

---

# *City of Franklin, Tennessee*

## Stormwater Fund Review

November 2018



HISTORIC  
FRANKLIN  
TENNESSEE



# ***City of Franklin, Tennessee***

## **Stormwater Fund Review**

---

### **Table of Contents**

| <b><u>Item</u></b>                                                              | <b><u>Page</u></b> |
|---------------------------------------------------------------------------------|--------------------|
| <b>Section I: Executive Summary</b>                                             | <b>3</b>           |
| <b>Section II: Current Conditions &amp; Service Provisions</b>                  | <b>7</b>           |
| <b>Section III: Tennessee &amp; Comparable Cities</b>                           | <b>15</b>          |
| <b>Section IV: Fund Analysis</b>                                                | <b>31</b>          |
| <b>Section V: Recommendations &amp; Next Steps</b>                              | <b>37</b>          |
| <b>Section VI: Appendices</b>                                                   | <b>39</b>          |
| - Historic Financials Since Inception of Fund (2003) to Today (2019)            | <b>41</b>          |
| - Historic Staffing Levels Since Inception of Fund (2003) to Today (2019)       | <b>42</b>          |
| - City of Redmond, Washington Rate Adjustment Examples                          | <b>43</b>          |
| - Monthly Fee per Typical Residence for Larger Municipalities (2017)            | <b>45</b>          |
| - Ordinance 2001-53: Authorizing Stormwater Management Ordinance                | <b>46</b>          |
| - Ordinance 2002-14: Original Authorizing Ordinances for Stormwater Fee         | <b>78</b>          |
| - Ordinance 2004-25: Current Authorizing Ordinance for Stormwater Fee & Minutes | <b>83</b>          |



# **Section I:**

## **Executive Summary**



### **Section I: Executive Summary**

The City of Franklin, like many cities in the state and nation, has established a Stormwater Fund for purpose of accounting for and providing services related to the maintenance and proper treatment of Stormwater related activities. The purpose of this review is to answer the following questions:

- 1) What is the current design, funding, operation and structure of the Stormwater Fund in Franklin?
- 2) What should the function of the Stormwater fund be?
- 3) Is the revenue stream capable of providing for the needs of the fund in the future and if not to make recommendations on how to adjust the fees?
- 4) What should be the services and responsibilities charged to the fund and if necessary make recommendations on opportunities to reduce what is charged to the Stormwater Fund and identify where these operations could be charged (e.g. General Fund)?
- 5) What are the necessary and affordable capital projects that have Stormwater components and where they should be afforded from?

This review has been requested because the accumulated fund balance is forecast to no longer meet the needs of both ongoing operations and capital projects which staff has identified should be charged against the fund. But it is also the City's first formal examination of the sustainability of one of its funds. This review will examine the financial and operational sustainability of the Stormwater Fund and make appropriate recommendations for the Board of Mayor and Alderman to follow both in the short and longer terms.

The need to examine one's operations for efficiencies is not merely a good idea but a hallmark of any effective organization. The City of Franklin, Tennessee and governments at all levels have embraced as a standard operating procedure the phrase "do more with less." Evaluation of any service must be performed via the use of industry-accepted metrics. Subjectivity, though a part of anything having to do with political governance, must always take a back seat to pragmatic and practical data. That being said, to measure a program based upon the "bottom line" alone inappropriately disregards non-monetary and other less tangible – but not necessarily less valuable – aspects of public service.

This report and the analysis contained herein is intended, to the greatest extent possible, to reach objective, well-reasoned conclusions which provide policy makers within the City of

---



# *City of Franklin, Tennessee*

## Stormwater Fund Review

---

Franklin, Tennessee and ratepayers of the Stormwater Fund the information they need to have the most efficient and effective services possible.



# *City of Franklin, Tennessee*

## Stormwater Fund Review

---

This page left intentionally blank.



## **Section II:**

# **Current Service Delivery Model**



### Section II: Current Service Delivery Model

To understand how to improve the sustainability of the Stormwater Fund, it is necessary first to understand its history, its structure and the services which are provided by it.

#### History of the Stormwater Fund

The Stormwater Fund was created in Fiscal Year 2003 in order to account for activities necessary for the City's compliance with Phase II of the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) program that became effective in March 10, 2003. This system, created by the Clean Water Act of 1972, addresses water pollution through the regulation of discharge into waterways.<sup>1</sup> Stormwater runoff – that portion of rain or melting snow that does not soak into the ground which runs off impervious surfaces – directly enters storm drains or waterways and thus has been deemed necessary to regulate and control to ensure the continued health of the nation's waters.

To pay for the costs of addressing that runoff, one option from which municipalities can choose is to create a stormwater utility and charge a fee to developed properties, including homes and businesses. These fees produce a dedicated revenue stream, restricted for use only on stormwater system management including maintenance, operations and capital projects. The stormwater utility provides funding to implement new programs in support of the six minimum control measures in the MS4 permit that includes public education and outreach, public participation/involvement, illicit discharge detection and elimination, construction site storm water runoff control, post-construction storm water management in new development / redevelopment, and pollution prevention/good housekeeping for municipal operations. Franklin chose to create a separate ordinance<sup>2</sup> and fee<sup>3</sup> to comply with the NPDES (MS4) Phase II Permit.

Work studying how the City would comply with the rules of the MS4 permit began several years earlier, culminating in Ordinance 2001-53 which adopted a Stormwater Management Ordinance. In the ensuing years from 2001 to 2004, BOMA modified both the ordinance and the fee associated with Stormwater functions until approving the current fee via Ordinance 2004-25 on March 9, 2004.<sup>4</sup>

The fee currently is based on ERU's or Equivalent Residential Units, which are equivalent to 3,350 square feet of impervious area. The rate is \$3.65/ERU/month. There are two categories of charges – non-residential and residential. Non-Residential (Commercial) properties pay the rate, times the impervious area of the site, divided by the ERU. Residential properties pay dependent upon their size:

---

<sup>1</sup> <https://www.epa.gov/npdes/about-npdes>

<sup>2</sup> See Section VI: Appendices: Ordinance 2001-53, Page 46

<sup>3</sup> See Section VI: Appendices: Ordinance 2002-14, Page 78 and Ordinance 2004-25, Page 83.

<sup>4</sup> *Ibid.*



# City of Franklin, Tennessee

## Stormwater Fund Review

- Smaller than 3,350 sq. ft. pay at a rate of 75% of the ERU/month
- Larger than 3,350 sq. ft. pay at a rate of 120% of the ERU/month

This is detailed on Exhibit 1:

### Exhibit 1: City of Franklin Current Stormwater Fees:

| STORMWATER                                                   |                          |                          |                    |                    |
|--------------------------------------------------------------|--------------------------|--------------------------|--------------------|--------------------|
| Applies to all properties inside the city limits of Franklin |                          |                          |                    |                    |
| 3,350 = impervious surface*                                  | SMALL<br>( $<3,350$ ft*) | LARGE<br>( $>3,350$ ft*) | Designated<br>Rate | ERU<br>(3,350 ft*) |
| Residential - Inside City                                    | \$2.74                   | \$4.38                   | NA                 | NA                 |
| Duplexes/Trailers (not codified)                             | NA                       | NA                       | \$2.74             | NA                 |
| Apts/Condos (not codified)                                   | NA                       | NA                       | \$2.74             | NA                 |
| Commercial - Inside City (per ERU)                           | NA                       | NA                       | NA                 | \$3.65             |

The fee has NOT been adjusted since passage of Ordinance 2004-25, fourteen (14) years ago. It is charged monthly.

On average, the fee raises about \$2.4 million annually and has grown slowly. From FY 2013 to FY 2017, total Stormwater fees increased by 8%. Between 2016 and 2017, fee revenues only increased less than 1%, or \$21,249. Overall revenues for FY 2019 are forecast around \$2.7 million and include additional fees for plan review, inspections, fines, late pays and earned interest on cash balances.

### Exhibit 2: Revenue Model History & Estimates for the Stormwater Fund:

|                               | Actual              |                     |                     |                     |                     | Budget              | Actual              | Budget              |
|-------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
|                               | FY 2013             | FY 2014             | FY 2015             | FY 2016             | FY 2017             | FY 2018             | FY 2018             | FY 2019             |
| PLANS REVIEW FEE              | -                   | 9,908               | 24,500              | 15,100              | 26,400              | 25,500              | 15,000              | 24,990              |
| DRAINAGE INSPECTIONS          | -                   | 5,477               | 68,947              | 25,303              | 102,519             | 61,200              | 50,176              | 59,976              |
| STORMWATER PERMIT FEE         | 5,950               | 12,482              | 10,789              | 8,225               | 15,075              | 40,877              | 8,913               | 40,059              |
| FEMA/TEMA GRANTS (FED/STATE)  | -                   | 3,691               | -                   | -                   | -                   | -                   | -                   | -                   |
| STORMWATER FEES               | 2,225,948           | 2,277,908           | 2,521,597           | 2,381,431           | 2,402,680           | 2,598,344           | 2,379,597           | 2,546,377           |
| STORMWATER FINES              | 100                 | -                   | 9,675               | 14,125              | -                   | 10,200              | 43,486              | 9,996               |
| STORMWATER LATE PAY PENALTIES | 21,179              | 20,754              | 23,398              | 21,640              | 18,869              | 31,518              | 23,279              | 30,888              |
| INTEREST INCOME               | 20,719              | 8,930               | 14,441              | 83,971              | (8,864)             | 10,200              | 28,288              | 9,996               |
| SALE OF SURPLUS ASSETS        | -                   | -                   | -                   | -                   | 33,508              | -                   | -                   | -                   |
| CUSTOMER SERVICE              | -                   | (4,776)             | -                   | (3,307)             | -                   | -                   | -                   | -                   |
| MISCELLANEOUS REVENUE         | -                   | -                   | -                   | 193                 | -                   | -                   | -                   | -                   |
| CONTRIBUTIONS - OTHERS        | 110,000             | 6,589               | -                   | -                   | -                   | -                   | -                   | -                   |
| <b>Totals</b>                 | <b>\$ 2,383,896</b> | <b>\$ 2,340,963</b> | <b>\$ 2,673,347</b> | <b>\$ 2,546,681</b> | <b>\$ 2,590,187</b> | <b>\$ 2,777,838</b> | <b>\$ 2,548,739</b> | <b>\$ 2,722,281</b> |

### Structure of the Stormwater Fund

The Stormwater Fund provides funding for two divisions contained within – the Streets and Engineering departments.

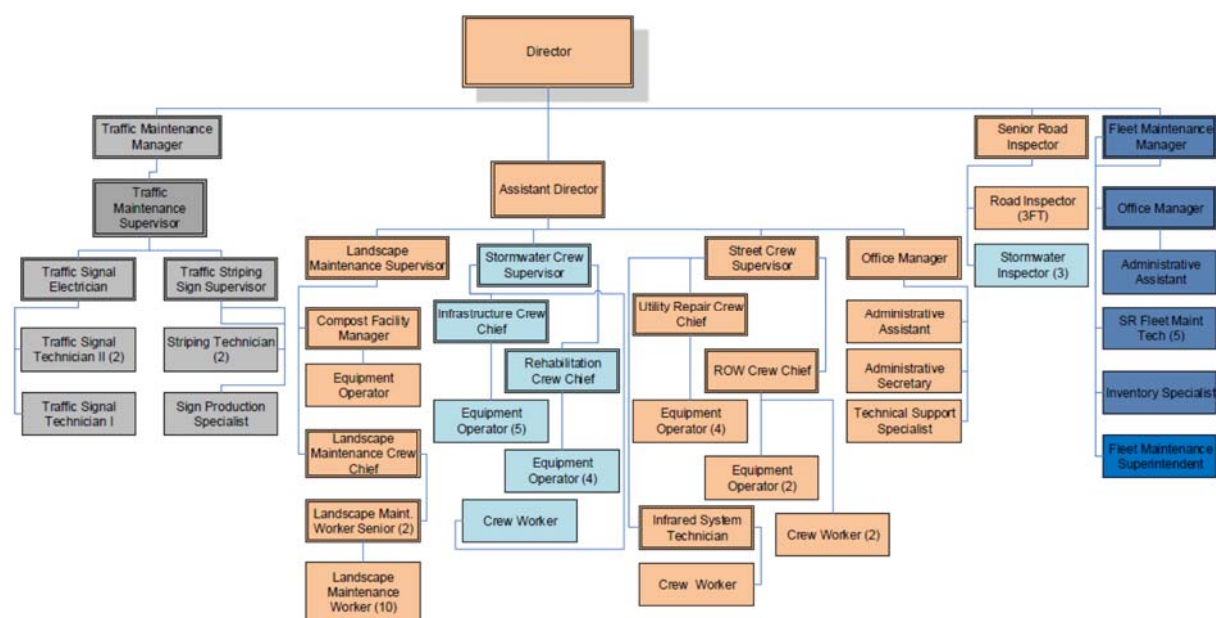
### Streets

The Street Department, Stormwater Division performs maintenance as well as small repairs and upgrades to failing drainage systems. Work activities are performed daily, and include routine maintenance procedures, as well as small repairs and upgrades to failing drainage systems, vacuuming storm drains and street sweeping.

The Stormwater-Streets division consists of 16 employees: one supervisor, three Stormwater inspectors, 2 crew chiefs & 10 maintenance personnel.

In recent years the division performed sweeping operations throughout the City with two Street sweepers. Due to the increase of construction activities and additional curb and gutter along Mack Hatcher Parkway and Hillsboro Rd, the streets division will increase operations to three sweeping units daily.

### Exhibit 3: Streets Department Organizational Chart *(shaded in light blue)*



As you can see from above, services within the Streets division funded from the Stormwater Fund are integrated into the overall operation of the City's Streets Department. Most of the employees funded through the Stormwater Fund function like other Streets Department crews (Landscaping, Street Repair) and report to the Assistant Director.

The authorized personnel counts for the last five fiscal years of the Stormwater Fund, Streets Division are shown on Exhibit 4:



# City of Franklin, Tennessee

## Stormwater Fund Review

### Exhibit 4: Streets Division Authorized Staffing, FY 2015-2019

| Position              | Pay Grade | FY 2015 |     | FY 2016 |     | FY 2017 |     | FY 2018 |     | FY 2019 |     |
|-----------------------|-----------|---------|-----|---------|-----|---------|-----|---------|-----|---------|-----|
|                       |           | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T |
| Stormwater - Streets  |           |         |     |         |     |         |     |         |     |         |     |
| Stormwater Inspector  | Grade F   | 2       | 0   | 2       | 0   | 3       | 0   | 3       | 0   | 3       | 0   |
| Stormwater Supervisor | Grade F   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   |
| Crew Chief            | Grade E   | 2       | 0   | 2       | 0   | 2       | 0   | 2       | 0   | 2       | 0   |
| Equipment Operator    | Grade D   | 8       | 0   | 8       | 0   | 8       | 0   | 8       | 0   | 9       | 0   |
| Crew Worker           | Grade B   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   |
| Totals                |           | 14      | 0   | 14      | 0   | 15      | 0   | 15      | 0   | 16      | 0   |

### Exhibit 5: Stormwater-Streets Division Budget

|                                    | Actual<br>2016   | Actual<br>2017   | Budget<br>2018   | Estd<br>2018     | Budget<br>2019   | Difference      |               |
|------------------------------------|------------------|------------------|------------------|------------------|------------------|-----------------|---------------|
|                                    |                  |                  |                  |                  |                  | \$              | %             |
| <b>Personnel</b>                   |                  |                  |                  |                  |                  |                 |               |
| Salaries & Wages                   | 600,545          | 664,191          | 698,797          | 750,918          | 771,802          | 73,005          | 10.4%         |
| Employee Benefits                  | 295,606          | 345,034          | 410,345          | 449,569          | 403,212          | (7,133)         | -1.7%         |
| <b>Total Personnel</b>             | <b>896,151</b>   | <b>1,009,225</b> | <b>1,109,142</b> | <b>1,200,487</b> | <b>1,175,013</b> | <b>65,871</b>   | <b>5.9%</b>   |
| <b>Operations</b>                  |                  |                  |                  |                  |                  |                 |               |
| Transportation Services            | 327              | 94               | 300              | 199              | 320              | 20              | 6.7%          |
| Operating Services                 | 413              | 658              | 795              | 1,795            | 1,795            | 1,000           | 125.8%        |
| Notices, Subscriptions, etc.       | 1,681            | 110              | 1,050            | 1,050            | 1,050            | -               | 0.0%          |
| Utilities                          | 53,214           | 37,301           | 57,000           | 45,000           | 45,735           | (11,265)        | -19.8%        |
| Contractual Services               | -                | (96,298)         | 15,000           | 1,400            | 15,000           | -               | 0.0%          |
| Repair & Maintenance Services      | 77,283           | 139,442          | 114,500          | 125,300          | 139,300          | 24,800          | 21.7%         |
| Employee programs                  | 1,960            | 4,464            | 4,970            | 5,100            | 3,500            | (1,470)         | -29.6%        |
| Professional Development/Travel    | 3,120            | 668              | 14,850           | 15,010           | 11,160           | (3,690)         | -24.8%        |
| Office Supplies                    | 972              | 1,425            | 920              | 925              | 925              | 5               | 0.5%          |
| Operating Supplies                 | 12,307           | 16,844           | 15,325           | 13,925           | 14,525           | (800)           | -5.2%         |
| Fuel & Mileage                     | 27,770           | 37,028           | 40,000           | 40,000           | 46,800           | 6,800           | 17.0%         |
| Machinery & Equipment (<\$182,000) | 49,472           | 15,720           | 23,450           | 22,950           | 17,050           | (6,400)         | -27.3%        |
| Repair & Maintenance Supplies      | 84,981           | 67,533           | 123,650          | 115,242          | 99,300           | (24,350)        | -19.7%        |
| Operational Units                  | 181,976          | 189,676          | 196,569          | 196,569          | 261,197          | 64,628          | 32.9%         |
| Property & Liability Costs         | 24,764           | 41,337           | 19,602           | 23,697           | 25,483           | 5,880           | 30.0%         |
| Rentals                            | 1,961            | -                | 1,200            | 1,200            | 1,300            | 100             | 8.3%          |
| Permits                            | 500              | -                | 1,000            | 1,000            | 1,000            | -               | 0.0%          |
| Financial Fees                     | 5,735            | 4,270            | 9,000            | 9,000            | 9,180            | 180             | 2.0%          |
| Debt Service and Lease Payments    | 144,828          | 145,966          | 144,828          | 72,414           | -                | (144,828)       | -100.0%       |
| <b>Total Operations</b>            | <b>673,264</b>   | <b>606,238</b>   | <b>784,009</b>   | <b>691,776</b>   | <b>694,620</b>   | <b>(89,390)</b> | <b>-11.4%</b> |
| <b>Capital</b>                     | <b>210,138</b>   | <b>285,464</b>   | <b>-</b>         | <b>-</b>         | <b>331,000</b>   | <b>331,000</b>  |               |
| <b>Total Stormwater - Streets</b>  | <b>1,779,552</b> | <b>1,900,927</b> | <b>1,893,151</b> | <b>1,892,263</b> | <b>2,200,633</b> | <b>307,482</b>  | <b>16.2%</b>  |



# City of Franklin, Tennessee

## Stormwater Fund Review

### Engineering

The City of Franklin is granted authorization to discharge Stormwater through its Stormwater infrastructure and into receiving water bodies through a NPDES permit issued by the EPA and administered through TDEC. A condition of this permit coverage is that six minimum control measures are met by the end of the permit cycle. The City is required annually to submit an “annual report,” which is essentially a report to document the progress the City is making towards meeting its current permit requirements. Current minimum control measures are:

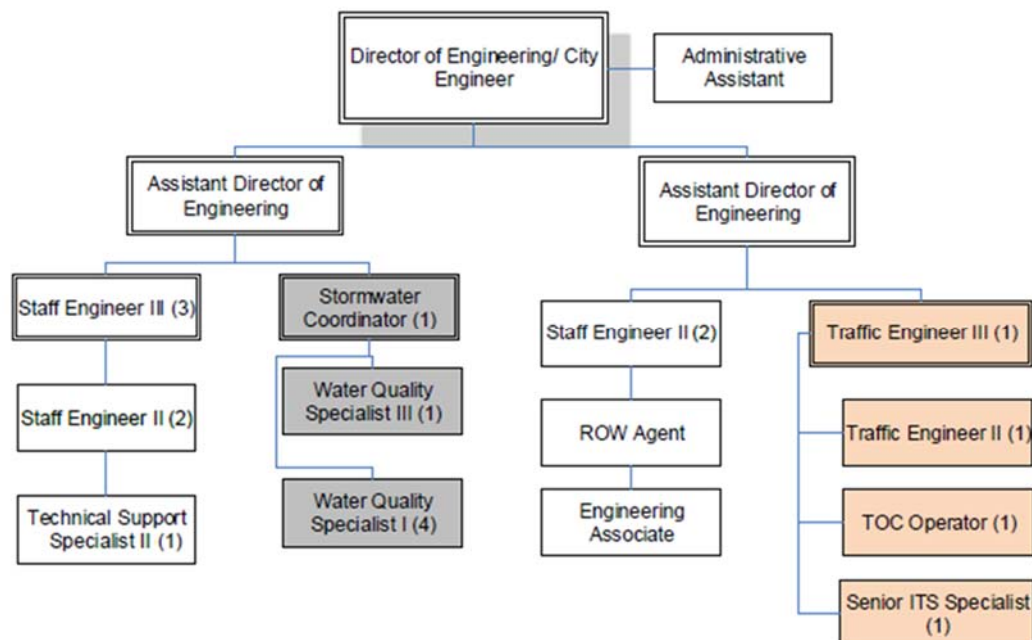
- 1) Public Education and Outreach
- 2) Public Involvement and Participation
- 3) Illicit Discharge Detection and Elimination
- 4) Construction Site Stormwater Runoff Control
- 5) Permanent Stormwater Management in Development and Redevelopment
- 6) Pollution Prevention for Municipal Operations

In addition to the above minimum control measures, the City is required to do annual ambient monitoring which includes:

- 1) Macroinvertebrate Sampling
- 2) E.Coli Sampling
- 3) Visual Stream Assessments

The Stormwater-Engineering division consists of 6 employees: one coordinator and 5 water quality specialists.

### Exhibit 6: Engineering Division Organizational Chart *(shaded in gray)*





# City of Franklin, Tennessee

## Stormwater Fund Review

### Exhibit 7: Engineering Division Authorized Staffing, FY 2015-2019

| Position                     | Pay Grade | FY 2015 |     | FY 2016 |     | FY 2017 |     | FY 2018 |     | FY 2019 |     |
|------------------------------|-----------|---------|-----|---------|-----|---------|-----|---------|-----|---------|-----|
|                              |           | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T |
| Stormwater - Engineering     |           |         |     |         |     |         |     |         |     |         |     |
| Stormwater Man. Coordinator  | Grade I   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   |
| Water Quality Specialist III | Grade H   | 0       | 0   | 0       | 0   | 0       | 0   | 1       | 0   | 1       | 0   |
| Water Quality Specialist II  | Grade G   | 1       | 0   | 3       | 0   | 3       | 0   | 2       | 0   | 0       | 0   |
| Water Quality Specialist I   | Grade F   | 2       | 0   | 1       | 0   | 1       | 0   | 2       | 0   | 4       | 0   |
| Totals                       |           | 4       | 0   | 5       | 0   | 5       | 0   | 6       | 0   | 6       | 0   |

The Engineering budget contains annual allotments for capital projects which are charged against the Stormwater fund. The budget is often larger than the actual expenditure as projects which are anticipated to be completed within a budget year often are pushed to another.

### Exhibit 8: Stormwater-Engineering Division Budget

|                                     | Actual<br>2016 | Actual<br>2017 | Budget<br>2018   | Estd<br>2018     | Budget<br>2019   | Difference       |               |
|-------------------------------------|----------------|----------------|------------------|------------------|------------------|------------------|---------------|
|                                     |                |                |                  |                  |                  | \$               | %             |
| <b>Personnel</b>                    |                |                |                  |                  |                  |                  |               |
| Salaries & Wages                    | 218,670        | 263,778        | 339,999          | 359,320          | 369,734          | 29,735           | 8.7%          |
| Employee Benefits                   | 62,628         | 72,210         | 103,203          | 109,428          | 123,782          | 20,579           | 19.9%         |
| <b>Total Personnel</b>              | <b>281,298</b> | <b>335,988</b> | <b>443,202</b>   | <b>468,748</b>   | <b>493,516</b>   | <b>50,314</b>    | <b>11.4%</b>  |
| <b>Operations</b>                   |                |                |                  |                  |                  |                  |               |
| Transportation Services             | 798            | 894            | 840              | 650              | 682              | (158)            | -18.8%        |
| Operating Services                  | 211            | 237            | 1,332            | 1,000            | 1,000            | (332)            | -24.9%        |
| Notices, Subscriptions, etc.        | 5,996          | 14,064         | 13,190           | 12,190           | 12,250           | (940)            | -7.1%         |
| Utilities                           | 3,106          | 4,459          | 4,978            | 4,350            | 5,040            | 62               | 1.2%          |
| Contractual Services                | 137,067        | 295,628        | 153,104          | 153,400          | 153,560          | 456              | 0.3%          |
| Repair & Maintenance Services       | 9,681          | 3,955          | 11,735           | 5,325            | 3,551            | (8,184)          | -69.7%        |
| Employee programs                   | 86             | 38             | 289              | 289              | 303              | 14               | 4.8%          |
| Professional Development/Travel     | 7,967          | 5,882          | 11,500           | 11,500           | 12,000           | 500              | 4.3%          |
| Office Supplies                     | 862            | 329            | 584              | 850              | 985              | 401              | 68.7%         |
| Operating Supplies                  | 1,207          | 543            | 4,015            | 4,215            | 3,000            | (1,015)          | -25.3%        |
| Fuel & Mileage                      | 846            | 1,533          | 1,733            | 1,354            | 1,422            | (311)            | -17.9%        |
| Machinery & Equipment (<\$121,0     | 10,518         | 5,048          | 18,723           | 13,020           | 8,000            | (10,723)         | -57.3%        |
| Property & Liability Costs          | -              | 15,388         | 16,159           | 11,958           | 12,554           | (3,606)          | -22.3%        |
| Repair & Maintenance Supplies       | 450            | 228            | 3,870            | 2,000            | 1,000            | (2,870)          | -74.2%        |
| Permits                             | 3,460          | 10,210         | 10,721           | 3,510            | 3,513            | (7,208)          | -67.2%        |
| Transfers to Other Funds            |                | 50,000         |                  |                  |                  | -                | 0.0%          |
| Financial Fees                      |                |                |                  | 100              | 105              | 105              | 100.0%        |
| Debt Service                        | 25,537         | 4,860          | 25,538           | -                | -                | (25,538)         | -100.0%       |
| <b>Total Operations</b>             | <b>207,792</b> | <b>413,296</b> | <b>278,311</b>   | <b>225,711</b>   | <b>218,965</b>   | <b>(59,347)</b>  | <b>-21.3%</b> |
| <b>Capital</b>                      | <b>187,539</b> | <b>126,016</b> | <b>3,605,000</b> | <b>500,000</b>   | <b>3,175,000</b> | <b>(430,000)</b> | <b>-11.9%</b> |
| <b>Total Stormwater-Engineering</b> | <b>676,629</b> | <b>875,300</b> | <b>4,326,513</b> | <b>1,194,459</b> | <b>3,887,481</b> | <b>(439,032)</b> | <b>-10.1%</b> |



# *City of Franklin, Tennessee*

## Stormwater Fund Review

---

### **Summary**

As the preceding pages show, the Stormwater Fund provides for the revenues and employees necessary to discharge the City's responsibilities under the MS4 permit – maintenance the City's storm drains and drainage systems, public education about impervious surfaces and storm drainage and sampling of local waterways to ensure quality discharge back into the streams and rivers which pass through Franklin.

Financially, the City now takes in about as much in revenues (\$2.4-\$2.7 million annually) as it spends on maintaining operations for the 22 personnel, consulting and equipment maintenance charged against the fund (\$2.6 million).

Section III will analyze how other cities in the region and the nation provide for stormwater services.



## **Section III:**

# **Tennessee & Comparable Cities**



### Section III: Tennessee & Comparable Cities

Now that the existing service has been defined, the next step is to compare it to other municipalities which operate a Stormwater Fund. Finance Department staff researched 14 cities in the state and beyond on four questions:

- Research what other cities in Tennessee have Stormwater Utilities/Funds
- Research which of our peer cities have Stormwater Utilities/Funds
- Determine what their fees are, what they are based off of and when they were last updated
- Determine if the funds are used for Operations only or for Operations and Capital

Staff researched 14 Tennessee and comparable communities including:

- |                    |                  |
|--------------------|------------------|
| - Brentwood, TN    | - Cary, NC       |
| - Chattanooga, TN  | - Eagan, MN      |
| - Gallatin, TN     | - Germantown, TN |
| - Johnson City, TN | - Kirkland, WA   |
| - Kingsport, TN    | - LaVergne, TN   |
| - Lenexa, KS       | - Maryville, TN  |
| - Murfreesboro, TN | - Nashville, TN  |
| - Redmond, WA      |                  |

These cities were chosen because either they are a) neighboring cities, b) cities which Franklin often benchmarks itself against or c) cities that have established Stormwater utilities. The breakouts of certain cities on the following pages provide greater detail into how municipalities within Tennessee and outside structure their funds. At the end of the section, a summary table is provided detailing all cities information.

#### **Cities within Tennessee**

##### **City of Brentwood, TN**

Brentwood does not have a Stormwater fee or dedicated fund. For 2019 they budget \$50k for both Stormwater operating and capital activities, totaling \$100k. This is funded through the General Fund.

##### **City of Gallatin, TN**

Gallatin just began collecting a Stormwater fee this fiscal year, FY 2019 (July 2018). It is based on ERU's of three sizes – less than 2,114 sq. ft., 2,115-6,560 sq.ft. and larger than 6,561 sq. ft. It is billed monthly.



# City of Franklin, Tennessee

## Stormwater Fund Review

### Exhibit 9: Gallatin, TN Stormwater Fee Calculation

| STORMWATER               |             |
|--------------------------|-------------|
| Residential (impervious) | Monthly Fee |
| < 2,114 sq ft            | \$3         |
| 2,115 - 6,560 sq ft      | \$5         |
| > 6,561 sq ft            | \$9         |
| Non-Residential          |             |
| Per ERU - 3,650 sq ft    | \$5         |

Since the fee was just established this past July, there is no budget information for Fiscal 2018.<sup>5</sup>

### City of Germantown, TN

Germantown also has a Stormwater fee and bills monthly. The fee is determined through the use of ERU's of sizes much larger than what Franklin uses. Germantown, however uses parcel size versus amount of imperviousness per parcel. It is detailed below:

### Exhibit 10: Germantown, TN Stormwater Fee Calculation

#### Residential Stormwater Rates

Rates per Single Family Residential (SFR) parcel Annual Fee

ERU parcels less than 0 to 10,000 sq. ft. \$3.00/month (\$36/yr.)

ERU parcels between 10,001 – 22,000 sq. ft. \$3.25/month (\$39/yr.)

ERU parcels greater than 22,000 sq. ft. \$3.50/month (\$42/yr.)

#### Other Developed Property Stormwater Rates

##### User Fee Determination

The City will use a gross property area and intensity of development methodology to assess stormwater user fees to property owners. The fee will be based on the amount of runoff each property contributes to the City's stormwater runoff as determined by an average runoff coefficient for that property. The City Administrator or his/her designee is authorized to develop policies and procedures in accordance with this ordinance for the implementation and calculation of stormwater user fees. Runoff Coefficients shall be as follows:

| LAND USE                                   | RUNOFF COEFFICIENT |
|--------------------------------------------|--------------------|
| Residential                                | 0.4                |
| Other Developed Property                   | 0.9                |
| Parkland/Cemetery/Golf Course/Agricultural | 0.25               |
| Vacant Property                            | 0.2                |

The monthly stormwater user fee for Other Developed Property, Vacant Property and Parkland/Cemetery/Golf Course - - referred to in this document as Other Property - - will be calculated using a formula which applies a Runoff Coefficient (based on the classification of the real property as set forth below) to the gross area square footage of the parcel and the ERU.

Monthly Stormwater Fee = AOT/AR \* ROT/RR \* ERU Rate \* QF

Where: AOT = Other Developed Property Area (measured in acres)

ROT = Applicable Other Property Runoff Coefficient

AR = Average Residential Property Area (acres) = 0.34 acres

RR = Average Residential Runoff Coefficient (C) = 0.4

ERU Rate = Equivalent Residential Unit = \$3.25/month

QF = Quality Factor = 1.0

<sup>5</sup> City of Gallatin, TN. "Stormwater Utility Frequently Asked Questions".

[www.gallatintn.gov/DocumentCenter/View/4008/COG\\_Stormwater-Fee-Fact-Sheet](http://www.gallatintn.gov/DocumentCenter/View/4008/COG_Stormwater-Fee-Fact-Sheet).



# City of Franklin, Tennessee

## Stormwater Fund Review

As shown on the previous page, Germantown also employs a runoff coefficient to determine the monthly fee.<sup>6</sup> The fees are placed into a dedicated Stormwater Fund and are used for both operating and capital activities. For FY 2018, the annual revenues total just under \$1,050,000. Capital contributions for FY18 total \$100,000.

### Exhibit 11: Germantown, TN Stormwater Revenue & Expense Budget Summaries

#### Revenues:<sup>7</sup>

|                              | Actual<br>FY16      | Budget<br>FY17   | Estimated<br>FY17 | % Chg.       | Budget<br>FY18   |
|------------------------------|---------------------|------------------|-------------------|--------------|------------------|
| Stormwater Management Fee    | \$ 994,425          | 1,009,964        | 1,035,000         | 0.50%        | 1,040,175        |
| Other Revenue                | 331                 | -                | -                 | -            | -                |
| Stormwater Permits           | 9,000               | 9,000            | 5,000             | 50.00%       | 7,500            |
| <b>OPERATING REVENUES</b>    | <b>\$ 1,003,756</b> | <b>1,018,964</b> | <b>1,040,000</b>  | <b>0.74%</b> | <b>1,047,675</b> |
| Investment Income            | 2,608               | 1,700            | 3,200             | 9.38%        | 3,500            |
| <b>NONOPERATING REVENUES</b> | <b>\$ 2,608</b>     | <b>1,700</b>     | <b>3,200</b>      | <b>9.38%</b> | <b>3,500</b>     |

#### Expenses:<sup>8</sup>

##### BUDGET CATEGORY SUMMARY

| CATEGORY          | Actual<br>FY16    | Budget<br>FY17 | Estimated<br>FY17 | Amt. Chg.     | % Chg.       | Budget<br>FY18   |
|-------------------|-------------------|----------------|-------------------|---------------|--------------|------------------|
| Personnel         | \$ 514,965        | 548,443        | 548,233           | 26,813        | 4.89%        | 575,046          |
| Communication     | 2,248             | 1,800          | 1,800             | 1,200         | 66.67%       | 3,000            |
| Professional Fees | 900               | -              | -                 | 5,000         | 100%         | 5,000            |
| Other Maintenance | 24,517            | 30,000         | 30,000            | (180)         | -0.60%       | 29,820           |
| Supplies          | 10,280            | 22,500         | 22,500            | 6,600         | 29.33%       | 29,100           |
| Allocations       | 43,149            | 43,392         | 34,068            | 4,499         | 13.21%       | 38,567           |
| Roads & Mains     | 249,232           | 290,000        | 290,000           | (5,000)       | -1.72%       | 285,000          |
| <b>TOTAL</b>      | <b>\$ 878,422</b> | <b>968,967</b> | <b>963,021</b>    | <b>41,432</b> | <b>4.30%</b> | <b>1,004,453</b> |
| Capital Outlay    | \$ -              | 50,000         | 50,000            | 54,851        | 109.70%      | 100,000          |

### City of Nashville, TN

Nashville's Stormwater fee is more complex than others in Tennessee as it breaks out Residential and Non-Residential properties by impervious square footage area. The residential

<sup>6</sup> City of Germantown, TN. "FAQ". [www.germantown-tn.gov/live/new-advanced-components/vision-cms-components/faq](http://www.germantown-tn.gov/live/new-advanced-components/vision-cms-components/faq).

<sup>7</sup> City of Germantown, TN. "Fiscal Year 2019 Budget, July 1, 2018 – June 30, 2019", Page 165. [www.germantown-tn.gov/home/showdocument?id=19172](http://www.germantown-tn.gov/home/showdocument?id=19172).

<sup>8</sup> Ibid.



## City of Franklin, Tennessee

### Stormwater Fund Review

---

fee is also divided based upon whether or not the dwelling unit is a single-family residential home or a condominium. Non-Residential properties are divided the same way (Non-Residential vs. Condominium buildings), but there are eight different billing categories for the non-residential Stormwater fee. It is billed monthly and was last updated this year (2018).

#### **Exhibit 12: Nashville, TN Stormwater Fee Schedule<sup>9</sup>**

| <b>Property Type: Impervious Area (Square Feet)</b> | <b>Fee/month</b> |
|-----------------------------------------------------|------------------|
| Less than 400                                       | -                |
| Tier 1 – Residential : 400 – 2,000                  | 1.50             |
| Tier 2 – Residential: 2,001 – 6,000                 | 6.00             |
| Tier 3 – Residential: more than 6,000               | 11.00            |
| Residential Condo (per unit)                        | 3.00             |
| Less than 400                                       | -                |
| Tier 1 – Non-Residential: 400-6,000                 | 10.00            |
| Tier 2 – Non-Residential: 6,001 – 12,800            | 30.00            |
| Tier 3 – Non-Residential: 12,801 – 25,600           | 70.00            |
| Tier 4 – Non-Residential: 25,601 – 51,200           | 150.00           |
| Tier 5 – Non-Residential: 51,201 – 300,000          | 300.00           |
| Tier 6 – Non-Residential: 300,001 – 1,000,000       | 650.00           |
| Tier 7 – Non-Residential: more than 1,000,000       | 1,300.00         |
| Non-Residential Condo (per unit)                    | 10.00            |

Additionally, Nashville has a robust fee credit system where fees are reduced for meeting certain criteria outlined in a credit manual.<sup>10</sup>

Stormwater fees are placed into a dedicated Stormwater Fund and are used for both operating and capital activities. Operating activities include both the Streets and Engineering divisions similar to Franklin. Total budgeted revenues for FY 2018 total more than \$34,600,000 (Nashville passed a significant rate increase in 2018). Capital contributions for FY 2018 total just under \$7,300,000.

---

<sup>9</sup> City of Nashville, TN. “Stormwater Program FAQ”.

[www.nashville.gov/Portals/0/SiteContent/WaterServices/Stormwater/docs/FeeRestructure/Stormwater%20Program%20FAQ%20v2018.1.11.pdf](http://www.nashville.gov/Portals/0/SiteContent/WaterServices/Stormwater/docs/FeeRestructure/Stormwater%20Program%20FAQ%20v2018.1.11.pdf).

<sup>10</sup> Metro Water Services. “Stormwater User Fee Credit Manual”, City of Nashville, TN. February, 2016.

[www.nashville.gov/Portals/0/SiteContent/WaterServices/Stormwater/docs/SWMM/2016/StormwaterUserFeeCreditManual\\_2016.pdf](http://www.nashville.gov/Portals/0/SiteContent/WaterServices/Stormwater/docs/SWMM/2016/StormwaterUserFeeCreditManual_2016.pdf).



# City of Franklin, Tennessee

## Stormwater Fund Review

### Exhibit 12: Nashville, TN Stormwater Funds Budget Summary<sup>11</sup>

| Stormwater Funds                        |                   |                   |                   |                   |                         |                       |
|-----------------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------------|-----------------------|
|                                         | FY2016<br>Budget  | FY2016<br>Actuals | FY2017<br>Budget  | FY2018<br>Budget  | FY17-FY18<br>Difference | FY17-FY18<br>% Change |
| <b>OPERATING EXPENSES:</b>              |                   |                   |                   |                   |                         |                       |
| PERSONAL SERVICES                       | 7,472,500         | 6,234,818         | 7,471,400         | 8,064,100         | 592,700                 | 7.93%                 |
| OTHER SERVICES:                         |                   |                   |                   |                   |                         |                       |
| Utilities                               | 109,200           | 42,256            | 100,800           | 101,800           | 1,000                   | 0.99%                 |
| Professional & Purchased Services       | 1,475,700         | 1,315,353         | 1,844,000         | 3,019,800         | 1,175,800               | 63.76%                |
| Travel, Tuition, and Dues               | 26,400            | 27,038            | 28,200            | 35,900            | 7,700                   | 27.30%                |
| Communications                          | 217,800           | 147,428           | 228,800           | 217,600           | (11,200)                | -4.90%                |
| Repairs & Maintenance Services          | 1,171,200         | 1,619,998         | 2,296,600         | 3,814,800         | 1,518,200               | 66.11%                |
| Internal Service Fees                   | 633,300           | 599,700           | 503,000           | 530,900           | 27,900                  | 5.55%                 |
| Other Expenses                          | 393,300           | 575,450           | 460,800           | 11,549,500        | 11,088,700              | 2406.40%              |
| <b>TOTAL OTHER SERVICES</b>             | <b>4,026,900</b>  | <b>4,327,223</b>  | <b>5,462,200</b>  | <b>19,270,300</b> | <b>13,808,100</b>       | <b>252.79%</b>        |
| <b>TOTAL OPERATING EXPENSES</b>         | <b>11,499,400</b> | <b>10,562,041</b> | <b>12,933,600</b> | <b>27,334,400</b> | <b>14,400,800</b>       | <b>111.34%</b>        |
| <b>TRANSFERS TO OTHER FUNDS/UNITS</b>   | <b>2,943,800</b>  | <b>3,262,442</b>  | <b>5,509,600</b>  | <b>7,287,800</b>  | <b>1,778,200</b>        | <b>32.27%</b>         |
| <b>TOTAL EXPENSES &amp; TRANSFERS</b>   | <b>14,443,200</b> | <b>13,824,483</b> | <b>18,443,200</b> | <b>34,622,200</b> | <b>16,179,000</b>       | <b>87.72%</b>         |
| <b>PROGRAM REVENUE:</b>                 |                   |                   |                   |                   |                         |                       |
| Charges, Commissions, & Fees            | 14,443,200        | 14,537,080        | 14,443,200        | 34,622,200        | 20,179,000              | 139.71%               |
| Federal (Direct & Pass Through)         | 0                 | 0                 | 0                 | 0                 | 0                       | 0.00%                 |
| State Direct                            | 0                 | 0                 | 0                 | 0                 | 0                       | 0.00%                 |
| Other Government Agencies               | 0                 | 0                 | 0                 | 0                 | 0                       | 0.00%                 |
| Other Program Revenue                   | 0                 | 0                 | 0                 | 0                 | 0                       | 0.00%                 |
| <b>TOTAL PROGRAM REVENUE</b>            | <b>14,443,200</b> | <b>14,537,080</b> | <b>14,443,200</b> | <b>34,622,200</b> | <b>20,179,000</b>       | <b>139.71%</b>        |
| <b>NON-PROGRAM REVENUE:</b>             |                   |                   |                   |                   |                         |                       |
| Property Taxes                          | 0                 | 0                 | 0                 | 0                 | 0                       | 0.00%                 |
| Local Option Sales Tax                  | 0                 | 0                 | 0                 | 0                 | 0                       | 0.00%                 |
| Other Tax, Licenses, & Permits          | 0                 | 0                 | 0                 | 0                 | 0                       | 0.00%                 |
| Fines, Forfeits, & Penalties            | 0                 | 0                 | 0                 | 0                 | 0                       | 0.00%                 |
| Compensation From Property              | 0                 | 0                 | 0                 | 0                 | 0                       | 0.00%                 |
| <b>TOTAL NON-PROGRAM REVENUE</b>        | <b>0</b>          | <b>0</b>          | <b>0</b>          | <b>0</b>          | <b>0</b>                | <b>0.00%</b>          |
| <b>TRANSFERS FROM OTHER FUNDS/UNITS</b> | <b>0</b>          | <b>0</b>          | <b>0</b>          | <b>0</b>          | <b>0</b>                | <b>0.00%</b>          |
| <b>TOTAL REVENUE &amp; TRANSFERS</b>    | <b>14,443,200</b> | <b>14,537,080</b> | <b>14,443,200</b> | <b>34,622,200</b> | <b>20,179,000</b>       | <b>139.71%</b>        |

<sup>11</sup> Barry, Megan. "Recommended Operating Budget for Fiscal Year 2017-2018". City of Nashville, TN. May 2017, Page J-65-8.

[www.nashville.gov/Portals/0/SiteContent/Finance/docs/OMB/citizens\\_budget/budgetbook/FY2018%20Operating%20Budget%20Book.pdf](http://www.nashville.gov/Portals/0/SiteContent/Finance/docs/OMB/citizens_budget/budgetbook/FY2018%20Operating%20Budget%20Book.pdf).



# City of Franklin, Tennessee

## Stormwater Fund Review

### Cities outside Tennessee

#### **City of Cary, NC**

The City of Cary, North Carolina is one of the City of Franklin's most used comparable cities. However, Cary does not operate a Stormwater utility and is not applicable to the study.

#### **City of Eagan, MN**

The City of Eagan, Minnesota is a suburb of the Twin Cities similar to Franklin in size (66,000 est. pop.) and distance from the Metro area (18.4 miles) as Franklin, applies a Stormwater fee quarterly according to the following table:

#### **Exhibit 13: Eagan, MN Stormwater Fee Calculation** (as of 2018)<sup>12</sup>

| STORMWATER             |                      |                                                     |
|------------------------|----------------------|-----------------------------------------------------|
|                        | Monthly Fee<br>p/ERU | ERU Factor                                          |
| R1 (SFR) & R2 (Duplex) | \$5.68               | 1.0                                                 |
| R3 (Townhomes)         | \$3.52               | 0.8 p/unit                                          |
| R4 (Multi-Family)      | \$7.97               | Calculation based<br>on impervious to<br>acre ratio |
| Commercial             | \$6.74               |                                                     |
| Public                 | \$7.76               |                                                     |

*\*Note: this table has been converted from quarterly to monthly.*

Stormwater fees are used for both operating and capital activities. The annual revenues for FY 2018 are forecast to be just under \$2,600,000 – almost identical to Franklin. Capital contributions for FY18 total \$143,000.

#### **Exhibit 14: Eagan, MN Stormwater Fund Revenues**<sup>13</sup>

|                                     | Actual<br>2015 | Actual<br>2016 | Budget<br>2017 | Budget<br>2018 | Budget<br>2019 |
|-------------------------------------|----------------|----------------|----------------|----------------|----------------|
| <b>Storm Drainage/Water Quality</b> |                |                |                |                |                |
| 4540 Storm Drainage Service Fees    | 1,562,052      | 2,393,291      | 2,486,500      | 2,530,000      | 2,570,000      |
| 4541 Storm Drainage Penalties       | 6,236          | 7,609          | 4,500          | 5,000          | 5,000          |
| 4226 Developer Escrow Reimbursmt    | 26,529         | 29,815         | 30,000         | 30,000         | 30,000         |
| 4672 Water Quality Dedication Fees  | -              | 19,816         | 10,000         | -              | -              |
|                                     | 1,594,817      | 2,450,531      | 2,531,000      | 2,565,000      | 2,605,000      |

<sup>12</sup> City of Eagan, MN. "2018 Fee Schedule". 19 December 2017. Page 12.

[www.cityofeagan.com/images/Finance/2018/2018%20fee%20schedule.pdf](http://www.cityofeagan.com/images/Finance/2018/2018%20fee%20schedule.pdf).

<sup>13</sup> City of Eagan, MN. "2018-2019 Adopted Budget". 1 January 2018. Page 166.

[www.cityofeagan.com/images/Finance/2019/2018-19%20Budget.pdf](http://www.cityofeagan.com/images/Finance/2019/2018-19%20Budget.pdf).



# City of Franklin, Tennessee

## Stormwater Fund Review

### Exhibit 15: Egan, MN Stormwater Fund Expenses<sup>14</sup>

| Acct | PERSONAL SERVICES                      | Actual<br>2015    | Actual<br>2016    | Budget<br>2017      | Budget<br>2018    | Budget<br>2019    |
|------|----------------------------------------|-------------------|-------------------|---------------------|-------------------|-------------------|
| 6110 | SALARIES AND WAGES-REGULAR             | \$ 69,233         | \$ 83,761         | \$ 68,000           | \$ 73,100         | \$ 77,300         |
| 6112 | OVERTIME-REGULAR                       | 1,034             | 1,514             | 5,700               | 7,300             | 7,300             |
| 6130 | SALARIES AND WAGES-TEMPORARY           | 13,225            | 6,589             | 13,300              | 13,900            | 13,900            |
| 6142 | PERA-COORDINATED                       | 5,222             | 6,520             | 5,500               | 6,000             | 6,300             |
| 6144 | FICA                                   | 6,092             | 6,839             | 6,700               | 7,200             | 7,500             |
| 6151 | HEALTH INSURANCE                       | 11,717            | 15,349            | 10,200              | 11,100            | 12,000            |
| 6152 | LIFE                                   | 110               | 112               | -                   | -                 | -                 |
| 6154 | DISABILITY - LONG TERM                 | 203               | 262               | -                   | -                 | -                 |
| 6155 | WORKERS COMPENSATION                   | 3,058             | 3,619             | 6,300               | 6,800             | 7,100             |
|      | TOTAL PERSONAL SERVICES                | 109,894           | 124,565           | 115,700             | 125,400           | 131,400           |
|      | <b>PARTS &amp; SUPPLIES</b>            |                   |                   |                     |                   |                   |
| 6210 | OFFICE SUPPLIES                        | 60                | -                 | -                   | -                 | -                 |
| 6224 | CLOTHING/PERSONAL EQUIPMENT            | 604               | 444               | 700                 | 700               | 700               |
| 6230 | REPAIR/MTN SUPPLIES-GENERAL            | 17                | 206               | 300                 | 300               | 300               |
| 6232 | SMALL EQUIPMENT REPAIR PARTS           | -                 | 91                | -                   | 200               | 200               |
| 6233 | BUILDING REPAIR SUPPLIES               | 17                | -                 | -                   | -                 | -                 |
| 6235 | FUEL, LUBRICANTS, ADDITIVES            | 6                 | 4                 | 400                 | 400               | 400               |
| 6240 | SMALL TOOLS                            | 100               | 720               | 500                 | 500               | 500               |
| 6255 | STREET REPAIR SUPPLIES                 | -                 | 561               | 1,000               | 1,000             | 1,000             |
| 6260 | UTILITY SYSTEM PARTS/SUPPLIES          | 2,455             | 8,417             | 9,000               | 9,000             | 9,000             |
|      | TOTAL PARTS & SUPPLIES                 | 3,259             | 10,443            | 11,900              | 12,100            | 12,100            |
|      | <b>SERVICES &amp; OTHER CHARGES</b>    |                   |                   |                     |                   |                   |
| 6310 | PROFESSIONAL SERVICES-GENERAL          | 3,018             | 303               | 120,000             | 58,000            | 46,000            |
| 6311 | LEGAL                                  | 333               | 1,602             | -                   | -                 | -                 |
| 6385 | INSURANCE                              | 3,900             | 3,900             | 3,900               | 3,900             | 3,900             |
| 6408 | ELECTRICITY-LIFT STATIONS              | 113,862           | 162,220           | 134,500             | 137,500           | 139,300           |
| 6429 | STREET REPAIR-LABOR                    | -                 | 860               | -                   | -                 | -                 |
| 6432 | UTILITY SYSTEM REPAIR - LABOR          | 37,207            | 54,402            | 50,000              | 120,000           | 120,000           |
| 6457 | MACHINERY AND EQUIPMENT                | 342               | 2,019             | 1,000               | 1,000             | 1,000             |
| 6476 | CONFERENCES AND SCHOOLS                | 340               | -                 | 400                 | 400               | 400               |
| 6480 | LICENSES, PERMITS AND TAXES            | -                 | 176               | -                   | 100               | 100               |
| 6805 | TRANSFER OUT                           | 23,700            | 29,282            | 25,400              | 25,400            | 25,400            |
| 6539 | WASTE REMOVAL/SANITATION SERVICE       | -                 | -                 | 500                 | 500               | 500               |
| 6569 | MAINTENANCE CONTRACTS                  | 411               | -                 | -                   | -                 | -                 |
|      | OTHER SERVICES AND CHARGES             | 183,113           | 254,764           | 335,700             | 346,800           | 336,600           |
|      | <b>TOTAL OPERATING</b>                 | <b>296,266</b>    | <b>389,772</b>    | <b>463,300</b>      | <b>484,300</b>    | <b>480,100</b>    |
|      |                                        |                   |                   |                     | 4.5%              | -0.9%             |
|      | <b>CAPITAL CONSTRUCTION/PROJECTS</b>   |                   |                   |                     |                   |                   |
| 6630 | RENEWAL AND REPLACEMENT - OUTLAY       | 136,228           | 21,040            | 611,000             | 152,000           | 143,000           |
|      | <b>TOTAL CAPITAL</b>                   | <b>136,228</b>    | <b>21,040</b>     | <b>611,000</b>      | <b>152,000</b>    | <b>143,000</b>    |
|      |                                        |                   |                   |                     | -75.1%            | -5.9%             |
|      | <b>TOTAL STORM DRAINAGE DEPARTMENT</b> | <b>\$ 432,494</b> | <b>\$ 410,812</b> | <b>\$ 1,074,300</b> | <b>\$ 636,300</b> | <b>\$ 623,100</b> |
|      |                                        |                   |                   |                     | -40.8%            | -2.1%             |
|      | <b>DEPRECIATION</b>                    |                   |                   |                     |                   |                   |
| 6488 | DEPRECIATION EXPENSE                   | \$ 1,034,157      | \$ 1,040,627      | \$ 1,041,600        | \$ 1,041,600      | \$ 1,041,600      |

<sup>14</sup> Ibid. Page 187.



# City of Franklin, Tennessee

## Stormwater Fund Review

### City of Kirkland, WA

The City of Kirkland, Washington is another suburb similar to Franklin with an estimated population of 88,630 (2017 census estimate) and distance to metro Seattle (11 miles). They have a Stormwater fee which is billed monthly and applied according to the following table:

#### Exhibit 16: Kirkland, WA Stormwater Fee Calculation<sup>15</sup>

| STORMWATER                    |              |                |                  |
|-------------------------------|--------------|----------------|------------------|
|                               | Fee<br>p/ERU | Utility<br>Tax | Total<br>Monthly |
| Residential - Single Family   | \$17.55      | \$1.32         | \$18.87          |
| Commercial & Multi-Family*    | \$17.55      | \$1.32         | \$18.87          |
| *ERU = 2,600 sq ft impervious |              |                |                  |

**Sample Calculation**

An apartment complex has 10,000 ft<sup>2</sup> of impervious surface (parking lots, walkways, rooftops, etc.), so the surface water fee would be:

$10,000 \text{ ft}^2 / 2600 \text{ ft}^2 = 3.85 \text{ ESU}$

$3.85 \text{ ESU} \times \$17.55 \text{ per month per ESU} = \$67.57 \text{ per month plus } 7.5\% \text{ utility tax} = \$871.65/\text{year}$

Stormwater fees are used for both operating and capital activities. Operating activities include both the Street/Storm Maintenance and Engineering divisions. Capital contributions for FY19 total more than \$5,100,000.

#### Exhibit 17: Kirkland, WA Stormwater Budget Summary<sup>16</sup>

| FINANCIAL SUMMARY BY OBJECT   |                     |                       |                     |                     |                     |
|-------------------------------|---------------------|-----------------------|---------------------|---------------------|---------------------|
|                               | 2013-2014<br>Actual | 2015-2016<br>Estimate | 2015-2016<br>Budget | 2017-2018<br>Budget | Percent<br>Change   |
| Salaries and Wages            | 3,169,737           | 4,000,276             | 4,793,868           | 5,295,397           | 10.46%              |
| Benefits                      | 1,408,781           | 1,952,138             | 2,650,163           | 2,585,116           | -2.45%              |
| Supplies                      | 398,338             | 489,543               | 623,802             | 626,301             | 0.40%               |
| Other Services                | 4,301,105           | 5,120,986             | 5,320,244           | 5,430,696           | 2.08%               |
| Government Services           | 8,297,433           | 7,445,553             | 7,363,849           | 7,640,435           | 3.76%               |
| Capital Outlay                | 77,909              | 33,017                | 33,000              | 89,735              | 171.92%             |
| Reserves*                     | 3,352,761           | 4,139,412             | 4,139,412           | 5,444,832           | 31.54%              |
| <b>TOTAL</b>                  | <b>21,006,064</b>   | <b>23,180,925</b>     | <b>24,924,338</b>   | <b>27,112,512</b>   | <b>8.78%</b>        |
| FINANCIAL SUMMARY BY DIVISION |                     |                       |                     |                     |                     |
|                               | 2013-2014<br>Actual | 2015-2016<br>Estimate | 2015-2016<br>Budget | 2017-2018<br>Budget | Percent<br>Change   |
| Customer Service              | 3,071,094           | 3,675,483             | 3,828,845           | 3,573,390           | -6.67%              |
| Administration                | 8,762,498           | 11,514,124            | 11,672,779          | 13,818,149          | 18.38%              |
| Capital Construction          | 6,422,454           | 4,760,118             | 4,880,926           | 5,130,889           | 5.12%               |
| Operations and Maint.         | 2,750,018           | 3,231,200             | 4,541,788           | 4,590,084           | 1.06%               |
| <b>TOTAL</b>                  | <b>21,006,064</b>   | <b>23,180,925</b>     | <b>24,924,338</b>   | <b>27,112,512</b>   | <b>8.78%</b>        |
| POSITION SUMMARY BY DIVISION  |                     |                       |                     |                     |                     |
|                               | 2013-2014<br>Actual | Adjustments           | 2015-2016<br>Budget | Adjustments         | 2017-2018<br>Budget |
| Customer Service              | 7.75                | 1.00                  | 8.75                | 0.00                | 8.75                |
| Administration                | 1.64                | 1.16                  | 2.80                | 0.00                | 2.80                |
| Operations and Maint.         | 18.30               | 4.10                  | 22.40               | 2.75                | 25.15               |
| <b>TOTAL</b>                  | <b>27.69</b>        | <b>6.26</b>           | <b>33.95</b>        | <b>2.75</b>         | <b>36.70</b>        |

<sup>15</sup> City of Kirkland, WA. "Stormwater Utility Rate".

[www.kirklandwa.gov/depart/Public\\_Works/Utilities/Storm\\_Surface\\_Water/About\\_the\\_Stormwater\\_Utility/Stormwater\\_UTILITY\\_Rate.htm](http://www.kirklandwa.gov/depart/Public_Works/Utilities/Storm_Surface_Water/About_the_Stormwater_Utility/Stormwater_UTILITY_Rate.htm).

<sup>16</sup> City of Kirkland, WA "2017-2018 City of Kirkland, Washington Budget." Page 388.

[www.kirklandwa.gov/Assets/Finance+Admin/2017-2018+Budget/2017-2018+Budget+Document.pdf](http://www.kirklandwa.gov/Assets/Finance+Admin/2017-2018+Budget/2017-2018+Budget+Document.pdf).



# City of Franklin, Tennessee

## Stormwater Fund Review

### City of Lenexa, KS

Lenexa, Kansas is an established suburb of Kansas City with an estimated population of 52,903 as of 2016 and distance of 16.0 miles to downtown Kansas City, MO. The Stormwater Fee is billed monthly and is among the simpler surveyed, with the exception that in addition to a residential and a commercial fee, there is also a development based Stormwater Fee. These are detailed below:

#### Exhibit 18: Lenexa, KS Stormwater Fee Schedules:<sup>17</sup>

| STORMWATER                    |                   |
|-------------------------------|-------------------|
|                               | Monthly Fee p/ERU |
| Residential - Single Family   | \$9.08            |
| Commercial & Multi-Family*    | \$9.08            |
| *ERU = 2,750 sq ft impervious |                   |

| STORMWATER<br>Development / Permitting |                                 |
|----------------------------------------|---------------------------------|
|                                        | Fee p/ERU                       |
| Flat capital charge                    | \$1,086                         |
| Variable capital charge                | 3% total permitted project cost |

The fees are used for both operating and capital activities, but the capital charges applied at permitting of new development are dispersed to the general fund. Stormwater fee revenues for FY 2018 total \$6.2 million. Capital contributions for FY18 total \$2.5 million.

#### Exhibit 19: Lenexa, KS Budget Summary<sup>18</sup>

| Expenditure Information |                    |                    |                            |                           |                    |
|-------------------------|--------------------|--------------------|----------------------------|---------------------------|--------------------|
| Expenditure Category    | FY 2015<br>Actual  | FY 2016<br>Actual  | FY 2017<br>Original Budget | FY 2017<br>Revised Budget | FY 2018<br>Budget  |
| Personal Services       | \$1,285,664        | \$1,277,182        | \$1,472,798                | \$1,472,798               | \$1,636,175        |
| Contractual Services    | 89,715             | 101,931            | 167,995                    | 167,995                   | 172,195            |
| Commodities             | 52,170             | 64,889             | 132,870                    | 132,870                   | 133,180            |
| Capital Outlay          | 183,307            | 213,760            | 0                          | 214,483                   | 75,000             |
| Debt Service            | 3,822,306          | 3,864,769          | 4,111,014                  | 3,825,113                 | 4,078,915          |
| Transfers               | 662,717            | 1,160,336          | 400,000                    | 600,000                   | 1,300,000          |
| Reserves                | 0                  | 0                  | 1,033,001                  | 0                         | 827,016            |
| <b>Total</b>            | <b>\$6,095,879</b> | <b>\$6,682,867</b> | <b>\$7,317,678</b>         | <b>\$6,413,259</b>        | <b>\$8,222,481</b> |

<sup>17</sup> Finance Department. "Schedule of Fees As of September 1, 2018." City of Lenexa, KS. 1 September 2018. Page 50. [www.lenexa.com/UserFiles/Servers/Server\\_4323159/File/Government/Departments/Finance/Schedule\\_of\\_Fees.pdf](http://www.lenexa.com/UserFiles/Servers/Server_4323159/File/Government/Departments/Finance/Schedule_of_Fees.pdf).

<sup>18</sup> City of Lenexa, KS. "2018 Annual Budget Document". Page 132. [www.lenexa.com/UserFiles/Servers/Server\\_4323159/File/Government/Departments/Finance/Budget/2018Lenexa\\_Budget.pdf](http://www.lenexa.com/UserFiles/Servers/Server_4323159/File/Government/Departments/Finance/Budget/2018Lenexa_Budget.pdf).



# City of Franklin, Tennessee

## Stormwater Fund Review

---

### City of Redmond, WA

The City of Redmond, Washington is similar to Kirkland but has the most complex fee and credit system surveyed. The monthly fee was last amended in 2018 and is applied according to the following exhibits:

### Exhibit 20: Redmond, WA Stormwater Fee Calculations & Credit Structure<sup>19</sup>

#### **Base Rate**

The current base rate of \$16.56/impervious unit was initiated at the beginning of 2007. The minimum charge for any developed parcel is the base rate of \$16.56

#### **Impervious Units**

1 impervious unit = 2000 square feet of impervious area  
Impervious units are truncated to the nearest tenth.  
If, for example, a site had 33,000 square feet of roof and pavement area the impervious unit calculation would be:  $33,000/2000 = 16.5$  impervious units.

#### **Rate Adjustments**

The rate adjustment increases or decreases the stormwater bill for a property to account for two factors that impact the quantity and quality of stormwater leaving a site: the Impervious Coverage Factor and Stormwater Credits.

**Impervious Coverage** – The percentage of land covered by impervious surfaces is called the “coverage”. If, for example, a 50,000 square foot site had 33,000 square feet of roof and pavement area, the site coverage would be  $33,000/55,000 = 66\%$  and the rate adjustment (see table below) would be 1.40. The coverage factor adjustment accounts for the principal that the same square footage of impervious area from a small site has more impact than it does from a larger site and that systems serving higher density areas are more costly to maintain, repair, and replace.

| For Impermeable Coverage Over | Rate Adjustment Is |
|-------------------------------|--------------------|
| 30%                           | +1.10              |
| 40%                           | +1.20              |
| 50%                           | +1.30              |
| 60%                           | +1.40              |
| 70%                           | +1.50              |
| 80%                           | +1.60              |
| 90%                           | +1.70              |

Areas that drain to onsite infiltration systems receive a coverage factor of 1.0. If only a portion of a site drains to an infiltration system, the site receives a prorated coverage factor.

**Stormwater Credits** – Sites that have privately owned and maintained stormwater systems may qualify for stormwater credits. This is to account for the idea that these systems reduce the burden on the public stormwater system by reducing or slowing down the amount of water and/or removing pollutants from the water before it leaves the site. Credits are prorated for sites with multiple systems and for systems that only serve a portion of the site. There are two general types of credits: Flow Control and Water Quality.

---

<sup>19</sup> City of Redmond, WA. “General Information on Redmond’s Stormwater Utility and Stormwater Billing” December 2016. <http://www.redmond.gov/common/pages/UserFile.aspx?fileId=197593>.

---



# City of Franklin, Tennessee

## Stormwater Fund Review

### Exhibit 20: Redmond, WA (continued)

**Flow Control Credits:** These credits are given to systems that reduce or slow the volume of stormwater leaving the site. Types of systems that qualify for flow control credit include:

- On-site detention: ponds, vaults, or tanks that hold stormwater during rain events and slowly release it from the site;
- Direct discharge: piped systems that directly connect to Lake Sammamish or the Sammamish River;
- Infiltration: ponds, pipes, dry wells or other systems that infiltrate stormwater into the ground

The city offers 4 levels of flow control credits. Flow control credits are relative and proportionate to the ability of the system to control higher volumes of runoff. (See table below)

|                         | Description                                                                                                                | Examples                                                                                                     | Discount     |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------|
| <b>High Performance</b> | Designed systems that prevent the majority of runoff from leaving the site.                                                | Rainwater Harvesting and Reuse<br>Full Infiltration or dispersion<br>LID Performance Standard + Flow Control | <b>-0.40</b> |
| <b>Full Control</b>     | Designed systems that control the majority of runoff from the site.                                                        | Detention (2001 Standard)<br>Private Direct Discharge<br>Infiltration (91% annual runoff volume)             | <b>-0.20</b> |
| <b>Partial Control</b>  | Designed systems that partially control the runoff from the site.                                                          | Detention (1992 Standard)<br>Rainwater Harvesting (State Definition)                                         | <b>-0.10</b> |
| <b>Other Controls</b>   | Designed systems that reduce or control runoff in some manner but do not meet the criteria above. Typically older systems. | Other designed flow control<br>Other designed infiltration<br>LID Performance Standard                       | <b>-0.05</b> |

**Water Quality Credits:** These credits are given to systems that remove pollution such as sediment, metals, and other chemicals from stormwater. Credit is also given to systems that infiltrate or reuse runoff from surfaces that do not require water quality treatment. Greater credit is given to systems that provide a higher level of water quality treatment.

Types of systems include bioswales, wet ponds and vaults, bioretention, rain gardens, Filterra units, and oil water separators. A credit is issued based on the level of treatment the system was designed to provide. The city offers 4 levels of water quality credits (See table below)

|                 | Description                                                                                               | Examples                                                                                 | Discount     |
|-----------------|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------|
| <b>Advanced</b> | Designed system that separates runoff from non pollution generating surfaces.                             | Infiltration of non pollution generating surfaces<br>Rainwater Harvesting and Reuse      | <b>-0.20</b> |
| <b>Enhanced</b> | Designed system that removes sediment, metals, and/or phosphorus to current ecology standard.             | Enhanced Treatment                                                                       | <b>-0.15</b> |
| <b>Basic</b>    | Designed system that removes sediment to current ecology standard.                                        | Basic Treatment                                                                          | <b>-0.10</b> |
| <b>Other</b>    | Designed systems that improve or monitor water quality in some manner but do not meet the criteria above. | State or City Required Monitoring<br>Oil/Water Separator<br>Other designed water quality | <b>-0.05</b> |



# City of Franklin, Tennessee

## Stormwater Fund Review

### Summary

Compared to the referenced cities with dedicated Stormwater fees and funds, Franklin appears to be on the low-end of both fees and complexity. Simplicity is not a negative, however if operational and capital demands are outpacing fund revenues, an increased fee structure could be warranted. The following exhibit is an attempt to consolidate the information collected and demonstrate the various fee structures researched:

### Exhibit 21: Consolidated Stormwater Fee Schedule & Structures

| City             | Population | ERU   | Type            | Tiers | Monthly Rate | Tier Description                                                                            |
|------------------|------------|-------|-----------------|-------|--------------|---------------------------------------------------------------------------------------------|
| Franklin, TN     | 70,908     | 3,650 | Residential     | 2     | 2.74         | < 3,350 sq ft (impervious)                                                                  |
|                  |            |       |                 |       | 4.38         | > 3,350 sq ft (impervious)                                                                  |
|                  |            |       | Non-Residential | 1     | 3.65         | p / ERU = 3,350 sq ft                                                                       |
| Gallatin, TN     | 35,734     | 3,650 | Residential     | 3     | 3.00         | < 2,114 sq ft (impervious)                                                                  |
|                  |            |       |                 |       | 5.00         | 2,115 - 6,560 sq ft (impervious)                                                            |
|                  |            |       |                 |       | 9.00         | > 6,561 sq ft (impervious)                                                                  |
| Nashville, TN    | 691,243    | N/A   | Non-Residential | 1     | 5.00         | p / ERU = 3,650 sq ft                                                                       |
|                  |            |       | Residential     | 5     | -            | < 400 (impervious)                                                                          |
|                  |            |       |                 |       | 1.50         | 400-2,000 (impervious)                                                                      |
|                  |            |       |                 |       | 6.00         | 2001-6,000 (impervious)                                                                     |
|                  |            |       |                 |       | 11.00        | > 6,000 (impervious)                                                                        |
|                  |            |       |                 |       | 3.00         | p / unit                                                                                    |
|                  |            |       | Non-Residential | 9     | -            | < 400 (impervious)                                                                          |
|                  |            |       |                 |       | 10.00        | 400-6,000 (impervious)                                                                      |
|                  |            |       |                 |       | 30.00        | 6,001-12,800 (impervious)                                                                   |
|                  |            |       |                 |       | 70.00        | 12,801-25,600 (impervious)                                                                  |
|                  |            |       |                 |       | 150.00       | 25,601-51,200 (impervious)                                                                  |
|                  |            |       |                 |       | 300.00       | 51,201-300,000 (impervious)                                                                 |
|                  |            |       |                 |       | 650.00       | 300,001-1,000,000 (impervious)                                                              |
|                  |            |       |                 |       | 1,300.00     | > 1,000,000 (impervious)                                                                    |
|                  |            |       |                 |       | 10.00        | p / unit                                                                                    |
| Murfreesboro, TN | 131,947    | 3,470 | Residential     | 1     | 3.25         | All                                                                                         |
|                  |            |       | Non-Residential | 1     | 3.25         | p / ERU = 3,470 sq ft (impervious)                                                          |
|                  |            |       | Residential     | 1     | 3.50         | All                                                                                         |
| La Vergne, TN    | 35,717     | 3,181 | Non-Residential | 1     | 3.50         | p / ERU = 3,181 sq ft (impervious)                                                          |
|                  |            |       | Residential     | 3     | 3.00         | Parcel = < 10k sq ft                                                                        |
|                  |            |       |                 |       | 3.25         | Parcel = 10-22k sq ft                                                                       |
| Germantown, TN   | 39,141     | N/A   |                 |       | 3.50         | Parcel = > 22k sq ft                                                                        |
|                  |            |       | Non-Residential | 1     | 3.25         | p / ERU (calculation of impervious, land use & runoff coefficient set by engineering dept.) |



# City of Franklin, Tennessee

## Stormwater Fund Review

### Exhibit 21: Consolidated Stormwater Fee Schedule & Structures (cont.)<sup>20</sup>

| City             | Population | ERU   | Type            | Tiers | Monthly Rate | Tier Description                                                |
|------------------|------------|-------|-----------------|-------|--------------|-----------------------------------------------------------------|
| Chattanooga, TN  | 177,571    | 3,200 | Residential     | 1     | 9.60         | p / ERU = 3,200 sq ft (impervious)                              |
|                  |            |       | Non-Residential | 1     | 9.60         | p / ERU = 3,200 sq ft (impervious)                              |
| Maryville, TN    | 28,765     | 2,400 | Residential     | 2     | 3.97         | All                                                             |
|                  |            |       |                 |       | 2.38         | small residential exemption                                     |
|                  |            |       | Non-Residential | 1     | 3.97         | p / ERU = 2,400 sq ft (impervious)                              |
| Johnson City, TN | 66,391     | 3,315 | Residential     | 4     | 1.51         | < 1,691 sq ft (impervious)                                      |
|                  |            |       |                 |       | 3.00         | 1,691-5,575 sq ft (impervious)                                  |
|                  |            |       |                 |       | 5.04         | > 5,575 sq ft (impervious)                                      |
|                  |            |       | Non-Residential | 1     | 2.13         | Apartment/Condo p / unit                                        |
| Kingsport, TN    | 53,374     | 3,794 | Residential     | 4     | 3.00         | p / ERU = 3,315 sq ft (impervious)                              |
|                  |            |       |                 |       | 3.50         | Standard residential                                            |
|                  |            |       |                 |       | 2.45         | Small residential (calculation unknown)                         |
|                  |            |       | Non-Residential | 1     | 4.90         | Large residential (calculation unknown)                         |
| Lenexa, KS       | 53,553     | 2,750 | Residential     | 1     | 2.10         | Apartment/Condo p / unit                                        |
|                  |            |       | Non-Residential | 1     | 3.00         | p / ERU = 3,794 sq ft (impervious)                              |
| Eagan, MN        | 66,428     | N/A   | Residential     | 1     | 9.08         | p / ERU = 2,750 sq ft (impervious)                              |
|                  |            |       | Non-Residential | 1     | 9.08         | p / ERU = 2,750 sq ft (impervious)                              |
|                  |            |       | Residential     | 2     | 3.52         | Townhomes (p / unit)                                            |
|                  |            |       | Non-Residential | 3     | 7.97         | Multi-Family (impervious / acre ratio)                          |
| Kirkland, WA     | 87,701     | 2,600 | Residential     | 1     | 6.74         | Commercial (impervious / acre ratio)                            |
|                  |            |       | Non-Residential | 1     | 7.76         | Public (impervious / acre ratio)                                |
| Kirkland, WA     | 87,701     | 2,600 | Residential     | 1     | 17.55        | p / ERU = 2,600 sq ft (impervious)                              |
|                  |            |       | Non-Residential | 1     | 17.55        | p / ERU = 2,600 sq ft (impervious) -- commercial & multi-family |

For single-family residences (SFR), Franklin applies a small (\$2.74) or large (\$4.38) lot fee based on a flat mark of 3,350 sq. ft. impervious surface. Thus, SFR's with large amounts of impervious area are charged the same fee as SFR's with 3,351 sq. ft. Large houses and driveways are common factors that increase impervious surface substantially. Compared to other cities within the Tennessee, Franklin's fees are within range. Outside the state, fees trend higher depending on the region. It is common for other cities to have a multi-tiered fee schedule based on impervious surface area, consistent to Franklin's current approach.

For commercial property, Franklin's ERU factor of 3,350 sq. ft. is on the high end of this analysis. Cities in other states tend to hover between the 2,500-3,000-sq. ft., while Tennessee

<sup>20</sup> Information on the following Tennessee cities not otherwise detailed in this section can be found here:

Chattanooga: [www.chattanooga.gov/public-works/water-quality-program/wq-fees-incentives](http://www.chattanooga.gov/public-works/water-quality-program/wq-fees-incentives).

Johnson City: [www.johnsoncitytn.com/publicworks/stormwater/userfees/](http://www.johnsoncitytn.com/publicworks/stormwater/userfees/).

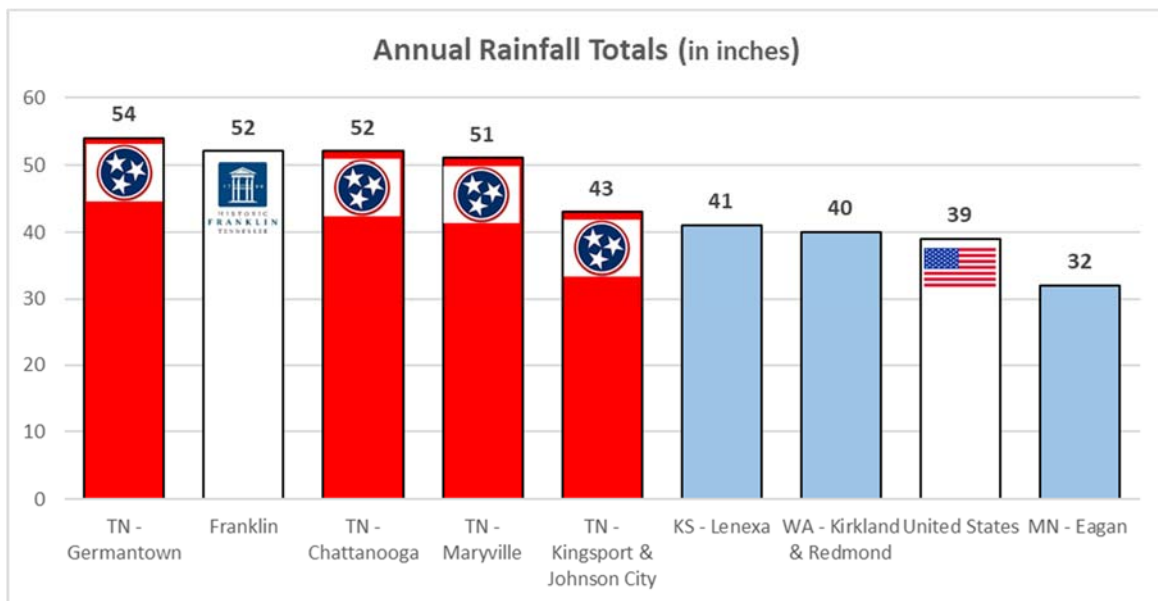
Kingsport: [www.kingsporttn.gov/water-services/stormwater/](http://www.kingsporttn.gov/water-services/stormwater/).

Maryville: [www.maryvillegov.com/storm-water-management.html#stormwaterrates](http://www.maryvillegov.com/storm-water-management.html#stormwaterrates).

jurisdictions trend between 3,000-3,300-sq. ft. Additionally, compared to other cities, Franklin's fee of \$3.65 p/ERU is on the low-end of this analysis.

Finally, Rainfall and climate is a factor to consider when comparing fees across different states. Areas with higher rainfall and wetter climates will naturally demand more surface water capital infrastructure and operational activities. While the other regions (upper Midwest, Pacific Northwest) have extended and consistent rain and /or snowfall patterns, in Middle-Tennessee rainfall comes in a more condensed heavy pattern. Both have unique but similar challenges with flooding and overall surface water mitigation, resulting in high capital and operational demands. However, by comparison, Franklin does see considerable rainfall, averaging 52 inches annually.

### Exhibit 22: Annual Rainfall Totals





# *City of Franklin, Tennessee*

## Stormwater Fund Review

---

This page left intentionally blank.



## **Section IV:**

# **Fund Analysis**

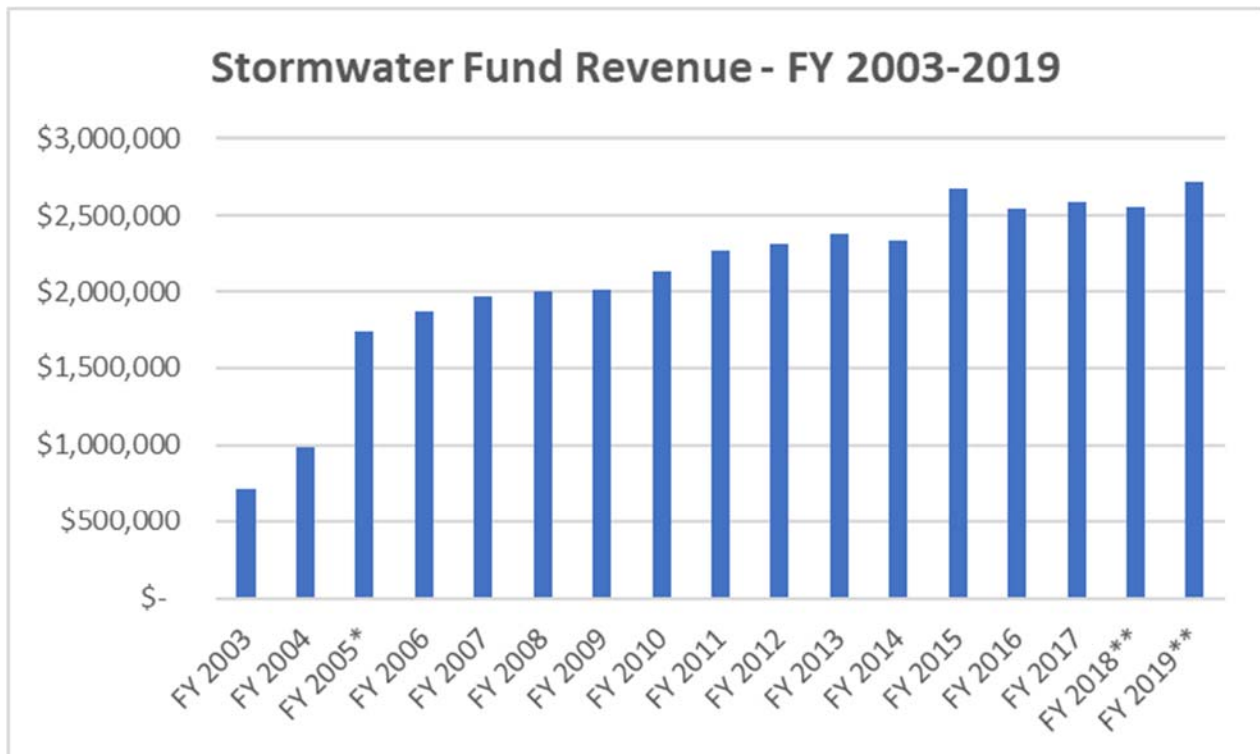


### Section IV: Fund Analysis

Now that the operations of the fund have been examined and how other municipalities have provided for Stormwater services, sufficient information exists to analyze the fund.

The current fee, set last in 2004 has provided a reliable amount of revenue for the fund since its inception.

#### **Exhibit 23: Historic Stormwater Fund Collections – Inception to Today**



*\*2005 had an audit adjustment in revenues. \*\*2018 and 2019 are estimated amounts.*

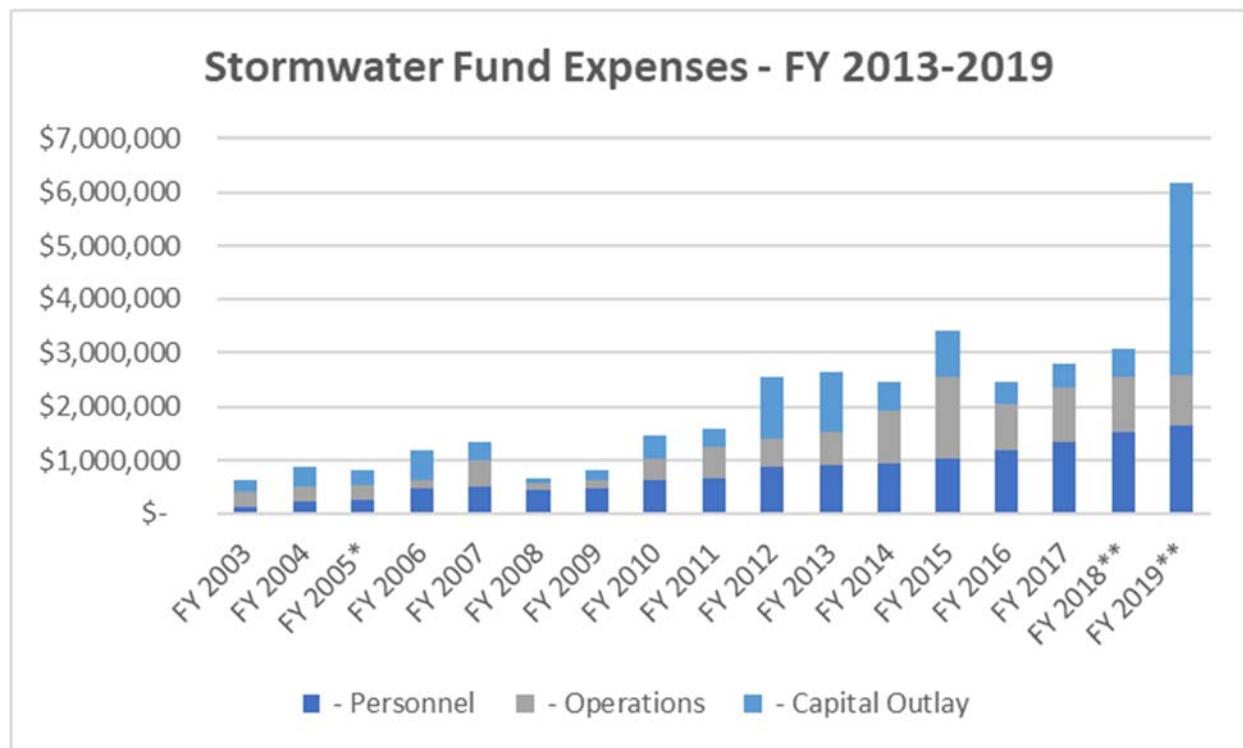
From a starting point of under \$1,000,000 annually, revenues collected from primarily Stormwater use fees grew significantly in the early years, but the rate of growth has slowed in the last decade. Since the fee has not been raised, this growth has been entirely attributable to growth within the community.



# City of Franklin, Tennessee

## Stormwater Fund Review

### Exhibit 24: Historic Stormwater Fund Expenses – Inception to Today



\*2005 had an audit adjustment in revenues. \*\*2018 and 2019 are estimated amounts.

Expenses in the fund have focused in two areas – operations and capital contributions. The operations costs – both personnel and operating expenses – pay for the 22 employees and support the city’s compliance with maintaining our MS4 permit. Capital contributions include those costs of projects directly related to improving the proper collection and disbursement of Stormwater or the components of bigger transportation projects which have an eligible Stormwater component.

Over time, operating costs have steadily increased as a) the demands of meeting our obligations under the NPDES permit have increased, and b) the community has continued to grow. This growth has led to the City hiring ever increasing numbers of employees (see Appendices for a history of authorized staffing FY 2003-2019) both as Water Quality Specialists inspecting waterways and construction sites but also equipment operators responsible for cleaning ever increasing numbers of catch basins and sweeping streets.

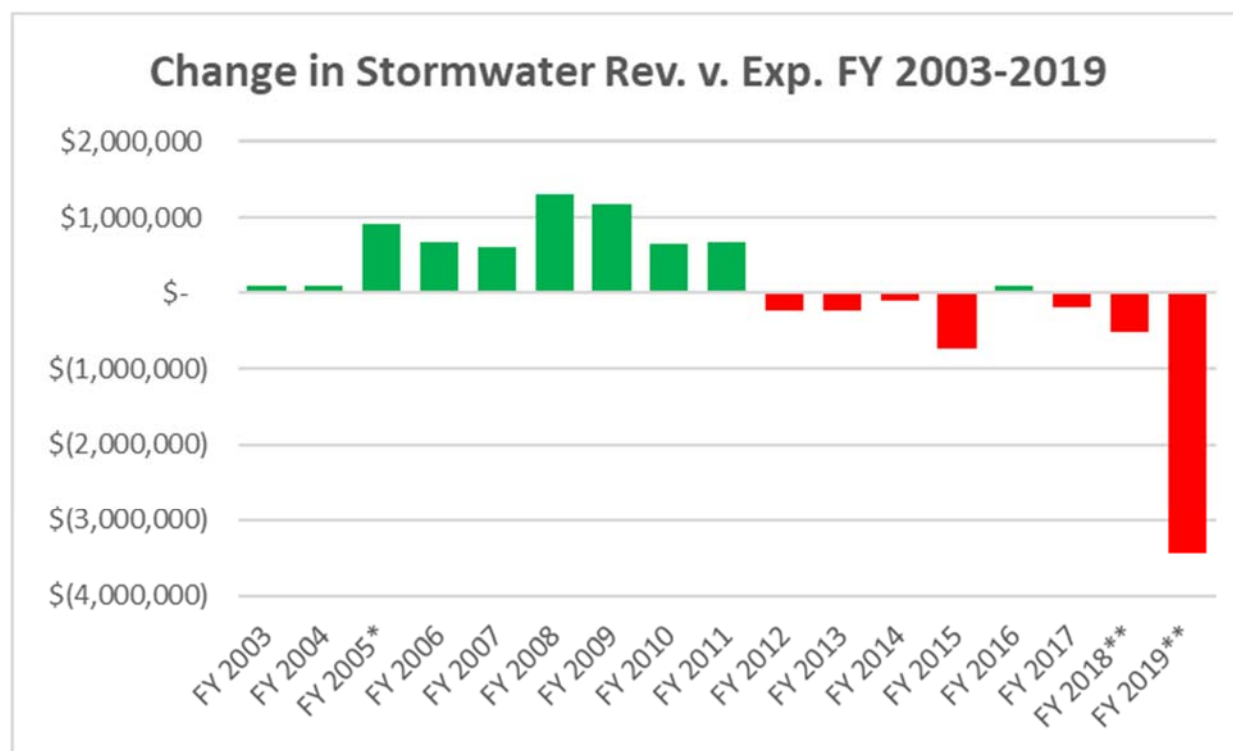


## City of Franklin, Tennessee

### Stormwater Fund Review

The healthy revenue growth has kept pace with the standard operations of the fund, until recently. Over the first decade and one-half, revenues outpaced expenses for the first nine years. But in the last 8 years, only one has produced a surplus as shown in Exhibit 25:

#### **Exhibit 25: Historic Year-Over-Year Stormwater Fund Balance Change – Inception to Today**



*\*2005 had an audit adjustment in revenues. \*\*2018 and 2019 are estimated amounts.*

The reasons for this decrease in fund balance vary. In some years, revenue collection has declined slightly year over year while operating costs have steadily increased (see Appendices Historic Financials FY 2003-2019). When a large spike in expenses occur, however, it has been attributable each time to either direct spending on (or a transfer for a Stormwater component) of a capital project.

Moving forward, this trend is expected to continue. The forecast on the next page shows the FY 2019 budget and a forecast for FY 2020-2022. Only recurring revenues and expenses along with approved capital projects are shown.



# City of Franklin, Tennessee

## Stormwater Fund Review

### Exhibit 26: Stormwater Fund Forecast FY 2019-2022

|                                   | 2019<br>Budget      | 2020<br>Forecast    | 2021<br>Forecast    | 2022<br>Forecast    |
|-----------------------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Beginning Balance</b>          | <b>\$ 4,324,344</b> | <b>\$ 2,573,511</b> | <b>\$ 2,376,750</b> | <b>\$ 2,156,718</b> |
| <b>Revenues</b>                   | <b>\$ 2,722,281</b> | <b>\$ 2,776,727</b> | <b>\$ 2,832,261</b> | <b>\$ 2,888,906</b> |
| <b>Personnel</b>                  | <b>\$ 1,668,528</b> | <b>\$ 1,755,021</b> | <b>\$ 1,841,962</b> | <b>\$ 1,934,060</b> |
| <b>Operations</b>                 | <b>\$ 913,586</b>   | <b>\$ 938,466</b>   | <b>\$ 960,331</b>   | <b>\$ 979,538</b>   |
| <b>Capital</b>                    | <b>\$ 1,891,000</b> | <b>\$ 280,000</b>   | <b>\$ 250,000</b>   | <b>\$ 250,000</b>   |
| Streets Capital                   | \$ 331,000          | \$ 250,000          | \$ 250,000          | \$ 250,000          |
| Engineering Capital (Commitments) | \$ 1,560,000        | \$ 30,000           | \$ -                | \$ -                |
| <b>Expenses</b>                   | <b>\$ 4,473,114</b> | <b>\$ 2,973,487</b> | <b>\$ 3,052,293</b> | <b>\$ 3,163,598</b> |
| <b>Remaining Fund Balance</b>     | <b>\$ 2,573,511</b> | <b>\$ 2,376,750</b> | <b>\$ 2,156,718</b> | <b>\$ 1,882,027</b> |

As shown above, the recurring expenses of the fund have now begun to outstrip recurring revenues. With or without further capital expenditure, the fund will eventually end up in a negative balance should this trend continue.

Capital projects, however, are a large consideration as the city has many projects which are eligible for funding via the Stormwater Fund if resources are available. The FY 2019-2028 Capital Improvement Plan forecasts \$14,476,000 million in direct Stormwater funded projects, with and \$5,749,000 more in transportation projects that have a Stormwater component which could be funded from the Stormwater Fund.

### Exhibit 27: Stormwater Projects in the FY 2019-2028 Capital Investment Program<sup>21</sup>

| Category                                          | #       | Priority | FY 19            | FY 20            | FY 21          | FY 22            | FY 23          | FY 24            | FY 25            | FY 26 | FY 27 | FY 28 | Total             |
|---------------------------------------------------|---------|----------|------------------|------------------|----------------|------------------|----------------|------------------|------------------|-------|-------|-------|-------------------|
| <b>Stormwater</b>                                 |         |          |                  |                  |                |                  |                |                  |                  |       |       |       |                   |
| Ralston Creek at Liberty Hills Stream Restoration | SWP6001 | 2        | 50,000           | 300,000          |                |                  |                |                  |                  |       |       |       | 350,000           |
| Parkview Drainage Project                         | SWP6002 | 1        |                  |                  |                |                  | 120,000        | 450,000          | 1,680,000        |       |       |       | 2,250,000         |
| 100 Block Battle Avenue Drainage Improvements     | SWP6003 | 2        | 1,500,000        | 350,000          |                |                  |                |                  |                  |       |       |       | 1,850,000         |
| Figurs Drive Area Drainage Improvements           | SWP6004 | 1        |                  |                  |                | 150,000          | 400,000        | 1,296,000        |                  |       |       |       | 1,846,000         |
| Jordan Branch (Cool Springs E) Stream Restoration | SWP6005 | 4        | 760,000          |                  |                |                  |                |                  |                  |       |       |       | 760,000           |
| Maplewood Stormwater Project                      | SWP6007 | 4        | 500,000          | 30,000           |                |                  |                |                  |                  |       |       |       | 530,000           |
| Carnton Ln Bridge Replacement                     | SWP6008 | 4        | 300,000          |                  |                |                  |                |                  |                  |       |       |       | 300,000           |
| Carlisle HOA Culvert Project                      | SWP9001 | 3        | 35,000           | 500,000          |                |                  |                |                  |                  |       |       |       | 535,000           |
| Fairground Drainage Improvements                  | SWP9002 | 1        |                  |                  | 100,000        | 1,500,000        |                |                  |                  |       |       |       | 1,600,000         |
| USACE - Home Raising Project                      | SWP9003 | 2        | 250,000          | 3,750,000        |                |                  |                |                  |                  |       |       |       | 4,000,000         |
| West Main Bridge Widening Project                 | SWP9004 | 3        |                  |                  | 60,000         | 395,000          |                |                  |                  |       |       |       | 455,000           |
| <b>Stormwater Total</b>                           |         |          | <b>3,395,000</b> | <b>4,930,000</b> | <b>160,000</b> | <b>2,045,000</b> | <b>520,000</b> | <b>1,746,000</b> | <b>1,680,000</b> |       |       |       | <b>14,476,000</b> |
| <b>GRAND TOTAL</b>                                |         |          | <b>3,395,000</b> | <b>4,930,000</b> | <b>160,000</b> | <b>2,045,000</b> | <b>520,000</b> | <b>1,746,000</b> | <b>1,680,000</b> |       |       |       | <b>14,476,000</b> |

<sup>21</sup> City of Franklin, TN. "FY 2019-2028 Capital Investment Program. 11 October 2018. Page 211.  
[www.franklintn.gov/home/showdocument?id=28118](http://www.franklintn.gov/home/showdocument?id=28118).



# City of Franklin, Tennessee

## Stormwater Fund Review

These forecasts indicate that the fund will not be able to sustain either operations nor capital contributions moving forward. The table below shows the anticipated balance on the fund over the next ten years if the fee is not adjusted and only operations are funded at their current level.

### Exhibit 28: FY 2019-2028 – Ten-Year Forecast of the Stormwater Fund\*

|                               | 2019<br>Budget      | 2020<br>Forecast    | 2021<br>Forecast    | 2022<br>Forecast    | 2023<br>Forecast      |
|-------------------------------|---------------------|---------------------|---------------------|---------------------|-----------------------|
| <b>Beginning Balance</b>      | <b>\$ 4,324,344</b> | <b>\$ 2,573,511</b> | <b>\$ 2,376,750</b> | <b>\$ 2,156,718</b> | <b>\$ 1,882,027</b>   |
| <b>Revenues</b>               | <b>\$ 2,722,281</b> | <b>\$ 2,776,727</b> | <b>\$ 2,832,261</b> | <b>\$ 2,888,906</b> | <b>\$ 2,946,685</b>   |
| <b>Personnel</b>              | <b>\$ 1,668,528</b> | <b>\$ 1,755,021</b> | <b>\$ 1,841,962</b> | <b>\$ 1,934,060</b> | <b>\$ 2,030,763</b>   |
| <b>Operations</b>             | <b>\$ 913,586</b>   | <b>\$ 938,466</b>   | <b>\$ 960,331</b>   | <b>\$ 979,538</b>   | <b>\$ 999,128</b>     |
| <b>Capital</b>                | <b>\$ 1,891,000</b> | <b>\$ 280,000</b>   | <b>\$ 250,000</b>   | <b>\$ 250,000</b>   | <b>\$ 250,000</b>     |
| Streets Capital               | \$ 331,000          | \$ 250,000          | \$ 250,000          | \$ 250,000          | \$ 250,000            |
| Engineering Capital           | \$ 1,560,000        | \$ 30,000           | \$ -                | \$ -                | \$ -                  |
| <b>Expenses</b>               | <b>\$ 4,473,114</b> | <b>\$ 2,973,487</b> | <b>\$ 3,052,293</b> | <b>\$ 3,163,598</b> | <b>\$ 3,279,891</b>   |
| <b>Remaining Fund Balance</b> | <b>\$ 2,573,511</b> | <b>\$ 2,376,750</b> | <b>\$ 2,156,718</b> | <b>\$ 1,882,027</b> | <b>\$ 1,548,820</b>   |
|                               | 2024<br>Forecast    | 2025<br>Forecast    | 2026<br>Forecast    | 2027<br>Forecast    | 2028<br>Forecast      |
| <b>Beginning Balance</b>      | <b>\$ 1,548,820</b> | <b>\$ 1,153,026</b> | <b>\$ 690,347</b>   | <b>\$ 156,247</b>   | <b>\$ (454,061)</b>   |
| <b>Revenues</b>               | <b>\$ 3,005,618</b> | <b>\$ 3,065,731</b> | <b>\$ 3,127,045</b> | <b>\$ 3,189,586</b> | <b>\$ 3,253,378</b>   |
| <b>Personnel</b>              | <b>\$ 2,132,301</b> | <b>\$ 2,238,916</b> | <b>\$ 2,350,862</b> | <b>\$ 2,468,405</b> | <b>\$ 2,591,826</b>   |
| <b>Operations</b>             | <b>\$ 1,019,111</b> | <b>\$ 1,039,493</b> | <b>\$ 1,060,283</b> | <b>\$ 1,081,489</b> | <b>\$ 1,103,118</b>   |
| <b>Expenses</b>               | <b>\$ 3,151,412</b> | <b>\$ 3,278,409</b> | <b>\$ 3,411,145</b> | <b>\$ 3,549,894</b> | <b>\$ 3,694,944</b>   |
| <b>Capital</b>                | <b>\$ 250,000</b>   | <b>\$ 250,000</b>   | <b>\$ 250,000</b>   | <b>\$ 250,000</b>   | <b>\$ 250,000</b>     |
| Streets Capital               | \$ 250,000          | \$ 250,000          | \$ 250,000          | \$ 250,000          | \$ 250,000            |
| Engineering Capital           | \$ -                | \$ -                | \$ -                | \$ -                | \$ -                  |
| <b>Expenses</b>               | <b>\$ 3,401,412</b> | <b>\$ 3,528,409</b> | <b>\$ 3,661,145</b> | <b>\$ 3,799,894</b> | <b>\$ 3,944,944</b>   |
| <b>Remaining Fund Balance</b> | <b>\$ 1,153,026</b> | <b>\$ 690,347</b>   | <b>\$ 156,247</b>   | <b>\$ (454,061)</b> | <b>\$ (1,145,627)</b> |

\*Forecast assumes 2% annual growth in Revenues with a 5% increase in Personnel Expenses and 2% annual growth in Operations Expenses.

### Summary

The forecast indicates that the fund will be depleted of fund balance by FY 2027 should the status quo be maintained. It would be in violation of State Fund Balance requirements by FY 2025. This forecast drop in fund balance would increase far quicker if additional funds are spent on the over \$20,000,000 in proposed Stormwater capital projects. Staff recommends that additional funding for Stormwater activities, both operating and capital, be identified to maintain a high level of service. Options for such funding may be an increase to the Stormwater utility rates, a transfer from the General Fund or some combination thereof.



## **Section V:**

# **Recommendations & Next Steps**



### Section V: Recommendations & Next Steps

The City of Franklin's Stormwater Fund was created in Fiscal Year 2003 in order to account for activities necessary for the City's continued compliance with the National Pollution Discharge Elimination System (NPDES). Over time it has grown to fund necessary compliance activities, street sweeping and catch basin maintenance and overall educational efforts to reduce the City's overall storm water discharge. All of the activities – whether they be maintenance and supervision in operations or one-time capital contributions and projects which reduce flooding risk have merit, but the fund is no longer able to sustain all of the activities it has in the past without structural change.

Staff recommends to the Board a few recommendations and a series of next steps:

#### **Recommendations:**

- 1) **Additional funding should be dedicated to Stormwater operations and capital needs.**  
First and foremost, the fee should likely be adjusted. It has not been raised in 14 years, and comparative fees throughout Tennessee and the United States indicate that Franklin is on the low end of scale – both in the fee assessed and the rate structure. How that is to be achieved is up for further discussion and debate (see **Next Steps**).
- 2) Title 23, the section of City Code which contains the authorization for the Stormwater Fund, should be amended to include language similar to other funds which require a mandatory review of the fee no less than every five fiscal years. In addition, Title 23 needs the same standard cleanup to include the same language on assessing penalties and interest which Title 17 and Title 18 have gone through in recent years.

#### **Next Steps:**

- 1) Review this report and provide feedback to staff. The key question which the BOMA should consider is to what level should the Stormwater Fund continue to support both operations and capital expenses which in the past have been charged against the fund.
- 2) Should the BOMA wish, direct staff to prepare several options which show what different residential and non-residential tiers look like, as well as how fees could be increased (or not dependent upon how the tiers are structured).
- 3) Also should the BOMA wish, staff will also prepare the impacts of transfers from the General Fund for funding a part or all of identified Stormwater capital projects through the FY 2019-2028 Capital Investment Program.
- 4) Staff will prepare the various options as part of the FY 2020 annual operating budget process and have a review ready by the March 2019 Budget review of the Stormwater Fund. This would also enable the BOMA to have sufficient time to review changes to the fee structure and approve in May & June as part of the annual operating budget process.



## **Section VI: Appendices**

---

**Historic Financials Since Inception of Fund (2003) to Today (2019)**

**Historic Staffing Levels Since Inception of Fund (2003) to Today (2019)**

**City of Redmond, Washington Rate Adjustment Examples**

**Monthly Fee per Typical Residence for Larger Municipalities (2017)**

**Ordinance 2001-53: Authorizing Stormwater Management Ordinance**

**Ordinance 2002-14: Original Authorizing Ordinances for the Stormwater Fee**

**Ordinance 2004-25: Current Authorizing Ordinance for the Stormwater Fee**

---



# *City of Franklin, Tennessee*

## Stormwater Fund Review

---

This page left intentionally blank.



# City of Franklin, Tennessee

## Stormwater Fund Review

### Historic Financials – FY 2003-2019

#### Stormwater Fund - Activity since Inception - FY 2003 to FY 2019

The following table shows the performance of the Stormwater Fund over the seventeen-year existence of the fund - FY 2003 through FY 2019.

|                                  | FY 2003    | FY 2004    | FY 2005*     | FY 2006      | FY 2007      | FY 2008      | FY 2009      | FY 2010      | FY 2011      |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| <b>Beginning Fund Balance</b>    | \$ -       | \$ 85,142  | \$ 44,982    | \$ 954,988   | \$ 1,640,902 | \$ 2,255,949 | \$ 3,573,362 | \$ 4,754,751 | \$ 5,407,750 |
| <b>+ Revenues</b>                | \$ 717,192 | \$ 982,148 | \$ 1,735,994 | \$ 1,868,164 | \$ 1,962,406 | \$ 1,999,575 | \$ 2,014,752 | \$ 2,129,259 | \$ 2,271,022 |
| - Year over Year Growth          | N/A        | 36.94%     | 76.75%       | 7.61%        | 5.04%        | 1.89%        | 0.76%        | 5.68%        | 6.66%        |
| - Personnel                      | \$ 104,778 | \$ 253,929 | \$ 264,441   | \$ 486,853   | \$ 530,277   | \$ 449,041   | \$ 472,903   | \$ 647,942   | \$ 676,390   |
| - Year over Year Growth          | N/A        | 142.35%    | 4.14%        | 84.11%       | 8.92%        | -15.32%      | 5.31%        | 37.01%       | 4.39%        |
| - Operations                     | \$ 320,260 | \$ 254,837 | \$ 270,494   | \$ 146,342   | \$ 482,451   | \$ 124,318   | \$ 169,968   | \$ 382,660   | \$ 569,824   |
| - Year over Year Growth          | N/A        | -20.43%    | 6.14%        | -45.90%      | 229.67%      | -74.23%      | 36.72%       | 125.14%      | 48.91%       |
| - Capital Outlay                 | \$ 207,012 | \$ 376,599 | \$ 291,053   | \$ 549,055   | \$ 334,631   | \$ 108,803   | \$ 190,492   | \$ 445,658   | \$ 336,605   |
| - Year over Year Growth          | N/A        | 81.92%     | -22.72%      | 88.64%       | -39.05%      | -67.49%      | 75.08%       | 133.95%      | -24.47%      |
| <b>- Expenditures</b>            | \$ 632,050 | \$ 885,365 | \$ 825,988   | \$ 1,182,250 | \$ 1,347,359 | \$ 682,162   | \$ 833,363   | \$ 1,476,260 | \$ 1,582,819 |
| - Year over Year Growth          | N/A        | 40.08%     | -6.71%       | 43.13%       | 13.97%       | -49.37%      | 22.16%       | 77.14%       | 7.22%        |
| <b>= Change in Rev. vs. Exp.</b> | \$ 85,142  | \$ 96,783  | \$ 910,006   | \$ 685,914   | \$ 615,047   | \$ 1,317,413 | \$ 1,181,389 | \$ 652,999   | \$ 688,203   |
| <b>= Ending Balance</b>          | \$ 85,142  | \$ 181,925 | \$ 954,988   | \$ 1,640,902 | \$ 2,255,949 | \$ 3,573,362 | \$ 4,754,751 | \$ 5,407,750 | \$ 6,095,953 |

|                                  | FY 2012      | FY 2013      | FY 2014      | FY 2015      | FY 2016      | FY 2017      | FY 2018**    | FY 2019**      |
|----------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|----------------|
| <b>Beginning Fund Balance</b>    | \$ 6,095,953 | \$ 5,858,322 | \$ 5,615,101 | \$ 5,511,065 | \$ 4,783,235 | \$ 4,873,735 | \$ 4,687,695 | \$ 4,171,436   |
| <b>+ Revenues</b>                | \$ 2,313,402 | \$ 2,383,896 | \$ 2,340,962 | \$ 2,673,347 | \$ 2,546,681 | \$ 2,590,187 | \$ 2,559,489 | \$ 2,722,281   |
| - Year over Year Growth          | 1.87%        | 3.05%        | -1.80%       | 14.20%       | -4.74%       | 1.71%        | -1.19%       | 6.36%          |
| - Personnel                      | \$ 888,171   | \$ 903,101   | \$ 948,571   | \$ 1,047,100 | \$ 1,177,449 | \$ 1,345,212 | \$ 1,536,864 | \$ 1,668,528   |
| - Year over Year Growth          | 31.31%       | 1.68%        | 5.03%        | 10.39%       | 12.45%       | 14.25%       | 14.25%       | 8.57%          |
| - Operations                     | \$ 513,392   | \$ 614,311   | \$ 969,559   | \$ 1,510,490 | \$ 881,055   | \$ 1,019,535 | \$ 1,017,214 | \$ 913,586     |
| - Year over Year Growth          | -9.90%       | 19.66%       | 57.83%       | 55.79%       | -41.67%      | 15.72%       | -0.23%       | -10.19%        |
| - Capital Outlay                 | \$ 1,149,470 | \$ 1,109,705 | \$ 526,868   | \$ 843,587   | \$ 397,677   | \$ 411,480   | \$ 521,670   | \$ 3,576,000   |
| - Year over Year Growth          | 241.49%      | -3.46%       | -52.52%      | 60.11%       | -52.86%      | 3.47%        | 26.78%       | 585.49%        |
| <b>- Expenditures</b>            | \$ 2,551,033 | \$ 2,627,117 | \$ 2,444,998 | \$ 3,401,177 | \$ 2,456,181 | \$ 2,776,227 | \$ 3,075,748 | \$ 6,158,114   |
| - Year over Year Growth          | 61.17%       | 2.98%        | -6.93%       | 39.11%       | -27.78%      | 13.03%       | 10.79%       | 100.22%        |
| <b>= Change in Rev. vs. Exp.</b> | \$ (237,631) | \$ (243,221) | \$ (104,036) | \$ (727,830) | \$ 90,500    | \$ (186,040) | \$ (516,259) | \$ (3,435,833) |
| <b>= Ending Balance</b>          | \$ 5,858,322 | \$ 5,615,101 | \$ 5,511,065 | \$ 4,783,235 | \$ 4,873,735 | \$ 4,687,695 | \$ 4,171,436 | \$ 735,603     |

\*Fund Balance Restatement, FY 2005 Audit (page 60).

\*\*Estimates

Source: City of Franklin, Finance Department. Comprehensive Annual Financial Reports & Annual Operating Budgets.



# City of Franklin, Tennessee

## Stormwater Fund Review

### Historic Staffing Levels – FY 2003-FY 2019

The following tables show the authorized budgeted staffing against the Stormwater Fund from its inception to today.

#### Staffing by Position

| Position                     | Pay Grade | FY 2003 |     | FY 2004 |     | FY 2005 |     | FY 2006 |     | FY 2007 |     | FY 2008 |     | FY 2009 |     | FY 2010 |     | FY 2011 |     |
|------------------------------|-----------|---------|-----|---------|-----|---------|-----|---------|-----|---------|-----|---------|-----|---------|-----|---------|-----|---------|-----|
|                              |           | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T |
| Stormwater - Engineering     |           |         |     |         |     |         |     |         |     |         |     |         |     |         |     |         |     |         |     |
| Stormwater Man. Coordinator  | Grade I   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   |
| Water Quality Specialist III | Grade H   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   |
| Water Quality Specialist II  | Grade G   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   |
| Water Quality Specialist I   | Grade F   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   |
| Stormwater - Streets         |           |         |     |         |     |         |     |         |     |         |     |         |     |         |     |         |     |         |     |
| Stormwater Inspector         | Grade F   | 0       | 0   | 0       | 0   | 1       | 0   | 1       | 0   | 2       | 0   | 2       | 0   | 2       | 0   | 2       | 0   | 2       | 0   |
| Stormwater Supervisor        | Grade F   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   |
| Crew Chief                   | Grade E   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   |
| Heavy Equipment Operator     | ---       | 3       | 0   | 3       | 0   | 3       | 0   | 3       | 0   | 3       | 0   | 3       | 0   | 3       | 0   | 3       | 0   | 3       | 0   |
| Equipment Operator Sr.       | ---       | 0       | 0   | 0       | 0   | 3       | 0   | 3       | 0   | 3       | 0   | 3       | 0   | 3       | 0   | 3       | 0   | 3       | 0   |
| Equipment Operator           | Grade D   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   |
| Crew Worker                  | Grade B   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   |
| Intern                       | ---       | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   |
| Totals                       |           | 5       | 0   | 5       | 0   | 9       | 0   | 9       | 0   | 11      | 0   | 11      | 0   | 11      | 0   | 11      | 0   | 11      | 0   |

| Position                     | Pay Grade | FY 2012 |     | FY 2013 |     | FY 2014 |     | FY 2015 |     | FY 2016 |     | FY 2017 |     | FY 2018 |     | FY 2019 |     |
|------------------------------|-----------|---------|-----|---------|-----|---------|-----|---------|-----|---------|-----|---------|-----|---------|-----|---------|-----|
|                              |           | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T | F-T     | P-T |
| Stormwater - Engineering     |           |         |     |         |     |         |     |         |     |         |     |         |     |         |     |         |     |
| Stormwater Man. Coordinator  | Grade I   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   |
| Water Quality Specialist III | Grade H   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 1       | 0   | 1       | 0   |
| Water Quality Specialist II  | Grade G   | 0       | 0   | 0       | 0   | 1       | 0   | 1       | 0   | 3       | 0   | 3       | 0   | 2       | 0   | 0       | 0   |
| Water Quality Specialist I   | Grade F   | 1       | 0   | 1       | 0   | 1       | 0   | 2       | 0   | 1       | 0   | 1       | 0   | 2       | 0   | 4       | 0   |
| Stormwater - Streets         |           |         |     |         |     |         |     |         |     |         |     |         |     |         |     |         |     |
| Stormwater Inspector         | Grade F   | 2       | 0   | 2       | 0   | 2       | 0   | 2       | 0   | 2       | 0   | 3       | 0   | 3       | 0   | 3       | 0   |
| Stormwater Supervisor        | Grade F   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   |
| Crew Chief                   | Grade E   | 0       | 0   | 0       | 0   | 0       | 0   | 2       | 0   | 2       | 0   | 2       | 0   | 2       | 0   | 2       | 0   |
| Heavy Equipment Operator     | ---       | 2       | 0   | 2       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   |
| Equipment Operator Sr.       | ---       | 7       | 0   | 7       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   |
| Equipment Operator           | Grade D   | 1       | 0   | 1       | 0   | 10      | 0   | 8       | 0   | 8       | 0   | 8       | 0   | 8       | 0   | 9       | 0   |
| Crew Worker                  | Grade B   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   | 1       | 0   |
| Intern                       | ---       | 0       | 1   | 0       | 1   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   | 0       | 0   |
| Totals                       |           | 16      | 1   | 16      | 1   | 17      | 0   | 18      | 0   | 19      | 0   | 20      | 0   | 21      | 0   | 22      | 0   |

Source: City of Franklin, Finance Department, Annual Operating Budgets.



# City of Franklin, Tennessee

## Stormwater Fund Review

---

### Detailed information: City of Redmond, WA: Rate Adjustment Examples

The rate adjustment is calculated by adding each applicable credit to the coverage factor.

$$\text{Rate Adjustment} = \\ \text{Impervious Coverage Factor} + \text{Flow Control Credit} + \text{Water Quality Credit}$$

#### Examples:

##### Examples using the 50,000 square foot site described above (66% Impervious with 16.5 Impervious units)

###### Example 1: Flow control with water quality

This parcel has a pond designed to the 1992 standard and a bioswale that provides basic treatment

The rate adjustment would be calculated with the following:

Impervious coverage factor = 1.4

Flow Control Credit = -.10

Water Quality Credit = -.10

The rate adjustment would be  $1.4 - .10 - .10 = 1.2$

The monthly bill would be:

$\$16.56 \text{ (Base Rate)} \times 16.5 \text{ (Impervious Units)} \times 1.2 \text{ (Rate Adjustment)} = \$327.88$

###### Example 2: Infiltration with water quality

This site has an infiltration trench designed to manage 100% of the annual stormwater runoff and a wet pond that provides basic treatment prior to infiltration.

The rate adjustment would be calculated with the following:

Impervious coverage factor = 1

Flow Control Credit = -.40

Water Quality Credit = -.10

The rate adjustment would be  $1.0 - .40 - .10 = 0.5$

The monthly bill would be:

$\$16.56 \text{ (Base Rate)} \times 16.5 \text{ (Impervious Units)} \times 0.5 \text{ (Rate Adjustment)} = \$136.62$



# City of Franklin, Tennessee

## Stormwater Fund Review

---

### Detailed information: City of Redmond, WA: Rate Adjustment Examples

#### Example 3: Infiltration with water quality (80% of the site drains to the stormwater system)

This site has an infiltration trench designed to manage 100% of the annual stormwater runoff and a bioswale that provides basic treatment prior to infiltration, however only 80% of the site drains to these systems. The rest of the site does not receive any credits.

In this case each portion of the parcel is calculated separately and then prorated to arrive at a rate adjustment for the whole site.

#### For the area that drains to the stormwater system:

The rate adjustment would be calculated with the following:

Impervious coverage factor = 1

Flow Control Credit = -.40

Water Quality Credit = -.10

The rate adjustment would be  $1.0 - .40 - .10 = 0.5$

#### For the area NOT managed by a stormwater system:

The rate adjustment would be calculated with the following:

Impervious coverage factor = 1.4

Since there are no flow control or water quality credits, the rate adjustment would be 1.4

To arrive at a rate adjustment for the parcel, each portion is prorated and combined:

$$0.5 \times .8 + 1.4 \times .2 = .68$$

The monthly bill would be:

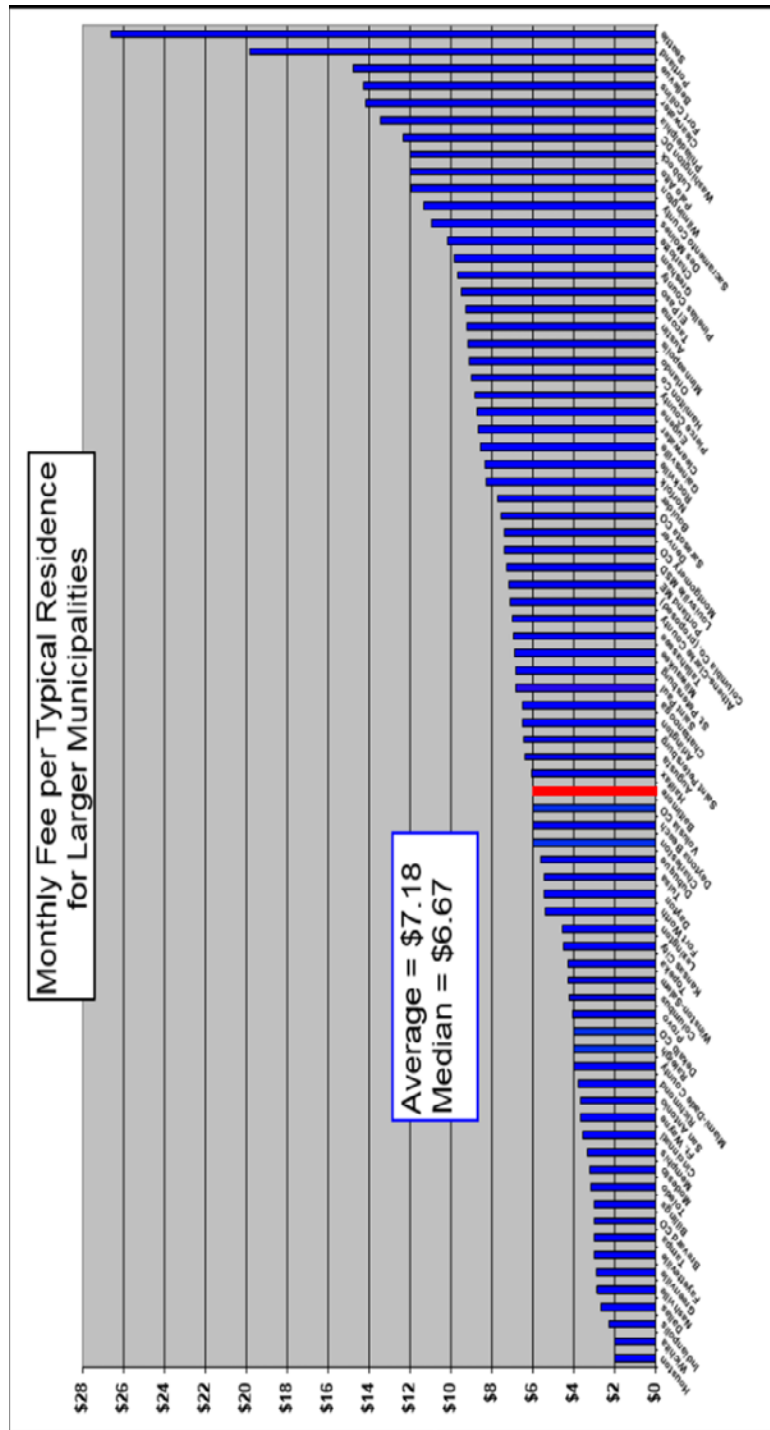
$$\$16.56 \text{ (Base Rate)} \times 16.5 \text{ (Impervious Units)} \times .68 \text{ (Rate Adjustment)} = \$185.80$$



# City of Franklin, Tennessee

## Stormwater Fund Review

### Monthly Fee per Typical Residence for Larger Municipalities (2017)<sup>22</sup>



<sup>22</sup>City of Nashville, TN.

<https://www.nashville.gov/Portals/0/SiteContent/WaterServices/Stormwater/docs/FeeRestructure/rate%20comparison%20v2018.1.11.pdf>

**ORDINANCE 2001-53**

**TO BE ENTITLED: "AN ORDINANCE AMEND TITLE SIXTEEN OF THE FRANKLIN MUNICIPAL CODE TO ENACT STORMWATER MANAGEMENT STANDARDS."**

**SECTION I: BE IT ORDAINED** by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that the attached "Stormwater Management Ordinance" shall be and it is hereby adopted and that the said ordinance shall be codified as a new Chapter 6 of Title 16 of the Franklin Municipal Code.

**SECTION II: BE IT FINALLY ORDAINED** by the Board of Mayor and Aldermen of the City of Franklin that this ordinance shall take effect from and after its passage on second and final reading, the health, safety, and welfare of the citizens of Franklin requiring it.

**ATTEST:**

  
**JAMES R. JOHNSON**  
City Administrator/Recorder

**CITY OF FRANKLIN, TENNESSEE:**

  
**JERRY W. SHARBER**  
Mayor

**PASSED FIRST READING:** 3/12/2002

**PASSED SECOND READING:** 4/9/2002

DRAFT  
8/31/01

## Stormwater Management Ordinance

### Section 1 – Title and Purpose

This ordinance shall be known as the "*Stormwater Management Ordinance*" for the City of Franklin, Tennessee.

Whereas, inadequate management of stormwater runoff from development in a watershed increases flood flows and velocities, erodes and/or silts stream channels, pollutes water, overloads existing drainage facilities, undermines floodplain management in downstream communities, reduces groundwater recharge, and threatens public health and safety. More specifically, surface water runoff can carry pollutants and higher velocities into receiving waters. The potential impacts of these pollutants and higher velocities include:

1. Changing natural ecosystems through sediment and pollutant deposits which affect the quantity and quality of water flowing, the destruction of habitats, and the loss of plant and animal life;
2. Posing significant health risks through increased bacteria;
3. Accelerating eutrophication of receiving waters by introducing excessive nutrient loads;
4. Increasing metal deposits creating toxicity for aquatic life;
5. Reducing oxygen levels because of oil, grease and organic matter; and
6. Affecting animal and plant life, adversely, due to changing temperatures of receiving waters,

Whereas, uncontrolled stormwater drainage can increase the incidence of flooding and the level of floods which occur, endangering roads, other public and private property and human life.

Whereas, altered land surfaces can change the rate and volume of runoff. These changes may result in the following:

1. Erosion and slumping of streambanks, resulting in widening of streams;
2. Undercut root systems;
3. Increased erosion rates; and
4. Uniform and shallow streambeds, providing less varied aquatic habitats.

Whereas, adverse water quality and quantity consequences described above may result in substantial economic losses. Potential losses include, but are not limited to, increased wastewater treatment costs, diminished property values, increased flood damages, as well as state and federal fines associated with water quality violations.

Whereas, many future problems can be avoided through proper stormwater management whereby a comprehensive and reasonable program of regulations is fundamental to the public health, safety, and welfare and to the protection of the citizenry and environment.

Whereas, every parcel of real property, both public and private, either uses or benefits from the maintenance of the City of Franklin's stormwater system.

Whereas, current and anticipated growth will contribute to and increase the need for improvement and maintenance of the stormwater system.

This Ordinance is intended to manage the manner in which stormwater is addressed in areas of new development, redevelopment and significant redevelopment through the course of construction and post-construction to maintain or benefit water quantity, water quality and the effects on the quality of life and character of the City of Franklin, Tennessee. This ordinance sets general policy and stormwater management program direction and is supported and enforced through other more detailed regulations, design criteria, and other accepted materials.

## Section 2 – Jurisdiction

- 2.1 The *Stormwater Management Ordinance* shall govern all properties within the corporate limits of the City of Franklin, Tennessee.
- 2.2 Exemptions from article – The following development activities are exempt from the provisions of this article and requirements of providing stormwater management:
  - 2.2.1 Agricultural land management activities.
  - 2.2.2 Additions or modifications to existing detached single-family dwellings.
  - 2.2.3 Developments that do not disturb more than 5,000 square feet of land use. This exception may not be applied for contiguous properties that may have been subdivided and/or are attributed to multiple separate owners. This exemption does not apply to any discharge of sediment or other form of water pollution that may leave a small site.

### Section 3 – Definitions

For the purpose of this ordinance, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this article its most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word “shall” connotes mandatory and not discretionary; the word “may” is permissive.

The following definitions shall apply in the interpretation of this Ordinance and in any regulations promulgated hereunder, unless specifically stated otherwise:

100-year flood event – See Base Flood

Active Construction Sites – Any site that has a permit for grading or other activities (even if actual construction is not proceeding) and any site where construction is occurring regardless of permits acquired.

Appeal – A request for a review of the Director of Engineering’s interpretation of any provision of these regulations.

Architect – An architect duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of building architecture.

Base Flood – The flood having a one percent chance of being equaled or exceeded in any given year. While this statistical event may occur more frequently, it may also be known as the “100-year flood event”.

Blue line streams – Streams that are represented on the United States Department of the Interior Geological Survey (USGS) 1:24,000 quadrangle maps.

BMP – Best Management Practice. This may refer collectively or specifically to a structural or non-structural practice intended to address water quantity or quality as best available.

BMP Treatment Train – A technique for progressively selecting various stormwater management practices to address water quality, by which groups of practices may be used to achieve a treatment goal while optimizing effectiveness, maintenance needs and space.

Bridge – A man made conveyance of stormwater flows.

Building – Any structure built for support, shelter, or enclosure for any occupancy or storage.

Channel – A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

City – The City of Franklin, Tennessee

Culvert – A man made conveyance of stormwater flows. This may include a pipe or other constructed conveyance.

Cross-drain – A culvert used to convey flow under a road or other obstruction between channels or surface flow.

Critical area – A site subject to erosion or sedimentation as a result of cutting, filling, grading, or other disturbance of the soil; a site difficult to stabilize due to exposed subsoil, steep slope, extent of exposure, and other conditions.

Critical design-storm period – refers to the time frame in which detention volume must be controlled with the pre-development flow volume as a maximum limit. It assumes a design period for an NRCS (formerly SCS) type II design storm. This is a watershed specific parameter that may be specified by the Director of Engineering, but may be assumed as 10 to 14 hours for small and medium watersheds (order of less than 10 square miles) and 10 to 18 hours for large watersheds (order of 10 to 40 square miles).

Critical service roads – Designated city evacuation routes, or other access to police, fire, emergency medical services, hospitals, or shelters.

Cut – Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.

Detention – The temporary delay of storm runoff prior to discharge into receiving waters.

Developer – Any individual, firm, corporation, association, partnership, or trust involved in commencing proceedings to effect development of land for himself or others. This includes any legal or engineering representative of the “developer”.

Development – Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials (as defined as materials of like nature stored in whole or in part for more than six months).

Director of Engineering – Refers to the City of Franklin, Tennessee Engineer and designated staff.

Drainage Basin – A part of the surface of the earth that is occupied by and provides surface water runoff into a stormwater management system (MS4 of Waters of the State), which consists of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

Drainage Well – A bored, drilled, driven, dug, or naturally occurring shaft or hole with a depth greater than the largest surface dimension; used to drain surface fluid, primarily storm runoff, into a subsurface or karst formation. Also known as “dry well” or “sinkhole”.

Engineer – An engineer duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of civil engineering.

EP&SC – Erosion prevention and sediment control; see “erosion prevention” and “sediment control”

Erosion – The disintegration or wearing away of soil by the action of water in the form of flowing water or precipitation impact.

Erosion prevention – (EP) practices implemented to prevent, through shielding, binding or other mechanism(s), the suspension of soil particles, often associated with erosion prevention and sedimentation control.

Excavation – See cut.

Existing Grade – The slope or elevation of existing ground surface prior to cutting or filling.

Existing Construction – Any structure for which the “start of construction” commenced before the effective date of these regulations.

Fill – Portion of land surface or area to which soil, rock, or other materials have been or will be added; height above original ground surface after the material has been or will be added.

Finished Grade – The final slope or elevation of the ground surface, after cutting or filling.

Flood or Flooding – Water from a river, stream, watercourse, lake, or other body of standing water that temporarily overflows and inundates adjacent lands and which may affect other lands and activities through increased surface water levels and/or increased groundwater level.

Flood Insurance Rate Map (FIRM) – An official map of the City of Franklin, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the City of Franklin.

Flood Insurance Study – The official report provided by the Federal Emergency Management Agency. The report contains elevations of the base flood, floodway widths, flood velocities, and flood profiles.

Flood Plain – The relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by floodwater. For purposes of this manual, the flood plain is defined as the 100-year floodplain having a one percent chance of being equaled or exceeded in any given year.

Floodproofing – A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

Floodway – That portion of the stream channel and adjacent flood plain required for the passage or conveyance of a 100-year flood discharge. The floodway boundaries are placed to limit encroachment in the flood plain so that a 100-year flood discharge can be conveyed through the flood plain without materially increasing (less than one foot) the water surface elevation at any point and without producing hazardous velocities or conditions. This is the area of significant depths and velocities and due consideration should be given to effects of fill, loss of cross sectional flow area, and resulting increased water surface elevations.

Floodway Fringe – That portion of the flood plain lying outside the floodway.

Floor - The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally Dependent Facility - A facility that cannot be used for its intended purpose unless it is located or carried out in proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Grading – Any operation or occurrence by which the existing site elevations are changed; or where any ground cover, natural, or man-made, is removed; or any watercourse or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. This includes stripping, cutting, filling, stockpiling, or any combination thereof, and shall apply to the land in its cut or filled condition. Grading activities may only be performed with a Stormwater Management Permit.

Greenway right-of-way – Property that has been designated for use by the city in support of greenway activities. This may include, but does not require, the use of trails or walkways to provide access to the general public. A greenway that is not defined with a right-of-way may have restricted access (ie. Not accessible to the general public).

Highest Adjacent Grade – The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure Designation – Any structure that is: listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or listed individually on a state or local inventory of historic places which have been approved by the Secretary of the Interior.

Impervious Surface – A term applied to any ground or structural surface that water cannot penetrate or through which water penetrates with great difficulty.

Landscape Architect – A landscape architect duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of landscape architecture.

Land Surveyor – A land surveyor duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of land surveying.

Lowest Floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage and in an area other than the basement area, is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the elevation design requirements of these regulations.

Master plan – any study or plan prepared by or accepted by the City of Franklin that identifies solutions to water quantity or quality problems. Also known as Basin Study or Plan, Flood Management Study or Plan or Water Quality Management Study or Plan.

MS4 – Municipal Separate Storm Sewer System, the portion of public infrastructure that is not considered "Waters of the State". Usually MS4 refers to wet-weather conveyances while "Waters of the State" dry-weather conveyances. This determination is made by the Tennessee Department of Environment and Conservation.

Natural Ground Surface – The ground surface in its original state before any grading, excavating, or filling.

New Construction – Structures for which the "start of construction" commenced on or after the effective date of these regulations. The term also includes any subsequent improvements to such structures.

NPDES MS4 Phase II program – National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) program focusing on small communities.

NRCS – National Resources Conservation Service.

One Hundred-Year Flood – A flood that has an average frequency of occurrence of once in one hundred (100) years, determined from an analysis of floods on a particular watercourse and other watercourses in the same general region. Statistically, it has a one percent chance of occurring in any given year. See “Base Flood” and “100-year flood event”.

Permittee – Any person, firm, or any other legal entity to whom a site disturbance, grading, building or other related permit is issued in accordance with City of Franklin regulations.

PUD – Planned unit development.

Redevelopment – development improvements that have a value less than 50% of the current assessed value and/or increases the floor area by less than 25%. Demolition and reconstruction is considered development and not redevelopment. Note: this is different than significant redevelopment.

Regional Stormwater Management Facility – A device or management practice, typically but not always a detention or retention pond, with a tributary area with more than one development site. This may be multiple homogenous landuse areas or an area of various land uses.

Retention – The prevention of storm runoff from direct discharge into receiving waters. Examples include systems which discharge through percolation, exfiltration, filtered bleed-down and evaporation processes.

SCS – Soil Conservation Service

Sediment – Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

Sediment control – (SC) practices implemented to manage through filtering, settling or other mechanism(s) to remove suspended particles (soil, organic or mineral) from water, often associated with erosion prevention and sedimentation control.

Significant Redevelopment – development improvements that have a value greater than 50% of the current assessed value, increases the floor area than 25% or more, any change in the impervious surface area, redirects the flow of storm water in any way, modifies the storm sewer system, or changes the storm water characteristics. Demolition and reconstruction is considered development and not redevelopment. Note: this is different than redevelopment.

Site – All contiguous land and bodies of water in one ownership, graded or proposed for grading or development as a unit, although not necessarily at one time.

Slope – Degree of deviation of a surface from the horizontal, usually expressed in percent or ratio.

Soil – All unconsolidated mineral and organic material of any origin that overlies bedrock and that can be readily excavated.

Soil Engineer – A professional engineer who is qualified, licensed and/or registered by the appropriate authority to practice applied soil mechanics and foundation engineering.

Stormwater Director – Currently defined as the City of Franklin, Tennessee Director of Engineering

Stripping – Any activity that removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

Structure – Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Such construction includes but is not limited to objects such as buildings, towers, smokestacks, overhead transmission lines, carports, and walls.

Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage.

Substantial Improvement – Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Tributary Area – The area upstream of a specified point including all overland flow that directly or indirectly connects down-slope to the specified point.

Waters of the State – Any water body determined to be in the jurisdiction of the Tennessee Department of Environment and Conservation (TDEC). Waters of the State are separate and distinct from an MS4 and private infrastructure.

Water Body – A channel, natural depression, slough, gulch, stream, creek, pond, reservoir, or lake in which storm runoff and floodwater flows either regularly or infrequently. This includes major drainage ways for carrying storm runoff.

Waterway buffer – An area separating a waterway from building and/or structures. Typically, buffers are maintained in a “natural” or vegetative state providing environmental and aesthetic benefits.

Wetland – Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typical to life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs and similar areas.

## Section 4 – Authority

### 4.1 Authority of Departments

The City of Franklin Administrator may provide authority in part or whole to various departments for the implementation of activities pursuant to the ordinance. This may include but is not limited to plan review, incentives negotiation, plan approval, stormwater facilities maintenance, administration and enforcement.

### 4.2 Right-of-Entry

- 4.2.1 Designated City of Franklin staff shall have right-of-entry on or upon the property of any person subject to this ordinance and any permit/document issued hereunder. The City of Franklin staff shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this ordinance.
- 4.2.2 Where a property, site or facility has security measures in force which require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the Designated City of Franklin will be permitted to enter without delay for the purposes of performing specific responsibilities.
- 4.2.3 Designated City of Franklin staff shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the person's stormwater operations or discharges.
- 4.2.4 Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the person at the written or verbal request of the City of Franklin staff. The costs of clearing such access shall be borne by the person.
- 4.2.5 The Director of Engineering or his designee may inspect the facilities of any user in order to ensure compliance with this ordinance. Such inspection shall be made with the consent of the owner, manager, or signatory official. If such consent is refused, denied or not promptly addressed, the Designated City of Franklin staff may seek issuance of an administrative search warrant.
- 4.2.6 The City of Franklin has the right to determine and impose inspection schedules necessary to enforce the provisions of this article. Inspections may include, but are not limited to, the following:
  - 1. An initial inspection prior to stormwater management plan approval;
  - 2. A bury inspection prior to burial of any underground drainage structure;

3. Erosion control inspections as necessary to ensure effective control of erosion and sedimentation; and
4. A finish inspection when all work, including installation of storm management facilities, has been completed.

## Section 5 – Appeals

- 5.1 The Transportation Committee or the Transportation Committee successor shall be charged with addressing appeals to violations of this ordinance.
- 5.2 In order to have an appeal considered, the applicant shall submit a written request as outlined in Section 10.12 of this Ordinance. The committee shall have the authority to grant appeals to violations of this ordinance provided they are consistent with the Objectives and Policies identified in Section 6. The committee does not have the authority to permit actions by the applicant that are based in lack of proper planning or implementation of site development as defined in this ordinance and other measures applied to the City of Franklin.
- 5.3 The committee will be made available to review accepted request(s) for appeals on an as-needed basis. The decisions of the committee are final and conclusive, but may be reviewed through the appropriate court actions. The committee shall make its findings within five (5) business days after the appeal hearing.
- 5.4 If the city prevails, on behalf of the committee's action, in any administrative or civil proceeding initiated under this chapter, the city shall be entitled to seek reimbursement for all costs incurred in connection with said proceeding. Such reimbursable expenses may include, but are not limited to, costs of investigation, administrative overhead, out-of-pocket expenses, costs of administrative hearings, and costs of suit.
- 5.5 The committee meetings, deliberations and records shall be open to the public. The committee may elect to provide for public comment on relevant issues. The format and duration of the public comment shall be left to the discretion of the committee as decided by majority vote.

## Section 6 – Objectives and Policy

### 6.1 Objectives

The objectives of this ordinance are:

- 6.1.1 To protect human life and health.
- 6.1.2 To minimize the need for rescue and relief efforts associated with flooding.
- 6.1.3 To eliminate any non-allowable discharges to Franklin's Municipal Separate Storm Sewer System that impact water quality.
- 6.1.4 To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to maximize beneficial use without increasing flood hazard potential or diminishing the quality of the natural stormwater resources.
- 6.1.5 To ensure that potential homebuyers are notified that property is in a flood area and generally increase the public awareness of flooding potential.
- 6.1.6 To minimize prolonged business interruptions.
- 6.1.7 To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in flood plains.
- 6.1.8 To ensure a functional public and private stormwater quantity and quality management system that will not result in excessive maintenance costs.
- 6.1.9 To encourage the use of natural and aesthetically pleasing design that maximize preservation of natural areas.
- 6.1.10 To guide the construction of stormwater management facilities by developing comprehensive master plans to address stormwater quantity and quality.
- 6.1.11 To encourage preservation of floodplains, floodways and open spaces to protect and benefit the community's quality of life and natural resources.
- 6.1.12 To encourage community stewardship of the Franklin's water resources and their impacts on the community character and quality of life.

### 6.2 Policy Statements and Minimum Standards

To implement the objectives presented above, the following general policy statements shall apply:

- 6.2.1 All new development and redevelopment under the jurisdiction of this ordinance as prescribed in Section 2 of this ordinance shall be required to obtain a Stormwater Management Permit.
- 6.2.1.1 The Director of Engineering shall issue a Stormwater Management Permit for plans that meet the guidelines of this ordinance and any other provision given authority under Section 7 of this ordinance. Application for a permit shall be accompanied by a fee of 100.00.
- 6.2.1.2 Technical, administrative, or procedural matters may be modified as needed to meet the objectives and policies defined in this ordinance, so long as such modifications as to technical, administrative, or procedural matters are not contrary or beyond the intent of the objectives and policies of this ordinance.
- 6.2.1.3 Approved permits must be displayed in a conspicuous location on all active construction sites.
- 6.2.2 A Professional Engineer licensed in the State of Tennessee shall stamp all proposed plans for construction in the City of Franklin. This shall include all proposed improvements or modifications to the existing or new stormwater infrastructure, erosion prevention and sediment control practices, and other related improvements or modifications.
- 6.2.3 If available, each individual project shall be evaluated for consistency with the master stormwater management plan for the major watershed or watersheds within which the project site is located. The individual project evaluation will determine if stormwater quantity and quality management practices can adequately serve the property and limit impacts to downstream public and private properties. The presence of a regional facility(s) will be considered in determining the extent to which quantity and/or quality controls will be necessary.
- 6.2.4 In the absence of such a stormwater quantity and/or quality master plan, a system of uniform requirements shall be applied to each individual project site. In general, these uniform requirements will be based on the criterion that post-development stormwater peak runoff, volume over the critical design-storm period and water quality must not differ significantly from pre-development conditions.
- 6.2.5 Under no circumstances shall a site be graded or drained in such a way as to increase surface runoff to sinkholes, "dry wells" or "drainage wells".
- 6.2.6 Stormwater detention facilities shall be designed to address the rate at which flow is released over the entire runoff discharge period and the volume of discharge

over the critical design-storm period. This shall be applied for 2-, 10-, 25-, 50- and 100-year design-storm events as directed by the next paragraph.

6.2.7 New development shall meet a stormwater quantity level of service defined by:

6.2.7.1 designing road catch basins and connecting culverts to convey the 10-year design-storm runoff.

6.2.7.2 designing bridges, culverts, channels and cross-drains to pass the 25- year design-storm runoff.

6.2.7.3 detaining at least the runoff from a 25-year design-storm runoff (50- or 100-year for ponds serving "critical service roads").

6.2.7.4 providing emergency bypass of 50- and 100-year design storm runoff for all ponds not required to detain the 50 or 100-year design-storm event.

6.2.8 Stormwater infrastructure shall be designed in a way that:

6.2.8.1 critical service roads are not inundated by more than three inches of water over one-half the roadway width under a 100-year design-storm event.

6.2.8.2 other existing roads (as impacted by new or existing development) shall be designed to have no more than 9-inches of runoff overtopping the road under a 25-year design-storm event.

6.2.8.3 other new roads shall be designed to have no more than 6-inches of road overtopping at the 25-year design-storm event.

6.2.9 Development will be required to minimize the impact to stormwater quality by applying structural and/or nonstructural management practices selected to address site-specific conditions. The goal for water quality treatment shall be 90% total suspended solids removal of the first flush, defined by land use characteristics or at least 0.5-inches where not defined, through a BMP Treatment Train.

6.2.10 A long-term maintenance plan shall be submitted for review and approval by the City of Franklin Director of Engineering for all devices or facilities in new development that require more than general maintenance (mowing). The plans shall address schedules and techniques for inspections and removing trash, pollutant and sediment.

6.2.11 For properties where stormwater quantity management practices are either not feasible or are not necessary in lieu of regional stormwater quantity controls, The City has the right to require on-site controls for stormwater quality.

- 6.2.12 The City encourages regional stormwater quantity and/or quality management practices, serving 40 to 300 acres of tributary area, which may be consistently and efficiently managed and maintained. These type of practices will be encouraged in order to replace or reduce the implementation of on-site stormwater quantity and/or quality management practices, as appropriate as determined by the Director of Engineering.
- 6.2.13 Redevelopment of properties containing on-site stormwater management practices may be permitted, at the discretion of the Director of Engineering, provided the property and downstream public and private properties, infrastructure or "Waters of the State" are adequately protected by a regional facility(s) from stormwater quantity or quality impacts.
- 6.2.14 No construction, whether by private or public action, shall be performed in a manner that will negatively impact stormwater quantity or quality in its vicinity or in other areas whether by flow restrictions, increased runoff, or by diminishing channel or floodplain storage capacity.
- 6.2.15 New construction may not aggravate upstream or downstream flooding. Existing downstream or upstream problems may be required to be corrected in conjunction with new development.
- 6.2.16 Unwarranted acceleration of erosion or sedimentation, or transport of other pollutants or forms of pollution, due to various land development activities must be controlled.
- 6.2.17 New construction shall only be permitted after temporary or permanent erosion prevention and sedimentation control management practices have been placed or constructed and are operational to The City's satisfaction. The City may stop construction on properties, or administer other enforcement actions as defined in Section 8, that do not have adequate erosion prevention and sedimentation control measures.
- 6.2.18 Soil bioengineering, "green" and other "soft" slope and streambank stabilization methods shall receive preference over rip rap, concrete and other hard armoring techniques. "Hard" alternatives shall only be permitted when their necessity can be demonstrated given site-specific conditions.
- 6.2.19 The City may require more stringent erosion prevention and sedimentation control practices on properties within sensitive (or impaired) watersheds proximate to "Waters of the State". This may include measures that limit or eliminate, with a greater safety factor, the potential for sediment or other form of water pollution from entering sensitive areas as designated by the Tennessee Department of Environment and Conservation.

- 6.2.20 The City may require maintenance or modification of stormwater management practices that are not operating within the guidelines established by this ordinance, as determined by the City of Franklin staff.
- 6.2.21 All active construction sites should be inspected periodically (weekly and within 24-hours after a 0.25-inch rain event) by the owner, or their qualified designate, to ensure erosion prevention and sedimentation control. It is not The City's intent to penalize proper maintenance and mitigation of failed management practices, but rather to ensure that potential and actual failures are promptly recognized and addressed expeditiously and effectively. The City may stop construction on properties, or administer other enforcement actions as defined in Section 8, that do not or are not able to provide on-site documentation that proper inspection and maintenance activities were performed on erosion prevention and sedimentation control measures.
- 6.2.22 The City of Franklin encourages the use of greenway right-of-ways for appropriate properties.
- 6.2.23 A waterway buffer shall be applied to all waterways serving more than 25.0 acres of tributary area. No new construction of any building or structure shall be permitted in the buffer.
- 6.2.23.1 Automatic exemptions are applied provided EP&SC, water quality and cut-fill policies are adequately addressed. They shall be permitted for:
- 6.2.23.1.1 roads and utilities crossing waterways.
- 6.2.23.1.2 pedestrian trails and walkways proximate to waterways.
- 6.2.23.2 The waterway buffer shall be defined as area contained within a boundary established 25-feet beyond the floodplain boundary as defined by FEMA or the City of Franklin which ever is larger.
- 6.2.23.3 For areas without a defined floodplain the waterway buffer shall be defined by a graduated scale applied by the City of Franklin according to the provisions in Section 7 of this ordinance.
- 6.2.23.4 The waterway buffer and floodplain may be used for application of water quality devices. This may only be permitted provided EP&SC, water quality, and cut-fill policies are adequately addressed as determined by the City of Franklin according to the provisions in Section 7 of this ordinance. Detention/retention volumes in the floodplain may count as fill if applied in a manner where floodplain storage is lost.

- 6.2.24 Cut and fill will be permitted in the floodplain and waterway buffer. Compensatory cut shall at least be applied in equal amounts (1:1) for all fill in the floodplain. Compensatory cut shall at least be applied to one hundred fifty-percent (1.5:1) for all fill in floodplains with waterway reaches determined to be impacted by localized flooding not dominated by waterway backwater effects, as determined by studies accepted or performed by the City of Franklin.
- 6.2.25 The City of Franklin may apply incentives for floodplain management strategies applied beyond those required by this ordinance.
- 6.2.25.1 Strategies beyond those required may include, but not limited to:
- 6.2.25.1.1 Extra (20-percent more than required) floodplain storage developed (cut)
  - 6.2.25.1.2 Greenways that are dedicated to the City of Franklin
  - 6.2.25.1.3 Eroding waterways are restored or stabilized with bioengineering or "green" approaches
  - 6.2.25.1.4 New and innovative technologies are applied to address water quantity or quality
  - 6.2.25.1.5 Other management strategies acceptable to the City of Franklin according to the provisions in Section 7 of this ordinance
- 6.2.25.2 If the above management strategies are applied in a manner acceptable to the City of Franklin, then the city may apply incentives including, but not limited to:
- 6.2.25.2.1 Modification to density, trees or other development requirements acceptable to the Director of Engineering and Planning Departments
  - 6.2.25.2.2 Other incentives according to the provisions in Section 7 of this ordinance
- 6.2.26 The construction and financing of any required off-site drainage improvement necessitated by private development within the same watershed shall be the responsibility of the developer.
- 6.2.27 Any stormwater management facility or BMP which services individual property owners or subdivisions shall be privately owned with general routine maintenance (controlling vegetative growth and removing debris) provided for by the owner(s).

The owner shall maintain a perpetual, non-exclusive easement, which allows for access for inspection and other maintenance by the City of Franklin.

6.2.28 Any stormwater management facility or BMP which services an individual subdivision in which the facility or BMP is within designated open areas or an amenity with an established home owners association shall be privately owned and maintained consistent with provisions of this ordinance. The owner shall maintain a perpetual, nonexclusive easement which allows for access for inspection and emergency maintenance by the City of Franklin.

6.2.29 Any stormwater management facility or BMP which services commercial and industrial development shall be privately owned and maintained. The city has the right, but not the duty to enter premises for emergency repairs.

6.2.30 All regional stormwater management control facilities proposed by the owners, if *accepted by* approved by the Board of Mayor ~~and Aldermen and accepted by the Director of Engineering~~ for dedication as a public regional facility, shall be publicly owned and/or maintained.

6.2.31 All other stormwater management control facilities and BMP's shall be publicly owned and/or maintained only if accepted for maintenance by the city.

6.2.32 The Director of Engineering may require dedication of privately owned stormwater facilities, which discharge to the city's stormwater system.

6.2.33 As new development construction is completed, an "as-built" plan, certified by a licensed professional engineer and/or surveyor as appropriate, must be submitted upon completion of the stormwater management facilities included in the stormwater management plan. The licensed professional shall certify that: the facilities have been constructed as shown on the "as-built" plan, and facilities meet the approved stormwater management plan and specifications, or achieve the function for which they were designed. Coordinate data shall be presented in the State of Tennessee Plane system with the North American Datum 1983 (NAD83) and North American Vertical Datum (NAVD) of 1988.

## Section 7 – Enforcement and Rule-Making Authority

- 7.1 The Director of Engineering shall have authority to implement this Ordinance by appropriate regulations, guidance or other related materials. In this regard, technical, administrative, or procedural matters may be modified as needed to meet the objectives and policies defined above, so long as such modifications as to technical, administrative, or procedural matters are not contrary or beyond the intent of the objectives and policies defined above.
- 7.2 Documents referenced above may be updated periodically to reflect the most current and effective practices and shall be made available to the public. However, the failure to update the manual shall not relieve any applicant from the obligation to comply with the Stormwater Management Ordinance, and shall not prevent the Director of Engineering from imposing the most current and effective practices.
- 7.3 Regulations, guidance or other related materials that may be given authority by this ordinance may include, but are not limited to: Best Management Practice (BMP) manuals, design regulations and requirements, submittal checklists, review checklists, inspection checklists, certifications, stormwater management manuals and operation and maintenance manuals. The document(s) may include information deemed appropriate by the Director of Engineering including guidance and specifications for the preparation of stormwater management plans, selecting environmentally sound practices for managing stormwater, minimum specifications and requirements, more complete definitions and performance standards.
- 7.4 The above referenced documents shall not in any way require specific commercially available products. However, they may refer to performance specifications, class of devices, construction, or management practice.

## Section 8 - Maintenance Requirements

- 8.1 The maintenance responsibilities for permanent stormwater runoff control facilities shall be determined based upon the type of ownership of the property which is controlled by the facilities.
- 8.2 Single entity ownership – Where the permanent stormwater runoff control facilities are designed to manage runoff from property in a single entity ownership as defined below, the maintenance responsibility for the stormwater control facilities shall be with the single entity owner.
  - 8.2.1 The stated responsibilities of the entity in terms of owning and maintaining the facilities shall be submitted with the stormwater management plan for determination of their adequacy. Approval of the stormwater management plan shall be conditioned upon the approval of these terms. These terms shall be in writing, shall be in recordable form, and shall, in addition to any other terms deemed necessary by the City of Franklin, contain a provision permitting inspection at any reasonable time by the Director of Engineering of all such facilities deemed critical in the public welfare.
  - 8.2.2 A single entity shall be defined as an association, public or private corporation, partnership firm, trust, estate or any other legal entity allowed to own real estate exclusive of an individual lot owner.
  - 8.2.3 Upon approval of the stormwater management facilities by the City of Franklin, the facility owner(s) shall demonstrate the ability to garner and apply the financial resources necessary for long-term maintenance requirements. The funding mechanism shall be in a form approved by the City of Franklin. The City of Franklin will only approve funding mechanism(s) for long-term maintenance responsibilities that can be demonstrated to be permanent or transferable to another entity with equivalent longevity.
  - 8.2.4 Unless made specifically clear in the preliminary stages of the site design and construction plan review procedure, it will be assumed that all stormwater detention, retention, treatment or storage facilities and/or devices shall be owned, operated and maintained by a single entity as defined above.
- 8.3 Municipal ownership – Where the City of Franklin has accepted an offer of dedication of the permanent stormwater management facilities, the City of Franklin shall be responsible for maintenance.
- 8.4 Construction maintenance bond – The City of Franklin may require the posting of a maintenance bond to secure the structural integrity of said facilities as well as

the functioning of said facilities in accordance with the design and specifications as depicted on the approved stormwater management plan for a term of 18 months from the date of acceptance of dedication. A cash contribution can be used as the financial in lieu of a maintenance bond although the contribution must be equivalent to the amount that would be estimated for the maintenance bond.

## Section 9 - Allowable Stormwater Discharges

- 9.1 Pursuant to the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) program administered by the Tennessee Department of Environment and Conservation (TDEC) illicit discharges to the MS4 are being defined as illegal. This is being done by identifying allowable non-stormwater discharges into the MS4 in the best interest of the City of Franklin, Tennessee.
- 9.2 Non-stormwater discharge means any discharge to the Municipal Separate Storm Sewer System except as permitted by 9.4
- 9.3 Except as hereinafter provided, all non-stormwater discharges into the Municipal Separate Storm Sewer System are prohibited and declared to be unlawful.
- 9.4 Unless the Director of Engineering has identified them as a source of pollutants to the "Waters of the State of Tennessee", the following non-stormwater discharges into the Municipal Separate Storm Sewer System are lawful:
  1. Discharges from emergency fire fighting activities
  2. Diverted screen flows
  3. Rising ground waters
  4. Uncontaminated groundwater infiltration to separate storm sewer systems (as defined by 40 CFR35.2005(20))
  5. Uncontaminated pumped ground water
  6. Discharges from potable water sources as required for system maintenance
  7. Drinking water line flushing
  8. Foundation drains and pumps
  9. Air conditioning condensate
  10. Landscape irrigation
  11. Irrigation water
  12. Lawn watering
  13. Uncontaminated springs
  14. Water from crawl space pumps
  15. Uncontaminated Footing drains and pumps
  16. Individual residential car washing
  17. Flows from riparian habitats and wetlands
  18. Dechlorinated swimming pool discharges
  19. Street wash waters resulting from normal street cleaning operations
  20. Controlled flushing stormwater conveyances (controlled by appropriate best management practices)
  21. Discharges within the constraints of a National Pollutant Discharges Elimination System (NPDES) permit from the Tennessee Department of Environment and Conservation (TDEC)
  22. Discharges approved at the discretion of the Director of Engineering.

## Section 10 – Enforcement

The city may institute appropriate actions or proceedings at law or equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Each day of noncompliance is considered a separate offense; and nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief. Any of the following enforcement remedies and penalties shall be available to the City of Franklin in response to violations of this ordinance. If the person, property or facility has or is required to have a storm water discharge permit from the Tennessee Department of Environment and Conservation, the city shall alert the appropriate state authorities of the violation.

- 10.1 Notice of violation (NOV) – Whenever designated City of Franklin staff find that any person, company or facility owning or occupying a premises has violated or is violating this Ordinance or order issued hereunder, the enforcement official may serve, by personal service, or by registered or certified mail, upon said person a written NOV. Within thirty (30) days of the receipt of this notice, or shorter period as may be prescribed in the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted to the Director of Engineering or his/her designee. Submission of this plan shall in no way relieve liabilities for violations occurring before or after receipt of the NOV.
- 10.2 Revocation of permit – The Director of Engineering, or his/her designee may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application plans, or specifications; refusal or failure to comply with the requirements of state or local law; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable state or local law may also be revoked.
- 10.3 Compliance order – If any person, company or facility shall violate the provisions of this ordinance, the Director of Engineering, or his/her designee, may give notice to the owner or to any person in possession of the subject property, ordering that all unlawful conditions existing thereupon be abated within a schedule defined from the date of such notice.
  - 10.3.1 The enforcement official shall have the authority to establish elements of a stormwater pollution prevention plan, and to require any business to adopt and implement such a plan, as may be reasonably necessary to fulfill the purposes of this chapter. The enforcement official may establish the requirements of best management practices for any premises.

10.3.2 The notice and order may be given provided, that if, in the opinion of the Director of Engineering, or his/her designee, the unlawful condition is such that it is of imminent danger or peril to the public, then an authorized City of Franklin representative may, without notice, proceed to abate the same, and the cost there of shall be charged against the property. The City of Franklin, as described further in this subsection, may recover the cost of such actions from the property owner.

10.4 Civil Penalties – Any person, company or facility who has been found to have been in violation of any provision of this ordinance, may be assessed a civil penalty not to exceed the amount presented in this subsection.

10.4.1 The penalty shall increase by twenty-five percent (25%) of the previous penalty amount for every subsequent but separate offense made by the same person, company or facility. The penalty shall be additional to other enforcement actions of this section.

10.4.2 The penalty may be assessed for each day beyond schedules applied in compliance orders or other schedules issued to the property owner or other person responsible for unauthorized activity defined in this ordinance.

10.4.3 In determining the amount of the penalty the city court shall consider the following:

10.4.3.1 The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;

10.4.3.2 The duration and gravity of the violation;

10.4.3.3 The effect on ground or surface water quality;

10.4.3.4 The cost of rectifying the damage;

10.4.3.5 The amount of money saved by noncompliance;

10.4.3.6 Whether the violation was committed willfully or intentionally;

10.4.3.7 The cumulative effect of other enforcement actions applied for the same offense;

10.4.3.8 The prior record of the violator in complying or failing to comply with the stormwater quality management program; and

10.4.3.9 The costs of enforcement to the City of Franklin.

10.4.4 The maximum civil penalties will be determined by the type of offense. This indicates the maximum that may be imposed for a first offense and does not reflect the increases described above for repeat offenses.

10.4.4.1 Development without permit – \$10,000 – To engage in any development, use, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this ordinance without all required permits, certificates, or other forms of authorization as set forth in this ordinance.

10.4.4.2 Development inconsistent with permit – \$5,000 – To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

10.4.4.3 Violation by act or omission – \$5,000 – To violate, by act or omission, any term, variance, modification, condition, or qualification placed by the City of Franklin or its agent departments upon any required permit, certificate, or other form of authorization of the use, development, or other activity upon land or improvements thereon.

10.4.4.4 Illicit Discharge – \$5,000 – Any person, company or facility who is found to have improperly disposed of any substance that is not defined in Section 9 or causes the city to be in noncompliance with any applicable environmental permit.

10.4.4.5 Household Products- \$500- Any person, company or facility who is found to have improperly disposed of any substance not included in Section 9 that was purchased over-the-counter for household use, in quantities considered normal for household purposes, which, upon discharge to the municipal separate storm sewer system or drainage network, would have an adverse impact on water quality or cause the city to be in noncompliance with any applicable environmental permit.

10.4.5 In the event there are penalties assessed by the state against the city caused by any person company or facility, said person, company or facility shall be assessed the equivalent amount of civil penalty. This shall include but is not limited to penalties for improper disposal or illegal dumping, or illicit connection into the municipal separate storm sewer system.

10.5 Administrative Fee – Any person, company or facility who undertakes any development activity requiring a stormwater management plan hereunder without

first submitting the plan for review and approval shall pay to the city, in addition to any permit or inspection fee, an administrative fee of up to \$5,000.

- 10.6 Order to clean and abate / restore – Any violator may be required to clean and/or restore land to its condition prior to the violation.
- 10.7 Cost Recovery - If corrective action, including maintenance delinquency, is not taken in the time specified, or within a reasonable time if no time is specified, Franklin may take the corrective action, and the cost of the corrective action shall be the responsibility of the owner and the developer. The cost of the abatement and restoration shall be borne by the owner of the property and the cost therefor shall be invoiced to the owner of the property. If the invoice is not paid within ninety (90) days, the enforcement official shall have the authority to place a lien upon and against the property. If the lien is not satisfied within ninety (90) days, the enforcement official is authorized to take all legal measures as are available to enforce the lien as a judgment, including, without limitation, enforcing the lien in an action brought for a money judgment, by delivery to the assessor or a special assessment against the property.
- 10.8 Injunctions and or proceedings at law or in equity – Any violation of this Ordinance or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.
- 10.9 Fee or utility credit revocation – This enforcement tool is intended to be available or used if there are, at any time, provisions for a funding mechanism managed by the City of Franklin. This enforcement tool permits that credits or other measures to reduce fees or utility charges may be revoked, in full or in part, if any provision of the *Stormwater Management Ordinance*, or given authority per Section 7, are violated.
- 10.10 Civil Actions – In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the city attorney. Monies recovered under this subsection shall be paid to the city to be used exclusively for costs associated with implementing or enforcing the provisions of this ordinance. In any such action, the city may seek, as appropriate, any or all of the following remedies:
  - 10.10.1 A temporary and/or permanent injunction;
  - 10.10.2 Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which lead to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;

- 10.10.3 Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation;
- 10.10.4 Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.
- 10.11 Emergency Orders and Abatements. The enforcement official may order the abatement of any discharge from any source to the stormwater conveyance system when, in the opinion of the enforcement official, the discharge causes or threatens to cause a condition which presents an imminent danger to the public health, safety, or welfare, or the environment, or a violation of a NPDES permit. In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, or welfare, or the environment or a violation of a NPDES permit, the city may perform or cause to be performed such work as shall be necessary to abate said threat or danger. The costs of any such abatement shall be borne by the owner and shall be collectable in accordance with the provisions of this subsection.
- 10.12 Appeals - Upon issuance of a citation or notice of violation of this article it shall be conclusive and final unless the accused violator submits a written notice of appeal to the Director of Engineering within ten (10) days of the violation notice being served. If the Director of Engineering does not issue a decision within ten (10) days of the written notice of appeal then the violation is considered upheld. If the Director of Engineering does not reverse the decision, the aggrieved party may appeal to the Transportation Committee or successor, by filing a written request for hearing within ten (10) days of the Director of Engineering's decision on the appeal. The request for hearing shall state the specific reasons why the decision of the Director of Engineering is alleged to be in error, and shall be accompanied by a cost bond in the amount of five hundred dollars (\$500.00) with sufficient surety to secure the costs of the appeal, including the cost of court reporters, transcripts, plan reviews and other costs.

## Section 11 – Severability

- 11.1 Should any article, section, subsection, clause or provision of this Comprehensive Stormwater Management Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared to be unconstitutional or invalid, each article, section clause and provision being declared severable.
- 11.2 If any provisions of this ordinance and any other provisions of law impose overlapping or contradictory regulations, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern.

## ORDINANCE 2002-14

### TO BE ENTITLED, "AN ORDINANCE TO ESTABLISH A STORMWATER USER FEE FOR THE CITY OF FRANKLIN ESTABLISHING EQUIVALENT RESIDENTIAL UNIT (ERU), ERU RATE AND UNDISTURBED PROPERTY RATE; AND PROVIDING AN EFFECTIVE DATE."

**WHEREAS**, the City of Franklin Board of Mayor and Aldermen (Board) desire to provide effective stormwater management for all citizens of the City of Franklin to protect, to the extent practicable, from the loss of life and property damage from flooding; and to minimize, to the extent practicable the impact to surface water quality from urban runoff; and

**WHEREAS**, the benefits of flood control and surface water quality extend to all citizens and business in the City of Franklin; and

**WHEREAS**, the City of Franklin has been mandated by the United States Environmental Protection Agency to obtain and maintain a permit from the State of Tennessee for discharges from its stormwater management system; and

**WHEREAS**, the Board has established a comprehensive Stormwater Management Ordinance as found in Chapter 16 that requires certain stormwater management practices be implemented by, and for the City of Franklin; and

**WHEREAS**, the Board desires to provide a fair, equitable and dependable source of funds to manage the stormwater program in Franklin consistent with federal and state law and our local ordinance;

**NOW THEREFORE BE IT ORDAINED** by the Board of the City of Franklin, State of Tennessee, establish a Stormwater User Fee as follows:

**Section 1: Definitions.** For the purpose of this Chapter, the following definitions shall apply; words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

**"Board"** means the City of Franklin Board of Mayor and Aldermen.

**"Bonds"** means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the Costs of Construction.

**"Calendar Year"** means a 12-month period commencing on the first day of January of any year.

**"Costs of Construction"** means costs reasonable incurred in connection with providing capital improvements to the System or any portion thereof, including, but not limited to, the costs of (1) acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefore, (2) physical

construction, installation and testing, including the costs of labor, services, materials, supplies and construction services used in connection therewith, (3) architectural, engineering, legal and other professional services, (4) insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction, (5) any taxes or other charges which become due during construction, (6) expenses incurred by the City or on its behalf with its approval in seeking to enforce any remedy against any contractor or sub-contractor in respect of any default under a contract relating to construction, (7) principal of and interest of any Bonds, and (8) miscellaneous expenses incidental thereto.

**"Debt Service"** means, with any particular series of Bonds, an amount equal to the sum of (i) all interest payable on such Bonds during such Calendar Year, plus (ii) any principal installments of such Bonds during such Calendar Year.

**"Developed Property"** means real property other than Undisturbed Property and Vacant Improved Property.

**"Director"** means the Director of Engineering, or his designee.

**"Dwelling Unit"** means a singular unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

**"Equivalent Residential Unit"** or ERU means the average Impervious Area of Residential Developed Property per Dwelling Unit located within the City and as established by the Board.

**"ERU Rate"** means a Utility Fee charged on each ERU as established by Board.

**"Exempt Property"** means public rights of way, public streets, public alleys and public sidewalks.

**"Extension and Replacement"** means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for, the System, or land acquisitions for the System and any related costs thereto, or paying extraordinary maintenance and repair, including the Costs of Construction, or any other expenses which are not costs of Operation and Maintenance or Debt Service.

**"Fiscal Year"** means a 12-month period beginning July 1 and ending June 30.

**"Impervious Area"** means the number of square feet of hard surfaced areas which either prevent or retard the entry of water into soil mantle, as it entered under natural conditions as Undisturbed Property, and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as Undisturbed Property, including, but not limited to, roofs, roof extensions, patios, porches, driveway, sidewalks, pavement and athletic courts.

**"Nonresidential Developed Property"** means developed property that is not utilized for dwelling units within the City.

**"Operating Budget"** means the annual operating budget adopted by the City for the succeeding Fiscal Year.

**"Operations and Maintenance"** means the current expenses, paid or accrued, of operation, maintenance and current repair of the System, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation, and cost of materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

**"Revenues"** mean all rates, fees, assessments, rentals or other charges or other income received by the Stormwater User Fee Fund, in connection with the management and operation of the System, including amounts received from the investment or deposit of monies in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.

**"Stormwater Management System"** or **"System"** means the existing storm water management of the City and all improvements thereto which by this Chapter are constituted as the property and responsibility of the City, to be operated as an enterprise fund to, among other things, conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such System.

**"Stormwater User Fee"** means a fee authorized by Ordinance(s) established to pay Operations and Maintenance, Extension and Replacement and Debt Service.

**"Stormwater User Fee Fund"** means the Special Revenue Fund created by this Chapter to operate, maintain and improve the System and for such other purposes as stated in this Chapter.

**"Undisturbed Property"** means real property, which has not been altered from its natural state by dredging, filling, removal of trees and vegetation or other activities, which have disturbed or altered the topography or soils on the property.

**"User Fee District"** means the area or property within the Corporate Limits of the City of Franklin.

**"Vacant Improved Property"** means vacant property, which is, or could reasonably be, served by any subdivision improvements that allow egress.

**Section 2: Fee Established.** Subject to the provisions of this Chapter, each and every Residential Developed Property, Nonresidential Developed Property and Vacant Improved Property, other than Exempt Property, within the Corporate Limits of the City, and the owners and non-owner users thereof, have imposed upon them a Stormwater User Fee. In the event the owner and non-owner users of a particular Property are not the same, the liability for each the owner and non-owner user for the User Fee attributable to that Property shall be joint and several. The Stormwater User Fee shall be a monthly or a regular interval service charge and shall be determined by

the provisions of this Chapter and the ERU and ERU Rate which shall be established and changed from time to time by the Board of Mayor and Aldermen.

**Section 3: Stormwater User Fee Collection.** The Stormwater User Fee for residential property shall be billed and collected monthly with the monthly utility services bill for those properties within the Corporate Limits of the City. The Stormwater User Fees non-residential properties shall be billed and collected separately. The Stormwater User Fee for those properties utilizing City utilities is part of a consolidated statement for utility customers, which is generally paid by a single payment to the utility department. In the event that a partial payment is received, the payment shall be applied pro-rata to each account billed on the consolidated statement in the proportion that an individual account bears to the total consolidated statement of all current charges for all accounts. All bills for the Stormwater User Fees shall become due and payable in accordance with the rules and regulations of the Utilities Department pertaining to the collection of the Stormwater User Fees. The City may discontinue utility service to any Stormwater user who fails or refuses to pay the Stormwater User Fees and may refuse to accept payment of the utility bill from any user without receiving at the same time, payment of the Stormwater User Fee charges owed by such user and may refuse to reestablish service until all such fees have been paid in full. Unpaid and overdue balances shall be charged a 10% annual interest fee.

**Section 4: User Fee Determination.** There is hereby established the following uniform schedule of rates for the services and use of facilities of the Stormwater Management System by the owner, tenant, or occupant of the premises using the services and facilities of said system:

- (a) The Board, upon recommendation of the Director, shall establish reasonable rates for the Stormwater Management Systems for each single family residence: each single family residence shall be billed at a flat fee established by the Board for an equivalent residential unit (ERU). -
- (b) Parcels which are undisturbed shall be assessed a Stormwater User Fee. The bill shall be determined by dividing the total land area of the property, in square feet, by the area of an equivalent residential unit times a correction factor. The correction factor shall be based on the relative volume of runoff from an undeveloped property and that of a typical single-family residence, under typical hydrologic conditions.
- (c) For all nonresidential properties, that is enterprise, business establishment, building, or other occupancy not covered by subsections (a) and (b) of this section, the rate shall be computed based on the total impervious area of the property divided by the average impervious area of an equivalent residential unit times the rate established for an equivalent residential unit. The billing amount shall be updated by the Director based

on any additions to the impervious areas as approved through the building permit process.

**Section 5: ERU Established.** The Equivalent Residential Unit is hereby established to be 2,714 square feet of impervious area.

**Section 6: ERU Rate Established.** The ERU Rate to be charged for Stormwater Management Utility Fees for each ERU is hereby established to be \$4.00 per month.

**Section 7: Undisturbed Property Correction Factor Established.** The Undisturbed Property Correction Factor to be charged for Stormwater Management Utility Fees for each acre of Undisturbed Property is hereby established to be 0 percent.

**Section 8: BE IT FINALLY ORDAINED** by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect and be in force as of January 1, 2003, which is from and after the date of its passage on second and final reading, the health, safety and welfare of the citizens of Franklin requiring it.

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE**

By:   
JAMES R. JOHNSON  
City Administrator

By:   
JERRY W. SHARBER  
Mayor

PASSED FIRST READING: June 11, 2002

PASSED SECOND AND FINAL READING: September 10, 2002

**ORDINANCE 2004-25  
AS AMENDED**

**TO BE ENTITLED, "AN ORDINANCE TO ESTABLISH A  
STORMWATER USER FEE FOR THE CITY OF FRANKLIN  
ESTABLISHING EQUIVALENT RESIDENTIAL UNIT (ERU), ERU  
RATE AND UNDISTURBED PROPERTY RATE, PROVIDING AN  
EFFECTIVE DATE AND AMENDING SECTIONS 16-804, 16-805,  
16-806, OF THE FRANKLIN MUNICIPAL CODE TO PROVIDE  
EXCEPTIONS OR ADJUSTMENTS AND TO CREATE A  
PROCEDURE FOR APPEAL OF STORMWATER USER FEE  
DETERMINATIONS."**

**SECTION I: BE IT ORDAINED** by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that Section 16-804 of the Franklin Municipal Code is hereby amended to replace subsection (1) and to add new sub-sections (4), (5), (6), and (7) to read as follows:

**16-804. User fee determination**

(1) The Board, upon recommendation of the Director, shall establish reasonable rates for Stormwater Management Systems for each single family residence: each single family residence shall be billed at a flat fee based on two tiers (described in **Section 16-806 below**) established by the Board for an equivalent residential unit (ERU).

\* \* \*

(4) Users whose stormwater runoff is not discharged into or through the stormwater and/or flood control facilities of the city shall be exempt from paying the user fee.

(5) Users who construct or have constructed facilities to retain and control the quantity and/or quality of stormwater runoff from their property may be entitled to a reduction or adjustment of the fees due, based upon reasonable criteria developed by the director.

(6) Any person who disagrees with the calculation of the stormwater user's fee determined by the stormwater management coordinator, or who seeks fee adjustments or exemption, may appeal such determination to the Director. An appeal shall be accompanied by a fee of \$100, filed in writing, and include a written statement of the grounds for the appeal, with reference to the Franklin Stormwater Management Credit and Appeal Manual or other appropriate documents available from the engineering department. The Director will review the appeal and render a decision within thirty (30) days. The Director's decision shall be in writing and mailed or hand-delivered to the address of the applicant contained in the appeal. In response to an appeal the Director may adjust the stormwater service fee applicable to a property in conformance with the general purpose and intent of this chapter.

(7) A decision of the Director adverse to an appellant may be further appealed to the Public Transportation Advisory Committee, or any successor committee charged by the Board with hearing stormwater matters, within thirty (30) days of receipt of notice of the adverse decision, by filing a written request for hearing. The committee shall convene a hearing within a reasonable time thereafter. The request for hearing by the transportation committee shall state the specific reasons why the decision of the Director is alleged to be in error, and shall be accompanied by a cost bond in the amount of five hundred dollars (\$500.00) with sufficient surety to secure the costs of the appeal, including the cost of court reporters, transcripts, plan reviews and other costs. The cost bond shall be refunded to appellant if appellant prevails. The committee shall make its findings

within five (5) business days after the appeal hearing. The decisions of the committee are final and conclusive, but may be reviewed through appropriate court actions.

**SECTION II: BE IT ORDAINED** by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that Section 16-805 and 16-806 of the Franklin Municipal Code is hereby amended to replace sections 16-805, 16-806, and add new sub-sections (1) and (2) to read as follows:

**16-805. ERU established**

**ERU Established.** The Equivalent Residential Unit is hereby established to be 3,350 square feet of impervious area.

**16-806. ERU rate and tiers established**

- (1) **Intent.** The Board of Mayor and Aldermen intend to establishing a base rate and tiers so that application of the rate and tiers leads to a fair and equitable result, collecting fees proportionally to the amount of actual use of stormwater facilities. The fee structure reflects different categories of use and tiers using commonly accepted statistical principles to achieve such equitable results.
- (2) **ERU Rate Established.** The ERU Rate to be charged for Stormwater Management User Fees for each ERU is hereby established to be \$3.65 per month, and delete the \$250,000 annual appropriation from the general fund.

\*

\*

\*

**(a) Two Tier Residential ERU Established.** Residential properties will be separated into two tiers: residential units smaller than 3,350 square feet will pay .75% of the ERU Rate per month and residential units larger than 3,350 square feet will pay 1.2% of the ERU Rate per month.

**(b) Non-Residential Properties Established.** Non-Residential properties will pay monthly the ERU Rate times the actual square footage of impervious surface area divided by the ERU.

**Section III: BE IT FINALLY ORDAINED** by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect and be in force as of May 1, 2004, which is from and after the date of its passage on second and final reading, the health, safety and welfare of the citizens of Franklin requiring it.

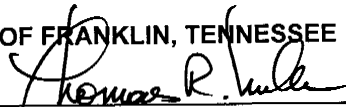
**ATTEST:**

By:

  
JAMES R. JOHNSON  
City Administrator

**CITY OF FRANKLIN, TENNESSEE**

By:

  
THOMAS R. MILLER  
Mayor

**PASSED FIRST READING: FEBRUARY 10, 2004**

**PASSED SECOND READING: MARCH 9, 2004**

## Stormwater Management

The question tonight is not **whether** to create a Stormwater Utility, but **when**, and to what level of operation and management we choose to obtain. The City of Franklin has a federal mandate to institute a stormwater management program. This is one of those mandates that is sent to municipalities without federal funding. We have no choice but to fund this initiative at the local level. It is not optional! The program that is proposed is as fair to everyone as possible and all citizens will participate, residents and businesses alike. It will only bring the City up to a moderate level of compliance – we will still have a long way to go to reach a superior compliance status. The program includes significant opportunities for existing businesses and the development community to receive credits for appropriate mitigation of stormwater issues, and we are proposing tonight the establishment of a Board of Stormwater Appeals to hear and rule on all applications for credit.

Our internal staff will be able to handle some of the minor improvement projects and the maintenance of our stormwater infrastructure, but this will require additional personnel and equipment on an annual basis going forward. Major projects will require outside consulting and construction costs significantly over and above whatever a rate structure will raise. As an example, the City is currently engaged in the design of a major stormwater detention facility near Franklin Road at Moore's Lane. We have received a one-time federal grant of \$1.3 million toward this project, but our local match will require an additional \$1.7 million. This money will **not** come out of the stormwater rate fees, but will require a general revenue bond for funding which will have to be repaid out of general fund revenues.

The program we implement tonight will provide funds for maintenance of stormwater facilities to bring the City into a measure of compliance with federally mandated regulations for water quality. At issue is whether these funds will be raised as a utility rate or a property tax. Currently the ordinance calls for a utility rate of \$3.00 per Equivalent Residential Unit (ERU) per month. What this ordinance does **not** identify is an additional \$250,000 annual general fund appropriation for capital expenditures specifically for stormwater management. This appropriation would essentially be taken from property tax revenue. This program cannot be both a utility rate and a property tax.

**I therefore offer the following amendment to Ordinance 2004-25, Section 16-806, sub paragraph (2). Raise rate to \$3.65 per ERU per month, and delete the \$250,000 annual appropriation from the general fund.**

PUBLIC HEARING

Consideration of Ordinance No. 2004-25 (As Amended) - An Ordinance to establish a Stormwater User Fee for the City of Franklin Establishing Equivalent Residential Unit (ERU), ERU Rate and Undisturbed Property Rate, providing an effective date and Amending Sections 16-804, 16-805, 16-806 of the Franklin Municipal Code to provide exceptions or adjustments and to create a procedure for appeal of Stormwater User Fee Determinations.  
(Second Reading)

Please print name, address, city, and zip code in the following spaces if you would like to speak before or against the above ordinance.

|                            |                              |                    |
|----------------------------|------------------------------|--------------------|
| ✓ Pam Kelly                | 226 Polk Place Dr            | Franklin, TN 37064 |
| ✓ Clyde Stephens           | 2298 Henpeck Lane            | Franklin, TN 37064 |
| ✓ Tom Fumari               | COOLSPRINGS CHARMER          | FRANKLIN, TN 37067 |
| ✓ John Markovitch          | 506 Harpeth + Lasko Products | FRANKLIN TN        |
| <del>Monica Newbauer</del> |                              |                    |
| ✓ Ron Schuff               |                              |                    |
|                            |                              |                    |
|                            |                              |                    |
|                            |                              |                    |
|                            |                              |                    |
|                            |                              |                    |
|                            |                              |                    |
|                            |                              |                    |
|                            |                              |                    |
|                            |                              |                    |
|                            |                              |                    |

A motion was made by Alderman Lewis that action be deferred for 120 days on the passage of Ordinance No. 2004-18 entitled AN ORDINANCE TO ANNEX THE DOERTER PROPERTY AREA, CONSISTING OF 60.82 ACRES, MORE OR LESS, LOCATED ON THE NORTH SIDE OF CLOVERCROFT ROAD AND WEST OF OXFORD GLEN DRIVE AND TO ESTABLISH AN EFFECTIVE DATE OF JULY 1, 2004. Her motion was seconded by Alderman Phillips and it passed unanimously.

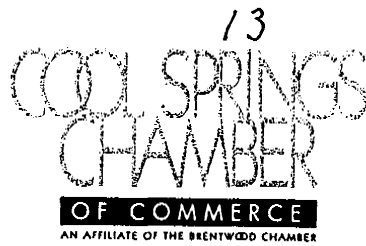
19. PUBLIC HEARING - Consideration of Ordinance No. 2004-25 (as Amended) - An Ordinance to Establish a Stormwater User Fee for the City of Franklin Establishing Equivalent Residential Unit (ERU), ERU Rate and Undisturbed Property Rate, Providing an Effective Date and Amending Sections 16-804, 16-805, 16-806 of the Franklin Municipal Code to Provide Exceptions or Adjustments and to Create a Procedure for Appeal of Stormwater User Fee Determinations.

Mayor Miller announced that a Public Hearing had been advertised in regard to Ordinance No. 2004-25 and he would hear anyone who desired to speak. The following persons spoke:

Pam Kelley, of 226 Polk Place Drive, Franklin, said she was representing the Williamson County - Franklin Chamber of Commerce. She spoke about the fee being a burden on businesses and asked that the fee be reduced. She thanked Alderman Feuerborn for voting against the \$3.65 fee.

Clyde Stephens, of 2298 Henpeck Lane, Franklin, said he had been in business in Franklin for thirty-five years and he is the owner of Williamson Memorial Funeral Home. He said the fee will be a burden on business people in Franklin and there is something that is not fair about the amount some people pay. He wanted the County and City to work together.

Tom Funari, representing the Cool Springs Chamber of Commerce, read the following letter from the Chamber:



**Resolution 2-04-01 regarding the stormwater fees in Franklin**

- Whereas, the Cool Springs Chamber of Commerce represents 438 members, the majority of which operate businesses in Franklin; and
- Whereas, in response to a federal mandate, the City of Franklin has developed a fee structure as the funding mechanism for developing best practices to alleviate issues with stormwater runoff from Franklin's impervious areas; and
- Whereas, the Cool Springs Chamber Board of Directors commends the City of Franklin for its development of a credit and appeals process as it applies to businesses which included stormwater retention or detention systems in their construction; and
- Whereas, non-residential impervious area in the City of Franklin covers 54,619,812 square feet, equaling 36.7 percent of the total impervious area and the public impervious area in the City of Franklin covers an additional 42,137,996 square feet; and
- Whereas, the Franklin Transportation Committee is proposing a non-residential rate of \$3.65 per 3,350 ERU; and
- Whereas, this high commercial stormwater fee will harm landlords and tenants by imposing an additional cost of doing business in Franklin and negatively impacting revenue; and
- Whereas, this \$3.65 is much higher than the amounts discussed at the many informational meetings offered by the City of Franklin and attended by representatives of the Cool Springs Chamber of Commerce; and
- Whereas, a recent survey of the Cool Springs Chamber members indicated 69 percent of our Chamber would be affected by a raise in stormwater fees. These businesses deliver a substantial portion of the sales tax revenue income to the City of Franklin; and
- Therefore, Be it resolved by the Cool Springs Chamber of Commerce that we urge the Franklin Board of Mayor and Aldermen to adopt a commercial stormwater fee structure of no more than \$3 per ERU, as recommended by the Franklin Planning Department staff.

Unanimously approved this 24<sup>th</sup> day of February,

  
Tom Funari  
Cool Springs Chamber Chair

5211 MARYLAND WAY, #1080 • BRENTWOOD, TENNESSEE 37027 • (615) 661-6463  
FAX (615) 373-8810 • [www.coolspringschamber.org](http://www.coolspringschamber.org) • [info@coolspringschamber.org](mailto:info@coolspringschamber.org)

Ron Shuff, of 214 Franklin Road, spoke about the anticipated costs and about how the money can be spent more effectively.

John Markovich, on behalf of Lasko Products, spoke about the Budget for Stormwater and said miscalculations were made and they will have to pay for this. He spoke about City Streets and said they should be paid for from City Funds. He asked that the fees be lowered.

No one else spoke and Mayor Miller declared the Public Hearing closed.

A motion was made by Alderman Klatt that Ordinance No. 2004-25, As Amended, entitled AN ORDINANCE TO ESTABLISH A STORMWATER USER FEE FOR THE CITY OF FRANKLIN ESTABLISHING EQUIVALENT RESIDENTIAL UNIT (ERU), ERU RATE AND UNDISTURBED PROPERTY RATE, PROVIDING AN EFFECTIVE DATE AND AMENDING SECTIONS 16-804, 16-805, 16-806, OF THE FRANKLIN MUNICIPAL CODE TO PROVIDE EXCEPTIONS OR ADJUSTMENTS AND TO CREATE A PROCEDURE FOR APPEAL OF STORMWATER USER FEE DETERMINATIONS be passed on its second reading. His motion was seconded by Alderman McLendon.

Alderman Feuerborn spoke about (1) a lot of work being done by the Staff and others (2) the fees for large homes vs. small homes (3) the appeals process (4) credits and (5) the streets belonging to the public. He urged the Board to adopt a \$3.00 fee.

A motion was made by Alderman Feuerborn that Ordinance No. 2004-25 be amended to change 16-806 (2) to say "The ERU Rate to be charged for Stormwater Management User Fees for each ERU is hereby established to be \$3.00 per month". His motion died for lack of a second.

Alderman McLendon said he will be willing to review the Budget and Alderman Klatt said no study has been

done on the basins to the South and this should be done. Jay R. Johnson asked that the effective date be changed to May 1, 2004.

A motion was made by Alderman Klatt that the date of April 1, 2004 in Section III be changed to May 1, 2004. His motion was seconded by Alderman McLendon and it passed unanimously.

The vote was then called for on the passage of Ordinance No. 2004-25, As Amended, and the vote was as follows: Klatt - Aye; Edmondson - Aye; McLendon - Aye; Feuerborn - No; Bacon - Absent; Kriebel - Aye; Lewis - Aye; Phillips - No.

20. Consideration of Ordinance No. 2004-26 - An Ordinance to Create an Appeals Board for the Stormwater Management Program. (Deferred from February 10, 2004) (First Reading)

Alderman Klatt introduced Ordinance No. 2004-26 entitled AN ORDINANCE TO CREATE AN APPEALS BOARD FOR THE STORMWATER MANAGEMENT ORDINANCE and moved its passage on first reading. His motion was seconded by Alderman Lewis.

A motion was then made by Alderman Klatt that Ordinance No. 2004-26 be amended as follows:

To add as the last sentence of Sec. 16-902 (1) the following: "At least one member shall be a current member of the Board of Mayor and Aldermen." and

To change the words "ten working days" in Section 16-904 (c) to "25 working days" and to change "10 days" in Section 16-904 (d) to "25 days".

His motion was seconded by Alderman Lewis and it passed unanimously.

The vote was then called for on the passage of Ordinance No. 2004-26, As Amended, and it passed unanimously.

21. Consideration of Ordinance No. 2003-38 - An Ordinance to Amend the Franklin Zoning Ordinance Pertaining to Landscape Surface Ratios for Non-Residential Development,

Thomas R. Miller  
Mayor



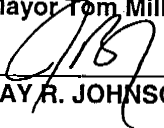
## CITY OF FRANKLIN

TENNESSEE

www.franklin-gov.com

James R. Johnson  
City Administrator

### MEMORANDUM...

TO: Mayor Tom Miller  
FROM:   
JAY R. JOHNSON, CITY ADMINISTRATOR  
DATE: March 8, 2003  
RE: Stormwater Fee

If I may respond to your memo and analysis on stormwater, I would agree generally on the objective of "getting more money into actual improvements benefiting water quality". Most of the focus these last two years has been on studies or equipment, not water quality or actual stormwater management. However, I would also argue it is imperative we complete the analysis of all basins as soon as possible.

By doing so, we will have a consistent data base of the entire community... all drainage basins, all neighborhoods, and all aldermanic wards.

Second, with this we can better prioritize drainage improvements throughout the City as to need, as to cost/benefit analysis, or as to in-house or contracted work.

I am concerned we may focus too much on "mega-projects", when/where we could perhaps get even more accomplished... "short term" ... with several smaller neighborhood projects. Again, these projects could focus either (or both) on flood control or on erosion control due to stormwater.

Regarding the "mega-projects", actually they will still be EPA grants, with probable local matching funds through bond issues, the example being the Jackson Lake area regional detention basin. Even with a \$3.65 ERU, debt service for this proposal bond is not included.

Finally, your letter does emphasize the point, perhaps indirectly, we must have a higher ERU fee than \$1.00/per ERU per month if we are to have a successful, beneficial program for the citizens of this city.

C: Board of Aldermen  
Doug Berry, City Attorney  
David Parker, City Engineer  
Joe York, Director of Streets and Drainage  
Randy Wetmore, Assistant City Administrator

JRJ/lyb

G:\STORMWATER MANAGEMENT\ERU-Mayor Miller Stormwater Fee-03-04.doc

109 THIRD AVENUE SOUTH

POST OFFICE BOX 305

FRANKLIN, TENNESSEE 37065-0305

(615) 791-3217 TELEPHONE

(615) 790-0469 FAX

Thomas R. Miller  
Mayor

James R. Johnson  
Administrator

CITY OF FRANKLIN  
TENNESSEE

March 5, 2004

To: Board of Mayor and Aldermen  
Cc: Jay Johnson  
Dave Parker

From: Mayor Tom Miller

RE: Ordinance 2004-25

The captioned ordinance is before you on Tuesday evening for public hearing and second reading. The ordinance proposes funding the budget of \$1,074,250.00 with a Stormwater fee of \$3.65 per ERU. The budget is broken down as follows:

|                            |                |       |
|----------------------------|----------------|-------|
| Personnel                  | \$ 236,075.00  | 21.9% |
| Operations and Maintenance | \$ 395,600.00  | 36.8% |
| Capital - Equipment        | \$ 206,000.00  | 19.2% |
| Capital - Improvements     | \$ 236,575.00  | 22.0% |
| Totals:                    | \$1,074,250.00 | 99.9% |

To continue the study of the drainage basins, a professional consultant will need a budget of \$250,000.00 or 63.2% of the O & M budget. Since only 22% of this budget is devoted to actually improving water quality in Franklin I would suggest further basin studies be deferred until such time as we have completed, or nearly completed, the improvements in the basins already studied. Over one-half million dollars is being budgeted for basin studies over the next three years with actual improvement to water quality over that same period of time remains at about 20% of the total budget or less.

I recommend one of the two following actions:

1. Defer further drainage basin studies and reduce the Stormwater rate from \$3.65 per ERU to \$3.00 per ERU.
2. Defer further basin studies and allocate the money to capital improvements and leave the rate the same.

Thank you for allowing me to provide my input concerning this very important matter. If you have any questions, please contact me.

109 3RD AVENUE SOUTH P.O. BOX 305 FRANKLIN, TENNESSEE 37065-0305  
(615) 791-3217 TELEPHONE (615) 790-0469 FAX



City Hall

P.O. Box 156

Franklin, Tennessee

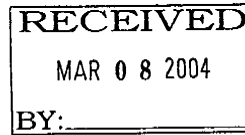
37065-0156

Office (615) 794-1225

Fax (615) 790-5337

1-800-356-3445

[williamson-franklinchamber.com](http://williamson-franklinchamber.com)



March 8, 2004

TO: FRANKLIN BOARD OF MAYOR AND ALDERMEN  
FROM: PAM S. KELLY *psk*  
STORMWATER CHAIR

TOPIC: STORMWATER ORDINANCE 2004-25  
(AS AMENDED)

Please allow us to direct your attention to Stormwater Ordinance 2004-25 (as amended) which comes up for final reading tomorrow night, Tuesday, March 9, 2004.

In previous correspondence and conversation, we have respectfully asked that a reduction in the \$3.65 ERU fee be considered. As you make a decision on this ordinance we ask that you be sensitive to the impact this excessive fee would have on businesses and vote for a lesser fee.

Enclosed you will find a copy of a letter from County Mayor Rogers Anderson indicating a willingness to work with the City of Franklin in arriving at workable solutions.

Thank you for the opportunities we have had to present the business operator's side in this matter and we thank you in advance for your consideration at the final reading.

Enclosure



## WILLIAMSON COUNTY

Rogers C. Anderson, County Mayor  
1320 West Main Street, Suite 125  
Franklin, Tennessee 37064  
(615) 790-5700, Fax (615) 790-5818

February 10, 2004

Mrs. Pam Stephens Kelly,  
Storm Water Committee Chair  
Williamson County/Franklin Chamber  
of Commerce  
P. O. Box 156  
Franklin, TN 37065-0156

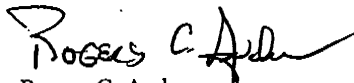
Dear Mrs. Kelly:

Williamson County is currently working with neighboring communities (Nolensville, Brentwood and Franklin) wherever possible to share the development and implementation costs associated with the MS4 Stormwater Permit requirements. Some of these cooperative efforts include:

- Facilitation of the Tennessee MS4 Stormwater Working Group, with the goal of providing opportunities for MS4 programs from across Tennessee to collectively share ideas and resources;
- Integrating water quality environmental education, Project WET, into Williamson County classrooms;
- Delivery of WaterWorks!, a water quality public service announcement program;
- Erosion prevention and sediment control training workshops for the development and construction communities;
- County wide hazardous waste collection events; and,
- Citizen group activities, such as stream cleanup events.

Williamson County welcomes the opportunity to work with each of the municipalities to identify additional ways which we can all comply with the mandates of this law in the most efficient, cost-effective manner.

Sincerely,

  
Rogers C. Anderson  
Williamson County Mayor

RCA/dg