
**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, APRIL 10, 2018 – 5:00 P.M.**

Members

| | | | |
|----------------------------|---|-------------------------|---|
| Mayor Ken Moore | | | |
| Vice Mayor Margaret Martin | P | Alderman Beverly Burger | P |
| Alderman Clyde Barnhill | P | Alderman Dana McLendon | P |
| Alderman Brandy Blanton | A | Alderman Ann Petersen | P |
| Alderman Pearl Bransford | P | Alderman Scott Speedy | P |

Department Directors/Staff

| | | | |
|---|---|--|---|
| Eric Stuckey, City Administrator | P | Jack Tucker, SES Director | P |
| Vernon Gerth, ACA Community/Economic Dev. | P | Lisa Clayton, Parks Director | P |
| Mark Hilty, ACA Public Works | P | Michelle Hatcher, Water Management Director | P |
| Kristine Tallent, ACA/CFO | P | Paul Holzen, Engineering Director | P |
| Tiffani Pope, Staff Attorney | P | Emily Hunter, Planning & Sustainability Director | P |
| Deb Faulkner, Police Chief | P | Kevin Townsel, HR Director | P |
| Rocky Garzarek, Fire Chief | | Joe York, Streets Director | P |
| Jordon Shaw, IT Director | P | Lanaii Benne, Assistant City Recorder | P |
| Chris Bridgewater, BNS Director | P | Linda Fulwider, Board Recording Secretary | P |

Call to Order

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

Citizen Comments

No one came forward to speak.

WORK SESSION DISCUSSION ITEMS

1. **18-0293 Consideration of DRAFT RESOLUTION 2018-25, A Resolution Adopting an Annual Action Plan for Community Development Block Grant (CDBG) Funding (2018-2019) for the City of Franklin, Tennessee.**

Chris Bridgewater, BNS Director

Kathleen Sauseda, Housing Development Coordinator

Franklin is an entitlement community for Federal funds used for low and moderate-income citizens and neighborhoods. This is the 5-year plan.

- William Ferguson, 9728 Davis Branch Road, 4 Stars by Design home improvement company, spoke of non-payment for services and materials. He was awarded a bid for a CDBG project. He enumerated a list of repairs he completed. Two days prior to finishing the work, the homeowner died. As power of attorney, the son signed off that all work was satisfactory. CHP was paid a handling fee of over \$2,000. Mr. Ferguson is due \$14,700 for work completed. Six weeks have passed without payment. He understood the delay was caused by a contract dispute between two of the entities. He read from Section 3, Method of Payment that states final contract payment will be made after acceptance of work performed, and after final inspection. It clearly says the City of Franklin will make a payment. The dispute has nothing to do with him. To date he is out \$11,000 on material alone. His profit so far is \$3,700 before taxes. He has contacted the City several times to no avail, and plans to pursue this until he is paid.

Mayor Moore asked Kathleen Sauseda to share the status of this situation. Ms. Sauseda said that after speaking with Mayor Moore and City Administrator Stuckey, the City is going to move forward immediately and cut a check payable to Mr. Ferguson.

Expiration of the contract meant payment could not be made; thus, causing this problem. Working with the Law Department, the verbiage in the contract referring to timeframe has been changed and BOMA will vote on the amendment at the 7:00 p.m. meeting. This problem will not occur in future.

Mr. Stuckey will sign-off on the paperwork tomorrow and Mr. Ferguson can pick up the check tomorrow as well. Mr. Ferguson responded that he would come to City Hall at Noon.

2. 18-0280 **★Consideration of Event Permit for Main Street Festival sponsored by the Heritage Foundation on April 28-29 in Downtown Franklin.**

Deb Faulkner, Police Chief

No questions or comments.

3. 18-0281 **Consideration of Event Permit for the Heritage Ball sponsored by the Heritage Foundation on September 15, 2018 at Eastern Flank Battlefield Park.**

Lisa Clayton, Parks Director

No questions or comments.

4. 18-0278 **Consideration of Event Permit for Mellow Mushroom Live on the Square Concert Series May-September 2018 in Downtown Franklin.**

Deb Faulkner, Police Chief

Alderman Petersen asked if timing of closing streets for this event would conflict with the Rodeo Parade at noon on that day. Monique McCullough responded there would be no conflict since the the application was incorrect and closing would be later in the day.

5. 18-0279 **Consideration of Event Permit for the Franklin Hot Air Balloon Festival in Westhaven on May 5, 2018.**

Deb Faulkner, Police Chief

Alderman Burger heard residents had trouble accessing City streets in Westhaven during the festival. Will something be done to avoid the problem.

Matt Lowney, applicant, responded one citizen had raised a question. The number of cars being parked is minimal. One entrance on one street will be closed. Police officers will be there to assist should there be a problem.

6. 18-0286 **Consideration of Event Permit for the Rodeo Parade sponsored by the Franklin Noon Rotary Club on May 12, 2018 in Downtown Franklin.**

Deb Faulkner, Police Chief

No questions or comments.

7. 18-0276 **★Consideration of Liquor License Renewal for Berry Farm Wine & Spirits (Satish Patel, Managing Agent), 4000 Hughes Crossing, Suite 160, Franklin, TN 37064-1484.**

Lanai Benne, Assistant City Recorder

No questions or comments.

8. 18-0289 **★Consideration of Certificate of Compliance (RENEWAL) for Wine in Grocery Stores for Sam's East, Inc. d/b/a Sam's Club #6249 Located at 3070 Mallory Lane, Franklin, TN 37067 (William Brandon Bell, Managing Agent; John Robert Furner [President], Cynthia P. Moehring [Senior Vice President], Matthew William Allen [Treasurer], and Andrea Lazenby [Assistant Secretary], Executive Officers)**

Lanai Benne, Assistant City Recorder

No questions or comments.

9. 18-0296 ★ **Consideration of Certificate of Compliance (RENEWAL) for Wine in Grocery Stores for Wal-Mart Stores East, LP d/b/a Walmart #272 Located at 3600 Mallory Lane, Franklin, TN 37067 (Jason Harnden, Managing Agent; Michael Moore [EVP], Cynthia Moehring [Senior Vice President], Matthew William Allen [Treasurer], and Andrea Lazenby [Assistant Secretary], Executive Officers)**
Lanai Benne, Assistant City Recorder
 No questions or comments.
10. 18-0133 ★ **Consideration of ORDINANCE 2018-04, To Be Entitled: “An Ordinance to Rezone 3.95 Acres from Light Industrial District (LI) to Neighborhood Commercial (NC) District for the Property Located West of Columbia Avenue and South of Fairgrounds Street (Near 200 and 300 Downs Boulevard.”**
[FIRST OF THREE READINGS]
Alderman Ann Petersen, FMPC Representative
Franklin Municipal Planning Commission
Emily Hunter, Planning/Sustainability Director
Amy Diaz-Barriga, Current Planning Supervisor
Josh King, Principal Planner
 Josh King noted the rezoning is for 3.96 acres on the north side of Downs Boulevard, and is a good fit for Industrial Flex per Envision Franklin. Overhead lines must be removed to make Lot 2 buildable. A greenway trail is planned to run the length of Downs Boulevard and could impact the amount of buildable land on Lot 2. No plans have been submitted.
11. 17-0972 **Consideration of ORDINANCE 2016-25, “An Ordinance to Amend the City of Franklin Municipal Code to Create a New Title 25, Parks, and to Add a New Chapter 4 in Order to Establish Requirements for Parkland Impact Fees and Parkland Dedication, and Amend Appendix A, Comprehensive Fees and Penalties, to Add a New Chapter 25, Parks, in Order to Establish Fees for Parkland Impact Fees and Parkland Dedication.”**
Eric Stuckey, City Administrator
Vernon Gerth, Assistant City Administrator
Lisa Clayton, Parks Director
Kevin Lindsey,
12. 17-0973 **Consideration of ORDINANCE 2016-36, To Be Entitled: “An Ordinance to Amend Chapter 5 of the Zoning Ordinance of the City of Franklin, Tennessee to Amend Subsections 5.5.4 Pertaining to the Requirements for the Dedication of Land for Parks and Greenways/Blueways.”**
Alderman Ann Petersen, FMPC Representative
James Svoboda, Asst. Director Planning/Sustainability
 Two outstanding issues for BOMA guidance: 1) To limit or not limit the timeframe to spend the money (the 10-year time limit was kept in the ordinance), and 2) How to allocate funds in true Nexus; allocate 100% in the quadrant where development occurred, or 25/75, 25% designated for community parks and 75% stays in the quadrant.
 Discussion:
 - Aldermen Barnhill & Bransford support the 10-year limit and the 25/75.
 - Alderman McLendon: Concern with the 100% Nexus remaining in the quadrant. Prefers 25/75. He will articulate reasons after he has researched court decisions.
 - Discussed Nexus, benefits of 100%, other funding that can be used for parks, and focus for using Facilities Tax, Hotel/Motel, General Capital Capacity.
 - Alderman Speedy asked if any fees are being collected for things other than parks. Mr. Stuckey commented a similar quadrant approach is used for collector roads.

- Talked about Nexus being tied to growth, the need to establish how it is tied to a quadrant. This will apply the same service level to new residents as has been done with existing residents.
- Alderman Petersen: Concern with basing fees on neighborhood parks, and with the legal aspects.

The Ordinance will be presented for vote at the April 24, 2018 BOMA meeting.

13. 18-0277 **★Consideration of a Professional Services Agreement (COF Contract No. 2018-0053) with Volkert, Inc. for Right-of-Way Acquisition Services for the SR-96 West Multi-Use Trail in a Lump Sum Amount of \$67,200.00.**

Paul Holzen, Engineering Director

Some Aldermen didn't receive notice of the public meeting March 4th and asked they be notified for all such meetings. Paul Holzen noted it was on the City calendar, but notices didn't get sent for this meeting. He will make sure the Aldermen receive notices for all these meetings.

- Alderman Martin asked about the width of this trail and was told it is 12 ft. wide as is required for the grant. She reported receiving calls for the 96-East Sidewalk which is 5 ft. wide. That is too small, and asked that be changed in the Zoning Ordinance.
- Mr. Stuckey responded this is covered in Street Standards. A 5-ft. sidewalk was approved by BOMA.
- Alderman Petersen said she hears that residents are delighted to have a sidewalk. The 96-East project had special circumstances with Watson's Branch Creek and drainage.
- Mr. Holzen noted a wider sidewalk would have taken more of the properties front yards. Also, slopes and other elements hindered building a wider sidewalk.

14. 18-0223 **Continued discussion on establishing a Sanitary Sewer Capacity Model for the purpose of dedicating Sanitary Sewer Capacity Fees from the Future Development of Selected Parcels in the Area of Downs Boulevard and Boyd Mill Pike for the Purpose of Recapturing the City's Contribution for Upsizing Sanitary Sewer Infrastructure as Described in City of Franklin Contract No. 2018-0029 (Wards Mill).**

Eric Stuckey, City Administrator

Vernon Gerth, Assistant City Administrator

Mark Hilty, ACA Public Works

Michelle Hatcher, Water Management Director

Jimmy Wiseman, Assistant Director Engineering

15. 18-0240 **★Consideration of Sanitary Sewer Reimbursement Agreement (COF Contract No. 2018-0029) with Trace Construction, Inc. for Wards Mill PUD Subdivision Off-site Sanitary Sewer Improvements.**

Mark Hilty, ACA Public Works

Michelle Hatcher, Water Management Director

Ward's Mill Capacity Fee:

- Approximately 640 ft. of sanitary sewer main to be upsized
- 62 +/- acres with potential for commercial and residential uses
- 27 +/- acres with potential for residential use
- 26 +/- acres with potential for residential use

Contributing drainage area at full development:

- Ward's Mill and potential future developments will utilize additional capacity achieved from upsizing to 15-inch pipe
- The contributing drainage area will essentially be built out at that time, with no major additional flows requiring further improvements

Existing versus Ward's Mill Development:

- 8" diameter – Available capacity = 27%
- 8" diameter - Existing flow + Ward's Mill Available Capacity = 0%
- 15" diameter – Existing flow + Ward's Mill + Future Development Available Capacity = 20%

The cost to upgrade from 8" to 15" pipe is about \$350,000. The developer of Ward's Mill will pay \$100,000 toward the cost.

Development access fees potentially recover the cost from an improvement. Property owners pay only if they redevelop and add more density.

There is an access fee, system development fee and a tap fee. The access fee is related to adding capacity; pipes, force mains, pump stations and water treatment. The developer of a property benefiting from this will pay a portion if the property is redeveloped. The System Development Fee is for larger type developments.

Questions from Residents within the Area:

- Libby Marley, 3214 Boyd Mill Avenue: Ward's Mill goes around her property which is not a parcel marked for development. Her property is sizable and has a septic system. She pays the minimum sewer fee each month even though she is not on the system. Two systems will be going down the street. What fees will be required when she has to connect to sanitary sewer? She already paid through special assessment.
- She was told no additional fees were required because of the special assessment payment.
- Lucile Rosenthal, 3111 Horton Lane: 30-acre parcel in a development area. If she wanted to build one additional house would she have to pay the development fee? She is on a septic system as well.
- Mr. Gerth: If one house was added to the property, the development fee would be required, she could connect to the gravity sewer, and the normal sewer and access fees would be required as well.

16. 18-0290 Consideration of Amendment #5 to the Professional Services Agreement (COF Contract No. 2013-0001) with CDM Smith for the Franklin Wastewater Reclamation Facility in the Amount of \$839,350.00.

Mark Hilty, ACA Public Works

Michelle Hatcher, Water Management Director

Patricia McNeese, Utilities Project Manager

All bids for this project were previously rejected by the Board. This amendment is for the rebid of the project. The amendment is based on several factors which include:

- Bids were significantly higher than available funding estimated for the project
- In addition to the rebid of the project, this scope also includes items for costs, preparation of "interim conformed documents" to act as base drawings for the rebid, services associated with rescoping of the construction to reduce cost, redesign, rebidding, and conforming the drawings after rebidding.
- Changes include: preparation of "post addenda drawing and specifications" costs, redesign planning effort costs, removal of FOG (Fats/Oils/Grease) element, not removing all the old structures on site, modifications to electrical system, HVAC. Some were removed to make bidding more competitive. Also, reduction of amount of spare parts kept on hand.
- Originally the estimated cost was \$108 million, but bids came in at \$150 M (bids have since been rejected). Best projection now is \$135-\$140 million and this is the reasonable path to take.

17. 18-0292 **Consideration of Amendment No. 1 to Contract 2016-0077 with Community Housing Partnership (CHP) for the Emergency Repair Activity Utilizing Community Development Block Grant Funds.**

Chris Bridgewater, BNS Director

This amendment pertains to the issue discussed with Mr. Ferguson, and extends the term of the contract.

Other Business

None

Adjournment

Work Session adjourned @ 6:19 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office 4/24/2018 2:24 PM