HISTORIC
FRANKLIN
TENNESSEE

ITEM #5
WRKS 08/10/2010

MEMORANDUM

August 4, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator
Vernon Gerth, Assistant City Administrator
David Parker, City Engineer/CIP Executive
Mark Hilty, Water Management Director
Eric Gardner, Director of Engineering

SUBJECT: Monticello Sewer Assessment Project Update

Purpose
The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) and the community with an update on the Monticello sewer assessment project.

Background
The Monticello Home Owners Association recently wrote their ward Alderman, Dana McLendon, with a series of questions regarding the ongoing sewer assessment project in their neighborhood (attached). A series of responses and a project update are provided below.

Project Update: The installation of sewer line is complete and the contractor has completed the paving. There are two streets within the neighborhood that will be resurfaced through the City's annual paving program. These streets are expected to be paved the week of August 9th. The paving costs are not considered part of the assessment and will not be spread among Monticello residents.

In order to tie on, the City will need to have a two reading ordinance to set the special assessment. Minor cleanup and yard restoration are the only tasks remaining for the contractor. Once everything is completed, we must have final quantities and invoices submitted by the contractor. Depending on the contractor, this could take a couple of months after work is completed. Then a final change order will go to the Board. Finally, the ordinance would go to the Board. With the two-reading ordinance requirement, final Board action will take 4-6 weeks. In total we are looking at a 3-5 month period before citizens could tie on. Staff will do what we can to move this process through as quickly as possible. Certain aspects such as contractor response and legal requirements for enacting the final special assessment ordinance are not under our control.

The following responses have been developed in response to the questions asked by the Monticello HOA. The letter with the HOA's questions is attached.

1. **Finance:**
    a. The rate and term will be locked in with the approval of the Ordinance that establishes the assessments to the properties in the assessment district. This will be a two reading ordinance. While the initial ordinance indicated a finance period of up to 30 years,

BOMA has indicated that a 20-year term at the City's interest costs (estimated to be approximately 4%) would be appropriate.

b. The connection fees not waived cannot be included in the assessment.
c. The assessment by State law is a lien on the property and cannot be linked to the water bill. Other information that may be helpful to residents in understanding the payment process:
    i. Assessments are made based on the proportionate share of the assessed value of the individual parcel to the total value (i.e. properties with higher values will pay a higher assessment).The outstanding principal owed by each property owner has a high probability for varying from year to year due to changes in assessed valuation of individual properties.
    ii. Assessments are non-transferrable and are to be paid in full upon transfer/sale of the property.
    iii. Liens will be filed on each property not paying the assessment in full to protect the City's investment.
    iv. The assessment will accrue interest on the outstanding principal starting the first of the month following BOMA approval of the assessment and repayment will commence on the next billing cycle.
    v. Assessments may be paid in full at any time without penalty.
    vi. Assessments will be billed on separate bills for those property owners who are not living in the residence (i.e. property is rented).Nonpayment of the bill in full may result in disconnection of water service for those property owners who are living in the residence. For those who have tenants, other legal remedies will be pursued.
    vii. A minimum sewer service charge will apply for those property owners not connecting to the City's sanitary sewer. Sewer service charges will apply for services delivered/billed the month following the assessment. Upon connection, service will be billed based on provisions of Title 18-210 for sewer service fees.

2. Fees:

a. There is no policy established. BOMA decides for each assessment district.
b. In accordance with Resolution 2009-14, the resolution establishing the Monticello Assessment District, the City's Sewer Access Fee and Installation Charge has been waived. At present the construction cost used to establish the anticipated assessments includes engineering, easements, actual construction and bond issuance costs.
c. BOMA will have to approve (pass) an ordinance to set the assessments and the fees to be waived will be listed in this ordinance.
d. Prior to the vote on second reading for the ordinance, there will be a public hearing.
e. With the passage of the revision to Title 18 eliminating the requirements to tie to the sanitary sewer system, there is no time limit for tie on. Waived fees are perpetual.

3. Gravity vs. Grinder pumps:

The Monticello sanitary sewer project was set up for all gravity, but there are some properties with basements that may not be able to be served by gravity if the basements

are to be served. These properties will need to be pumped. All connections will be inspected by the Water Management and the Building and Neighborhood Services (BNS) Departments. If any property owners wish to install a grinder pump system, they may make that request when working with the Water/Sewer and BNS Departments. Those properties approved for grinder pumps will require the property owner to sign a "Grinder Pump Agreement" at the time the connection fees are paid.

4. **Paving:**

   The City has an approved Neighborhood Traffic Calming Program that addresses the issues concerning "speed humps." Materials related to this program and the application process is attached. This program can also be found on the City's web page and the Home Owners Association can request traffic calming by following the link: http://www.franklintn.gov/Modules/ShowDocument.aspx?documentid=605.

5. **Odds and Ends:**

   a. The BOMA are still working through the final details of the septic system certification program. A draft has been presented to the Alderman and staff expects the Alderman to finalize the program by the end of this month. At this point, it is anticipated the City's Building and Neighborhood Services Department will coordinate the Certification program. If the Alderman choose to include the pumping of the septic tank as part of the program, City staff will pre-qualify State-licensed sewage haulers that will be available for property owners to arrange the pumping and inspection of their septic tanks. They will be trained on the information (reports) to be submitted for City staff to approve a system for certification. It is expected property owners will contract one of the State-licensed haulers when it is time for the septic system to be certified. Currently the BOMA are considering a three or five year certification cycle.

   b. The gravity sanitary sewer system has been tested (pressure), but is not ultimately a pressure system. Property owners will be notified in writing of when connections to the public gravity sanitary sewer system may commence. This cannot happen, however, until the assessment for each property is finalized by BOMA. Each property will be responsible for obtaining a licensed plumber to connect their residence to the system. The connections cannot be permitted until all fees that are required are paid.

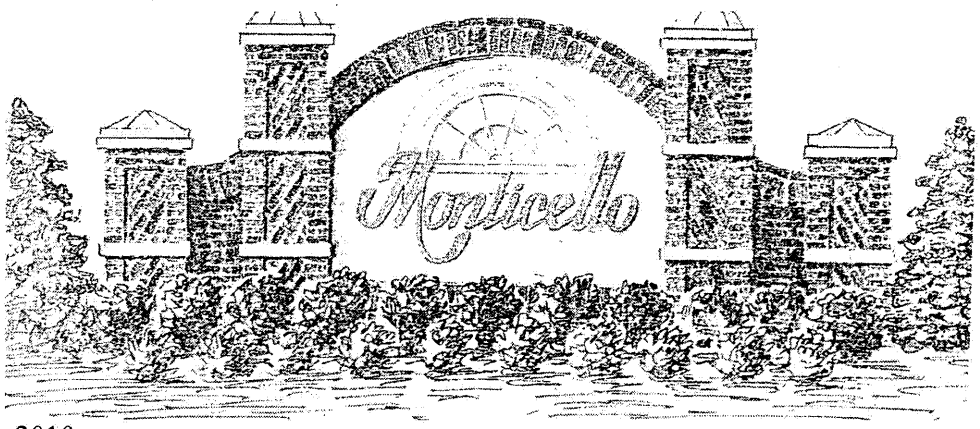
6. **General Funding:**

   General funds are not used to finance sanitary sewer projects. These projects are paid for from the sanitary sewer enterprise funds that are made up of usage charges and various collected fees. Generally speaking, assessment districts are used when a project benefits only a few residents or a specific neighborhood while utility capital funds are used for broader system improvements (such as an interceptor line) that benefit the entire system. BOMA has set a policy that improvements (infrastructure) for existing subdivisions annexed into the City will pay for the infrastructure through the establishment of Assessment Districts. The infrastructure lacking in such annexed subdivisions is typically the sanitary sewer system.

At the time for submission for ARRA funding, City staff did not believe that the Monticello project would be able to meet the requirements in the timeframe required by the ARRA funding program; therefore; the project was not submitted for inclusion in this program.

Financial Impact
Not applicable.

Recommendation
It is recommended that the Board accept this status report.



June 30, 2010

Mr. Dana Mclendon
400 Cannonade Circle
Franklin, Tennessee 37064

Re: Monticello Subdivision Sewer Project

Dana,

First we want to thank you for your time and patience in listening to our (Monticello resident) issues. As per our lunch conversation, you suggested we itemize our concerns in anticipation of placing them on the BOMA meeting agenda. These follow.

1. **Finance:** We have heard several interest rates and terms that may be available. The latest per Eric Stuckey indicates that we are looking at a possible rate of 3 to 4% for 20 years.
   a. This is inconsistent with what is in the public record. When will the rate and term be locked-in and what is the process? Will there be a formal vote by the BOMA that will formalize the rate and term?
   b. Will the homeowners have the option to include the **connection** fees (that have not been waived) with the financing?
   c. Is it possible to link the assessment to the water bill for the property rather than as a lien on the property?
2. **Fees:** There has been discussion that the Engineering Fees and a portion of the Connection Fees may be waived.
   a. What is the current city policy on waiving connection and engineering costs for assessment districts?
   b. Have any of the fees been waived at this time and if so which ones?
   c. If the fees have not been waived, will there be a formal vote by the BOMA that will set the policy for the Monticello subdivision?
   d. Will citizens of Monticello be allowed to speak before the decision is made?
   e. Will there be a time limit to tie into the sewer and still benefit from any waiver of tap fees?
3. **Gravity vs. Grinder pumps:** It is our understanding that the city approved a 100% gravity system; however, we have heard that as many as 15 homes may need to use a grinder Pump.

4. **Paving:** At the May 2009 CIP meeting, the city agreed to pay the paving costs for the project. There has been discussion with the city about the addition of speed bumps to slow traffic in our neighborhood. While Monticello subdivision has a large number of older homeowners, younger families are finding this to be an **affordable** neighborhood to buy into and raise their children. We are concerned about the children's safety.

   a. What is the city policy on speed bumps?

   b. Does the MHOA need to conduct a vote before formally requesting this?

   c. Is there anything else that the Monticello Homeowners must do in order for the speed bumps to be added?

5. **Odds and Ends:**

   a. Has the city formalized the process for certifying the existing septic systems for homeowners who would prefer not to connect to the sewer? Who will be authorized to perform the certification and when will they be available to do this work?

   b. We understand that there will be a period when the sewer is pressurized and at some point certified for connection. What can we, as homeowners, expect during this period and how will we be notified that we can connect? Once the sewer is certified, who will supervise and coordinate the connections?

6. General Funding: It is difficult for us to understand the criteria for using general funds for sewer projects versus Assessment Districts. Apparently either method may be used. We recognize that annexation of Monticello was always a part of the City of Franklin's plan, even though it has been pointed out that we do not fall in the planned growth pattern. (The city already surrounded us.) We understand that the submission of projects for ARRA funding was up to the city. What we do not understand is **who** makes the determination as to when tax dollars from the **General fund** will be used and when **Assessment Districts** will be used.

Please let us know the format of the meeting, and especially when residents would be permitted to speak.

Sincerely,

Donna Rand

Donna Rand
President
Monticello Home Owners Association
104 Williamsburg Place
Franklin, Tennessee 37064

Cc MHOA

NEIGHBORHOOD TRAFFIC CALMING PROGRAM (NTCP)
FRANKLIN, TENNESSEE

INTRODUCTION

Application
This policy applies to local, residential streets. Collector and arterial streets and streets that are located in commercial zoning districts will not be considered for traffic calming.

PROCESS

Projects that are being considered for the NTCP must follow the procedure that is outlined below. A flowchart summarizing this procedure is provided in Appendix A.

Step 1: Request Traffic Calming
A homeowner's association or homeowner's group must submit a written request for traffic calming on a specific street segment or segments to the Engineering Department. The request must identify the perceived traffic problem and must include contact information for a representative (the requester) of the association/group. Individual citizens are not eligible to initiate projects for the NTCP.

Step 2: Conduct Petition
Upon receipt of the written request, Engineering staff will define the petition area. The petition area will typically include the following:

- Properties along the street that is being considered for traffic calming measures
- Properties along streets where access is substantially dependent upon the street that is proposed to be calmed
- Properties along any street that is expected to receive significant increases, as determined by Engineering staff, in traffic volumes or types as a result of the traffic calming installation

Engineering staff will prepare a petition packet that includes the petition form, a copy of the NTCP policy, a map of the study area, the names and addresses of the property owners within the petition area, and an explanation of the NTCP procedures. The petition packet will be given to the requester, who will be responsible for conducting the petition. Prior to conducting the petition, the traffic calming request and petition must be presented at a neighborhood meeting that is publicized by the City of Franklin in a manner that is consistent with Franklin's standard procedures. Engineering staff will attend the meeting to present the traffic calming request, identify the study area, and to explain the NTCP procedures. After the meeting, the requester must obtain supporting signatures, or "yes" votes, that represent 51 percent of the households within the petition area. Missing signatures will be counted as "no" votes. The requester will have 90 days after the date of the neighborhood meeting to submit the petition results to the Engineering Department. If the petition is successful, then the proposed project will proceed to Step 3. If the petition fails, or if the petition is not returned by the petition deadline, then the project is terminated, and the neighborhood will be ineligible to submit another request for traffic calming for a period of one year.

Step 3: Evaluate Problems and Identify Possible Solutions
Engineering staff will evaluate the project to determine the need for traffic calming measures. This evaluation will typically include a site visit and the collection of data, such as traffic volumes and traffic speeds. In order for a project to be considered for traffic calming measures, the following criteria must generally be met:

- The Average Daily Traffic (ADT) volume is greater than or equal to 500 vehicles per day.
- The 85th percentile speed is at least 7 mph faster than the posted speed limit.
- The posted speed limit is 35 mph or less.
- The street is a through street.
- The maximum grade on the section of roadway that is being considered for traffic calming measures does not exceed eight percent.
- The combination of horizontal and vertical curves along the roadway is not such that would result in inadequate stopping sight distance for motorists as they encounter the traffic calming devices.
- The street is not a transit route or a primary emergency access route.

If Engineering staff determine that the street segment does not have a traffic volume or a traffic speed problem, then the project will be terminated. The project will be ineligible for the NTCP for a period of two years unless Engineering staff determine that changing conditions have resulted in a traffic volume or speeding problem.

If Engineering staff determine that a street segment has a traffic volume or a traffic speed problem, but the above criteria are not met, then Engineering staff will work with the Franklin Police Department and the neighborhood association/group to address the problem with education and enforcement efforts. However, the street will not be considered for other traffic calming measures at this time. Also, the project will be ineligible for the NTCP for a period of two years unless Engineering staff determine that changing conditions during this time have resulted in a traffic volume or speeding problem.

If Engineering staff determine that a street segment has a traffic volume or a traffic speed problem, and if the above criteria are met, then the project will be included in the NTCP. Engineering staff will identify feasible and appropriate traffic calming solutions to address the identified traffic problem. Examples of traffic calming techniques are provided in Appendix B. Engineering staff will then attend a publicized, neighborhood meeting to present the results of the analyses and the identified solutions. Based on comments received at the meeting, Engineering staff will revise the solutions as appropriate. The project will then proceed to Step 4.

Step 4: Conduct Education and Enforcement Efforts
All projects in the NTCP will begin with education and enforcement efforts, which will involve the coordinated efforts of Engineering staff, the Franklin Police Department, and the neighborhood association/group. The neighborhood association/group must actively participate in this process in order for the project to continue in the NTCP. Education and enforcement efforts will be applied for a period of not less than three months and not more than six months. If Engineering staff determine that these efforts have not sufficiently addressed the identified problem, then the project will proceed to Step 5.

If Engineering staff determine that the education and enforcement efforts have addressed the identified problem, then the project will be considered complete. Engineering staff will continue to monitor the project for a period of one year. If the identified problem returns during this time, then the requester will be notified, and the project will proceed to Step 5. If the identified problem does not develop during this one-year period, then the project will be considered complete. If the identified problem returns after this one-year period, or if a new traffic volume or traffic speeding problem develops after this one-year period, the homeowner's association/group must return to Step 1 in order to be considered for the NTCP again.

Step 5: Develop Construction Documents
Based on the feasible and appropriate solutions identified by Engineering staff during Step 3, Engineering staff will develop a complete set of construction documents for the proposed traffic calming measures.

Step 6: Prioritize the Project
Projects that reach Step 5 will be prioritized by Engineering staff based on a variety of factors, such as traffic speeds, traffic volumes, and implementation costs. Engineering staff will notify the requester of the project's status at this time. This prioritization will be used by Engineering staff to develop construction schedules for the projects.

Step 7: Install the Proposed Traffic Calming Measures
Projects will be implemented according to priority and the availability of funding. Projects that have the highest priority will be implemented first. If sufficient funding is not available for the highest priority project, then the highest priority project that can be implemented with the amount of funding that is available will be implemented first. A lower-priority project can be implemented ahead of schedule if the neighborhood association/group elects to pay 100 percent of the implementation costs and as long as doing so does not affect the construction schedules of higher-priority projects. Implementation of a project will not occur until all associated maintenance/landscape/payment agreements have been finalized. Installation of the traffic calming measures will be performed by City crews or by a contractor that is selected by the City.

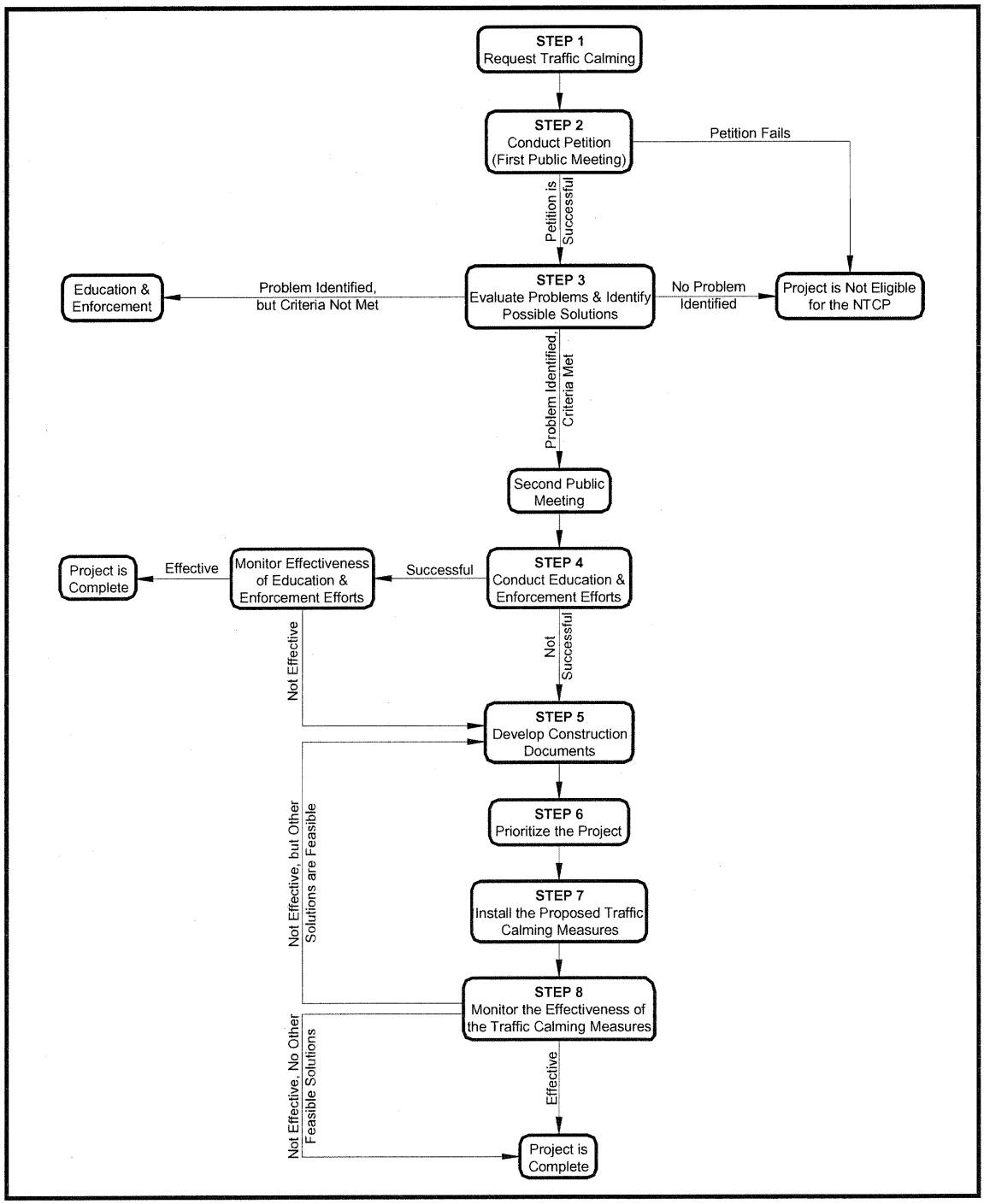
Step 8: Monitor the Effectiveness of the Traffic Calming Measures
Approximately three months after the proposed traffic calming devices have been installed, Engineering staff will evaluate the project to determine if the traffic calming devices have sufficiently addressed the traffic problem identified during Step 3. If the traffic problem has been resolved, then the project will be considered complete. If the traffic problem has not been resolved, then Engineering staff will consider other solutions that were identified during Step 3. If an alternate solution is selected by Engineering staff, then the project will return to Step 5. If Engineering staff determine that there are no feasible alternatives, then the project will be terminated and will not be considered for inclusion in the NTCP again unless changing conditions have resulted in a feasible alternative. If this is the case, it will be the responsibility of the neighborhood association/group to submit another written request for traffic calming to the Engineering Department, and the entire NTCP process must be repeated.

MODIFICATION OR REMOVAL OF A TRAFFIC CALMING DEVICE

Process

If Engineering staff determine that a traffic calming device should be modified or removed due to public health/safety reasons, then Engineering staff, with assistance from the Street Department, shall modify or remove the device. If the neighborhood association/group wishes to remove or significantly alter a traffic calming device, then the neighborhood must conduct the same petitioning process outlined in Step 2. If the petition supporting the removal/modification is successful, then the neighborhood must pay for the costs that are associated with the removal/modification. A traffic calming device will not be removed until all payment agreements have been finalized. If the removal/modification is initiated by the neighborhood association/group, then the neighborhood will be ineligible to participate in the NTCP for a period of five years.

APPENDIX A
PROCEDURAL FLOW CHART FOR THE DRAFT NEIGHBORHOOD TRAFFIC CALMING PROGRAM (NTCP) FRANKLIN, TENNESSEE



APPENDIX B
TRAFFIC CALMING TECHNIQUES

There are a variety of techniques that can be used to calm traffic on local, residential streets. Techniques that are specifically permitted, as well as techniques that are specifically prohibited, in the City of Franklin are described below. Techniques that are specifically permitted are summarized in Table A1, which also identifies the potential benefits and disadvantages of each.

TABLE B1
POTENTIAL IMPACTS OF TRAFFIC CALMING TECHNIQUES THAT MAY BE USED IN THE CITY OF FRANKLIN

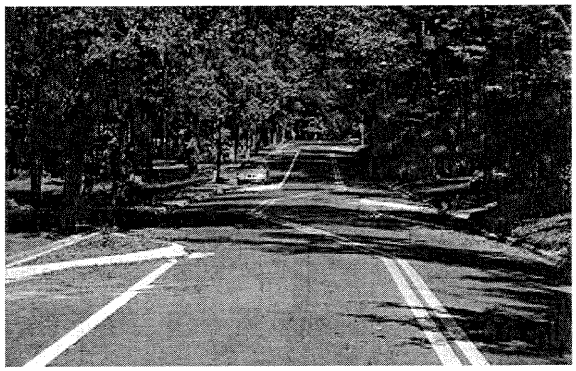
Measure	Potential Benefits			Potential Disadvantages			Cost
	Speed Reduction	Volume Reduction	Conflict Reduction	Limits Local Access	Increases Emergency Response Time	Extent of Maintenance Required	
Chicane	●	●	●	○	◐	◐	$$ - $$$
Curb Extension	◐	○	○	○	○	◐	$ - $$
Education	◐	○	◐	○	○	○	$
Enforcement	◐	○	◐	○	○	○	$ - $$
Lower Speed Limit	◐	○	○	○	○	○	$
Raised Median	◐	○	◐	◐	○	◐	$ - $$
Road Diet	◐	○	◐	○	○	○	$ - $$$
Speed Table/Hump	●	◐	●	○	◐	◐	$ - $$
Traffic Circle	●	◐	●	○	◐	◐	$$ - $$$

● Substantial Benefits/Disadvantages ◐ Minor Benefits/Disadvantages ○ No Benefits/Disadvantages

$ Low Cost $$ Moderate Cost $$$ High Cost

TECHNIQUES THAT ARE SPECIFICALLY PERMITTED IN THE NTCP

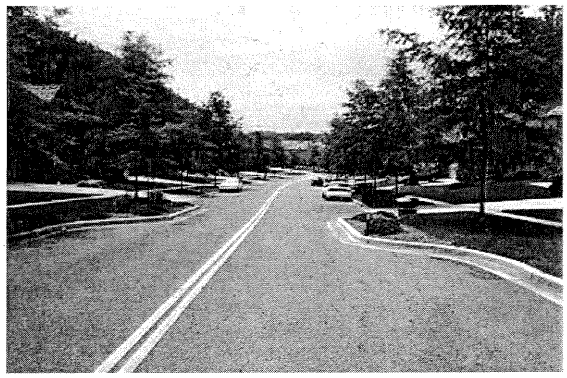
A **chicane** shifts motorists' path of travel by creating a horizontal diversion in the roadway. A chicane is usually formed by a series of curb extensions that are placed on alternating sides of the roadway. These curb extensions reduce the roadway width and force motorists to steer from one side of the roadway to the other in order to travel through the chicane.



A chicane creates a horizontal deflection in the roadway.

Curb extensions are formed by extending the curb on one or both sides of the roadway into the vehicular travel lanes to reduce the paved roadway width. The reduction in width creates "slow points" in traffic flow. Curb extensions are also commonly referred to as chokers, neckdowns, traffic throats, and pedestrian bulbs.

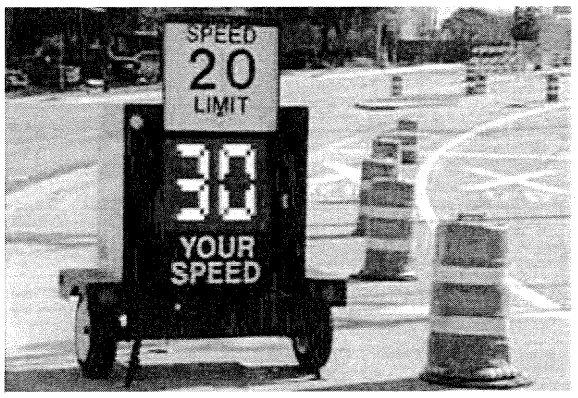
Curb extensions reduce the width of the roadway at intersections and create shorter crossing distances for pedestrians. The reduction in lane width encourages motorists to slow down when driving through the intersection.



Curb extensions can be installed at mid-block locations to calm traffic in residential neighborhoods.

Education is a key component of all traffic calming projects in the City of Franklin. Before implementing physical traffic calming measures, the City of Franklin Engineering Department will work with participating neighborhoods to educate their residents regarding safe, on-street, vehicular travel. Engineering staff will assist the neighborhood associations/groups in developing educational programs for the residents. However, it will be the responsibility of the neighborhood associations/groups to implement the educational programs.

Enforcement efforts will be combined with neighborhood education as a first step in all traffic calming projects in the City of Franklin. The Franklin Police Department will work with Engineering staff to help resolve traffic problems, such as speeding. Enforcement efforts may involve the use of speed trailers and may include tickets for violators.



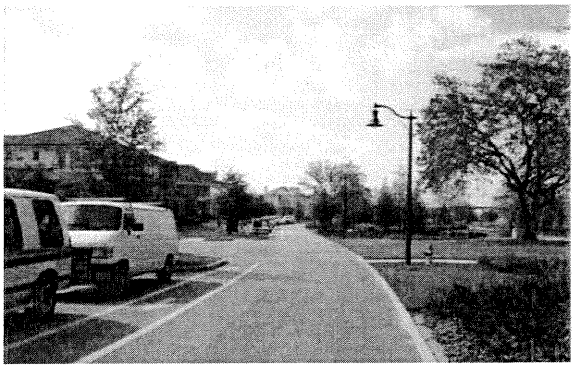
Speed trailers may be used as part of the enforcement efforts to control speeding in neighborhoods that request traffic calming.

Establishing **lower speed limits** may help to reduce speeding and cut-through traffic in residential neighborhoods. Some local, residential roadways have speed limits that are posted at 30 mph or more. It may be desirable to lower the speed limits on these roadways to the City's default speed limit, which is 25 mph for local, residential streets.

A **raised median** is an elevated island that is constructed on the centerline of a two-way street to reduce the width of the adjacent travel lanes. Raised medians can be paved or landscaped. They create "slow points" in the roadway, can serve as pedestrian refuges for pedestrians crossing the street, and can be used in conjunction with other traffic calming measures.

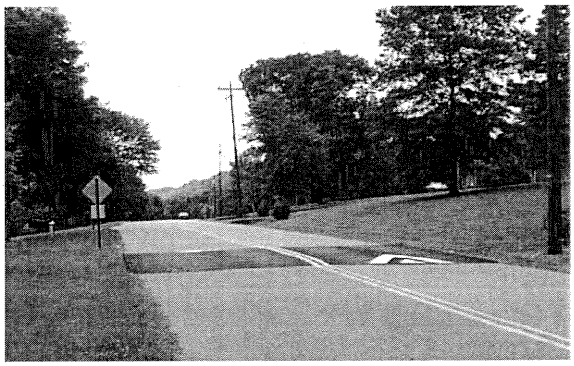
Raised medians reduce the width of the adjacent travel lanes.

Reducing the number of travel lanes, or the width of travel lanes, on a roadway can be an effective technique for calming traffic on that street. This process, called a "**road diet**", can help to reduce vehicular speeds, reduce the number of conflict points for right-of-way users, and can help make streets more bicycle and pedestrian-friendly. Road diets can be accomplished by adding parking lanes, adding bike lanes, adding a median, or by reclaiming some of the roadway width, which can create room for sidewalks and street trees.



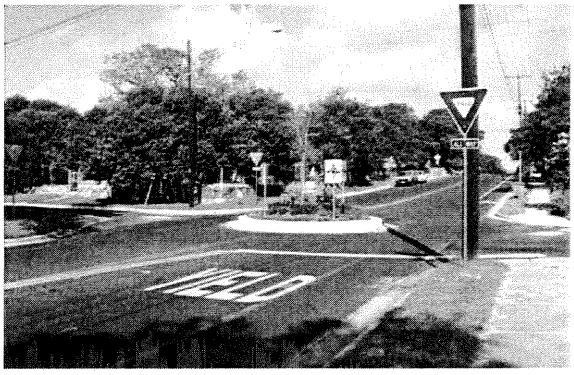
The addition of a bike lane and a parking lane on this street helps to create a narrow travel lane for motorists.

A **speed table/hump** is a wide and flat undulation that is placed on a street, typically across the width of the roadway, to reduce vehicular speeds. They have a height of three to four inches and a length of 12 or 22 feet. Speed humps should be distinguished from speed bumps, which are much shorter (six to 12 inches long) and have been associated with maintenance, safety, and liability concerns.



The speed table/hump that may be used in the City of Franklin is 22 feet long and three inches

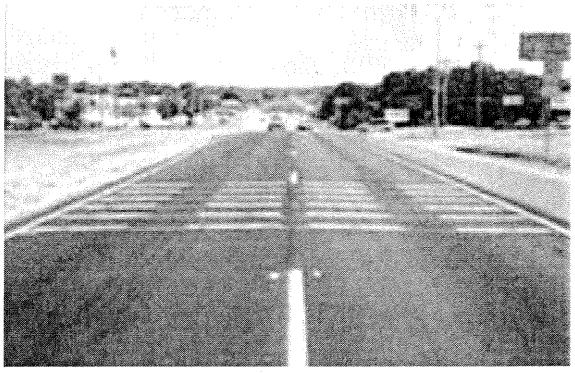
A **traffic circle** is a raised, circular island that is typically placed in the center of a residential street intersection to allow traffic to flow through the intersection without being controlled by a stop sign or a traffic signal. The design of a traffic circle requires motorists to travel through the intersection in a counter-clockwise direction around the island, which reduces the number of conflict points and reduces vehicular speeds.



A traffic circle creates a horizontal deflection in the roadway, which causes motorists to slow down as they travel through the intersection.

TECHNIQUES THAT ARE SPECIFICALLY PROHIBITED IN THE NTCP

Rumble strips are raised buttons, bars, or groves that are closely placed on a roadway at regular intervals. They cause both noise and vibration in vehicles as motorists drive over them. Typically, rumble strips are used to alert motorists of unusual conditions ahead. As motorists get used to the rumble strips, the strips become less effective over time. Rumble strips can result in increased noise levels for nearby residents. Also, rumble strips require a high amount of maintenance. For these reasons, rumble strips may not be used as a traffic calming technique in the City of Franklin.



Rumble strips may not be used as a traffic calming technique in the City of Franklin.