




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FRANKLIN  
TENNESSEE

#46 12-10-13  
BOMA

## MEMORANDUM

November 5, 2013

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator   
Special Events Advisory Team

**SUBJECT:** WillPower 5K Event Application (April 5, 2013)

### Purpose

The purpose of this memo is to outline conditions for the approval of the WillPower 5K benefitting the WillPower Foundation.

### Background

WillPower 5K Foundation is a local organization founded by the friends and family of Will NeSmith, a young Franklin resident who suffered a massive brain tumor in 2012. The purpose of the run is to raise funds for Will's rehabilitation and to raise awareness of the disease that caused his brain injury. Due to construction projects, the route has been adjusted from last year. Closure of the Square is requested from 7 a.m. until 10 a.m. Other roads involved in the run will only be closed when a large group of runners/walkers are present. Estimated attendance/participation is 1200.

One hundred percent (100%) of the proceeds will go to the WillPower 5K Foundation.

### Recommendation

Staff recommends the following conditions:

- Applicant will provide a \$1,000 refundable damage deposit to City prior to event.
- Applicant will provide a Good Neighbor letter which will be distributed to affected neighborhoods.

#### ***Risk Management:***

- Applicant will provide certificate of insurance naming the City as additional insured.

#### ***Police Department:***

- Applicant will hire the recommended extra-duty Franklin Police Officers to provide security and traffic control. Runners must utilize ALL available sidewalks (where possible).
- Applicant has requested amplification at the stage located in the Courthouse Quadrant of the Square.
- Pursuant to Franklin Municipal Code Section 11-403(3), this is the only locations at which amplified sound will be permitted during this event.

#### ***Building & Neighborhood Services Department:***

- Small stage will be located in the Courthouse quadrant of the Square.
- 10X10 tents must be weighted down
- Electrical cords must be covered

#### ***Solid Waste Department:***

- Department will provide extra roll-outs and recycling bins/bags for the applicant to use.
- Applicant shall return all roll-outs (full or empty) and all recycling bags and frames to the alley behind Mellow Mushroom.

OFFICE USE ONLY:  
Permit No:  
\_\_\_\_\_



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## CITY OF FRANKLIN EVENT PERMIT APPLICATION

*Application is Due 90 Days Prior to Scheduled Event.  
Please read application carefully and fully complete each section.  
A non-refundable application fee of \$100 is due at time of filing.*

**Note: Filing this application does not guarantee that your request will be granted.**

- Please check all that apply:
- street closure       parade  
 other special event       beer served (*separate permit required*)

Please supply the following information. For additional space, use separate sheets of paper and attach to the application.

**1) Location requested (if Temporary Street Closure only, list major roads to be closed):**

- |                        |                        |   |
|------------------------|------------------------|---|
| _____ Aspen Grove Park | _____ Liberty Park     | _____ Eastern Flank BattleField Park          |
| _____ Fieldstone Farms | _____ Pinkerton Park   |   |
| _____ Jim Warren Park  | _____ Harlinsdale Farm | Other: <u>The Square in downtown Franklin</u> |

2) Name/purpose of event: WillPower 5K Charity run; raising awareness for HHT disease

3) Date or dates of event: April 5, 2014

4) Time of Event: Race starts at 7:30am

5) Time of Street Closure (if applicable): 5am (in the Square), later along the route

Set-Up Date/Time: 5am      Tear-down Date/Time: 10am

\*Note: Two (2) hours will be added before set-up time and two hours (2) will be added after tear-down to allow time for clean-up. Event is responsible for payment of Franklin Police Officers during this time. Read Additional Requirements section for more information.

**6) Name of Applicant and Organization Requesting Permit:**

WillPower 5K Foundation; Steve NeSmith

a) Address: 123 Sturbridge Drive, Franklin, TN. 37064

b) Phone: 615-440-2468      c) Cell: 615-440-2468      d) Fax: same

e) E-mail address: willpower5k@gmail.com

7) Person in charge on day of event: Steve NeSmith

Cell: 615-440-2468      E-mail address: steve.nesmith@gmail.com



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8) Name and Cell Number of at least two others available on day of event:

Name: Brian NeSmith Cell: 407-719-6491 E-mail address: brian@racetime sports.com

Name: Jim Cumber Cell: \_\_\_\_\_ E-mail address: jimcumber@gmail.com

9) DETAILED description of event (use additional sheets):

See attached sheet titled, Willpower SK - Event Description

10) **ENCLOSE A DETAILED MAP** of event site, detailing any temporary or permanent structures, street closures, parking, etc. If applicable, list the location, blocks, streets, and/or intersections in which such event will occur. *For large-scale events, map should be obtained from the City's GIS division.*

11) An estimated number of participants and an estimated number of attendees expected to attend during the course of the event:

1,200 total

12) Please **attach a list** containing the names, addresses, and phone numbers of the Chairperson of the organization and all other persons involved in the management or control of organization and/or committee.

13) Is your organization based in Williamson County? Circle Yes or No  
(if no, please state where: \_\_\_\_\_)

14) Is your organization authorized to do business in Tennessee? Circle Yes or No

15) Is your organization a tax-exempt organization as described by the Internal Revenue Code Section 501(c)(3) or a not-for-profit organization? Circle Yes or No. If yes, please attach copy of IRS tax exemption letter providing proof of status.

16) Will you charge an admission/participation fee (including vendors)? If yes, please specify how much per person/vendor. \$25 pre-registration fee for runners, \$35 on day of race

17) Will any charity, gratuity, or offers be solicited or accepted during the event? Circle Yes or No

18) Is this event a fundraiser? Circle Yes or No. If yes, what organization will be benefactor of event? What percentage of funds will they receive? \_\_\_\_\_

Willpower SK Foundation will receive 100%. We will make donations to other charities, like HHT.

19) Will parking in the area of the event need to be restricted or prohibited? Circle Yes or No



- 20) Will any sound amplification equipment be used during the event? Circle Yes or No. If no, please skip to Question #22.
- 21) For what purpose will sound amplification be used (i.e. announcements, entertainment, etc.)?  
Sound amplification will be used primarily in the Square on the stage and near the start/finish line. Purpose is for announcements and music.
- 22) What type of sound amplification will be provided (DJ, Band, etc.)? Please list all that apply.  
D.J. and race administrator
- 23) During what time period is sound amplification requested? 6:30am - 9:30am
- 24) If for entertainment, give details of entertainment being provided (i.e. number of musicians, type of music, amp wattage, etc.). Mostly just pre-recorded music. We may allow a 3-person bluegrass band to play for a few minutes near the starting line in downtown.
- 25) Will any stages, amusement attractions, or amusement rides, including inflatables, be erected for the event? Circle Yes or No. If yes, Applicant must give specific details as to the location and type of games/activities, i.e. inflatables, Horseshoes, relay races, etc. along with the name of the company providing the stages and/or activities. Applicant must also include a copy of that company's insurance certificate indicating coverage and listing the City of Franklin as additional insured. \*\*\*For stages, tents, inflatables, etc. constructed on site prior to the event, that date must be included on Certificate of Insurance provided to the City of Franklin. Stages MUST be removed from site at end of event. \*\*\*Rented inflatables/interactives that are set-up and manned by applicant must be included specifically in applicant's Certificate of Insurance.
- 26) What, if any, vendors will be present at event? (i.e. medical related, shirts, arts, etc.) Please provide detailed list. Use additional sheets. No vendors, only sponsors. Nothing will be sold.
- 27) Will food, beverages, or merchandise be sold or given away? Circle Yes or No. If yes, clean-up is required. Please provide name of clean-up provider, contact, and phone number of person on-site during event. See Question #28. Yes, we will be giving away food and coffee.
- 
- 28) Events under 200 participants require a \$250 refundable security deposit at the time of approval. For events over 200, a \$1000 security deposit is required upon approval. If clean-up is not done properly, the organization requesting the permit will be fined (See Attachment A). Applicant's event coordinator or representative and a City of Franklin representative will conduct a Pre-Event meeting prior to event date for Pre-Event Check List Site Review. *At the end of the event, a Post-Event Check List shall be completed by the Applicant's event coordinator, or representative, and a City of Franklin representative to re-assess the site for trash and damage, and to secure with caution tape and signage (provided by event group) any tents left for removal.* Damage deposit will be refunded after a satisfactory Post Event Check List has been completed and signed off on by both the City of Franklin and organization requesting event.



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- 29) *\*NOTE:* Events that include deep frying cooking oil operations are required to have a grease pit on-site and contract with a grease waste hauler to handle the grease waste and removal of the grease pit. A copy of this agreement shall be filed along with this application. The primary event sponsor is required to remove all cooking grease from the site immediately after the event. Illegal dumping of cooking grease will be prosecuted. *Please read Additional Requirements section of this application for more information.*
- 30) Will you require a temporary water tap? Circle Yes or No. If yes, please list exact locations:  
\_\_\_\_\_  
\_\_\_\_\_
- 31) Will alcohol, beer, and/or wine be given away or sold? Circle Yes or No. If yes, a permit from the relevant board is required. *Please read Additional Requirements section of this application for more information.*
- 32) Will your event include tents or other temporary structures, propane use, or open flames? Circle yes or no. Events using tents of size 20 x 10 or larger require permitting from Franklin Fire Department. Safety measures must be provided on all tents, especially those set-up prior to the actual event. Tents should be taken down the date the event has ended. *Please read Additional Requirements section of this application for more information. Just a few 10x10 tents for sponsors.*
- 33) Attach Good Neighbor Letter and Mailing List used. *Please read Additional Requirements section of this application for more information.*

**TITLE VI OF THE 1964 CIVIL RIGHTS ACT**

"No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

The City of Franklin does not discriminate based on race, color or national origin in federal or state sponsored programs, pursuant to Title VI of the Civil Rights Acts of 1964 (42 U.S.C. 2000d). For more information or to file a complaint against the City of Franklin under Title VI of the 1964 Civil Rights Act, contact the Title VI Coordinator:

Rodney Escobar  
Risk Manager  
City of Franklin  
109 Third Avenue South  
Franklin, Tennessee 37064  
615.791.3277

The City of Franklin is committed to providing reasonable access and accommodations upon request for people with disabilities. Please call the Risk Management Department at (615)791-3277 for specific requests.



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**PLEASE READ ATTACHMENTS BEFORE SIGNING  
APPLICATION.**

- 1) I/We agree to abide by all ordinances and regulations of the City of Franklin and all conditions placed upon the event by the City Administrator and the Board of Mayor and Aldermen.
- 2) I/We do swear or affirm that all of the information given in this application is true and complete.
- 3) I/We do hereby agree to assume the defense of and indemnify and save harmless the City, its aldermen, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the City may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such event and the activities permitted in connection there with, and to submit a certificate of insurance prior to the event in an amount acceptable to the City Administrator.
- 4) I/We agree to provide a copy of this signed Event Application to any vendors, planners, and related parties associated with the event to ensure they are familiar with the guidelines set forth herein.
- 5) I/We understand that I/we assume the responsibility of the actions of any vendors, planners, and related parties for this event.
- 6) I/We understand that granting of Special Event Permit does not imply granting of other permit that is separately required.
- 7) The application for an event permit shall be filed not less than 90 days nor more than 364 days prior to the scheduled date of such event. Suggested filing is at least 180 days prior to scheduled event. Events should not be advertised or promoted until an event permit has been obtained from the City. Failure to file in a timely manner may result in denial of a permit.
- 8) The City reserves the right to require one or more City of Franklin police officers or other emergency personnel be present at any and all events that occur within the city limits. Please budget for this request at a rate of \$30 per hour at a minimum of two (2) hours.

BY: Stephen N. Smith  
(Signature and title – must be officer of organization)

Date: April 8, 2013

Approved by the Board of Mayor and Aldermen on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Dr. Ken Moore, Mayor

\_\_\_\_\_  
Eric S. Stuckey, City Administrator

*If you have questions concerning your request, please call 615-550-6606.*

\*\*\*\*\*  
 \* *Return application to:* \*  
 \* City Administrator's Office \*  
 \* City Hall \*  
 \* 109 Third Ave South \*  
 \* Franklin, TN 37065 \*  
 \* 615-791-3217 \*  
 \* 615-790-0469 (FAX) \*  
 \*\*\*\*\*

WillPower 5K Foundation  
123 Sturbridge Drive  
Franklin, TN. 37064

Dear Neighbor,

My name is Steve NeSmith, and I am a longtime Franklin resident. In 2012 my 12 year old son, named Will, suffered a massive brain hemorrhage – an event that occurs in less than 1% of the population. Over the last year, his medical rehabilitation has grown into a community cause and so we decided to create a 5K race as a fundraiser.

This event is scheduled for April 5, 2014. It will start early at 7:30am at The Square in downtown Franklin and end by 9:30am. Most runners will finish the race by 8:00am and roads outside of The Square will be blocked only as needed until 8:30am.

For **residents**, be assured that we will have all the required law enforcement support on hand during the event to direct traffic and protect you as a resident of Franklin.

For **downtown businesses**, be assured that we will leave the downtown area clean and hopefully expose many people to your fine business.

We believe the WillPower 5K will bring a quality event to downtown Franklin and hope that you will join us on April 5. If you have further questions, feel free to contact us or the City Administrator's office at 615-791-3217 located at 109 3rd Ave #103 Franklin, TN 37064.

Sincerely,

Steve NeSmith, Co-Chair  
WillPower 5K

[www.WillPower5K.com](http://www.WillPower5K.com)  
[willpower5K@gmail.com](mailto:willpower5K@gmail.com)  
615-440-2468

## **WillPower 5K -- Event Description**

The WillPower 5K run is inspired by 13 yr old Franklin resident Will NeSmith.

In June 2012, while away at summer camp, Will suffered a spontaneous brain hemorrhage – an event that occurs in less than 1% of the population.

Surgeons saved his life, but Will's brain suffered traumatic injuries during the event. Following surgery, Will endured 59 days in the hospital. After weeks in a coma, Will emerged only to learn that he had to rehabilitate his brain and body to perform nearly everything – from walking to talking. Within days, hundreds and then thousands starting following and sharing Will's story on Facebook at [www.PrayingforWill.com](http://www.PrayingforWill.com).

The WillPower 5K was created by Will and his supporters to raise funds for Will's long-term rehabilitation and awareness for the genetic condition, HHT, that led to his brain bleed.

The event is a 5K (3.1 mile) run/walk that will start and finish on the Square in downtown Franklin. The race start time will be 7:30am. Day of race registration will be offered beginning at 6:30am.

Based on 2013 results, we expect 800-1000 registrants for this event.

The first WillPower 5K was held on April 6, 2013 in downtown Franklin and was a huge success. We are already hearing from our participants that they want this event to continue in future years.

We are requesting to hold this event on April 5, 2014.

Thank you in advance for your consideration.





# ROAD RUNNERS CLUB OF AMERICA

1501 Lee Hwy, Ste 140  
Arlington, VA 22209  
703.525.3890  
703.525.3891 (fax)

December 3rd, 2012

To Whom It May Concern:

WillPower 5K Foundation EIN 46-0822628, a 501(c)3 organization through the Road Runners Club of America group exemption status with the IRS. Below are two important excerpts from the <http://www.irs.gov/pub/irs-pdf/p4573.pdf> that clearly outlines the procedure for group exemption letters and verifying subordinate organizations under the group exemption ruling:

1. **What is a group exemption letter?** The IRS sometimes recognizes a group of organizations as tax exempt if they are affiliated with a central organization. This avoids the need for each of the organizations to apply for the exemption individually. A group exemption letter has the same effect as an individual exemption letter except that it applies to more than one organization.

**Please see the accompanying copy of the RRCA's group exemption letter from the IRS.**

2. **How do I verify that an organization is included as a subordinate in a group exemption ruling?** The central organization that holds a group exemption (rather than the IRS) determines which organizations are included as subordinates under its group exemption ruling. Therefore, you can verify that an organization is a subordinate under a group exemption ruling by consulting the official subordinate listing approved by the central organization or by contacting the central organization directly. You may use either method to verify that an organization is a subordinate under a group exemption ruling.

This letter is to serve as official verification as outlined by the IRS that the organization referenced above is a nonprofit organization under the RRCA's group exemption (Group Exemption #2702) with the IRS.

If you need further information to verify the status, please feel free to contact me.

Sincerely,

Jean Knaack

Executive Director

**We Run the Nation!**  
[www.RRCA.org](http://www.RRCA.org)



Department of the Treasury  
Internal Revenue Service

P.O. Box 2508  
Cincinnati OH 45201

In reply refer to: 0248667579  
Jan. 29, 2010 LTR 4167C E0  
23-7283854 000000 00

00016345  
BODC: NOBOD

ROAD RUNNERS CLUB OF AMERICA INC  
1501 LEE HWY STE 140  
ARLINGTON VA 22209



005794

Employer Identification Number: 23-7283854  
Group Exemption Number: 2702  
Person to Contact: Mr. Gerding  
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Jan. 20, 2010, request for information about your tax-exempt status.

Our records indicate that you were issued a determination letter in June 1976, and that you are currently exempt under section 501(c)(3) of the Internal Revenue Code.

Based on the information supplied, we recognized the subordinates named on the list you submitted as exempt from Federal income tax under section 501(c)(3) of the Code.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106 and 2522 of the Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

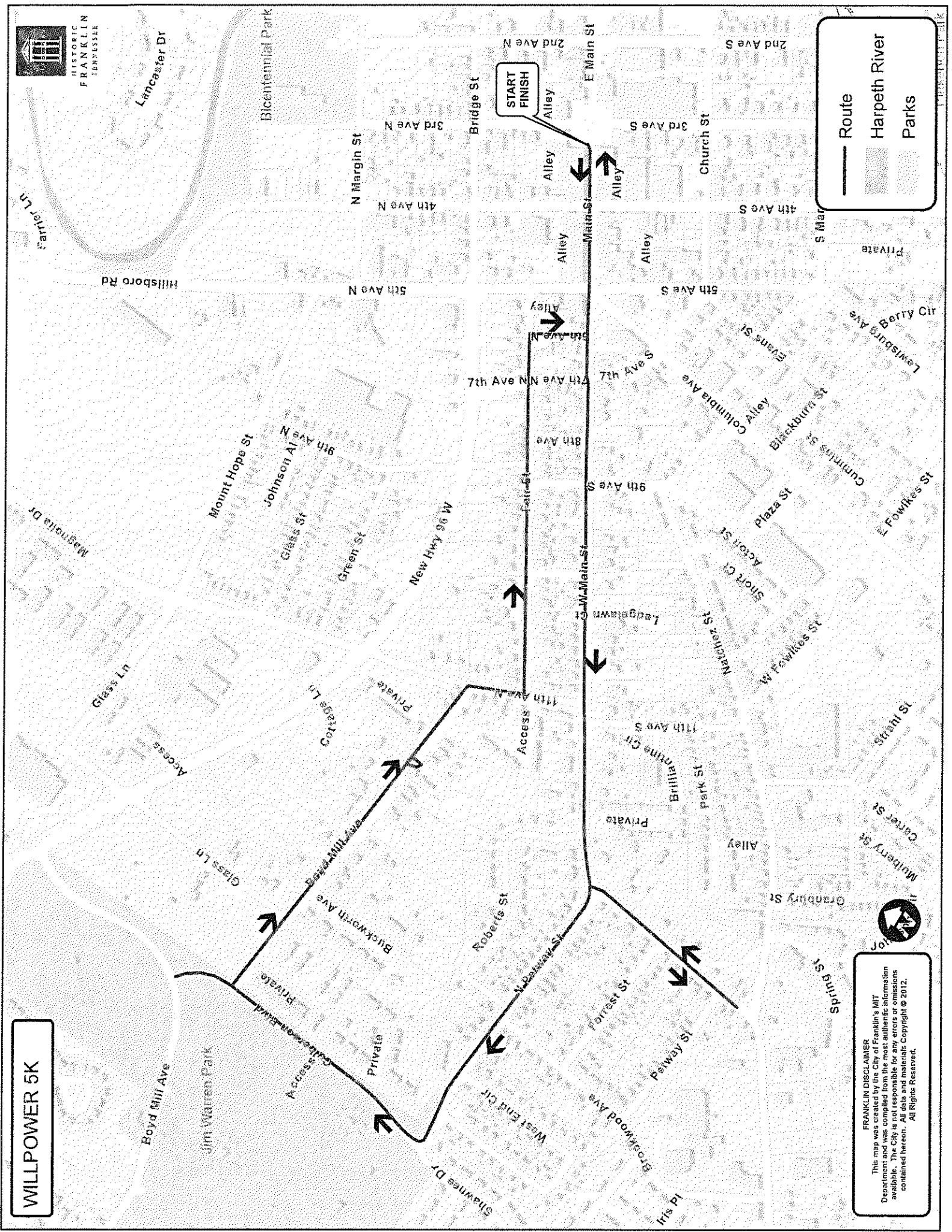
✧

Sincerely yours,

Michele M. Sullivan, Oper. Mgr.  
Accounts Management Operations I



WILLPOWER 5K



Route  
 Harpeth River  
 Parks

**FRANKLIN DISCLAIMER**  
 This map was created by the City of Franklin's MIT Department and was compiled from the most authentic information available. The City is not responsible for any errors or omissions contained herein. All data and materials Copyright © 2012. All Rights Reserved.

