

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

Board Members

Mayor Ken Moore	P		
Vice Mayor Brandy Blanton	P	Alderman Dana McLendon	P
Alderman Clyde Barnhill	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.		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	Bob Martin, Interim Planning & Sustainability Director	P
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	
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

WORK SESSION DISCUSSION ITEMS

1. Presentation by Downtown Neighborhood Association

Administration

Mike Desmond, DNA President, provided an update on the Association

- Number of homes/members – roughly 375
- Mission Statement:
 - To provide a means by which the citizens of the area may exercise greater control over the economic, political, environmental and social forces that influence their ways of life
 - To promote understanding among property owners, residents, government, and business interests; to foster neighborhood identity and a sense of community
 - To cooperate and affiliate in appropriate ways with other local, state and national organizations having compatible goals.
- DNA Board: Mike Desmond, Brian Beathard, Candy Sullivan, Marti Veto, Damon Rogers, Margaret Roberts, Jan Marsh, Kelly Dannenfelser, Margaret Martin, Ernie Bacon, Greg Flittner
- Geographic Footprint:
 - The Downtown Neighborhood Association of Franklin shall consist of the original fifteen square blocks making up the town of Franklin as well as the areas of Hincheyville, Boyd Mill, Lewisburg, Adams Street, Everbright and Franklin Road as outlined in Appendix A – scanned maps of areas listed above. We have extended the DNA boundaries to include the other historic districts as laid out by the City of Franklin based on city map dated 2008.

List of 2015-2016 Priorities as a Result of DNA vote.

- Advocate for the completion of the Bicentennial Park and the expansion of the walking and biking paths along the Harpeth River and throughout downtown.
- Continue the successful advocacy for an on schedule completion of the Gateway Corridors and Connectors Street Economic Development Project (a.k.a. Streetscapes).
- Monitor and get pro-actively involved in the redevelopment plans of key downtown properties including Harpeth Square, the First TN Bank Building, FFUM Fellowship Hall & Parking space, Dotson's and a new potential City Hall.

- Support the strict application of historic zoning standards that require continued protection and retention of our historic structures, property values and our neighborhoods.
- Make the city more aware of the increased traffic control issues affecting our neighborhoods as a result of private and city approved special events and lets agree on an events Vs traffic "not to exceed" straw-man framework.

2. Presentation on MTEMC Tree Growth Regulators

Alderman Brandy Blanton

Alderman Blanton, Tree Commission Chair, related the Commission wanted to share information they heard at their September meeting about Tree Growth Regulators. She introduced Michael Johnson, MTEMC representative on the Tree Commission. MTEMC will utilize the product to minimize the footprint on properties. Others participating in the discussion were: Joe Osborne, MTEMC; Jason Sellers and Brian Tekulve, Edko; and, Mike Veney, Davey Tree.

Edko Vegetation Managers

Office locations: Texas Oklahoma Louisiana Alabama Florida Indiana Ohio

<p><u>Tree Growth Regulators (TGRs) Began in the 1950s</u></p> <ul style="list-style-type: none"> • First commercial growth regulators were herbicides used at reduced rates <ul style="list-style-type: none"> ▪ Caused a total stoppage of growth at point of contact ▪ Useful to prevent sprouting of individual suckers ▪ Best application via aerosol spray ▪ Disfigurement if systemically applied 	<p><u>About TGRs in the 1980s</u></p> <ul style="list-style-type: none"> • New generation of growth regulator chemistry • Reduce the amount of gibberellic acid <ul style="list-style-type: none"> ▪ Hormone responsible for cell elongation ▪ Plant structures remain intact, but more compact • Three active ingredients <ul style="list-style-type: none"> ▪ Paclobutrazol, flurprimidol, uniconazole • New application techniques <ul style="list-style-type: none"> ▪ Capsules ▪ Tree Injections
<p><u>About TGRs in the 1990s</u></p> <ul style="list-style-type: none"> • More research on active ingredients, doses, and application techniques • Systemic soil applications become preferred • More consistent, predictable results • May take up to 1 year to see results ▪ Effects may last for 3+ years • TGR Applications in 16 States 	<p><u>Effectiveness in General:</u></p> <ul style="list-style-type: none"> • 40-70% reduction in growth • All regions of the Country • Different climates • Different soils • Different species • Mobile, AL: - 2007 <ul style="list-style-type: none"> ▪ The cycle on treated city trees was extended from 18-24 months to nearly 5 years.
<p><u>Tree Growth Regulator Applications:</u></p> <ul style="list-style-type: none"> • Slowing tree growth rates allows users to: <ul style="list-style-type: none"> ▪ Extend and protect line clearing investments ▪ Extend Trim cycles in <ul style="list-style-type: none"> *High Traffic Areas *Customer Sensitive Areas • Reduce mid-cycle trimming or trimming frequency • Improve service reliability • <i>Enhance overall safety</i> • Create a Win/Win for utility and homeowners 	<ul style="list-style-type: none"> • Process starts at the electric substation and follows the lines. When a tree needing attention is found, the owner is contacted and the TGR process is explained. If the owner is not there, a hang tag with the information put on the door. In two days or more the representative follows up with the owner. If given owner go-ahead, the TGR treatment is done. • The amount of product injected in the ground dependent on size of the tree. No more than one gallon. • The probe is used around the trunk of the tree
<p><u>The Davey Tree Expert Company – Mike Veney</u></p> <ul style="list-style-type: none"> • 8,000+ employees • Established in 1880 • 17th largest employee-owned company • 4 major service lines ▪ Residential ▪ Utility ▪ Commercial ▪ Resource Group (consulting) 	<p><u>The Davey Institute:</u></p> <ul style="list-style-type: none"> • Technical Services <ul style="list-style-type: none"> ▪ PhD support for all North American operations ▪ Connecting "What we know" with "What we do" • Research <ul style="list-style-type: none"> ▪ Plant science ▪ Ecosystem services, i-Tree, Energy Saving Trees • Education/Training • Environmental Programs <ul style="list-style-type: none"> ▪ Regulatory compliance ▪ Corporate environmental responsibility • <i>Product Development</i> <ul style="list-style-type: none"> ▪ <i>Arborlock 2SC</i>
<p><u>Relative Toxicity:</u></p> <ul style="list-style-type: none"> • <i>Arborlock 2SC</i> <ul style="list-style-type: none"> ▪ Acute Dermal Toxicity LD50 = >5050 mg/kg ▪ No known or suspected carcinogens • Purel <ul style="list-style-type: none"> ▪ Acute Dermal Toxicity LD50 = >5000 mg/kg ▪ No known or suspected carcinogens • Deep Woods Off <ul style="list-style-type: none"> ▪ Acute Dermal Toxicity LD50 = 2000 mg/kg 	<ul style="list-style-type: none"> • It is less toxic than Purel, Deep Woods Off, and Banana Board Kids SPF50. • Will not leech into streams and waterways • It can slow the growth of ornamentals/grass planted at perimeter; however, it is lush, just not as tall. • Optimal results from placing the probe 2-3 feet from the trunk, but can go out to the drip line.

- | | |
|---|--|
| <ul style="list-style-type: none"> ▪ No known or suspected carcinogens • Banana Boat Kids SPF50 ▪ No Acute Dermal Toxicity ▪ Contains known and suspected carcinogens | |
|---|--|

Mr. Sellers said Edko is contracted to do this work. The product is placed around the base of the tree via an injection probe. It slows the elongation of cells that shorten the branches. Systemic application is preferred for this technology. They have treated over a million trees in 17 states in the Eastern U.S. The tree is measured to calculate the dosage. Growth is reduced 40-70% which can result in 2-3 years more of clearance of the power lines. The goal is to extend trimming cycles in high traffic or sensitive areas for safety purposes.

Davey Institute makes the product Arborlock. The toxicity is very low, and is less toxic than products like Purel Hand Sanitizer.

Mr. Johnson related the use of this product is an option when a resident doesn't want to lose a tree. He likened it to being the opposite of Miracle Gro which is used to promote growth, Arborlock is used to slow growth. The product is used on many area golf course greens.

The property owners may opt out of the treatment. There is no charge for the treatment. Fast growing trees under utility lines and in the right-of-way are the ones they want to manage growth. There have been no negative reports from those who have had trees treated.

Alderman Burger was concerned about bee pollinization and also the water table, potential to leech into drinking water. The response was that with pollinization, not one that the EPA has identified as toxic. There are no neonicotinoids in the product and no issues with pollinization. Only if used improperly could there be a risk in ground water. Dosage calculation is based on tree diameter and species and is placed in the area of the feeder roots. This reduces risk. If a target tree is too near a fruit tree, they will not treat the target tree. As to her concern about the workers who inject the trees being fully trained: Edko trains those who will be treating the trees. Also, the product is in a clay base that stays in place. Mr. Veney related that in Asia the product is used on fruit trees.

3. *Consideration of RESOLUTION 2015-90 Entitled, "A Resolution To Approve A PILOT (Payment in Lieu Of Taxes) Program For The LEEKO III, LLC (Lee Company), As Requested By The Industrial Development Board (IDB) Of Williamson County, Tennessee.

Eric Stuckey, City Administrator

Russell Harwell, Adams and Reese, LLP; Stewart Rawley, Bill Lee, Lee Company; and Elizabeth West McCreary, VP of Economic Development for Williamson County, were present. Eric Stuckey explained this is an opportunity to provide support for the Lee Company and their expansion. They have outgrown their facility on Mallory Station. The property tax abatement provided through this agreement would be approximately 42% of property taxes paid on the subject property for five years. The total abatement is capped at \$80,248 to be provided annually over a period of not more than five years. It is subject to meeting targets for job creation (68 new jobs) and capital investment (a minimum of \$20 million). This has been approved by the Industrial Development Board and the Williamson County Commissioners. Mr. Stuckey and staff recommend approval.

Lee Company is grateful for the consideration. They employ 950 with 230 in their current corporate facility. At the new site, the building will be constructed to hold 500 workers. It is a \$23 million project that will hopefully be complete in 2017. The average salary at the corporate level is \$68,000.

4. *Consideration of ORDINANCE 2015-51, To Be Entitled, "An Ordinance To Amend The Zoning Ordinance Of The City of Franklin, Tennessee, Chapter 3, Section 3.2, Subsection 3.2.7(5) Pertaining To Convenience Stores And Automotive Fuel Sales And To Amend Chapter 5, Section 5.3, Subsection 5.3.6(3) Pertaining To Automotive Uses On Lots Located At Major Intersections, And To Modify Figure 5-37 Which References Subsection 5.3.6(3), And To Amend Chapter 5, Section 5.3, Subsection 5.3.6(9), Which References Roof Types On Nonresidential Structures." Establishing a Public Hearing for December 8, 2015.

Alderman Ann Petersen, FMPC Representative

From Joint BOMA and FMPC Conceptual Workshops, both bodies requested a proposed amendment to the Zoning Ordinance to remove the restriction on automotive uses and convenience stores from locating on corners. This ordinance will permit development at intersections except for the intersection of two or more major and/or minor arterial streets.

Amendments:

SECTION I. Chapter 3, Section 3.2, Subsection 3.2.7(5): 3.2.7 Regulations for Commercial Uses ... (5) Convenience Stores and Automotive Fuel Sales Convenience stores that sell gasoline and facilities for automotive fuel sales are prohibited from locating at the intersection of two public streets. **Reserved**

SECTION II. Chapter 5, Section 5.3, Subsection 5.3.6(3): 5.3.6 Nonresidential and Mixed-Use Development... (3) Major Intersections – Lots located on a street intersection composed of one two or more major or minor arterials shall not include an automotive fuel sales or other automotive-oriented service and sales use, including, but not limited to, automotive sales or leasing establishments.

SECTION III. Chapter 5, Section 5.3, Subsection 5.3.6(3), Figure 5-37: Corner lots on major intersections can be are inappropriate places for automobile fuel sales or similar automobile serve and sales. See Section 5.3.6(3) for prohibited locations.

SECTION IV. Chapter 5, Section 5.3, Subsection 5.3.6(9) (e) For structures intended for automotive fuel sales or automotive-oriented service uses, pitched roofs shall be required for the principal structure and associated canopies. Canopies shall also meet the requirements of Section 4.1.6(2).

Alderman Skinner recalled there being traffic safety concerns. One would be if a driver would have to make a turn over three lanes and concrete medians. Josh King said plans would still be reviewed to make sure about site distance. Also, concern regarding these businesses backing up to residential developments: all night lights, noise, etc. Mr. King noted there would be landscaping and perhaps modifications in such cases.

Lengthy discussion ensued on the definition of corner/right at the corner, placement of gas pumps, and better architecture/materials.

It was suggested the Planning Department take another look at these amendments and bring it back to another meeting.

5. ***Consideration of ORDINANCE 2015-55, To Be Entitled, “An Ordinance To Amend The Zoning Ordinance Of The City Of Franklin, Tennessee, Chapter 3, Section 3.2, Subsection 3.2.3, Table 3-2, Entitled “Permitted Uses,” And Chapter 3, Section 3.2, Subsection 3.2.5(1)(B), To Add The Use Classification Clinics As A Permitted Use In The CC – Central Commercial District, And Amend Chapter 5, Section 5.9, Subsection 5.9.4, Table 5-9, Entitled “Minimum Off-Street Parking Standards [1] [2] [3] [4] [6]” To Revise The Use Type for Clinics.” Establishing a Public Hearing for December 8, 2015**

Alderman Ann Petersen, FMPC Representative

Jim Svoboda explained the amendments:

- Add Clinics as a permitted use in the Central Commercial District (CC).
- Add CC to the list of zoning districts where Civic and Institutional uses are exempt from a two-acre-minimum requirement
- Amend the Off-Street Parking Table to delete “Medical Office” from the Office Use Type.
- Amend the title for Institutional Uses to Civic and Institutional Uses to match the description used in the Use Table.
- Minimum off-street parking standards for Clinic Uses will now fall under the Use Type “All Other Civic and Institutional Uses”.

Clinics are defined by the Zoning Ordinance as establishments providing medical, psychiatric, or surgical services, exclusively on an outpatient basis, including emergency treatment and diagnostic services.

6. ***Consideration of ORDINANCE 2015-54, To Be Entitled, “An Ordinance To Amend The Zoning Ordinance Of The City Of Franklin, Tennessee, Chapter 3, Section 3.3, Subsection 3.3.2, Table 3-5, Entitled “Base District Density And Building Height [1], [2],” And Section 3.5, Subsection 3.5.6(2)(b)(xi), Entitled “Landscape”, And Chapter 5, Section 5.5, Subsection 5.5.3(1), Table 5-7, Entitled “Required Open Space Set-Aside”, In Order to Revise The Landscape Surface Ratio and Open Space Requirements Within Central Franklin Character Area Overlay District, Special Area CFCO-1 And Special Area CFCO-9.” Establishing a Public Hearing for December 8, 2015.**

Alderman Ann Petersen, FMPC Representative

This amendment is to exempt new development in the Central Franklin Character Area Overlay District (CFCO-1 and CFCO-9, from Landscape Surface Ratio (LSR) and open space requirements. The dense development downtown is not conducive to traditional landscape and open space requirements.

The east side of CFCO-1, and almost all of CFCO-9, are located in either the 100-year floodplain or floodway. New development or redevelopment in the flood-prone areas must meet Zoning Ordinance floodplain protection requirements and most likely will also have to provide some landscaping or open space to meet the requirements of the Stormwater Management Ordinance.

7. ***Consideration of ORDINANCE 2015-59, To Be Entitled, "An Ordinance To Rezone 5.19 Acres From Specific Development-Residential District (SD-R 9.16) to Attached Residential 20 District (RM-20) For Property Located At 780 Oak Meadow Drive." Establishing a Public Hearing for December 8, 2015.**

Alderman Ann Petersen, FMPC Representative

Frank Humber related that due to a mathematical error, this property was incorrectly classified as SD-R 9.1 and is now being correctly considered for RM-20. This new classification will permit 20 units per acre on 5.19 acres for a maximum of 102 multifamily dwelling units.

8. ***Consideration of ORDINANCE 2015-58, To Be Entitled, "An Ordinance To Rezone 38.5 Acres From Specific Development-Residential District (SD-R 9.16) To Specific Development-Residential District (SD-R 10.6) For Property Located at Southwinds Drive, 1801 Brockton Place, And 549 Oak Meadow Drive." Establishing a Public Hearing for December 8, 2015**

Alderman Ann Petersen, FMPC Representative

This ordinance corrects a mathematical error as well. When the property was rezoned to SD-R 9.16, it was erroneously zoned with a density entitlement that was based on dwelling units constructed and not on dwelling units originally approved. The purpose of rezoning is to remove 5.19 acres, requesting a rezoning to RM-20 and to correct the SD-R zoning and density entitlement on the remaining 33.31 acres. The 5.19 acre parcel will be to provide for the entitlement of the 100 as yet unbuilt dwelling units.

Alderman Skinner went on record saying this is one of densest traffic areas in mornings and afternoons. It seems counterproductive to add more units. This is frustrating.

It was pointed out that the owners have actually been entitled to do this for 20 years. It cannot be taken away from them now.

9. **Consideration of ORDINANCE 2015-19, "An Ordinance to Amend the City of Franklin Municipal Code, Appendix A – Comprehensive Fees and Penalties, Chapter 12 Relating to Residential Construction Permit Fees."**

Chris Bridgewater, BNS Director

Lynn Osland reviewed the amendment to update the permit fees for Single Family Detached construction to adjust for increases in costs and activity since the last fee update in 2006.

Residential Development Costs FY2011-15	\$4,890,257
Residential Square Footage	8,258,369
Costs/SF	= \$0.59 per Square Foot

Amended:

SECTION I

Chapter 12: Building, Utility, Etc. Codes

Building Permit Fees for new construction and additions to detached, single-family – Dwellings includes fees for Electrical Plumbing, and Mechanical permits.

(fee to be updated annually at start of fiscal year based on CPI for inflation)

\$.59 per square foot under roof
Including storage areas accessible
by permanent stairways/doorways

Lot Bonds \$10,000.00; \$20,000 maximum per contractor

SECTION II

Chapter 5. Municipal Finance and Taxation

Facilities tax:

For new detached Single Family residential development	\$.89 per gross square foot
For new, nonresidential development	\$1.18 per gross square foot
For Other Residential development (includes new attached condos, townhomes, duplexes and apartments)	\$.71 per gross square foot

Approximately \$4,000 more was spent than collected in fees. They compared permit fees nationally and in Tennessee. Franklin falls in the middle. The suggested \$.59 is to break even.

*Items 10-14 taken together

10. **DRAFT Consideration of Bid Award to American Development Corporation of Fayetteville, Tennessee in the Delivered Bid Price Amount of \$1.45 Per Gallon for the Water and Wastewater Treatment Chemical Sodium Hypochlorite for a Specified Term of Award, With Options to Extend, for the Water Management Department (Purchasing Office Procurement Solicitation No. 2016-001; Contract No. 2015-0361).**

Mark Hilty, Water Management Director
Michelle Hatcher, Water Management Assistant Director

11. **DRAFT Consideration of Bid Award to American Development Corporation of Fayetteville, Tennessee in the Delivered Bid Price Amount of \$1.45 Per Gallon for the Water Reclamation Facility for the Wastewater Treatment Chemical Sodium Hydroxide for a Specified Term of Award, With Options to Extend, for the Water Management Department (Purchasing Office Procurement Solicitation No. 2016-002; Contract No. 2015-0362).**

Mark Hilty, Water Management Director
Michelle Hatcher, Water Management Assistant Director

12. **DRAFT Consideration of Bid Award to Brenntag Mid-South, Inc. of Henderson, Kentucky, in the Delivered Bid Price Amount of \$1.98 Per Gallon for the Water Reclamation Facility for the Wastewater Treatment Chemical Muriatic Acid (Hydrochloric) for a Specified Term of Award, With Options to Extend, for the Water Management Department (Purchasing Office Procurement Solicitation No. 2016-003; Contract No. 2015-0363).**

Mark Hilty, Water Management Director
Michelle Hatcher, Water Management Assistant Director

13. **DRAFT Consideration of Bid Award to Polydyne, Inc. of Riceboro, Georgia, in the Delivered Bid Price Amount of \$0.84 Per Pound for the Water Reclamation Facility for the Wastewater Treatment Chemical Sludge Polymer for a Specified Term of Award, With Options to Extend, for the Water Management Department (Purchasing Office Procurement Solicitation No. 2016-004; Contract No. 2015-0364).**

Mark Hilty, Water Management Director
Michelle Hatcher, Water Management Assistant Director

14. **DRAFT Consideration of Bid Award to Waste Management, Inc. of Tennessee/Cedar Ridge Landfill of Lewisburg, Tennessee, in the Unit Price Amount of \$31.11 Per Ton for Sanitary Landfill Disposal of Biosolid Sludge Produced at the Water Reclamation Facility for a Specified Term of Award, With Options to Extend, for the Water Management Department (Purchasing Office Procurement Solicitation No. 2016-010; \$330,750 Budgeted in 431-82270-52213 for Fiscal Year 2016; Contract No. 2015-0353).**

Mark Hilty, Water Management Director
Michelle Hatcher, Water Management Assistant Director

These items are all Water Management Department related. Mr. Hilty believes the cost of chemicals has decreased.

Item 14 deals with hauling sludge to a landfill, and is an increase in cost, but the sludge can be taken to a landfill in Lewisburg which is closer than the landfill in Camden. The cost per ton is going up. The memo is based on hauling 15,000 tons annually, but the tonnage is probably closer to 12,500 tons annually. The total term of the contract is five years.

Currently going through the permitting process for the biosolids project.

15. **DRAFT Consideration of Bid Award to Turfmaker Corporation of Rowlett, Texas, in the Total Lump-Sum Amount of \$28,190 for a Minimum of One (1) New and Unused Trailer-Mounted Hydroseeder for the Stormwater Division of the Streets Department (Purchasing Office Procurement Solicitation No. 2016-012; \$31,925 to be Budgeted in 135-89520-43120 for Fiscal Year 2016; Contract No. 2015-0367).**

Joe York, Streets Director
Steve Grubb, Streets Assistant Director

Equipment is for spray-on seeding.

16. **Consideration of RESOLUTION 2015-94, A Resolution Extending the Interim Position of Planning and Sustainability Director to May 31, 2016 or Until a Planning and Sustainability Director is Selected.**

Eric Stuckey, City Administrator

Bob Martin was appointed Interim Director in May and extension of the term is necessary. Recruitment for a Director will commence in early 2016.

17. **Consideration of Employment Contract with City Administrator, Eric Stuckey (COF Contract No. 2015-0349).**
Dr. Ken Moore, Mayor

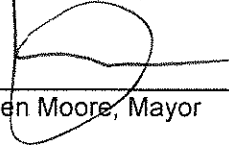
Mayor Moore related this agreement will be for a term of 4 years and extended for 2 additional 1-year terms. At some point a market study may be done for competitiveness of salary and continuing evaluation of performance.

Other Business

None

Adjournment

Work Session adjourned @ 6:25 p.m.



Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - updated 11/23/2015 2:09 PM