

The Franklin City Council held a work session on Monday, March 24, 2008 at 5:30 p.m. in Council Chambers, 207 W. Second Avenue.

Council members in attendance: James P. Councill, III, Mayor, Joseph Scislowicz, Charles Wrenn, Rosa Lawrence, Mary Hilliard and Mark Fetherolf. ABSENT: Raystine Johnson.

Staff in attendance: Rowland Taylor, City Manager, H. Taylor Williams, IV, City Attorney, Andy Rose, Director of Finance, Amanda Crocker, City Planner, Donald Goodwin, Director of Community Development, Russ Pace, Director of Public Works, Dan Howe, Director of Downtown Franklin Association and Erin Turner, Executive Assistant.

Farmer's Market

Rowland Taylor presented Council with possible construction styles for the Farmer's Market shelter. The property between the Train Depot and Johnson's Funeral Home is the future site of the market. Due to financial constraints, the project may be completed in two separate phases. The first phase would include the construction of the shelter and landscaping. The second phase would include asphaltting the parking areas, installation of curbing and installation of stamp-crete on the site.

Discussion was held among Council and staff regarding the ability to draw customers to the new location. Staff feels confident that the new location will do very well for the farmers.

Closed Session

On motion made by Mr. Fetherolf and seconded by Mr. Scislowicz it was unanimously RESOLVED that Council meet in closed session to discuss (1) appointments to boards and committees and (2) the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body as permitted by Virginia Code Section 2.2-3711(A) (1) and (3). The vote on this motion was as follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Councill. NO: none. ABSENT: Ms. Johnson.

Regular Meeting

The Franklin City Council held a regular meeting on Monday, March 24, 2008 at 7:00 p.m. in Council Chambers, 207 W. Second Avenue.

Council members in attendance: James P. Councill, III, Mayor, Raystine Johnson, Vice-Mayor, Joseph Scislowicz, Charles Wrenn, Rosa Lawrence, Mary Hilliard and Mark Fetherolf. ABSENT: none.

Staff in attendance: Rowland Taylor, City Manager, H. Taylor Williams, IV, City Attorney, Phil Hardison, Chief of Police, Andy Rose, Director of Finance, Russ Pace, Director of Public Works, Beth Reavis, Director of Social Services, Donald Goodwin, Director of Community Development, Amanda Crocker, City Planner, Jonathan Lackey, IT Director, Sheryl Frazier, Director of Redevelopment & Housing Authority, Carolyn Joyner, Director of Human Resources, Connie Burgess, Director of Early Childhood Education and Erin Turner, Executive Assistant.

Others in attendance: Dinah Babb, Treasurer and Dan Howe, Downtown Franklin Association Director.

Invocation

Councilwoman Hilliard offered the invocation.

Recognition of the 2008 Lady Broncos Basketball Team

Mayor Council presented the 2008 Lady Broncos Basketball Team, Coaches and Managers with a Certificate of Achievement for becoming the 2008 Girl's District Champions, District Tournament Champions, Region "A" Champions and State Runner-Up.

Citizens' Time

Parker Darden. 201 S. Main Street. Mr. Darden had concerns about the proposed Phase II of the Farmer's Market. He didn't want to see the space in front of the market being used for anything other than parking. Mr. Darden stated that due to limited parking, many tractor trailers park in that area so that they may dine or shop downtown.

Franklin/Southampton Futures – Discussion on City-County Cooperation - OLF

Lynn Rabil of the Franklin/Southampton Futures spoke to Council about joining the Governmental Coalition with Surry, Sussex, Greensville and Southampton Counties regarding the possible Outlying Landing Field (OLF). No one can be certain on possible economic impacts to the City if the OLF is relocated to this area, but the Futures asked that the City of Franklin consider joining their efforts.

Approval of Minutes of the March 10, 2008 meeting

On motion made by Mrs. Hilliard and seconded by Mrs. Lawrence it was RESOLVED that the minutes for the March 10, 2008 meeting were approved as presented. The vote on this motion was as follows: AYE: Mr. Wrenn, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Councill. NO: none. ABSENT: none. ABSTAIN: Mr. Scislowicz and Ms. Johnson.

Consent Agenda

1. Financial Matters – Budget Amendment 2008-37; 2008-38 and February Financial Report.

GENERAL FUND

REVENUE:	2007-2008 BUDGET	ACTUAL AS 2/29/2008	BUDGET PERCENT
Taxes; Licenses	\$ 13,363,441	\$ 8,686,782	65.00%
Permits, Fees, Fines	\$ 191,040	\$ 96,369	50.44%
Use of Money & Property	\$ 270,108	\$ 204,293	75.63%
Service Charges	\$ 2,253,389	\$ 1,387,983	61.60%
Misc & Recovered Costs	\$ 259,700	\$ 190,056	73.18%
Isle of Wight Rev. Sharing	\$ 1,110,000	\$ 1,107,450	99.77%
Loan Proceeds	\$ -	\$ 400,000	0.00%
State Aid	\$ 2,153,585	\$ 1,138,778	52.88%
Federal Aid	\$ 233,877	\$ 64,197	27.45%
Subtotal - Current Revenue	\$ 19,835,140	\$ 13,275,909	66.93%
Transfers from Unappropriated	\$ -	\$ -	0.00%
Transfers from Other Funds	\$ 1,859,891	\$ 1,239,927	66.67%
Transfer from Prior Years	\$ 342,750	\$ -	0.00%
Total General Fund Revenue	\$ 22,037,781	\$ 14,515,836	65.87%

EXPENDITURES:

Operating Expense:			
Legislative, General & Financial	\$ 2,333,197	\$ 1,380,501	59.17%
Elections, Courts, Sheriff	\$ 497,509	\$ 343,495	69.04%
Law Enforcement	\$ 3,201,020	\$ 2,108,424	65.87%
Fire and Rescue	\$ 1,430,693	\$ 893,987	62.49%
Community Development	\$ 426,584	\$ 268,435	62.93%
Streets	\$ 2,389,211	\$ 1,076,796	45.07%
Garage	\$ 249,458	\$ 128,023	51.32%
Refuse Collection & Disposal	\$ 1,198,610	\$ 740,927	61.82%
Buildings and Grounds	\$ 970,964	\$ 721,078	74.26%
Health	\$ 281,309	\$ 38,864	13.82%
Parks and Recreation	\$ 651,980	\$ 437,914	67.17%
Library	\$ 292,759	\$ 217,071	74.15%
Planning and Beautification	\$ 146,406	\$ 52,604	35.93%
Economic Dev and Tourism	\$ -	\$ -	0.00%
Downtown Development	\$ 97,083	\$ 58,782	60.55%
Payments to Southampton Co.	\$ 595,000	\$ -	0.00%
Non-Departmental	\$ 23,000	\$ 19,013	82.67%

Miscellaneous					
Pass through Contributions	\$	-	\$	0.00%	
Non-Departmental Capital	\$	358,017	\$	0.00%	
Total Operating Expense	\$	15,142,800	\$	8,485,914	56.04%

GENERAL FUND CONT'D

		2007-2008	ACTUAL AS	BUDGET	
TRANSFERS:		BUDGET	2/29/2008	PERCENT	
To General Debt	\$	891,658	\$	806,302	90.43%
To School Debt	\$	427,640	\$	427,640	100.00%
To Airport Fund	\$	93,684	\$	93,684	100.00%
To Education Fund	\$	4,651,368	\$	3,100,912	66.67%
To Education - Capital	\$	50,000	\$	50,000	0.00%
To Social Services Fund	\$	525,218	\$	350,145	66.67%
To Social Services - CSA	\$	51,940	\$	51,940	100.00%
To Economic Dev Incubator	\$	53,473	\$	53,473	100.00%
To Economic Dev Joint Fund	\$	150,000	\$	150,000	100.00%
Subtotal - Current Revenue	\$	6,894,981	\$	5,084,096	73.74%
Debt Service	\$	-	\$	-	0.00%
Total General Fund Expenditures	\$	22,037,781	\$	13,570,010	61.58%

WATER AND SEWER FUND

		2007-2008	ACTUAL AS	BUDGET	
REVENUE:		BUDGET	2/29/2008	PERCENT	
Sale of Water	\$	1,362,894	\$	885,370	64.96%
Sewer Service Charges	\$	1,851,853	\$	1,187,939	64.15%
Treatment Fees - Counties	\$	123,904	\$	67,569	54.53%
Other Revenues	\$	379,920	\$	213,276	56.14%
Transfer Prior Year Budget	\$	665,490	\$	-	0.00%
Proceeds from Loan	\$	-	\$	-	0.00%
Total Water and Sewer Revenue	\$	4,384,061	\$	2,354,155	53.70%

EXPENDITURES:

Operating Expense:					
Water System	\$	1,837,042	\$	785,057	42.73%
Sewer System	\$	886,090	\$	333,315	37.62%

Treatment Plant	\$	714,992	\$	442,809	61.93%
Transfers for Services	\$	335,160	\$	223,440	66.67%
Total Operating Expenses	\$	3,773,284	\$	1,784,621	47.30%
Debt Service	\$	610,777	\$	575,003	94.14%
Total Water & Sewer Expenditures	\$	4,384,061	\$	2,359,624	53.82%

ELECTRIC FUND

		2007-2008 BUDGET		ACTUAL AS 2/29/2008	BUDGET PERCENT
REVENUE:					
Sale of Energy	\$	12,278,381	\$	8,276,413	67.41%
Other Revenue	\$	340,743	\$	360,929	105.92%
Transfer from Unappropriated	\$	132,955	\$	-	0.00%
Transfer from Prior Year	\$	222,303	\$	-	0.00%
Total Electric Fund Revenue	\$	12,974,382	\$	8,637,341	66.57%

EXPENDITURES:

Operating Expense:	\$	9,908,487	\$	6,876,839	69.40%
Capital Outlay	\$	679,046	\$	306,208	45.09%
Transfer to Other Funds	\$	2,215,487	\$	1,476,991	66.67%
Debt Service	\$	171,362	\$	138,976	81.10%
Total Electric Expenditures	\$	12,974,382	\$	8,799,015	67.82%

AIRPORT FUND

REVENUE:

Fuel Sales	\$	168,600	\$	115,495	68.50%
Other Revenue	\$	71,700	\$	45,854	63.95%
State Grants	\$	8,400	\$	4,253	50.63%
Federal Grants	\$	-	\$	-	0.00%
Transfer from Other Funds	\$	93,684	\$	93,684	100.00%
Transfer Prior Year	\$	1,860	\$	-	0.00%
Total Airport Fund Revenue	\$	344,244	\$	259,287	75.32%

EXPENDITURES:

Operating Expense:	\$	302,660	\$	223,140	73.73%
Capital Outlay	\$	10,000	\$	10,000	100.00%
Transfer to Other Funds	\$	2,020	\$	1,347	66.67%
Debt Service	\$	29,564	\$	29,074	98.34%
Total Airport Fund Expenditures	\$	344,244	\$	263,560	76.56%

CASH BALANCES AS OF FEBRUARY 29, 2008 - OPERATING FUNDS

General Fund	\$	1,288,689
Water and Sewer Fund	\$	586,687
Electric Fund	\$	1,453,643
Airport Fund	\$	(43,360)
TOTAL	\$	3,285,659

2. Sworn Officers Car Take Home Policy Amendment – Officers who live 25 miles or less of the city limits as measured by the Chief of Police shall be allowed to participate in the take home vehicle program. Officers must be willing to respond to emergency re-call should the need arise. Officers must also sign the take home vehicle agreement as required by the Franklin Police Department Rules and Regulations 1-024.

3. Resolution of the City Council of the City of Franklin, Virginia Approving the Issuance of Debt by the Western Tidewater Regional Jail Authority and Related Matters –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA APPROVING THE ISSUANCE OF DEBT BY THE WESTERN TIDEWATER REGIONAL JAIL AUTHORITY AND RELATED MATTERS

WHEREAS, the Board of Directors of the Western Tidewater Regional Jail Authority (the “Authority”) has authorized and approved the proposed issuance of the Authority of its revenue bonds/notes in an aggregate principal amount not to exceed \$3,400,000 (the “Bonds”) for the purpose of financing or refinancing (i) the acquisition, construction and equipping of certain capital improvements to the Authority’s regional jail facility, (ii) the prepayment of the Authority’s General Obligation Public Improvement Bond, Series 2003, and (ii) the costs of issuing the Bonds (the “Project”);

WHEREAS, in accordance with Section 5.9 of that certain Service Agreement, dated August 1, 1991, between the cities of Franklin, Virginia (the “City”) and Suffolk,

Virginia (“Suffolk”) and the county of Isle of Wight, Virginia (“Isle of Wight” and, together with the City and Suffolk, the “Member Jurisdictions”) and the Authority (the “Service Agreement”), the consent of each of the Member Jurisdictions is required prior to the issuance of the Bonds by the Authority;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City that:

1. The City hereby consents to the issuance of the Bonds by the Authority for the purpose of financing the Project, subject to the adoption of similar resolutions by the governing bodies of the other Member Jurisdictions.

2. The City hereby acknowledges and agrees that payment of debt service on the Bonds shall be payable from the revenues of the Authority. Under no circumstances shall the payment of debt service on the Bonds constitute a general obligation indebtedness or pledge of the full faith and credit or the taxing power of the City.

3. This resolution shall take effect immediately.

4. Request for Funding from the DECA Organization – The Franklin High School DECA team is requesting an equal donation as Council provided last year in the amount of \$2,500.

5. Anthem Insurance Filing Requirement – Renewal Forms required by Insurance Carrier for July 1, 2008 – June 30, 2009

6. City’s Professional Assessor – Letter to Department of Taxation requesting that agency to qualify Mr. Steven I. Wampler as the City’s Professional Assessor.

7. Amnesty Week Proclamation –

WHEREAS, the cherished heritage of the City of Franklin is a gift to us all to enjoy and that beauty is enhanced by a clean and litter-free environment; and

WHEREAS, the citizens of the City of Franklin are contributing to a greater emphasis on litter control in ever increasing numbers. They are responding as volunteers to join the Virginia Department of Environmental Quality in its “LITTER. IT JUST ISN’T NATURAL” Campaign to eliminate the desecration of our City’s natural beauty by careless littering; and

WHEREAS, all citizens can take part and maintain the natural beauty through each others help and collective efforts to keep litter and other unsightly debris from our lands and streets;

NOW, THEREFORE, I, James P. Councill, III, Mayor, of the City of Franklin, do hereby proclaim April 14th – 18th, 2008 as

“AMNESTY DAYS”.

FURTHER, I urge all Franklin citizens, businesses, industries, organizations and governmental agencies to unite in an intensified effort to combat litter during and

hereafter this period in order that we may have a cleaner, attractive and more beautiful city in which to visit, live and work.

**8. Certificate of Achievement for the 2008 Franklin High School Lady Broncos –
Certificate of Achievement**

For the Dedication, Persistence and Perseverance, Superior Team Spirit, Tremendous Effort and Our Sincere and Grateful Appreciation and Admiration to Each of the 2008 Franklin High School Lady Broncos and their Coaches, Support Staff and Fans!

Head Coach Mona M. Sumblin, Coach of the Year for the Tri-River District and Region "A" & Dennis F. Sumblin, Assistant Coach

Players: Iesha Boone, Keshara Bradley, Shanika Carter, Timia Hobbs, Janice Holeman, Pashawn Hunt, Ebony Joyner, Kiara Lee, Ashley Putnam, Jackina Reid, Vonnisha Robinson

Managers: LaRon Duck, Morris Duck, Nellie Britt, Tyesha Anderson, Shaleeta Hicks, Tiara Rogers and Mercedes Williams

2008 Girl's District Champions

District Tournament Champions

Region "A" Champions

State Runner-Up

9. National Public Safety Telecommunications Week Proclamation -

WHEREAS, emergencies can occur at anytime that require police, fire or emergency medical services; and,

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

WHEREAS, the safety of our police officers and firefighters is dependant upon the quality and accuracy of information obtained from citizens who telephone the City of Franklin Emergency Communications Center; and,

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

WHEREAS, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and,

WHEREAS, Public Safety Telecommunicators of the City of Franklin have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Franklin declares the week of April 13 through 19, 2008 to be the National Public Safety Telecommunications Week in Franklin, Virginia, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

10. Memorandum - Exempt Employees not Entitled to Overtime Pay

The Fair Labor Standards Act (federal law) sets a workweek at 40 hours. It also requires the employer to pay wages at time and a half for any work in excess of 40 hours in the workweek for non-exempt employees. Exempt employees are not entitled to receive pay at time and a half for work in excess of 40 hours in a workweek. Exempt employees are generally defined as executives, administrators or professionals with the following job responsibilities: primary duty is management; supervises 2 or more people; has the ability to hire, fire, promote, or effectively recommend these types of changes in employment status; exercises discretionary powers; and does not perform non-managerial or non-exempt work for more than 20 percent of the workweek.

The City's Personnel Policy Manual identifies employees that are exempt from receiving overtime compensation at time and a half in Section 205. Exempt employees not entitled to overtime pay are listed as follows:

Elected officials, members of boards and commissions, city manager, city attorney, department heads, deputy fire chief, deputy chief of police, police lieutenants, deputy director of electric utilities, chief wastewater plant operator, public works utility superintendent, deputy director of public works, and engineering and services superintendent and incubator manager.

As a result of the new Pay Study conducted by Condrey and Associates several of the job titles listed above have been changed and thus revisions need to be made to accurately state which employees are exempt from receiving overtime pay. The job titles being changed are as follows:

- a. Deputy director of electric utilities becomes deputy director of power and lights;
- b. Chief wastewater plant operator becomes wastewater treatment plant manager;
- c. Engineering and services superintendent becomes general services superintendent;
- d. Incubator manager is dropped because the City no longer has that position;
- e. Line technician superintendent, city planner and human resources manager are being added to the list of exempt employees.

With these changes the paragraph setting forth the exempt employees should read as follows:

Persons in the following positions are designated as exempt employees and are not entitled to overtime pay: Elected officials, Members of Boards and Commissions, City Manager, City Attorney, Department Heads, Deputy Fire Chief, Deputy Chief of Police, Police Lieutenants, Deputy Director of Power and Lights, Line Technician Superintendent, Wastewater Treatment Plant Manager, Public Works Utility Superintendent, Deputy Director of Public Works, General Services Superintendent, City Planner and Human Resources Manager. Provided, however, that in the event that the city is included in an area with respect to which the President has issued a national declaration of emergency, then the persons listed above who are full-time employees of

the city shall be entitled to overtime pay if they work in excess of 40 hours during the referenced national state of emergency.

On motion made by Mr. Scislowicz and seconded by Mr. Fetherolf, the Consent Agenda was unanimously approved with a change to Budget Amendment 2008-37. The vote on this motion was as follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. NO: none. ABSENT: none.

Public Hearing for At-Large School Board Seat

The public hearing was opened for nominations.

Tom Ellington. 220 Hunterdale Road. Mr. Ellington nominated David Benton. Mr. Benton resides on Wynnwood Drive.

Greg McLemore. 204 Madison Street. Mr. McLemore nominated Sharon Watson. Mrs. Watson resides at 803 Fontaine Street.

Ellis Crum. 125 Queens Lane. Mr. Crum nominated Phyllis Crum. Mrs. Crum resides at 125 Queens Lane.

With no one else wanting to speak, the public hearing was closed.

Council set the date for interviews for Tuesday, April 1st at 6:30 p.m., 7:00 p.m. and 7:30 p.m.

Public Hearing on Subdivision Amendment – Pro Rata and Definition of “Subdivider”

Amanda Crocker explained to Council that the proposed amendment to the Subdivision Ordinance will accomplish the following: (1) gives the City the authority to require that future developments meet the infrastructure recommendations included in the Master Water and Sewer Study; (2) requires the City to develop a Policy and Procedure to implement the Pro Rata Program; (3) requires that the share each developer pays is based on that developer's flow and is expressed as a percentage. That percentage is applied to the total cost of designing and installing improvements to determine their pro rata share; and (4) requires that where a developer constructs improvements to serve other subdivisions and the cost exceeds the value of the subdivider's pro rata obligations any subsequent developer is required to reimburse the first developer in accordance with the Pro Rata Policy and Procedure.

The public hearing was opened for comment.

Joe Wharton. Towne Development. Mr. Wharton stated that the ordinance was very solid and that City staff has been working with land owners and developers to create a

thorough final product. He then thanked staff for including him on the creation of this policy.

With no one else wanting to speak, the public hearing was closed.

**AN ORDINANCE TO AMEND ARTICLE II. DEFINITIONS AND ARTICLE VI-
PHYSICAL IMPROVEMENTS SECTION 6-6 OF THE CITY OF FRANKLIN
SUBDIVISION ORDINANCE**

WHEREAS, the City Council of the City of Franklin, finds that the public necessity, convenience, and general welfare require that Article II Definitions be amended to include a definition of subdivider Article VI-Physical Improvements of the City of Franklin Subdivision Ordinance be amended to include Section 6-6 Off-site and Related Improvements ; and

WHEREAS, the Planning Commission held a duly advertised public hearing at their January 24, 2008 meeting; and

WHEREAS, the Planning Commission 3-0 with two members abstaining to forward this amendment to the Subdivision Ordinance Amendment to City Council with a favorable recommendation; and

WHEREAS, the Planning Commission voted 6-0 to forward the definition of Subdivider to City Council with a favorable recommendation; and

WHEREAS, City Council held a duly advertised public hearing at their meeting on March 24, 2008; and

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Franklin does hereby amend the text of the Subdivision Ordinance as follows:

ARTICLE II-DEFINTIONS

Subdivider- a subdivider, developer, individual land owner, or Government department or agency including the City of Franklin

ARTICLE VI – PHYSICAL IMPROVEMENTS

Sec. 6-6 Off-site and related improvements.

(a) A proposed subdivision or development shall be so designed as to have no appreciable detrimental effect upon the functioning of the existing system of water, sewerage and drainage facilities and improvements in the area. A subdivider shall provide all those improvements necessary to ensure that the water, sewerage and drainage demands created by the subdivision or development are properly serviced.

(b) Where the city has established a water and sewer improvement plan and/or a drainage improvement plan for an area having related and common water and sewer

and/or drainage conditions, and water and sewer or drainage before improvements are constructed to serve the demands generated by subdivisions and developments within that area, each subdivider whose project will be served by such improvements may be required as a condition of subdivision or development approval to pay its pro rata share of the cost of providing such improvement. Such share shall be based upon the impact which a subdivision or development has upon the rate of flow of water, sewerage or drainage through such improvements, with such impact expressed as a percentage of the total rate of flow such improvements are intended to serve. That percentage shall then be applied to the total cost of designing and installing such improvements to determine the value of the pro rata share required.

(c) Once an improvement plan has been established for an area through the adoption of the City of Franklin Master Water and Sewer Plan, approval of all subdivisions and developments within the area shall be subject to the compatibility of the subdivisions or developments with such plan, including construction and utilization of water, sewer and drainage improvements by such subdivisions or developments in accordance with the terms of the plan.

(d) Where a subdivider constructs such improvements designed to service other subdivisions or developments as provided for in an established water, sewer or drainage improvement plan and the cost of constructing such improvements exceeds the value of the subdivider's pro rata obligations as determined by the city pursuant to this section, any subsequent subdivider utilizing such improvements, in accordance with such plan shall reimburse the subdivider constructing such improvements for the cost of such construction in accordance with the degree to which such subdivider utilizes such improvements as determined by the city in accordance with the Pro Rata Policy and Procedure.

On a motion made by Mr. Wrenn and seconded by Ms. Johnson, the Amendment to the Subdivision Ordinance was unanimously approved by Council. The vote on this motion was as follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. NO: none. ABSTAIN: none. ABSENT: none.

Public Hearing on Office and Institutional Zoning District

Amanda Crocker explained to Council that the creation of this ordinance was done with input from several localities and the Franklin Southampton Economic Development, Inc.

The public hearing was opened for comments.

With no one wanting to speak, the public hearing was closed.

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN ZONING ORDINANCE TO CREATE ARTICLE XIA. OFFICE AND INSTIUTIONAL DISTRICT

WHEREAS, the City Council of the City of Franklin finds that the public necessity, convenience, general welfare and good zoning practice require that the City of

Franklin Zoning Ordinance be amended to create Article XIA. Office and Institutional District; and

WHEREAS, the Planning Commission held a duly advertise public hearing at their February 28, 2008 meeting; and

WHEREAS, of those present, the Planning Commission voted unanimously to forward this amendment to the Zoning Ordinance to City Council with a favorable recommendation; and

WHEREAS, City Council held a duly advertised public hearing at their March 24, 2008 meeting; and

NOW THEREFORE BE IT ORDAINED that the City Council of the City of Franklin does hereby amend the text of the Zoning Ordinance to include Article XIA. Office and Institutional District as follows:

Article XIA. Office and Institutional District

Sec. 11A.1 Purpose.

The office and institutional district is intended to provide an environment appropriate for office or institutional uses with a character that is compatible with residential uses which may adjoin and where public facilities are available to meet resident needs. This district is intended to provide controlled and harmonious settings for office development that will encourage the efficient use of land, serve as a transition between residential and industrial/commercial development. Smaller community oriented offices and institutional sites are expected in all areas of the City to support the needs of residential communities for professional, personal, medical, and related services.

Sec. 11A.2 Permitted Principal Uses:

- a) Apparel Alterations
- b) Business Offices of advertising, real estate, insurance or professional services including legal, engineering, architectural, accounting, and other similar service offices
- c) Business Incubators
- d) Child Care Education Centers in connection with public or private elementary schools
- e) Commercial Art and Graphic Design
- f) Computer Programming, Data Processing and other computer related services
- g) Dance Studios (Not to include dancehalls)
- h) Data Processing Center
- i) Finance Agency Offices, Banks, Mortgage Offices
- j) General Contractors Offices (no outside storage)

- k) Government Centers and Offices appropriate to the character of the district (libraries, City Hall, Fire, Police) excluding long term prisons and correctional facilities
- l) Investigative Services
- m) Laboratories Medical, Dental, Optical
- n) Medical Equipment Rental and Leasing
- o) Museums, Art Galleries, Auditoriums, Civic or Culture Centers, Historic Exhibits, Parks and Recreation Facilities ~~and the like~~
- p) Miscellaneous business services such as consumer credit reporting agencies, mailing list and stenographic services, business and management consulting services
- q) Photocopying and duplicating services
- r) Radio or Television Station
- s) Warehousing as part of an office operation

Sec. 11A.3 Permitted Conditional Uses

- a) Adult Day Care Center
- b) Adult Day Treatment Facility
- c) Assisted Living Facility
- d) Day Care Center
- e) Hospitals
- f) Laboratories testing and research
- g) Public utility buildings and structures necessary to the furnishing of proper service in the area not including storage or maintenance yards.
- h) Urgent Care Facility
- i) Wholesale Office Supply Companies

Sec. 11A.4 Permitted Accessory Uses

- Accessory uses customarily incidental to a permitted principal use
- Signs as permitted by article XXII of this ordinance.
- Fences and walls as permitted in Section 2.9 of this ordinance. Additional provisions dealing with the location and size of accessory structures are found in Section 19.2(11) of this ordinance.
- Satellite television antennas or ground-mounted conventional television or radio antennas, when installed and maintained in accordance with article XXIII.

Additional provisions dealing with the location and size of accessory structures are found in Section 19.2(11).

Sec. 11A.5 Minimum Lot Area

No minimum lot area is established.

Sec. 11A.6 Minimum Lot Width

No minimum lot width is established.

Sec. 11A.7 Minimum Lot Frontage

No minimum lot frontage is established.

Sec. 11A.8 Setback Requirements

This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in article XIX.

- (a) Side Yard. No side yard required unless the parcel abuts a residential (R) district or use, each side yard shall then be 25 feet.
- (b) Rear Yard. No minimum depth for the rear yard is established, unless the parcel abuts a residential (R) district or use. If the parcel abuts a residential (R) district or use, the minimum depth of the rear yard shall be no less than that of the (R) district or use adjacent there to.

Sec. 11A.9 Maximum Building Heights

(1) The maximum height of all structures shall not exceed 80 feet and shall not exceed six stories.

(2) For buildings abutting an R district or use the maximum height of all structures shall be 35 feet if constructed at the required setback of the adjacent residential district or use. An additional 10 feet in building height is permitted for every 20 feet of additional side or rear yard setback as required for the adjoining residential use.

Sec. 11A.10 Sign Regulations.

All provisions for the regulation of signs in this district are found in Article XXII.

Sec. 11A.11 Parking Regulations.

All provisions for the regulation of parking in this district are found in Article XVIII.

Sec. 11A.12 Flood Plain Regulations

Flood plan regulations that apply to certain properties within the district are set forth in Article XXI.

Sec. 11A.13 Aircraft Approach Regulations

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in Article XX.

On a motion made by Mr. Scislowicz and seconded by Mr. Wrenn, the Ordinance to Amend the City of Franklin Zoning Ordinance to Create Article XIA. Office and Institutional District was unanimously approved by Council. The vote on this motion was as follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. NO: none. ABSTAIN: none. ABSENT: none.

Policy and Procedure for the Subdivision Amendment Relating to Pro Rata

CITY OF FRANKLIN
PRO RATA PROCEDURE

I. PURPOSE

This procedure establishes standard methods for the following:

- A. The calculation of the pro rata share for each Developer in a utility service area;
- B. The collection of pro rata shares from Subsequent Developers; and
- C. The reimbursement of pro rata to the First Developer.

One (1) or more types of water and/or sewer (utility) improvements may qualify the First Developer to receive pro rata reimbursement.

Reference is made to the City of Franklin Subdivision Ordinance Section 6-6 and the City of Franklin Pro Rata Policy for requirements for pro rata participation.

For the purpose of pro rata calculation, collection and reimbursement, utility improvements are defined as:

- (1) Sanitary Pump Station
- (2) On-site Force Main
- (3) Off-site Force Main
- (4) On-site Water Main
- (5) Off-site Water Main
- (6) Gravity Sewer
- (7) Waste Water Treatment Plant
- (8) Water Storage and Pumping Facilities
- (9) Drainage Facilities

The pro rata reimbursement rate may vary depending on changes in service area or rezoning. Should the flows increase without creating a need for additional improvements to water and sewer facilities in a service area, then every prior developer is eligible for reimbursement based on the new flows. The cost for the current and subsequent developers is then also based on the new flows.

If changes in service area or rezoning create additional improvements to water or sewer facilities, the upgrade cost above and beyond planned capacity as outlined in the Sanitary Sewer and Water Impact Assessment dated April 4, 2006 as amended, shall be at the sole expense of the developer creating said change.

II. PRO RATA CALCULATION

- A. **PRO RATA OBLIGATIONS:** After the City's acceptance of utility improvements installed by a First Developer which satisfy the conditions set forth in City of Franklin Subdivision Ordinance

and the City of Franklin Pro Rata Policy, each Subdivider whose project was intended to be served by such utility improvements will be required to pay a pro rata share of the cost of the utility improvements.

- B. DETERMINATION OF UTILITY SERVICES AREA FLOWS: A utility service area will be established for each utility improvement considered eligible for pro rata participation. The service area maps shall include all parcels of land intended to be served by each respective utility. The service area maps for each utility will reflect the service areas at the time the pro rata calculations are made.

Flow estimates for vacant parcels of land are determined on the basis of acreage, maximum density permitted under the City's Comprehensive Land Use Plan and recognized rates of flow for the use of the parcel of land. If changes in service area or rezoning create additional improvements to water or sewer facilities, the upgrade cost above and beyond planned capacity as outlined in the water and sewer master plan, shall be at the sole expense of the developer creating said change in addition to the required pro rata share.

The total number of equivalent residential units (ERU) is determined as shown in Exhibit A for each vacant parcel of land. The current established rate of flow per ERU is applied to the total ERU for each parcel of land.

(1) Sanitary Pump Station:

The flows contributed by on-site and off-site parcels of land within the pump station service area are used to determine the pro rata share of each developer. The pro rata percentage of flow for which the First and Subsequent Developers are held responsible shall be applied to the total cost of the sanitary pump station.

(2) On-Site Force Main:

- (a) The flow contributed by on-site and off-site parcels of land within the on-site sanitary force main service area are used to determine the pro rata share of each Developer.

The portion of the sanitary force main which is constructed on-site and off-site parcels of land within the pump station service area. Accordingly, the pro rata percentages of flow

for which the First and Subsequent Developers are held responsible shall be applied to the total cost of that portion of the sanitary force main constructed on-site.

(3) Off-Site Force Main:

Flows contributed by on-site and off-site parcels of land which are within the off-site sanitary force main service area are used to determine the pro rata share of each Developer.

That portion of the sanitary force main which is constructed off-site will benefit all on-site and off-site parcels of land within the pump station service area, and that may also benefit off-site parcels of land beyond the pump station service area, provided that those parcels of land border the City right-of-way through which the sanitary force main is constructed and received direct benefit from this improvement.

In order to receive direct benefit, a Subsequent Developer must be able to a) directly connect to; and b) utilize the sanitary force main constructed off-site.

Accordingly, the pro rata percentages of flow will be distributed among the First Developer, Subsequent Developers within the pump station service area, and Subsequent Developers beyond the pump station service area as described above.

The pro rata percentages of flow for which the First and Subsequent Developers are held responsible shall be applied to the total cost of that portion of the sanitary force main constructed off-site.

(4) On-Site Water Main:

In the event that additional improvements to the on-site water main are required to serve off-site parcels of land, the First Developer will be eligible for pro rata participation for these additional improvements.

The flow demands by such off-site parcels of land for which these improvements to the on-site water main were made shall be used to determine the pro rata share of each Subsequent Developer.

(5) Off-site Water Main:

Flow demands by on-site and off-site parcels of land which are within the off-site water main service area are used to determine the pro rata share of each Developer.

The portion of the water main which is constructed off-site will benefit all on-site and off-site parcels of land, provided that those off-site parcels of land border the City right-of-way through which the off-site water main is constructed and receive direct benefit from this improvement.

In order to receive direct benefit, a Subsequent Developer must be able to a) directly connect to; and b) utilize the water main constructed off-site.

Accordingly, the pro rata percentages of flow are distributed among the First Developer and all Subsequent Developers within the off-site water main service area.

The pro rata percentages of flow for which the First and Subsequent Developers are held responsible shall be applied to the total cost of that portion of the water main constructed off-site.

(6) Gravity Sewer:

In the event that additional improvements (e.g. greater depth, larger diameter or additional pipe and appurtenances) to the gravity sewer installed by the First Developer are required to serve off-site parcels of land, the First Developer will be eligible for pro rata participation for these additional improvements.

The flow contributed by such off-site parcels of land for which these improvements to the gravity sewer were made shall be used to determine the pro rata share of Subsequent Developer.

The pro rata percentages of flow are distributed among all Subsequent Developers whose development receives direct benefit from the additional improvements.

In order to receive direct benefit, the Subsequent Developer must be able to: a) directly connect to the existing gravity sewer; b) extend it to the Subsequent Development; and c) utilize the extended gravity sewer.

The pro rata percentages of flow for which the Subsequent Developers are held responsible shall be applied to only those costs necessary to provide additional improvements in order to service the off-site parcels of land.

(7) Waste Water Treatment Plant

Flow demands by on-site and off-site parcels of land which are within the Waste Water Treatment Plant service area are used to determine the pro rata share of each Developer.

The pro rata percentages of flow are distributed among the First Developer and all Subsequent Developers within the Waste Water Treatment Plant service area.

The pro rata percentages of flow for which the First and Subsequent Developers are held responsible shall be applied to the total cost of that portion of the Waste Water Treatment Plant.

(8) Water Storage and Pumping Facilities

Flow demands by on-site and off-site parcels of land which are within the Water Storage and Pumping Facilities service area are used to determine the pro rata share of each Developer.

The pro rata percentages of flow are distributed among the First Developer and all Subsequent Developers within the Water Storage and Pumping Facilities service area.

The pro rata percentages of flow for which the First and Subsequent Developers are held responsible shall be applied to the total cost of that portion of the Water Storage and Pumping Facilities.

(9) Drainage Facilities

Flow demands by on-site and off-site parcels of land which are within the Drainage Facilities service area are used to determine the pro rata share of each Developer.

The pro rata percentages of flow are distributed among the First Developer and all Subsequent Developers within the Drainage Facilities service area.

The pro rata percentages of flow for which the First and Subsequent Developers are held responsible shall be applied to the total cost of that portion of the Drainage Facilities.

C. COSTS:

(1) Reimbursable:

The City will review the cost documents submitted for reimbursement in conjunction with the construction record drawings to verify that the construction costs are reasonable and in accordance with fair market costs at the time the utility improvements were accepted by the City.

This is done by comparing the submitted costs with the recent City projects of like or similar nature and/or by contacting local contractors to obtain current market costs. If the submitted costs are deemed unreasonable, then the costs which best reflect current fair market costs are used. The construction, design and offsite land costs directly related to the design and installation of the utility improvement are considered for reimbursement eligibility.

Design costs will be compared to the costs as determined from Curve A, ASCE Manual No. 45, "Consulting Engineering – A Guide for the Engagement of Engineering Services", 1981 Edition. The lower of the submitted design cost and the ASCE cost is used rather than the individual utility improvement cost.

Offsite land costs will be compared to the appraised value of the land as determined by the City's Real Estate Assessor's Office. The lower of the submitted land cost and the appraised value is used.

(2) Non-reimbursable:

Specific costs that are not reimbursable include, but are not limited to:

- City Application Fees
- City Plan Review Fees
- City Inspection Fees
- Building Permit Fees
- Mobilization
- Bonds
- Interest and other finance charges
- Other Miscellaneous fees (ex. Attorney fees, recordation fees)

D. SPECIAL CONDITIONS: Certain special or unique conditions that do not follow the above procedures are addressed below.

- (1) Pump station service area is expanded to include Subsequent Developments not originally included in the original pro rata calculations; and also not included in any other pump station service area.

All prior developers are eligible for reimbursement based on the revised flows. Current and subsequent developers pay the pro rata amount based on the revised flows.

- (2) Pump station service area is reduced, causing Subsequent Developments originally included in the pro rata calculations, to be excluded from the pump station service area.

- (3) Off-site utility service lines that are installed in conjunction with required off-site utility improvements.

The total cost of utility service lines installed from the main line to the property line in order to serve off-site parcels of land through which the off-site utility is constructed shall be eligible for pro rata reimbursement.

The amount of pro rata that the First Developer is eligible to receive for all other utility improvements will be increased by the cost of the utility service lines.

- (4) Off-site water main improvements that are installed to a greater extent than required by the water and sewer master plan.

If the First Developer installs an off-site water main larger than is required by the water and sewer master plan, then the pro rata calculations are based on the water main size as required by the Master Plan, rather than that which was actually installed.

- (5) Pump station upgrade is required by a Subsequent Developer.

- (a) If the pump station requires upgrading solely because of the Subsequent Development, then the upgrade is not eligible for pro rata participation.

(b) If the pump station requires upgrading in order to meet current City and State requirements and conditions, then the upgrade may be eligible for pro rata participation.

(c) If the First Developer installs a pump station larger than what is required by the City's Master Water and Sewer Plan, then the pro rata calculations are based on the pump station size as required by the Master Plan, rather than that which was actually installed.

(6) Multiple pump stations and force mains are built or upgraded for the same project and/or joint projects

The utility service area flows will be determined as described in Section II (B). The pro rata percentage of each Subsequent Developer will be based on the total ERU in all utility service areas. Likewise, the pro rata share of each Subsequent Developer will be based on the total cost of the utility improvements in all utility service areas. These costs are determined as described in Section II (C).

This method will be used for pump stations and force mains.

III. PRO RATA COLLECTION

In accordance with City of Franklin Subdivision Ordinance Section 6-6 a Subsequent Developer may be required as a condition of subdivision or development approval to pay its pro rata share. The Subsequent Developer **or property owner** is notified of its pro rata obligations (percentage and/or share) at the City's first opportunity.

This may be at a pre-development meeting, a zoning reclassification application or any other indication of development of a parcel of land which has a pro rata percentage and/or share assigned to it.

IV. REIMBURSEMENT

A. PRO RATA: The First Developer will be reimbursed as and when Subsequent Developers pay their pro rata share to the City on a quarterly basis once a request in writing has been sent to the Director of Public Works.

When the Department of Community Development receives a pro rata payment, a determination will be made as to who the First Developer is. The Department of Community Development then forwards the pro rata payment to the Director of Finance by

memorandum and authorizes reimbursement to the First Developer on a quarterly basis.

Upon completion of the calculations for reimbursement for the First Developer the Department of Public Works shall submit to the Department of Community Development and the Office of Finance in writing the following:

- In the case of the First Developer accepting the reimbursement of connection fees option the total the amount to be reimbursed by the City.
- In the case of the First Developer waiving their right to the reimbursement of connection fees option a spreadsheet listing the name of the subdivision, pro rata share that needs to be collected the total to be paid by the City.

V. CONCLUSION:

The Department of Public Works shall have the discretion to determine appropriate procedures for pro rata calculation, collection and reimbursement for any unique non-conforming situation not covered in the previous sections of this procedure. Such exercise of discretion shall at all times conform to Section 6-6 of the Subdivision Ordinance and the Department's Pro Rata Policy.

This pro rata procedure shall be maintained and updated by the City Manager or his designee as needed to stay current with technology, regulations, and other changes as required by the City of Franklin.

CITY OF FRANKLIN PRO RATA POLICY

A. PURPOSE

This policy shall only apply to those parcels of land located within the jurisdictional boundaries of the City of Franklin.

This Policy establishes standards by which a developer may be reimbursed for costs associated with the design and installation of on-site and/or off-site water and/or sewer (utility) improvements required to serve off-site parcels of land in accordance with the City's water and sewer master plan as outlined in the Sanitary Sewer and Water System Impact Assessment dated April 4, 2006 as amended as well as the City's Comprehensive Plan.

A developer is eligible for reimbursement when this cost exceeds the developer's obligations as determined by the Department of Public Works (DPW) pursuant to

the requirements set forth in Section 6-6 of the City of Franklin Subdivision Ordinance.

B. DEFINITIONS

For the purpose of this policy, the following terms are defined as follows:

- A. **FIRST DEVELOPER:** A sub-divider, developer, individual land owner or Government department or agency, including the City of Franklin, that is required to design and install certain utility improvements, intended to service off-site developments , in accordance with the City's water and sewer master plans.
- B. **SUBSEQUENT DEVELOPER:** A sub-divider, developer or Government department or agency including the City of Franklin, whose succeeding development, is within the utility service area of those utility improvements designed and installed by the First Developer.
- C. **ON-SITE:** The parcel(s) of land subdivided or developed by the First Developer.
- D. **OFF-SITE:** All parcels of land within the utility service area of the utility improvements made by the First Developer that are beyond the boundaries of the First Developer's parcel(s) of land.
- E. **PRO RATA PERCENTAGE:** The proportionate impact that the First Development and each subsequent Development within the utility service area of the utility improvements made by the First Developer will have upon the total flow of water and/or sewage from the entire utility service area through said improvements. Said proportionate impact is to be expressed as a percentage of the total flow (calculated in accordance with the recognized rates of flow) through the utility improvements made by the First Developer.
- F. **PRO RATA SHARE:** The proportionate cost of the utility improvements made by the First Developer for which each Subsequent Development within the utility service area of such improvements is responsible.

Said proportionate cost is to be determined by applying pro rata percentage to the cost of the improvements made by the First Developer.

- G. **PRO RATA REIMBURSEMENT:** The pro rata share paid to the First Developer by a Subsequent Developer, through the City of Franklin Department of Community Development whose development is within the utility service area of those utility improvements made by the First Developer.

- H. UTILITY SERVICE AREA: On-site and Off-Site parcels of land and/or portions of parcels of land to be served or intended to be served by the utility improvements proposed by the First Developer. A separate and unique service area shall be established for each type of utility improvements.
- I. UTILITY IMPROVEMENT: City of Franklin water, sanitary sewer, and/or **drainage** improvement, in accordance with the City's water and sewer master plan, which is to be owned and operated by the City of Franklin.
- J. DEVELOPMENT PLAN: The final site plan and/or construction plans submitted to the City for approval. This plan must contain the proposed water and/or sewer improvement required for the Developer's project as well as compliance with the City's water and sewer master plan.
- K. MASTER PROJECT PLAN: A site plan and/or a subdivision plan for the proposed project which show, as a minimum, street alignment, lot layout and water and/or sewer improvements. This plan must be for the entire proposed project area, not individual sections, and must be in compliance with the City's water and sewer Master Plans.
- L. CONNECTION FEE CREDIT REIMBURSEMENT: The amount of City of Franklin water and/or sewer connections fees collected by the City of Franklin to which the First Developer may be entitled in lieu of any Pro Rata Reimbursement.

For other definitions pertaining to subdivisions and Developments, refer to Franklin City Code, Appendix C, Subdivision Ordinance.

C. APPLICATION OF POLICY

Pursuant to Section 6-6 of the City of Franklin Subdivision Ordinance, the First Developer may be required by the Department of Public Works under the City's water and sewer master plan to provide utility improvements to serve both on-site and off-site parcels of land. Each Subsequent Developer whose development is within the utility service area of the utility improvements made by the First Developer shall pay to the Department of Community Development a pro rata share of the cost of such improvements. Each Subsequent Development's pro rata share shall be determined based on the proportionate impact each Subsequent Development will have upon the total flow of water and/or sewage from the entire utility service area through the utility improvements made by the First Developer.

The degree of impact each Subsequent Development will have upon the total flow shall be expressed as a percentage of the total flow (calculated in accordance with the

recognized rates of flow) through the utility improvements made by the First Developer. This percentage shall be applied to the cost of designing and installing the utility improvements made by the First Developer. All costs are to be verified and approved by the Department of Public Works.

Subject to the conditions set forth in Section IV (a), the First Developer is entitled to reimbursement by each Subsequent Developer for costs of designing and installing the utility improvements where such costs exceed the First Developer's pro rata obligations. Accordingly, after the Department of Public Work's acceptance of the utility improvements, any Subsequent Developer whose development is within the utility service area of these improvements shall reimburse the First Developer for costs in accordance with the method of calculation specified in the foregoing paragraph.

The pro rata reimbursement rate may vary depending on changes in service area or rezoning. Should the flows increase in a service area a new pro rata agreement will be entered into with the developer creating said change.

If changes in service area or rezoning create the need for additional improvements to water or sewer facilities beyond the capacity of the existing water and sewer system, the upgrade cost above and beyond planned/designed capacity as outlined in the Master Water and Sewer Study, shall be at the sole expense of the developer creating said change.

As an alternative to receiving pro rata reimbursement from Subsequent Developers, the First Developer may transfer his total right of reimbursement to the City of Franklin in exchange for an entitlement to the connection fees imposed upon the lots in the First Developer's project. Once the First Developer transfers this right to the City of Franklin the First Developer cannot claim pro rata reimbursement for that project. In no event shall the First Developer be entitled to receive connection fees in excess of the value of the pro rata reimbursement which would have been otherwise due to the First Developer.

D. REIMBURSEMENT OPTIONS

- A. GENERAL PROCEDURE: The First Developer shall meet with representatives of the City's Department of Public Works in the pre-design process to discuss master project plans. These master project plans shall be in writing and shall show, as a minimum, street alignment, lot layout, and water and/or sewer improvements. The Department of Public Works will then review the master project plans and development plan to determine whether they comply with the requirements of the City's water and sewer master plan. The City may require the First Developer to provide utility improvements which will serve both on-site and off-site parcels of land in order to comply with the City's water and sewer master plan.

Once the master project plan complies with the City's water and sewer master plan, the First Developer shall submit development plans(s) for approval in accordance with the City of Franklin Subdivision Ordinance. As built plans and an Auto CAD version of the plans shall be submitted to the City as well. The engineering plans and design plans will become the property of the City of Franklin once approved as the master project plan. Subsequent alterations or amendments approved by the City will also become property of the City.

The approved master project plan will be the basis of the pro rata calculations. If the approved master project plan changes after the pro rata calculations are completed, the calculations will be revised to reflect the change. Accordingly, after completion the calculations will be revised due to subsequent land use changes, zoning reclassifications, utility service area changes etc.

Once the utility improvements have been installed in accordance with the approved development plans and after acceptance of the same by DPW, the First Developer shall submit appropriate documents to DPW which reflect the actual costs of the required utility improvements.

DPW will review these documents to verify project cost. Upon verification and approval of costs, DPW will determine pro rata shares in accordance with the pro rata percentages.

Written notification will be mailed, return receipt requested, to the First Developer outlining the final calculations. The First Developer may request to meet with the representatives of DPW to discuss the City's pro rata calculations. At that time, the First Developer will be advised of the option to choose either pro rata reimbursement or connection fee credit reimbursement.

The First Developer may choose one of the two options of reimbursement by completing and executing the pro rata agreement and the Reimbursement Election Form and returning both documents to the DPW within twenty-one (21) calendar days of the receipt of the written notification. If the First Developer has not notified DPW of the reimbursement option chosen at the end of the twenty-one day period, then the connection fee credit option will no longer be available and the First Developer shall receive pro rata reimbursement.

Upon election of either pro rata or connection fee credit reimbursement, the First Developer may not revoke or rescind such election.

PRO RATA: Where the pro rata reimbursement option is chosen, the First Developer may receive reimbursement no more frequently than every 90 days after all of the following conditions have been met:

1. The utility improvements have been installed by the First Developer in accordance with approved development plans and have been accepted by DPW. If the project installed in accordance with an approved phasing plan, then reimbursement may occur after the installation and acceptance of each phase.
2. Three copies of the as built plans as well as an electronic version in Auto CAD or another format as approved by the City of Franklin shall be submitted.
3. The First Developer has submitted to DPW appropriate documents which serve to verify the total costs expended in designing and installing the utility improvements.
4. The Subsequent Developer has submitted to the City a development plan for review in accordance with the City of Franklin Subdivision Ordinance and the City's water & sewer master plan.
5. The Subsequent Developer's development plan has been submitted to the City for approval after DPW's acceptance of those utility improvements installed by the First Developer.
6. The Subsequent Developer has been advised of the pro rata share of costs for the design and installation of the utility improvements and has paid such pro rata share to the Department of Community Development.

Note that the City will not approve a development plan submitted by a Subsequent Developer until such time that such Subsequent Developer has paid to the Department of Community Development its pro rata share for the utility improvements made by the First Developer and executed the pro rata agreement. Where the improvements have not been completed, the Subsequent Developer shall pay an estimated pro rata share to the Department of Community Development and shall execute an agreement (refer to Exhibit B) to pay additional costs which may be assessed upon completion of the improvements.

The estimate shall be based upon the percentage of total flow to be utilized by the Subsequent Developer, and the projected cost of completing the improvements, which cost is subject to change. Should the estimated pro rata share paid to the Department of Community Development prove to be less than the actual pro rata share, the Subsequent Developer shall pay to the Department of Community Development the difference between the two amounts in compliance with terms of the aforementioned agreement.

B. CONNECTION FEE CREDIT: When eligible to receive pro rata reimbursement, the First developer may transfer to the City the right to such reimbursement in exchange for being given entitlement to the connection fees imposed upon the lots in the First Developer's project.

Where the connection fee credit option is selected, the First Developer will receive the connection fees collected by the Department of Community Development on the lots in the First Developer's project, pursuant to Section 6-6 of the Subdivision Ordinance.

Such entitlement to the connection fees shall not exceed the amount of reimbursement the First Developer would have otherwise received had the pro rata option been chosen.

Note that pro rata shares for each Subsequent Development within the utility service area will be determined by the City regardless of which reimbursement option is chosen by the First Developer. Where the First Developer chooses the connection fee credit option of reimbursement, a Subsequent Developer shall still pay the pro rata share to the Department of Community Development prior to receiving approval of the development plan submitted by the Subsequent Developer.

Note also, that the First Developer will receive connection fees paid for only the First Developer's project in accordance with the pro rata calculations and the approved master project plan. The first Developer shall not be entitled to receive water connection fees for sewer improvements nor sewer connection fees for water improvements.

When the Department of Community Development collects the water and/or sewer connection fees for the lots in the First Developer's project area, the fees shall be transferred to the First Developer **no more frequently than every 90 days** after the following conditions are met:

1. The utility improvements have been installed by the First Developer and such improvements have been accepted by DPW. If the project is installed in

accordance with an approved phasing plan, then reimbursement may occur after the installation and acceptance of each phase.

2. Three copies of the as built plans as well as an electronic version in Auto CAD or another format as approved by the City of Franklin shall be submitted.
3. The First Developer has submitted to DPW appropriate documents which serve to verify the total cost expended in design and installation of the utility improvements.
4. DPW has determined the actual pro rata share of each Subsequent Development within the utility service by applying its pro rata percentage to the cost of the utility improvements.
5. The Department of Community Development has collected the connection fees for the First Developer's project, the building permits have been issued and the utilities for the lots that the building permits have been issued have been activated.
6. The First Developer has requested from DPW in writing that the connection fees imposed upon the project, and collected by the Department of Community Development be transferred to the First Developer. As previously indicated reimbursements shall occur no more frequently than every 90 days.

E. CONCLUSION

In the administration and enforcement of this policy, DPW shall have the discretion to apply the general principals expressed herein to any unique, non-conforming situation which may arise. Such exercise of discretion shall at all times conform to Section 6-6 of the Subdivision Ordinance.

This pro rata policy shall be maintained and updated by the City Manager or his designee as needed to stay current with technology, regulations, and other changes as required by the City of Franklin.

On a motion made by Mr. Wrenn and seconded by Mr. Fetherolf, the Pro Rata Policy and Procedure was unanimously approved by Council. The vote on this motion was as

follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. NO: none. ABSTAIN: none. ABSENT: none.

Certification

On motion made by Mr. Fetherolf and seconded by Mr. Wrenn, it was unanimously RESOLVED that City Council hereby certifies that to the best of the knowledge of each member only public business matters identified in the motion which the closed meeting was convened were discussed, heard or considered. The vote on this motion was as follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. NO: none. ABSTAIN: Ms. Johnson. ABSENT: none.

Appointment to Paul D. Camp Community College Board

On motion made by Mrs. Hilliard and seconded by Mrs. Lawrence, Felicia Blow was reappointed to serve on the Paul D. Camp Community College Board with her new term beginning immediately and expiring on December 31, 2011. The vote on this motion was as follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Mrs. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. NO: none. ABSENT: none.

Adjournment

There being no further business, on motion duly made, seconded and unanimously adopted the meeting was adjourned at 7:55 P.M. The vote on this motion was as follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. NO: none. ABSENT: none.

Mayor

Clerk to City Council