
**MINUTES OF THE WORK SESSION
BOARD OF MAYOR AND ALDERMEN
FRANKLIN, TENNESSEE
CITY HALL BOARDROOM
TUESDAY, JULY 24, 2012 - 5:00 P.M.**

Board Members

Mayor Ken Moore	P		
Alderman Brandy Blanton	P	Alderman Margaret Martin	P
Alderman Clyde Barnhill	P	Alderman Dana McLendon	P
Alderman Pearl Bransford	P	Alderman Ann Petersen	P
Alderman Beverly Burger	P	Alderman Michael Skinner, Vice Mayor	P
	P		

Department Directors/Staff

Eric Stuckey, City Administrator	P	Shirley Harmon, HR Director	P
Vernon Gerth, ACA Community & Economic Dev.	P	Mark Hilty, Water Management Director	P
Russell Truell, ACA Finance & Administration	P	Paul Holzen, Engineering Director	P
David Parker, CIP Executive/City Engineer	P	Catherine Powers, Planning/Sustainability Director	P
Shauna Billingsley, City Attorney	P	Joe York, Streets Director	P
Rocky Garzarek, Fire Chief	P	Brad Wilson, Facilities Project Manager	P
David Rahinsky, Police Chief	P	Steve Sims, Assistant City Recorder	P
Fred Banner, MIT Director	P	Kevin Comstock, ITS Project Manager	P
Chris Bridgewater, BNS Director	P	Monique McCullough, Public Outreach Specialist	P
Becky Caldwell, Solid Waste Director		Lanaii Benne, Assistant City Recorder	P
Lisa Clayton, Parks Director	P	Linda Fulwider, Board Recording Secretary	P

1. Call to Order

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

2. Citizen Comments

None

WORK SESSION DISCUSSION ITEMS

3. Cell Phone Tour Demo Presentation

Lisa Clayton, Parks Director

Milissa Reiersen, Communications Manager

Lisa Clayton related the Self-Guided Cell Phone Audio Tour of Historic Franklin Park Sites impacted by the Battle of Franklin during the Civil War presented by the City of Franklin Parks and The Battlefield Preservation Commission was launched last week. Instructions from the Tour Brochure:

- ♦ Call 615-216-1597 to access the cell phone tour from any location 24/7. Follow the prompts by entering the tour stop number and then the (pound) # key. The cell phone tour is free, however, your normal usage rates apply
- ♦ A QR code is available to use with your smart phone.
- ♦ To take the audio tour, call 615-216-1597 then follow the prompts
Press 0# to leave a comment or suggestion at any time during your tour. Press # again after your message to stop recording.

TOUR STOPS

- 1# Historic Overview
Available at each stop to listen and learn about the history of the Battle of Franklin
Spanish 21#
- 2# Winstead Hill
4023 Columbia
Spanish 22#
- 3# Assault on the Cotton Gin
1259 Columbia
Spanish 23#
- 4# Rest Haven Cemetery
4th Avenue South
Spanish 24#
- 5# City Cemetery
4th Avenue South
Spanish 25#
- 6# The Park at Harlinsdale Farm
239 Franklin Road - in front of Large Barn
Spanish 26#
- 7# The Park at Harlinsdale Farm
239 Franklin Road - at trailhead by Dog Park
Spanish 27#
- 8# Fort Granger/Roper's Knob
306 Eddy Lane
Spanish 28#
- 9# Collins Farm
418 Lewisburg Pike
Spanish 29#
- 10# Eastern Flank Battle Park
1343 Carnton Lane - entry near Civil War Trails sign
Spanish 30#
- 11# 1343 Carnton Lane - entry near Civil War Trails sign
Spanish 31#

Information can be added to the tour. Citizens participated in this endeavor and some narrated for particular locations. A snippet from the tour was played. Calls can be tracked to learn how many calls are from different states. It is seen as a way to teach history to the younger generation as well.

Ms. Clayton thanked the Battlefield Preservation Commission, Amanda Hall, Preservation Planner, Deanna Scheffel, Parks Department Program Specialist, and others who made this program possible. In turn, Aldermen Bransford and Skinner complimented Ms. Clayton and the Parks Department for this addition to historic tours.

- 4.* **Consideration of ORDINANCE 2012-39, An Ordinance to Rezone ± 0.96 Acres From Low Residential District (R-1) To High Residential District (R-3) for the Property Located at 711 Hillsboro Road; Establishing a Public Hearing for August 28, 2012. (06/28/12 FMPC 6/1, Recommendation to Disapprove; Continued from 07/10/12 WS)**

Alderman Ann Petersen, FMPC Board Representative

Alderman Martin was recused and left the room.

Eric Stuckey noted this item was discussed at the last Work Session. Additional information was provided for this meeting. It was on the agenda for the 7:00 p.m. voting meeting as well.

Catherine Powers reiterated the dilemma the request presents, which is to rezone the

approximately .96 acre lot at 711 Hillsboro Road from R-1 (one unit permitted) to R-3 (2 units permitted) as the property owners wants to divide the lot. The property is located in a unique area that contains a mix of uses including: detached residential, attached residential, commercial, and institutional. The lot is unique in that a subdivision could occur to permit one additional detached residential unit, yet remain compatible with the existing character along Hillsboro Road. The challenge relates to the overall zoning plan for the area. Most of the detached residential properties along Hillsboro Road are within the R-1 Zoning District. From a consistency standpoint, the City has interest in maintaining a zoning plan that provides contiguity between zoning districts. While infill in this location seems appropriate, a rezoning to the R-3 Zoning District will change the consistency of the zoning currently in place along Hillsboro Road, where a similar zoning district is not present on adjacent properties. The Planning Commission voted to disapprove the request.

There was lengthy discussion on how this request could be honored, yet to do so would there be potential for others to request rezoning with the expectation of approval.

Alderman McLendon said he received comments from those who have lived on Hillsboro Road for a number of years. All were opposed to the rezoning because they do not want the domino effect of unintended consequences. Reasons to not grant the request included possible drainage issues associated with the lot; the neighborhood is against rezoning, and staff's assessment to deny. He did not support the request to rezone. He did say he was receptive to opening up the corridor to appropriate redevelopment opportunities as the road improvements are done. He opined the neighborhood would change profoundly with that. He was open to meeting with residents to address how the roadway improvements will affect the neighborhood.

Loy Hardcastle, owner of the property at 711 Hillsboro Road, said he was not aware of any drainage issues. He related there is one person going house to house telling the residents he plans to build townhouses on the lots (if divided) and that is untrue. He said of the three zoning districts, nothing out there fits; it is a hodge-podge.

There was additional discussion on how to proceed, how many residents are actually opposed to a house being built on the lot, being consistent in following zoning rules, and the consequences of making special concessions.

Alderman Martin rejoined the meeting

- 5.* **Consideration of New Liquor License Retailer's Certificate for The Bottle Shop at McEwen, Quillco, LLC (Nancy Quillman, Managing Agent), 1556 West McEwen, Franklin, Tennessee**
Lanaii Benne, Assistant City Recorder

No questions or comments

- 6.* **Consideration of Good Moral Character Certificate for Westhaven Golf Club, LLC d/b/a Westhaven Golf Club, (Ernie Micelli, Managing Agent), 4100 Golf Club Drive, for On Premises Consumption**

Steve Sims, Assistant City Recorder/Court Clerk

No comments or concerns.

- 7.* **Consideration of Bid Award to Tennis Court Construction Co., Inc. of Nashville, TN in the Total Amount of \$75,550.00 for Certain Improvements to the Tennis Courts at Jim Warren Park for the**

Parks Department (Purchasing Office Procurement Solicitation No. 2012-029; To Be Funded in Part by Tennessee Local Parks and Recreation Fund Grant; Contract No. 2012-0119)

Lisa Clayton, Parks Director

- 8.* **Consideration of Bid Award to First Place Finish, Inc. of Oak Ridge, TN in the Total Amount of \$55,683.59 for Certain Improvements to the Playground Adjacent to the Tennis Courts at Jim Warren Park and to the Playground at Liberty Park for the Parks Department (Purchasing Office Procurement Solicitation No. 2012-030; to be Funded in Part by Tennessee Local Parks and Recreation Fund Grant; Contract No. 2012-0120)**

Lisa Clayton, Parks Director

Eric Stuckey related a Budget Amendment is needed to pay for items 7 and 8 in this fiscal year as grant money is involved.

- 9.* **Consideration of the Professional Services Agreement (COF Contract No. 2012-0116) with Alfred Benesch and Company for the Long Lane Bridge Over I-65 Project in an Amount Not to Exceed Cost of \$324,725.00**

David Parker, City Engineer/CIP Executive

Eric Stuckey noted this item came by way of the Capital Investment Committee. It is an opportunity to save on costs by getting a design for a bridge over I-65 that will be built in future to connect east and west without using Goose Creek Bypass or Highway 96. To do this now would allow TDOT to build the pier for the bridge during the widening of I-65. Then, when the bridge is built, there would be no disruptions in traffic flow during construction and it would be more cost effective. A \$1.7 million surplus was realized at the end of FY 2011-2012. A portion of that could be used for the bridge design.

Discussion:

- ▲ Alderman Skinner said he had spoken with Chief Horton about a fire station eventually being built in the Goose Creek area. He provided documentation of average response times by district/incident for fire calls since January 2010. He supported getting the design for the bridge.
- ▲ Alderman Martin clarified, for residents who sent her e-mails that the Board would be voting on a design for the bridge, not on building the bridge.
- ▲ Comparisons were made regarding the development of Cool Springs vs. the development of Berry Farms, etc. in South Franklin.

Britt Cumbie, a resident of Ladd Park, spoke on items from an e-mail he sent to Mayor Moore and the Aldermen on Sunday.

- ✦ The Ladd Park area has significant infrastructure and connectivity issues.
- ✦ The area has only one access point, Peytonsville Road to I-65 and to the west side of I-65.
- ✦ Traffic congested every morning and evening rush hour, during significant Ag Center events, and traffic accidents that result in bottlenecks or a total shutdown of Peytonsville Road.
- ✦ Major inconvenience to drivers and critical limitations to emergency response.
- ✦ He supports getting a design plan to build the bridge connecting Long Lane to Old Peytonsville Road
- ✦ Benefits of the connection: alternative route/more direct route for first responders, easier and safer commute to Oak View Elementary for those coming from the east side of I-65, an easier and safer commute to Page Middle and High schools for those coming from the west side of I-65, from the east a more direct access point to the west side of Franklin, ability to

bypass Berry Farms development, from the west easier access to Williamson County Ag Expo Center.

- ✦ The bridge will improve connectivity, address safety concerns and improve quality of life in South Franklin.
- ▲ Anticipated improvements at Goose Creek Interchange are multiple lanes and signals that are basically like the Highway 96 Interchange but with more lanes. It will be State funded.
- ▲ The City will have to pay around \$50,000 for the piling when the pier is constructed. Savings will be in construction management, and other things.

10.* Consideration of RESOLUTION 2012-42, A Resolution Authorizing City Administrator to Enter Into Agreements With Middle Tennessee Electric Membership Corporation's Designated Attorney for Condemnation of Easements for Electric Line Relocation as Part of the Hillsboro Road Improvements Project

David Parker, City Engineer/CIP Executive

This is for the relocation of power lines. Easements are needed on three properties.

11. Presentation on Title 24 Special Assessment District; ORDINANCE 2011-12, An Ordinance to Establish Title 24 Special Assessment Districts

David Parker, City Engineer/CIP Executive

Shauna Billingsley, City Attorney

The Ordinance is divided into four chapters with the first chapter to provide the purpose, authority of the City to establish such Special Assessment Districts and definitions of terms used throughout the proposed Title 24. The other three chapters are to provide for the three different type assessment districts found in the Tennessee Code Annotated.

What are Special Assessment Districts?

- ♦ Specific geographic areas in which the market value of real estate is enhanced due to the influence of a public improvement and in which a special assessment against Benefited Properties is apportioned to recover the costs of a public improvement.

Title 24 - Special Assessment Districts

- ♦ The purpose of this Title is to allow for the establishment and management of Special Assessment Districts for Public Facilities.
- ♦ Public Improvements that may be purchased and/or constructed with repayment of costs through a special assessment district include, but are not necessarily limited to;
- ♦ Roads, streets, utilities such as water, sanitary sewer, reclaimed water, stormwater, electrical, and gas along with their related improvements, parking facilities, parks, greenways and any other improvements desired within the City that are to be used by or to benefit the general public.

Chapter 1 - Title, Authority & Definitions

- ♦ Authority of Franklin to create special assessment districts is granted by three (3) chapters in Title 7 of the Tennessee Code Annotated (T.C.A.) that define the requirements for the establishment of the three (3) types of assessment districts for financing public improvements.
- ♦ The definition of Costs is such that all costs associated with the completion of the Improvement are to be included in the calculation of the Improvement Assessment
- ♦ While the definition of Public Sanitary Sewer includes both gravity and low pressure systems, intent of staff is to require gravity sewers unless there are serious mitigating circumstances dictating otherwise

Three Types of Assessment Districts

1. Special Assessment with Improvement Bonds - FMC Title 24, Chapter 2
2. Streets, Public Places & Utilities - FMC Title 24, Chapter 3
3. Central Business Improvement Districts - FMC Title 24, Chapter 4

Chapter 2: Special Assessment with Improvement Bonds (All Improvements)

- ♦ T.C.A. §§ 7-33-301, *et seq.*, provide that the City may set up special assessment districts for all manner of public improvements

- This includes storm drains, sanitary sewers, the undergrounding of utilities (electrical and communication cables), street (<36' wide) reconstruction or widening and streetscape improvements
- Created by ordinance (public hearing required)

Allows for an assessment to benefited property owners:

- "not to exceed 75% of total costs," or
- Up to 100% if the municipality pledges its full faith and credit behind any bonds that are issued
- Costs assessed to the property owners could include labor, materials, equipment, and any other necessary expenses connected with an improvement, including surveys, inspections, and other professional expenses including (but not limited to) engineers' and attorneys' fees (see definition as found in FMC § 24-103 (8))
- Costs shall be assessed annually against the benefited property on the proportion that the assessed value of each lot or parcel bears to the whole assessed value of the benefited properties (Assessed Value Basis)
- Becomes a lien against the property at the time the Improvement Assessment is made
- Final assessment cost cannot exceed ~~10%~~ 110% of initial estimated cost (corrected 8/14/12)
- This Chapter cannot be used for underdeveloped or largely undeveloped areas; is limited to areas where a majority of the lots contain buildings or other structures
- The City may add other properties to a District by ordinance whereby the later benefited properties will assume a fair proportionate share of the improvement assessments, or otherwise be placed as nearly as practicable on a basis of financial equity with the owners of properties initially subject to the improvement assessments

When Used?

- The type assessment district described by this Chapter is the type the City has used for the various sanitary sewer improvements in the 5 current assessment districts (Highgate Subdivision, Hooper Lane, Monticello Subdivision, Country Road, and Boyd Mill Avenue)

Chapter 3: Streets, Public Places & Utilities

- Pursuant to TCA §§ 7-32-101, et seq., the City by ordinance may create a special assessment district for the construction or improvement of streets, alleys or other public places (parking facilities, parks, greenways) and Utilities including electrical
- Assessments are calculated according to the frontage of the abutting lot or parcel to the street, alley or other public place
- "No less than" two-thirds of the project is paid for by the property owners based on frontage, and the remainder is paid for by the City
- Upon confirmation of the Establishing Ordinance (public notice of adoption by publication for 2 consecutive weeks in newspaper) construction bid advertisement may begin
- City may accept the transfer of a Public Facility from a third party if City reasonably anticipates private investment of \$25,000,000, or more, on adjacent property to Public Facility
- No property owner has to pay an assessment of more than 50% of the market value of his or her lot and its improvements
- If the owners of at least 75% of the "front-footage" of the benefiting properties wish to contribute more toward the cost, they may do so – but their assessment can still not exceed one-half of the property's assessed value
- The assessment becomes a lien against the property superior to all other liens except state, county and City for taxes
- The assessment is due with 30 days after Improvement Assessment is made final
- Property owners may pay the assessment over five years at 6% interest
- The City may permit amortization of assessment for not more than 30 years at interest rate set by the Board but shall not exceed maximum rate set by law for installment payments no more frequently than monthly
- The City may also use this Chapter to make special assessments for flood control and water management against property owners in a benefited flood plain
- The municipality must assess at least two-thirds of the cost *not paid by federal funds* to the property owners

When Used?

- The type assessment district described by this Chapter is the type previously contemplated for placing electrical and communication lines underground along new collector and arterial streets constructed by the City

Chapter 4: Central Business Improvement Districts

Tennessee Code Annotated §§ 7-84-101 to 420 provide that the City may create one or more Central Business Improvement Districts and impose an assessment of up to 15% of the assessed value of property upon Benefited Properties for each

- Created through petition of property owners or resolution of the BOMA and an Establishing Ordinance
- Relocation of utilities is a permitted expense
- "Central Business District" is not defined. The Board may want to define this for Franklin
- Advertisement for construction bids of improvements shall be within 4 months after ordinance adoption

Central Business Districts & Tax

- ♦ If this money is used for purposes other than a direct benefit to the land assessed, it is a *tax*
- ♦ Where assessment is to provide revenue for both general and special purposes, it must be denominated as a tax (different from a special assessment)
- ♦ In order to avoid this, City's ordinances must be drafted so that the assessment levied is for a particular purpose and must clearly define the improvements to be made and must contain planned procedures or specs providing the manner of determining special benefits and their ratio
- ♦ The theory that holds that "special assessments" do not violate constitutional limits upon the power to tax is that the property assessed will be specially benefited, thereby above the benefits received by the public at large
- ♦ There are two methods the City may employ for the administration of a Central Business District's activities
- ♦ Create a Board of Assessment Commissioners (Commission) - 3 to 7 citizens at least 30 years old
- ♦ Create a District Management Corporation (Corporation) - 1 state senator and 1 statehouse representative appointed as ex-officio members of board of directors of Corporation
- ♦ Benefits to property may be considered using: square footage, front footage, assessed value, type of use, business classification, location, zones of benefit, or combination
- ♦ No levy against government-owned or public building authority property without approval of government entity or public building authority
- ♦ Improvement Assessment is a lien against the Benefited Properties and is superior to any other lien except taxes
- ♦ Improvement Assessment may be paid in equal installments over time - not exceeding 30 years- from effective date of Establishing Ordinance

What does the Mean for the City of Franklin?

- ♦ This type of special assessment district is the one that was used in the City's first Streetscape project in 1989

Discussion ensued. No action needed at this time. Will discuss again at the next Work Session and BOMA meeting.

12. Consideration of ORDINANCE 2012-19, an Ordinance to Amend Franklin Municipal Code Title 18, to Standardize and Define Customer Classification

Steve Sims, Assistant City Recorder

Previously discussed these classifications for water, sewer and solid waste. Solid waste has been eliminated from the mix and will be dealt with in future.

Summary of Changes - Water and Sewer: Changes are primarily needed to attain consistency in application of billing rates for potable water, irrigation water, reclaimed water, sewer and metered sewer service charges provided in Title 18.

- ♦ Define "Residential" customers as detached single family living units
- ♦ Establish and define a customer class of "Multiresidential" primarily for those where more than one tenant shares a single water meter, including duplexes/triplexes, apartments, condos, townhomes, mobile home parks and Franklin Housing Authority.
- ♦ Rename "Commercial" customers to "Nonresidential" and clarified to include healthcare facilities, hospitals, assisted living facilities, government (non-housing), churches, fraternal entities (homeowner associations) and farms.
- ♦ Establish and define the use of "multiple minimums" for billing which allows the City to better recoup its fixed capital investments
- ♦ Provide for nonpotable water (Irrigation and Reclaimed) to be billed at Nonresidential rates even if used at homes since the water is not used for human consumption
- ♦ Clearly states that the sewer charge does not apply to irrigation and reclaimed water if the meter is installed and maintained and read by the water district
- ♦ Requires that customers pay the Availability Charge if water is available (e.g. if the customer obtains their water from a well)
- ♦ Extends the payment due date from ten (10) to fifteen (15) days before the penalty is applied to reflect our current billing practice
- ♦ Specifies that Residential customers will receive bills and be responsible for other City services provided to include trash and stormwater
- ♦ Provides for estimating bills for sewer as well as water
- ♦ Provides that we will bill sewer based on water readings of the water provider

The above changes primarily affect customers in other water districts who live in multiresidential living units (apartments and condos). We have issued bills under the "multiple minimum" concept in the COF water district but this practice has

not been expanded to other water districts. Customers affected include:

Alara Brook	Alara Cool Springs	Alara Farms
Wyndchase	Grant Park	Parkside @ Aspen Grove
Dwell	Landings of Brentwood	HOA common areas (pool)
Farms (including agricultural & forest lands)	Residences with separate irrigation meters	Customers on well water

Discussion on the need for reclassification included the ability for the City to recover the cost of service, significant fixed costs in delivering water, consistency, and requirements for irrigation water.

To be discussed again at the next Work Session

ADJOURN

Alderman Petersen moved to Enter Executive Session. Seconded by Alderman Barnhill. Motion carried unanimously.

Work Session adjourned to Executive Session @ 6:47 p.m.

Dr. Ken Moore, Mayor

Minutes prepared by: Linda Fulwider, Board Recording Secretary, City Administrator's Office - 8/15/2012 10:22 AM