriation of Funds to the Franklin Housing Authority (FHA) for the Purpose of Reducing the Development Fees Associated with Phase II of the Reddick Property Redevelopment Project.”**

**Eric Stuckey, City Administrator
Vernon Gerth, ACA Community & Economic Development**

The Housing Authority requests around \$195,000 to use for the reduction of development fees. Vernon Gerth drafted a resolution for consideration and left the amount and source of funding blank until the Board decides if an amount will be approved and what fund it will come from.

Derwin Jackson, Executive Director of the Franklin Housing Authority, said they are trying to provide lower income citizens with housing. The non-profit agency does not have the capability to meet the gaps in funding.

The Housing Reserve does have sufficient funds to cover the request. There was discussion how long it would take to replenish the Housing Reserve Fund, and would something else not be funded. The timeframe attached to the fund can be removed. New development will replenish the fund.

The Board agreed this is a worthy cause and the consensus was to use the Housing Reserve Fund with the amount to be determined when voting on this at the 7:00 p.m. meeting.

9. ***Consideration of RESOLUTION 2015-11, Authorizing Contract 2015-0038, Amending a Revolving Loan Agreement with the Franklin Industrial Development Board.**

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

The Resolution and Contract were updated following the last meeting, but are not significantly different.

The change is basically to move from the current arrangement to a direct bank loan. The bank has agreed that if there are excess funds at the end of the year, the amount can apply to the City loan. It is estimated that should

be approximately 250,000 per year. They also agreed to add three months at the end in case there is cleanup. The amount or structure of how much is owed does not change. The IDB met today and approved the commitment letter from the bank and a resolution to adopt the agreement. The closing is expected to be March 31st or April 1st. After the downturn in the economy in 2008 when development slowed down, there wasn't much tax revenue coming in. Development has picked up significantly in recent years and annual property taxes in excess of \$1 million are coming in. The loan should be paid off in ten years.

10. **Consideration of RESOLUTION 2015-13, a Resolution Authorizing the Issuance of Not to Exceed Fifteen Million Dollars (\$15,000,000) in Aggregate Principal Amount of General Obligation Bonds of the City of Franklin, Tennessee; Making Provision for the Issuance, Sale and Payment of Said Bonds; Establishing the Terms Thereof and the Disposition of Proceeds Therefrom; and Providing for the Levy of Taxes for the Payment of Principal of, Premium, if any, and Interest on the Bonds.**

Eric Stuckey, City Administrator

Russ Truell, ACA Finance & Administration

Ready to move forward for the money to fund projects approved in the Capital Investment Plan.

11. **Consideration of Contract 2014-0316 with TriTech Software Systems to Upgrade Existing Computer Aided Dispatch (CAD) Software in Police Dispatch Division.**

Fred Banner, IT Director

Upgrades to current software that were anticipated in the budget.

12. **Preliminary Discussion of an Alternative Second Vehicular Entrance/Exit Into the Stream Valley Subdivision in Lieu of Proceeding with Construction of the Originally Approved Second Entrance Located Adjacent to the Rear Property Line of Several Properties Within the Goose Creek Estates Subdivision.**

Eric Stuckey, City Administrator

Vernon Gerth, ACA Economic & Community Development

The second access into Stream Valley that was approved with the development has been addressed before. To avoid any delays associated with the development cap that requires the second vehicular entrance/exit be installed and open for public use, the developer will proceed with construction of the access if an alternative isn't found. The residents of Goose Creek Estates have been against this access because they feel it is detrimental to their subdivision.

The alternative proposed by City staff presents challenges, but preliminary discussions with Phil Fawcett of Boyle Investment Company and Alex Marks of Royal Investments were encouraging. Conceptually the primary framework of this three party development agreement would include:

- Boyle Investment Company, the owner of the Chadwell Tract, would transfer the right-of-way for the public road as illustrated on the attached exhibit to the City of Franklin.
- City staff would oversee the design and construction of this public road with 100% of the project costs paid by Boyle Investments and Royal Investments.
- Royal Investments would deposit with the City the equivalent funds that would have been needed to construct the originally approved second vehicular entrance/exit, and would transfer this property to Boyle Investment Company to attach to the Chadwell Tract.
- Boyle Investment Company would be responsible for the difference of the total design and construction costs of the new road and the funds the City received from Royal Investments.

If an agreement cannot be reached by May 1st, the developer of Stream Valley could go ahead with the previously approved second access.

★ Alderman McLendon joined the meeting at 6:06 p.m.

The City team has been asked to take a couple of months to see if an agreement can be worked out.

Two residents of Goose Creek Estates subdivision spoke to the issue:

- Matt Dobberfuhr, 513 Downy Meade Drive, Franklin, said 12 of the 68 homes would be on the approved access road with the backyards very close to the road. They very much want to see the access point at

another location. The right-of-way runs along a line of trees they want to preserve for their green corridor. There are approximately 3,000 mature trees just beside the right-of-way that could be lost.

- James McKnight, 2068 Goose Creek Drive, Franklin, related that he has lived in the subdivision for nine years. Boyle Investments has always been cooperative as is Royal Investments. To take the trees would be removing the only buffer they have. Parents are concerned about the road because of their children.

13. Consideration of RESOLUTION 2015-04, A Resolution to Approve the Letter of Intent (COF Contract No. 2015-0032) WITH Cambi, Inc. for the Thermal Hydrolysis Process (THP) Equipment for the Franklin Water Reclamation Facility (WRF) and Authorize the City Engineer to Execute Said Letter and Revise Final Equipment Purchase Without First Seeking Approval from the Board of Mayor and Aldermen.

Eric Stuckey, David Parker, Mark Hilty and Michelle Hatcher

The vendor must be approved before this is put out to bid. The designer will need to know. The Cambi system is now in place in Washington, D.C.

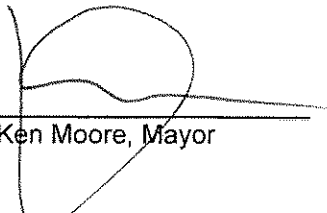
Through the pre-selection process, and input from staff and the consultant, it was determined Cambi was the best and least costly alternative. The base selling price for the Cambi, Inc. THP equipment is \$3,612,735.00. The general contractor for the WRF Modifications and Expansion Project will be responsible for the payment of this equipment as part of their construction contract. The City will pay the general contractor for the equipment and installation of the equipment through payments for the construction. This is a great price that is significantly under budget and less on up-front capital and over the life of equipment. Mark Hilty estimated the overall cost of the project will be \$9.5 million.

Other Business

None

Adjournment

Work Session adjourned @ 6:20 p.m.



Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - updated 2/23/2015 10:08 AM