



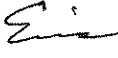
HISTORIC
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ITEM #07
WS 02-11-14

MEMORANDUM

January 28, 2014

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator 
Vernon Gerth, ACA, Community Development
Catherine Powers, Director, Planning and Sustainability

SUBJECT: Resolution 2014-09, a Resolution Approving Signatures Fee Agreements Related to Payment in Lieu for Development Project

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding a resolution approving signatures for an Agreement to accept payment in lieu of installation of public facilities and tree replacement.

Background

The City of Franklin has established a tree bank for situations when it is not advantageous for the required trees to be planted on site. Instead of installing the trees, the developer pays fees based on a formula into the tree bank per the provisions described in the Zoning Ordinance.

The Zoning Ordinance and Franklin Transportation and Streets Technical Standards require public sidewalks be provided by the developer. However, there are circumstances when it is a disadvantage to the City for sidewalks to be installed concurrent with the development. Such situations could be when road work is scheduled in the near future that would adversely impact the sidewalks or when there are no other sidewalks in the area, thereby, creating a sidewalk to nowhere. For those and other reasons, there was a sidewalk bank established by the BOMA to provide sidewalks City-wide.

Additionally, the City accepts funds for the City to install trees, sidewalks, and traffic signals, which are escrowed for future use by the City tied to the specific development.

The City has been accepting the payments into sidewalk and tree banks from developers, and the City also escrows funds to be used at a later date for tree planting, sidewalk installation and traffic lights. These payments are processed administratively. The Mayor and the developer have been signatory to the Agreement for payment.

Recently, the Law Department has expressed concern that the Mayor should not enter into agreements on behalf of the Planning Commission, the body that generally approves a condition for payment as part of a plat on site plan.

In order to rectify this situation, staff is requesting that the BOMA approve the Planning Commission Chair and City Administrator be designated by Resolution as signatures for the City on agreements accepting payments of this nature.



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MEMORANDUM

Financial Impact

Not applicable to this item since it does not change the payments, only the signatory to the Agreement.

Options

Not applicable to this item.

Recommendation

Approval of the Resolution is recommended.

RESOLUTION 2014-09

A RESOLUTION TO NAME SIGNATORY TO AGREEMENTS FOR REVISED CITY OF FRANKLIN PAYMENTS IN LIEU OF INSTALLATION PLAN AND PAY PLAN FOR THE EMPLOYEES OF THE CITY OF FRANKLIN, TENNESSEE

WHEREAS, the Zoning Ordinance became effective July 1, 2008; and

WHEREAS, the Zoning Ordinance provides for in-lieu payments from the applicant for tree planting, subject to the City's discretion, and the provisions of 5.2.9 (Tree Bank); and

WHEREAS, the Zoning Ordinance provides for in-lieu payments from the applicant for sidewalk installation, subject to the City's discretion and to the provisions of 5.10.13 (6) (a-f) (sidewalks); and

WHEREAS, the Franklin Municipal Planning Commission (FMPC) has the authority and responsibility to approve final plats that, from time to time, include requirements for trees and sidewalks and may include provisions for payments in lieu of trees and sidewalks; and

WHEREAS, the City also accepts escrow payments for project specific installation of trees, sidewalks, traffic signals and other public facilities; and

WHEREAS, these above stated payments in lieu of installation allow the City to collect payment where regulations cannot be met on the site, or future construction is preferable; and

WHEREAS, payment in-lieu of the installation are most often a condition on the site plan or plat; and

WHEREAS, these payments have been processed administratively in the past; and

WHEREAS, it is in the best interest of the City to include a signature from the Chairman of the FMPC and the City Administrator as part of the Agreement but to also continue to allow for administrative process for collecting payments as allowed by the Zoning Ordinance and the regulations of the City regarding contracts.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, meeting in regular session this _____ day of _____ 2014;

1. That the Agreements for Payment in lieu of Funds approved as a condition of a development project be signed by the FMPC Chair and the Franklin City Administrator.
2. That this Resolution shall take effect from and after its passage on its first and final reading, the health, safety and welfare or the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

By: _____
Eric S. Stuckey
City Administrator

By: _____
Dr. Ken Moore
Mayor

Approved as to Form by:

Shauna R. Billingsley
City Attorney