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**MINUTES OF THE SPECIAL WORK SESSION  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, AUGUST 18, 2015 – 4:00 P.M.**

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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
 <b><u>Department Directors/Staff</u></b>			
Eric Stuckey, City Administrator	P	Lisa Clayton, Parks Director	P
Vernon Gerth, ACA Community/Economic Dev.	P	Shirley Harmon-Gower, Human Resources Director	
Russell Truell, ACA Finance & Administration	P	Mark Hilty, Water Management Director	
David Parker, City Engineer/CIP Executive		Paul Holzen, Engineering Director	
Kristen Corn, Assistant City Attorney	P	Bob Martin, Interim Planning & Sustainability Director	P
Rocky Garzarek, Fire Chief		Joe York, Streets Director	
Deb Faulkner, Police Chief		Brad Wilson, Facilities Project Manager	
Fred Banner, IT Director		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 Special Work Session to order at 4:00 p.m.

**WORK SESSION DISCUSSION ITEMS**

**1. Discussion Regarding a Proposed Ordinance to Amend the City of Franklin Municipal Code by Creating Title 25, Chapter 4 Relating to Parks and the Dedication of Public Land for Parks – Presentation by Dr. John Crompton.**

**Eric Stuckey, City Administrator  
Vernon Gerth, ACA Community & Economic Development  
Lisa Clayton, Parks Director**

Lisa Clayton noted that park land dedication was established in 2008 in the Zoning Ordinance. Because of functional problems, the ordinance must be reworked. Barge Waggoner Sumner & Cannon, Inc. were engaged to study and rework the ordinance. Steve Fritts, BBWSC, and Dr. John Crompton, author of the document, reviewed the proposed Park Land Dedication Ordinance:

Whereas....

- Sets basis for ordinance
- Sets minimum park size at 5 acres
- Removed park land dedication from the zoning ordinance
- Affirms BOMA approval of the Comprehensive Plan
- Establishes level of service at current level

Title 25-A: Purpose

- Parks are necessary and in the public welfare
- Establishes park quadrants
- Cost of parks to be borne by developers
- ◆ There was some discussion on under 5-acre parks. They are usually in neighborhoods or smaller parcels of land with the neighborhood accepting responsibility for the maintenance. The City has several maintenance agreements on 5-acre and under parks. All subdivisions being built now have their own maintenance. Proposing developers get credit for those subdivisions in the new ordinance. With this ordinance, if a park is going to be developed and maintained by the City, the City wants a minimum of five acres for efficiency, but a provision in the ordinance provides for amenities they could do, maintain

and get credit for less than five acres. Alderman Skinner thought the trails next to the Harpeth River on South Carothers Parkway were intended to be public access and public land, even if maintenance agreement to maintain. Would that be public? If a trail is available will it be available to residents. What if someone wants to park there? Usually only one parking space. Ms. Clayton noted there are access agreements for all. They are trying to identify all trail heads and where there is parking.

- Alderman Petersen asked if there would be lighting on any of the trails. Mr. Fritts responded that the ordinance calls for lighting in certain sections.

Quadrants:

- Quadrant 1 – Average Price Per Acre \$271,000
- Quadrant 2 – Average Price Per Acre \$168,000
- Quadrant 3 – Average Price Per Acre \$163,000
- Quadrant 4 – Average Price Per Acre \$200,000

Title 25-C: Requirements

- (1)
  - Dedication of land or fee-in-lieu
  - Payment of development fee
  - If actual number of units exceeds estimate, additional fees may be required

\* Alderman Burger joined the meeting @ 4:18 p.m.

- (2) Sets fees-in-lieu and required land dedications; references quadrants

Land shall be dedicated fee simple

- (3)
  - Prior to issuance of building permit for multi-family
  - Concurrent with final plat for single family
  - For phased development entire park platted or provided financial security against future dedication
- (4) Fee-in-lieu due at the same time fees are due for final platting or issuance of building permit, whichever occurs first

Ordinance Administration and Approval

- (5)
  - City staff to administer
  - BOMA has final authority in determining how much land or fee to accept in lieu of required land in unique situations
  - City may require dedication instead of fee-in-lieu

Approval process for land dedication more than 5 acres and land with floodplain

- Obtain recommendation from DRT
- Obtain approval from Planning Commission

- (6) Approval process for land dedication less than 5 acres of fee-in-lieu not including floodplain

City Administrator authorized to accept if:

- Proposed dedication or fee provides sufficient land in the quadrant for required park land dedication
- If proposed dedication is insufficient for park site, some/all may be in form of fee-in-lieu
- Development of park is consistent with master plan

Park development fee

- (7)
  - Sets fee
  - Process for approval and collection simultaneously with dedication process

Construction of parks in-lieu-of fee

- (8)
  - Allows developer to construct required park improvements in lieu-of-fee
  - Sets forth requirements therefore

- (10) Fees may only be used for acquisition or development of parks located in the same quadrant as the development.

Reimbursement for City-acquired land

- (11)
  - May require all dedication in a quadrant where land is acquired by City to be fee-in-lieu until cost of acquisition is reimbursed

Credit for private park and recreation amenities

- (12)
  - Allows for up to 50% of dedication requirement fulfilled by privately constructed and maintained park facilities
  - Sets forth acceptable facility types
  - Requires ownership and maintenance by association
  - City as signatory of the covenants

Revision of fees

- (13)
  - City to review fees and land required at least once every three years
  - Changes in effect 120 days from date of BOMA approval
  - Vernon Gerth suggested every five years.

Title 25-D: Prior Dedication

- Dedications prior to enactment may be subject to vesting if unit county exceeds original number

Title 25-E:

Comprehensive Plan

- Proposed park locations in plan are general
- Location, size and number of parks determined when development occurs, sites acquired including by donation
- Park quadrants in plan indicate service areas for parks

Title 25-F: Special Fund; Right to Refund

- Requires dedication fees to be deposited in account reserved for acquisition and development in each quadrant

- Fees must be expended within 5 years
- Fees spent on first in, first out basis
- If not so expended, landowner entitled to pro-rated refund on a per SF of area basis
- Owners must request refund within 1 year of entitlement

#### Title 25-G: Park Land Guidelines

- Land must be accessible and suitable for park development
- Property owner must pay all taxes up-to-date of dedication
- Land in floodplains or designated greenways will be considered on a 3 to 1 basis
  - 3 acres of floodplain = 1 acre of park land

#### Title 25-H: Warranty

- Developers who construct and dedicate required park improvements must provide 1-year warranty
- Warranty obligation shall be covered by Performance Surety, Cash, or Letter of Credit
- Requires developer to correct defective work
- Authorizes City to make repairs at developer's expense if developer is not responsive

#### Appendix 1: Park Land Dedication Fees

##### Level of Service Calculation

###### Quadrant 1

- Population: 22,273
  - Acres of parks: 209.7
  - Service level: 107 people per acre of parks (22,273/209.7)
  - Average people per dwelling unit (DU): 2.4
  - Service level: 44.5 DU's per acre (107/2.4)
- Required land dedication in Quadrant 1 is therefore 1 acre for every 44.5 DU's*

##### Land Dedication Requirement

Quadrant 1	1 acre for every 44.5 DU's	(979 SF per DU)
Quadrant 2	1 acre for every 49.5 DU's	(880 SF per DU)
Quadrant 3	1 acre for every 52.5 DU's	(830 SF per DU)
Quadrant 4	1 acre for every 50 DU's	(871 SF per DU)

##### Land Dedication Summary

	Population	Acres of Parks	Service Level (people/acre)	Service Level (DU/acre)	Service Level (SF/DU)
Quadrant 1	22,273	209.7	107	44.5	979
Quadrant 2	13,436	113.3	119	49.5	880
Quadrant 3	10,750	85.2	126	52.5	830
Quadrant 4	21,043	174.1	121	50	871

##### Land Fee-In-Lieu Calculation

- Amounts shown in draft ordinance are maximum allowable based on methodology
- Board of Mayor and Aldermen will set fees at levels they deem appropriate

###### Quadrant 1

Service Level	44.5 DU's per acre
Cost of 1 acre of land	\$271,000
Cost for park land per DU	\$6,090
	(\$271,000/44.5)

##### Maximum Land Fees-in-Lieu by Quadrant

Quadrant 1	\$6,090
Quadrant 2	\$3,394
Quadrant 3	\$3,104
Quadrant 4	\$4,000

#### Appendix III: Park Development Fee

- Ordinance includes not only land dedication and fee-in-lieu but also cost recovery for park development costs
- Process for approval and collection of development fees are the same as and proceeds simultaneously the park land dedication requirement

##### Basis for Park Development Fee

- Based on estimated cost to develop a generic 5-acre neighborhood park
- City will only consider developing parks 5 acres or larger

##### Park Development Fee Calculation

###### Quadrant 1

▪ Park Development Costs	\$1,183,029	same for all quadrants
▪ Total DU's	9,280	population of 22,273/2.4 people per DU
▪ Park development cost per DU	\$127	\$1,183,029/9,280

##### Park Development Fee by Quadrant

Quadrant 1	\$127 per DU
Quadrant 2	\$211 per DU
Quadrant 3	\$264 per DU

Quadrant 4	\$135 per DU
Maximum Park Dedication Fees Per DU	
Quadrant 1	\$6,217
Quadrant 2	\$3,605
Quadrant 3	\$3,368
Quadrant 4	\$4,135

★ Alderman Blanton left the meeting at 6:00 p.m.

There was discussion throughout the presentation with many questions and comments:

- ◆ The Nexus principle was used in the proposed ordinance.
- ◆ Concerns regarding the differences of the quadrants, the calculations, etc. not allowing park development in some quadrants, and the need for a Jim Warren like park in the Southeastern side of the City. Ratios in the floodplain were questioned.
- ◆ It seems the ordinance could limit funds that can be used from park land dedication; will sufficient funds be generated.
- ◆ Dr. Crompton talked of splitting fees, since a multiuse park would be a city-wide facility, using part of the fees from each quadrant.
- ◆ Other sources of funding can be used for some parks.
- ◆ Mr. Fritts touched on the legal risks involved if the rules are not followed.
- ◆ Dr. Compton noted a revolving fund could be established as a mechanism to get ahead of development in building parks under Reimbursement for City-Acquired Land: That is legal. He told of one municipality that instituted a voter approved revolving fund.
- ◆ Dedication and/or fee-in-lieu, credit up to 50% for private park amenities. Dr. Crompton said that meets the nexus, can't put money on top of that. The percentage numbers are arbitrary numbers. It's BOMA's call on what percentage. Cannot charge new people coming to Franklin more than what the existing population paid. The existing ordinance doesn't specify where the City can spend the money.
- ◆ Alderman McLendon voiced the most concern: The number of constraints to arrive at the end begins to defeat the purpose. If there is no revenue in the Northwest quadrant, it will deny the parks we want to build. He didn't see a forecast for one or two 5-10 acre parks or neighborhood parks. Quadrant 2 is confined by the Nexus. The City could use money now for a new big park in the Southeast. Need a multipurpose park and neighborhood parks and greenway. A piece of the puzzle is missing that he considers a major legislative piece and fundraising piece. There are constraints from the Supreme Court. He doesn't know if this ordinance will deliver what is needed. If a developer builds ball fields and courts, they get 50% because they are private. He questions the consistency.
- ◆ Vice Mayor Barnhill questioned the percentages and quadrants and not getting a park in every quadrant.
- ◆ A request was made for the numbers on projected development, etc.
- ◆ Mr. Fritts indicated they can do an analysis of expected development to know what is needed in the southeast quadrant and other places. Current needs and future needs.
- ◆ Mr. Stuckey added, they can give weighting on developments with some estimated figures to compare. Splitting the fee between citywide benefit and quadrant benefit parks might be helpful. Could the math be done based on land values with x% going to citywide and some to quadrants?
- ◆ Vernon Gerth stated the intent of the ordinance is to maintain the ratio that exists today. The quadrant lines could be moved to have more consistent service level and make it more equal between quadrants. Liberty and Jim Warren are community parks and could use that as the ratio between existing and new.

★ Alderman Burger left the meeting at 6:15 p.m.

- ◆ The requested numbers will be brought back for committee discussion.

#### Other Business

None

#### Adjournment

Work Session adjourned @ 6:22 p.m.



Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - updated 9/23/2015 8:05 AM