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**MINUTES OF THE WORK SESSION  
BOARD OF MAYOR AND ALDERMEN  
FRANKLIN, TENNESSEE  
CITY HALL BOARDROOM  
TUESDAY, AUGUST 9, 2016 – 5:00 P.M.**

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**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	A	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	
Russell Truell, ACA Finance & Administration		Mark Hilty, Water Management Director	P
Shauna Billingsley, City Attorney	P	Paul Holzen, Engineering Director	P
Rocky Garzarek, Fire Chief		Emily Hunter, Planning & Sustainability Director	P
Deb Faulkner, Police Chief	P	Joe York, Streets Director	P
Fred Banner, IT Director	P	Brad Wilson, Facilities Project Manager	
Chris Bridgewater, BNS Director	P	Lanaii Benne, Assistant City Recorder	P
Becky Caldwell, SES Director		Linda Fulwider, Board Recording Secretary	P

**Call to Order**

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

- Eric Stuckey proposed that the August 23, 2016 Work Session start at 4:00 p.m. at the Park at Harlinsdale Farm. It is an opportunity to show the Board projects that are in the pipeline for the northern part of Harlinsdale. The Board would reconvene at 5:00 p.m. in the Board Room for the remainder of the Work Session agenda. Board members can carpool from City Hall or meet everyone on site. Use the North entrance to the Park. Proposal met with favor and the August 23, 2016 Work Session will begin at 4:00 p.m. at Harlinsdale.

**Citizen Comments**

No one came forward to speak.

**WORK SESSION DISCUSSION ITEMS**

1.     **16-0672 ★Consideration of RESOLUTION 2016-48, a Resolution Concerning a Sister City Relationship with Bad Soden, Taunus, Germany.**

**Dr. Ken Moore, Mayor**

**Alderman Pearl Bransford**

Mayor Moore noted the City of Franklin has two other sister cities; Carleton Place, Ontario, Canada; and, County Loais, Ireland. Since 2012, a sister city relationship has been explored with Bad Soden, Germany. A delegation from Franklin visited Bad Soden and the Burgermeister and a delegation from Bad Soden visited Franklin. There have been student exchanges as well.

If approved by BOMA, Mayor Moore and Alderman Pearl Bransford will represent the City in an official ceremony authorizing the sister city agreement or “treaty” between the two cities on September 3, 2016. Gifts will be exchanged between the cities.

2.	16-0614	<p><b>Consideration of Event Permit for Viva la Diva 5K/10K benefitting Fifty Forward in Cool Springs on November 5, 2016</b>  <b>Deb Faulkner, Police Chief</b></p> <p>No questions or comments</p>
3.	16-0615	<p><b>Consideration of Event Permit for Franklin Classic 5K/10K benefitting Mercy Community Healthcare in Downtown on September 5, 2016.</b>  <b>Deb Faulkner, Police Chief</b></p> <p>No questions or comments</p>
4.	16-0616	<p><b>Consideration of Event Permit for Eat the Street 2017 benefitting 21<sup>st</sup> Drug Court in Downtown Franklin on May 5, 2017.</b>  <b>Deb Faulkner, Police Chief</b></p> <p>No questions or comments</p>
5.	16-0648	<p><b>★Consideration of Liquor License Application for Radhe Radhe Bal, LLC DBA Del Rio Wine &amp; Spirits (Dahyabhai V. Patel, Managing Agent), 111 Del Rio Pike, Franklin, TN 37064.</b>  <b>Lanaii Benne, Assistant City Recorder</b></p> <p>No questions or comments</p>
6.	16-0647	<p><b>Consideration of Liquor License Renewal for Franklin Wine and Spirits (James D. Clark, Managing Agent), 1400 Liberty Pike, Suite 300, Franklin TN 37064.</b>  <b>Lanaii Benne, Assistant City Recorder</b></p> <p>No questions or comments</p>
7.	16-0513	<p><b>Consideration of ORDINANCE 2016-21, “An Ordinance to Rezone 35.74 Acres from Agricultural District to Specific Development Residential 0.56 District for the Property Located North of Del Rio Pike and East of Del Rio Court.” Establishing a Public Hearing for September 27, 2016.</b></p>
8.	16-0530	<p><b>Consideration of RESOLUTION 2016-30, “A Resolution Approving a Development Plan for Rizer Point PUD Subdivision, for the Property Located North of Del Rio Pike and East of Del Rio Court.” Establishing a Public Hearing for September 27, 2016.</b>  <b>Franklin Municipal Planning Commission</b>  <b>Josh King, Senior Planner</b></p> <p>Items 7 and 8 taken together. Josh King related the applicant requested these two items be withdrawn and that request will be honored. Any future application would start from the beginning of the process.</p>
9.	16-0587	<p><b>Consideration of RESOLUTION 2016-39, To Be Entitled, “A Resolution Approving a Revised Development Plan for Highlands at Ladd Park PUD Subdivision (Revision 7), with 1 Modification of Development Standards (Cul-de-Sac Length), for the Property Located North of Long Lane and West of Carothers Parkway”; Establishing a Public Hearing for September 13, 2016.</b>  <b>Emily Hunter, Planning &amp; Sustainability Director</b>  <b>Brad Baumgartner, Planner</b></p>

Brad Baumgartner explained that the Rezoning and Concept Plan for Highlands at Ladd Park were originally approved by BOMA on June 14, 2005. The approved Concept Plan has been revised six times prior to this submittal which includes 14 additional lots and a Modification of Development Standards for a longer Cul-de-Sac. Staff recommends approval with the MOS. The Planning Commission recommended approval as well.

10.     **16-0630   Consideration of ORDINANCE 2016-023, an Ordinance to Amend Title 16, Chapter 2 of the Franklin Municipal Code relating to Street Occupancy, Obstructions, and Excavations.**

**Eric Stuckey, City Administrator**  
**Vernon Gerth, ACA Community & Economic Dev.**  
**Joe York, Streets Director**

Lynn Osland, Development Services Operations Analyst, and Joe York presented the proposed amendment to Title 16, Chapter 2 of the Municipal Code relating to Street Occupancy, Obstructions, and Excavations to clarify the requirements for contractors and individuals when restricting access to a portion of the street or sidewalk for the period of time during construction, utility maintenance or relocation, dumpster placement, and other activities that temporarily obstruct the public right-of-way. Required permits can be for a specified length of time, and may be extended. The permit fees are based on time-length, and the longer the time, the higher the fee.

11.     **16-0637   Consideration of ORDINANCE 2016-024, an Ordinance to Amend the City of Franklin Municipal Code, Appendix A – Comprehensive Fees and Penalties, Chapter 16 – Streets and Sidewalks, Etc., for the Purpose of Adding Street Occupancy and Valet Parking Permit Fees.**

**Eric Stuckey, City Administrator**  
**Vernon Gerth, ACA Community & Economic Dev.**  
**Joe York, Streets Director**

This ordinance is to add street occupancy and valet parking permit fees to Chapter 16 of the Municipal Code.

Alderman Petersen pointed out that the only approved valet parking is for Harpeth Square. Any future requests will be dealt with on a case-by-case basis.

12.     **06-0620   Consideration of ORDINANCE 2016-030 To Be Entitled: “An Ordinance To Amend Title 21, Affordable and Workforce Housing of the Franklin Municipal Code in order to Delete Chapter 7, Inclusionary Housing for Previously Approved Planned Unit Developments.”**

**Vernon Gerth, ACA Community & Economic Dev**  
**Emily Hunter, Planning & Sustainability Director**

Eric Stuckey noted that during last legislative session a bill passed through the general assembly that prohibits local governments from enacting, maintaining, or enforcing any zoning regulations, requirements, or conditions of development imposed by land use or zoning ordinances, or regulations, that require the direct or indirect allocation of a percentage of existing or newly constructed private residential or commercial rental units for long-term retention as affordable housing.

Ordinance 2010-21 established inclusionary housing regulations and standards to promote the development of affordable and workforce housing within the City: Chapter 7, Inclusionary Housing for Previously Approved Planned Unit Developments, which required any residential Planned Unit Developments (PUDs) approved prior to April 1, 2010, that requested an increase in density to provide at least ten (10) percent of the additional units

being requested to be affordable housing units. The Ordinance established various options for how the requirement could be met. In 2015, BOMA determined that in order to continue to promote housing diversity within the City it was necessary to adopt Ordinance 2015-03 and amend the regulations to apply to all PUDs, regardless of the date of approval.

The City attorney's opinion is that the City's requirement is counter to the new law, and proposed that element be removed to be in compliance with the new State law.

Stephen Murray, Executive Director of Community Housing Partnership, 129 West Fowlkes Street, #124, Franklin, submitted a letter to the Board with his concerns.



community housing  
partnership  
of Williamson county

129 West Fowlkes Street, Ste. 124  
Franklin, Tennessee 37064  
P: 615.790.5556, F: 615.595.1215  
[communityhousingpartnershipwc.org](http://communityhousingpartnershipwc.org)

August 9, 2016

Re: BOMA Workshop August 9, 2016 **Ordinance 2016-030**

The inclusionary zoning ordinance that the Ordinance 2016-030 amends has been responsible for a large number of housing units (affordable) being constructed in Franklin. Even though it is significantly undervalued for the City of Franklin and to the developer and the fee in lieu (which every developer has chosen) should be increased, it still has been an effective tool for the development of housing for our workforce population.

The passage of State of Tennessee legislation to prevent municipalities from using inclusionary zoning as a tool for developing housing is most likely a violation of the Federal Fair Housing Act as it prevents the development of housing for the protected classes. In the City of Franklin meeting that was just held with Zachary Blair from the Nashville HUD Office it was confirmed that they concurred that if a Political Jurisdiction enacts legislation that decreases the opportunity for housing by protective classes it is a fair housing violation. While a case could be made that it does not do this directly or on purpose, it still has the effect of preventing the development of protective class's housing by its implementation.

Additionally, the law purposively was to allow the "market" to control the development of housing and keep government out. However, within a municipality the "City" is a player in its market and the removal of the City is a regressive act in a free market. The City should have the right to be a factor in the development of the residential housing stock and inclusionary zoning is a tool by which to do so. Legally preventing the City from using this tool is in fact controlling the market and should be construed as manipulation of the market.

Finally, in our opinion the City of Franklin is on good legal standing to continue its current inclusionary zoning practice. Removing this by this new ordinance may in fact be construed as a Fair Housing violation as it directly affects housing development for the protective classes and will diminish those opportunities. The City of Franklin should not undo the current ordinance. Rather the City of Franklin should initiate a Fair Housing violation on the State of Tennessee for the passage of the bill that prevents inclusionary zoning by municipalities. We would suspect that it would become a class action as other municipalities in the state would join in on it.

Stephen Murray  
Executive Director

A UNITED WAY OF WILLIAMSON COUNTY AGENCY

## Discussion

- Alderman Bransford related Zachary Blair, HUD representative, spoke to Mr. Murray's comments, and expressed concern that the State has taken away certain opportunities for affordable and inclusive housing.
- ✱ Mr. Murray said the ordinance to be deleted has benefited affordable housing in Franklin, in Hard Bargain and other places. The law prevents the City from providing housing for protected classes. The State law was portrayed as Fair Housing, yet the tool to do so was taken away from local governments. Mr. Murray stated he thinks the City should sue Tennessee Fair Housing because they eliminated the fair market. He had asked Mr. Blair if this could be a federal violation.
- Alderman Barnhill disagreed with filing a lawsuit. He would rather go through State representatives.
- Mr. Stuckey: The City helped with affordable housing, largely through contributions, at Reddick, Hard Bargain, Mount Hope and relief on tap fees.
- Alderman Bransford said, as a City we are attempting to do the right thing for the protected classes. She would like further study on this before a vote is taken.
- Mr. Stuckey: The normal pattern would put this on the voting agenda in two weeks. He will provide additional information before the August 23<sup>rd</sup> BOMA meeting. This needs to keep moving.
- Alderman Martin: Even without the requirement, there is nothing to prevent a developer from contributing or building affordable housing, such as Rucker Park workforce housing.
- ✱ Mr. Murray stated he is getting ready to break ground on a development on West Main. Developers can do this on their own. The issue is a Fair Housing violation by limiting the tools the City can use for protected classes.
- Alderman Barnhill: As a Board, the obligation is not to be in violation of State Law.

**13. 06-0607 Consideration of RESOLUTION 2016-43, a Resolution Authorizing the City Administrator to Execute a Participation Agreement with Vantage Trust Company LLC on behalf of the City 401 Retirement Plan (COF Contract 2016-0240)**

**Eric Stuckey, City Administrator**  
**Russ Truell, ACA Finance and Administration**  
**Shirley Harmon-Gower, HR Director**

In addition to the City pension, the City has 401 savings. IRS regulations have changed and this resolution updates the agreement to be in compliance with the new regulations.

**14. 16-0663 Discussion of Traffic Study Results for East McEwen Drive Between Cool Springs Boulevard/Oxford Glen Drive and Wilson Pike.**

**Paul Holzen, Engineering Director**  
**Jonathan Marston, Engineering Assistant Director**

The traffic study results were discussed at the Capital Investment Committee meeting in regard to safety on East McEwen, and the committee wanted to share this information with the full Board.

Jonathan Marston related the traffic study was conducted due to citizen concerns on the safety of East McEwen Drive between Cool Springs Boulevard/Oxford Glen Drive and Wilson Pike. Maps showing where the improvements would be made and pictures of various signs and devices to be used, were part of the presentation.

Data was collected for three consecutive days in March:

- Traffic Volume of 12,757 Vehicles per Day
- 85<sup>th</sup> Percentile Speed of 39 Miles per Hour



- Vehicle Classification of:
  - 91.5% Passenger Carriers (i.e. Motorcycles, Cars, Pickups, Vans & Busses)
  - 41.1% Commodities Carriers (e.g. Trucks)
  - 4.4% Unclassified (e.g. Device unable to determine type of vehicle)
- Drivers are exceeding the posted speed limit of 30 MPH. Staff recommends that the posted speed limit remain at 30 MPH with increased speed enforcement. Staff recognizes that 30 MPH is not an appropriate speed for the S-curve areas of East McEwen Drive. Taking into account the steep grade of the roadway in this area, an advisory speed of no more than 15 MPH should be posted for both directions of the S-curve areas.
- Crash Data 2013-2015: 40 crashes with the bulk on the S-curve segments. Although, the top two reasons for crashes are Roadway Departure and Deer, correlated data does not point to one single issue as to why accidents are occurring.
- Citizens have requested additional guardrails be installed in certain areas. An initial factor in determining the need for guardrail is the presence of unavoidable and unmovable objects within the clear zone (directly adjacent) of the roadway. For this roadway the most significant objects are trees. Another factor is the slope adjacent to the roadway. Trees greater than 4 caliper inches are considered hazards; however, to remove these trees would result in the loss of privacy and reduced aesthetics.
- Additional roadway safety options include: new and larger warning signs, illuminated signs, driver feedback signs, flashing beacons, transverse rumble strips, centerline rumble strips, and raised pavement markers (reflectors)
- Because of the high number of roadway departure crashes, repaving the S-curve area with an Open Graded Friction Course Asphalt Surface could also be considered. This type asphalt allows water to pass, which helps reduce standing water, resulting in greater traction during wet weather conditions.

Cost breakdown of four major options:

• Roadway Enhancements	\$ 39,000
• Upgraded Signage	\$ 63,000
• Guardrail	\$142,000
• Paving	\$157,000

The costs for some overlapping items (final design, layout, clearing and grubbing, etc.) can be reduced by combining options.

Staff recommends the implementation of roadway enhancements, upgraded signage, and added guardrail for a total estimated cost of \$234,000. These enhancements would get a measure for safety that could be folded in as an initial step in the overall project. The full project is needed and will require a long lead time.

- Mayor Moore read a question submitted by Mort Stein, Kinnard Drive, Franklin: "Did you question any of the people using the street where they live and where they work?"
- Mr. Marston responded that they did not since the crash history reflects that data.

People drive roadways as fast as they can maneuver. There would be no additional compliance if the speed limit were lower, only with ticket revenue. Recommend keeping the speed limit at 30 MPH with the exception of emphasizing the advisory speed of 15 MPH at the S-curve.

#### Further Discussion

- Alderman Skinner: Could the additional guardrails redirect the trajectory of the crash vehicle in the Roadway Departure crashes. Is weather the main factor in Roadway Departure crashes?
- Jonathan Marston responded the answers are unknown.
- A more complete assessment is needed regarding grant money and additional time being added to the project. At a minimum, accepting an \$8 million grant could add

significant time to this \$26 million project. Mr. Stuckey advised this will be part of the capital process. BOMA's first ranking shows this project was ranked as the number one and two priority.

- ✱ Donna Morton, 260 Pennystone Circle, Franklin: Vehicles are going off the roadway because the wide vehicles veer over the center line causing the roadway departure crashes. This is the reason they want guardrails for protection

**15. 16-0629 Discussion on the Harpeth River Watershed Feasibility Study and the Franklin Road Streetscape Project.**

**Paul Holzen, Engineering Director**

**Jonathan Marston, Engineering Assistant Director**

**William Banks, Engineering**

The Flood studies show an opportunity for Franklin Road bridge channel modification, through an agreement with the U.S. Army Corps of Engineers:

- Construction of two 10' x 18' culverts on the right overbank for additional high-flow capacity.
- 52' length
- Excavation needed upstream and downstream of Franklin Road to allow floodwaters to flow through the culverts.
- Project prevents 30 homes (6 in Reach F-3 and 24 in Reach F-4) from receiving damages at the 100-year return period, plus lowers the flood elevation for numerous other structures.
- Total project cost is approximately \$1 million. Cost to the City of Franklin is \$350,000
- Benefit-to-Cost Ratio of 2.97

Feet of Flood Reduction with Constructed Project			
Location	10-year Return Period	25-year Return Period	100-year Return Period
Upstream of East Main Street Bridge	1.06	1.31	2.06
USGS Gage: Harpeth River at Franklin, TN	0.68	0.93	1.17
Near Carnton Lane	0.59	0.81	1.02
Mack Hatcher Memorial Parkway	0.34	0.47	0.65

**Takeaways**

- Structural project provides the following benefits:
  - Removes 30 homes from the 100-year floodplain
  - Reduces 100-year flood stages by 1-2 feet for much of the City's affected population
  - Reduces Franklin's overall average annual damages by 16%. Reach F-4's annual damages are reduced by 30%.
- Total Estimated Project Cost of \$1M, Franklin's share is 35% actual cost.
- No environmental impacts anticipated.

The Franklin Road project is high on the CIP list. At the next Board meeting, a contract between the City of Franklin and the U.S. Army Corp of Engineers could be presented. Staff has talked with the Corps many times regarding this project.

There are three options to be considered:

- Option 1: Franklin Road as one Project. Accept the Federal funding and bid the entire project under Federal regulations and requirements. Assuming funding was available today, it is anticipated that we would be under construction in approximately 3-4 years. (\$14,877,500)
- Option 2: Franklin Road as two separate projects. Project 1 would be from the Harpeth River Bridge to BGA and would be subject to all Federal regulations and requirements. Project 2 would be from BGA to Hooper Lane and would follow standard City of Franklin requirements. Assuming funding was available today, Project 1 would be under construction in approximately 4-5 years and Project 2 would be under construction approximately 3-4 years. (\$15,337,500)

Option 3: Franklin Road as one project without USACE participation. Do not accept the Federal funding and incorporate the channel modifications into the City Project. The USACE would provide the modeling and FEMA approvals. The city would be responsible for the Design, ROW acquisition and Construction. If funding was available today, this project could be under construction in the next 2-3 years.(\$15,590,000)

Staff recommends moving forward with Option 1.

- Discussion ensued on costs discussed previously without the bridge. It was pointed out that this proposal does not include replacement of the Franklin Road Bridge. It is only for the installation of the two large culverts. The Corps money, \$750,000, is mainly for the culverts and flood reduction, with some elements for the roadway. The deadline to enter into an agreement with the USACE is September 1<sup>st</sup>. The agreement can be brought to the Board in two weeks and be folded into the planning for Franklin Road improvements. 30 homes out of the floodway is significant.
- Alderman Barnhill mentioned the cost of streetscape elements doesn't do anything for capacity on Franklin Road.
- Mr. Marston noted restriping will help with capacity, but the project is more about sidewalks. The road will be 3 lanes all the way with bike lanes.

**16. 16-0649 Continued Discussion Regarding the Development of the Capital Investment Plan for Fiscal Years 2017-2026.**

**Paul Holzen, Engineering Director**

**Jonathan Marston, Engineering Assistant Director**

**Michael Walters Young, Budget & Analytics Manager**

The projects were to be selected with two funding thresholds, \$30M and \$100M, as guides. As of July 20<sup>th</sup>, staff received project selections from all BOMA members. This information was combined and used to develop two lists of projects:

- FY 2017-2026 CIP – BOMA Selections – Non-Weighted
  - One (1) point per individual vote assigned to each project selected
  - Maximum point total of 9 (e.g. all members selected a project)
- FY 2017-2026 CIP – BOMA Selections – Weighted
  - Points were assigned to each project as follows:
    - Two (2) points per individual vote assigned to each project selected in the \$30M tier
    - One (1) point per individual vote assigned to each project selected in the \$100M tier
  - Maximum point total of 18 (e.g. all members selected a project in their \$30M tier)

Highest scoring non-weighted selections:

- |  |         |
|--|---------|
| • East/Southeast Multipurpose Park         | 8 votes |
| • East McEwen Drive Improvements Phase 4   | 8 votes |
| • Sidewalk Gaps                            | 8 votes |
| • Fire Station 7 (Goose Creek Area)        | 7 votes |
| • Franklin Road Improvements & Streetscape | 7 votes |
| • Goose Creek Interchange Lighting         | 6 votes |

Highest Scoring Weighted Selections:

- |  |          |
|--|----------|
| • East McEwen Drive Improvements Phase 4   | 15 votes |
| • Sidewalk Gaps                            | 10 votes |
| • Fire Station 7 (Goose Creek Area)        | 9 votes  |
| • East/Southeast Multipurpose Park         | 8 votes  |
| • Goose Creek Interchange Lighting         | 7 votes  |
| • Franklin Road Improvements & Streetscape | 7 votes  |



### Discussion

- Staff can provide a mix of strategies for the first six projects and funding sources. At the first meeting in September the Board can look at preliminary financing strategies on the first six projects. This would give a start on strong consensus of six members or above ranking the same.
- Mr. Stuckey would like to look at City Hall, which came in non-weighted at 5 votes, as it relates to redevelopment of this City block and not just City Hall. He wants to identify some things not seen on the list, such as Margin Street, water/sewer, roadway, and sidewalks. Logic and timing on the water/sewer side. Look at strategies that bring in other dollars.
- The Heritage Foundation and Friends of Franklin Parks are interested in partnering for multiuse trails from Downtown to Chestnut Bend to Harlinsdale.
- Staff has highlighted street resurfacing on major local roads.
- A more specific plan on water/sewer and Stormwater will be addressed at that meeting as well.
- Alderman Petersen: How much money has accumulated from the 2014 property tax increase, and how much is expected from the increase this year. Road Impact Fee Offsets are listed in the budget, but they have been removed as available money for projects. What about funding for McEwen 5, the offsets, since the City is obligated to build the road within 36 months after the trigger of 50% funding from Brentwood is achieved.
- Mr. Stuckey responded that it is unknown how or when that will happen. For funding capacity will be look at initial financing strategies of the top six projects. The Financing Plan or Model will include estimated additional funding.
- Alderman Skinner mentioned an agreement the City has with TDOT for the Long Lane Connector. The City needs an idea from TDOT about when this will happen.
- Mr. Stuckey responded that it is probably on the list to keep in mind on timing, etc.
- Alderman Petersen found an article from January 1969 that states BOMA approved a limited access loop around the City.
- August – October 2016:
  - Presentation of preliminary financial model from PFM
  - Selection of consensus projects
  - Continued discussion and selection of projects for inclusion in FY 2017-2026 CIP

### **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 10/11/2016 2:10 PM