

**MINUTES OF REGULAR SESSION  
OF THE  
CITY OF FRANKLIN  
CITY COMMISSION**

**December 12, 2022**

**City Hall  
117 West Cedar Street  
Franklin, Kentucky**

The Franklin, Kentucky City Commission met in Regular Session at 12:00 Noon, Monday, **December 12, 2022**, in the City Hall meeting room located at 117 West Cedar Street, Franklin, Kentucky.

Members attending were as follows:

Mayor Larry Dixon	Present
Commissioner Jamie Powell	Present
Commissioner Herbert Williams	Present
Commissioner Brownie Bennett	Present
Commissioner Wendell Stewart	Present

Others present included City Manager Kenton Powell; City Attorney Scott Crabtree; City Personnel Director/Deputy Clerk Rita Vaughn; City Finance Director Carol Riggerbach; City Police Chief Roger Solomon; Public Works Director Chris Klotter; City Clerk Cathy Dillard; Carter Munday, F-S Planning & Zoning; Dale McCreary; Donzella Lee, F-S Human Rights Commission; Johnie Skipworth; Moe Hillard; Tammie Carey; Trent Coffee; Terry Bailey; Jerry Bailey; Randy Moore; Kenny Massey; Doug Marklin; Darrell Mallory; Jeremy Perring; David Schuler; and Nevin Wisnocki.

Mayor Dixon called the meeting to order at 12:00 Noon, and Commissioner Jamie Powell offered the opening prayer.

**APPROVAL OF MINUTES**

Motion was made by Commissioner Powell and seconded by Commissioner Bennett to approve the minutes as presented of the Franklin City Commission November 14, 2022, Regular Meeting.

Voting Aye: All members present. Motion carried unanimously.

## **RECOGNITION**

City Manager Kenton Powell recognized the City of Franklin 2022 Employee of the Year Randy Moore. Randy works in the Wastewater Plant and has been employed by the City for 17 years.

Powell also recognized City of Franklin Water Department and other City employees who volunteered to assist with the main water line break which occurred on Thanksgiving Day. David Schuler, Jeremy Perring, Doug Marklin, Darrell Mallory, Randy Moore, Terry Bailey and Jerry Bailey were on call and/or volunteered to assist in repairing this water line break. The City of Franklin is fortunate to have employees who are committed and willing to assist in any situation, thank you to these employees.

## **UTILITIES**

Water Treatment Superintendent Johnie Skipworth asked the Commission to consider approval to enter into a retainer agreement with Napoli Shkolnik PLLC which will allow the City of Franklin to register as a plaintiff along with other water utilities in the PFAS Cost Recovery Program. Beginning in January 2023 the City of Franklin will begin testing finished drinking water for approximately 29 compounds considered "forever chemicals".

Motion was made by Commissioner Stewart and seconded by Commissioner Williams to enter into a retainer agreement with Napoli Shkolnik PLLC and further authorized the Mayor to sign the retainer agreement on behalf of the City of Franklin.

Voting Aye: All members present. Motion carried unanimously.

## **COMMUNITY SERVICES**

City Manager Kenton Powell asked the Commission to consider approval of an Agreement for Services with Good Samaritan, Inc. The latest budget amendment approved an additional allocation to Good Samaritan, Inc., in the amount of \$5,000.00.

Motion was made by Commissioner Powell and seconded by Commissioner Bennett to approve the Agreement for Services with Good Samaritan, Inc., in the amount of \$5,000.00 and further authorized the Mayor to sign the agreement.

Voting Aye: All members present. Motion carried unanimously.

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Community Development Director Tammie Carey provided the Commission with an overview of the Community Conversation which was held on Thursday, November 17, 2022. Ed Holmes and Ryan Holmes of EHI Consulting presented the results from the community survey and discussed the next steps in the process of developing a new comprehensive plan.

No Commission action was required regarding this matter.

**GENERAL GOVERNMENT**

Community Development Director Tammie Carey asked the Commission to consider approval to purchase a new sign printer as the current printer cannot be repaired. Carey obtained three quotes and recommended purchasing from Advanced Plastics at a cost of \$18,179.50.

Motion was made by Commissioner Stewart and seconded by Commissioner Williams to purchase a new sign printer from Advanced Plastics in the amount of \$18,179.50 and further authorized the Mayor to sign any and all necessary documents for this purchase.

Voting Aye: All members present. Motion carried unanimously.

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City Finance Director Carol Riggenbach asked the Commission to consider approval to purchase protective glass for the City's payment collections area at City Hall. Southeast Banking System provided a quote in the amount of \$23,073.00.

Motion was made by Commissioner Bennett and seconded by Commissioner Powell to purchase and install protective glass for the City's payment collection area in an amount not to exceed \$23,073.00 and further authorized the Mayor to sign any and all documents needed for this purchase.

Voting Aye: All members present. Motion carried unanimously.

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City Finance Director Carol Riggenbach asked the Commission to consider approval to purchase QR Inventory Software from AHG, Inc. This inventory system will be utilized to inventory fixed assets.

Motion was made by Commissioner Powell and seconded by Commissioner Williams to purchase QR software from AHG, Inc. in the amount of \$1,500.00 and further authorized the Mayor to sign any and all documents needed for this purchase.

Voting Aye: All members present. Motion carried unanimously.

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City Manager Kenton Powell asked the Commission to consider approval to contract with Swift Roofing, Inc., to replace two portions of the roof at City Hall. No bidding was required for this purchase as the contractor is on the state procurement approved contractor list.

Motion was made by Commissioner Stewart and seconded by Commissioner Powell to contract with Swift Roofing, Inc., in the amount of \$229,000.00 for the roof replacement project at City Hall and further authorized the Mayor to sign any and all documents necessary for this purchase.

Voting Aye: All members present. Motion carried unanimously.

Code Enforcement Officer Moe Hillard asked the Commission to consider approval to purchase case management software. Hillard received three quotes and recommended Comcate at a price of \$7,475.00 with annual subscription fee of \$5,225 plus 5% COLA.

Motion was made by Commissioner Bennett and seconded by Commissioner Powell to approve the purchase of Code Enforcement case management software from Comcate in the amount of \$7,475.00 with annual subscription fee of \$5,225 plus 5% COLA and further authorized the Mayor to sign any and all documents necessary for this purchase.

Voting Aye: All members present. Motion carried unanimously.

City Attorney Scott Crabtree asked the Commission to consider approval of Resolution No. R-2022 allowing the City to reimburse itself for capital expenditures from the proceeds of the construction bond issue for the police station construction project.

Motion was made by Commissioner Williams and seconded by Commissioner Powell and unanimously approved the following resolution:

RESOLUTION NO. R-2022

*A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF FRANKLIN, KENTUCKY, DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS.*

WITNESSETH:

*WHEREAS, except as otherwise provided, all capitalized terms used in this preamble have the meanings set forth in Section 2 of this Resolution; and*

*WHEREAS, the City of Franklin, Kentucky, a municipal corporation and political subdivision of the Commonwealth of Kentucky (the "City"), intends to undertake the acquisition, construction, installation, and equipping of a new police station for the Franklin Police Department and various other capital improvements in the community (collectively, the "Project"); and*

*WHEREAS, the City expects to expend general operating or capital reserve funds to pay Capital Expenditures in the future; and*

*WHEREAS, Section 150 of the Code and the Reimbursement Regulations permit the City to issue Tax-Exempt Obligations and to use the proceeds thereof to reimburse the City for its prior payment of Capital Expenditures, provided, among other things, that (i) the City makes a Declaration of Official Intent within sixty days after the payment of such Capital Expenditures and (ii) the City makes a Reimbursement Allocation within eighteen months after the later of (a) the date a Capital Expenditure was paid or (b) the date the property acquired with the Capital Expenditure was placed in service and, in any event, no later than three years after the Capital Expenditure was paid; and*

*WHEREAS, the City desires to make a Declaration of Official Intent pursuant to the Reimbursement Regulations related to the payment of Capital Expenditures for the Project.*

*NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF FRANKLIN, KENTUCKY, AS FOLLOWS:*

*Section 1. Affirmation of Preamble. It is hereby found, determined, and declared that the facts, recitals, and definitions set forth in the recitals of this Resolution are true and correct and are hereby affirmed, and all acts described in the recitals of this Resolution are hereby ratified. Such facts, recitals, and definitions are hereby adopted and incorporated as a part of this Resolution.*

*Section 2. Definitions. The following definitions apply to the terms used herein:*

*"Allocation" means written evidence that proceeds of Tax-Exempt Obligations issued after the payment of a Capital Expenditure are to reimburse the City for such payment.*

*"Capital Expenditure" means any expense related to the Project for an item that is properly depreciable or amortizable or that is otherwise treated as a capital expenditure for purposes of the Code, as well as any costs of issuing Reimbursement Bonds.*

*"Code" means the Internal Revenue Code of 1986, as amended.*

*"Declaration of Official Intent" means a written declaration of the City, including this Resolution, that the City intends to fund Capital Expenditures with an issue of Reimbursement Bonds and reasonably expects to reimburse the City from the proceeds of such an issue.*

*"Reimbursement" means the restoration to the City of money temporarily advanced from other funds, including moneys borrowed from other sources, by the City to pay for Capital Expenditures before the issuance of Reimbursement Bonds intended to fund such Capital Expenditures. "To reimburse" means to make such a restoration.*

*"Reimbursement Bonds" means any Tax-Exempt Obligations that are issued to reimburse the City for Capital Expenditures and for certain other expenses permitted by the Reimbursement Regulations previously paid by or for the City.*

*"Reimbursement Regulations" means Treasury Regulation § 1.150-2 and any amendments thereto or superseding regulations, whether in proposed, temporary, or final form, as applicable, prescribing conditions under which the proceeds of Tax-Exempt Obligations may be allocated to reimburse the City for Capital Expenditures and certain other expenses paid before the issuance of the Tax-Exempt Obligations so that the proceeds of such Tax-Exempt Obligations will be treated as "spent" for the purposes of Section 103 and Sections 141 to 150 of the Code.*

*"Tax-Exempt Obligations" means tax-exempt bonds, notes, certificates, or other obligations included in the meaning of "bonds" under Section 150 of the Code.*

*Section 3. Declaration of Official Intent. The City hereby declares, pursuant to the Reimbursement Regulations, its official intent to reimburse itself with proceeds of Reimbursement Bonds in the reasonably anticipated amount of up to \$4,000,000 for Capital Expenditures for the Project that may occur before the issuance of the Reimbursement Bonds.*

*DULY ADOPTED by the Board of Commissioners of the City of Franklin, Kentucky, in lawful session assembled this December 12, 2022.*

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City Attorney Scott Crabtree asked the Commission to consider a proposed ordinance approving an Interlocal Agreement and Memorandum of Understanding with the Simpson County Fiscal Court for the School Resource Officer.

Commissioner Powell and Commissioner Stewart asked to sponsor the ordinance with the first reading taking place during the ordinance portion of the meeting.

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City Attorney Scott Crabtree asked the Commission to consider a proposed ordinance approving rezoning property located on Grace Road owned by Joel and Hilda Cook. The Franklin-Simpson Planning & Zoning Commission approved the rezoning October 18, 2022.

Commissioner Powell and Commissioner Williams asked to sponsor the ordinance with the first reading taking place during the ordinance portion of the meeting.

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City Attorney Scott Crabtree asked the Commission to consider a proposed ordinance annexing 26 acres on the west side of Blackjack Road owned by BD&J Properties.

Commissioner Powell and Commissioner Stewart asked to sponsor the ordinance with the first reading taking place during the ordinance portion of the meeting.

**PUBLIC SAFETY**

Community Development Director Tammie Carey notified the Commission that the Kentucky Office of Homeland Security approved grant funds in the amount of \$56,214.35 for the purchase of tasers for the Law Enforcement Protection Program.

No Commission action was required regarding this matter.

**ORDINANCES**

City Clerk Cathy Dillard held second summary reading of the following ordinance:

Ordinance No. 2022-027 titled: *An Ordinance Amending the Annual Budget for the Fiscal Year Beginning July 1, 2022, and Ending June 30, 2023, by Estimating Revenues and Appropriations*

Motion was made by Commissioner Powell and seconded by Commissioner Bennett to adopt Ordinance No. 2022-027 and was unanimously approved by the following roll call vote:

Mayor Dixon	<u>Yes</u>	Commissioner Bennett	<u>Yes</u>
Commissioner Powell	<u>Yes</u>	Commissioner Stewart	<u>Yes</u>
Commissioner Williams	<u>Yes</u>		

City Clerk Cathy Dillard held first summary reading of the following ordinances:

Ordinance No. 2023-001 titled: *An Ordinance Rezoning Approximately 18.519 Acres on the Westerly Side of Grace Road from I-2 (Heavy Industrial) to R1-S (Single Family Residential) and Rezoning Approximately 8.830 Acres from I-2 to R-4 (Multi-Family/High Density Residential District) as Requested by Joel Cook and Hilda Cook*

Ordinance No. 2023-002 titled: *An Ordinance of the City of Franklin, Kentucky Approving an Amended Memorandum of Understanding and Interlocal Agreement for Providing and Funding School Resource Officers for Each School in the Franklin-Simpson School System*

Ordinance No. 2023-003 titled: *Ordinance Annexing to the City of Franklin, Kentucky Approximately 26 Acres Located on the West Side of Blackjack Road (KY Hwy 1171) South in Accordance with the Comprehensive Plan of Annexation*

Commission action was not required on first reading of these ordinances.

**EXECUTIVE SESSION**

At 12:52 PM, motion was made by Commissioner Bennett and seconded by Commissioner Williams to enter into Executive Session for the purpose of: (1) LAND ACQUISITION – Deliberations on the future acquisition or sale of real property by a public agency where publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency {KRS 61.810(1)(b)}; (2) LITIGATION – Discussion of proposed or pending litigation {KRS 61.810(1)(c)}; and, (3) BUSINESS – Discussions between a public agency and a representative of a business entity concerning a specific proposal, where open discussions would jeopardize the siting, retention, expansion, or upgrading of the business {KRS 61.810(1)(g)}

Voting Aye: All members present. Motion carried unanimously.

Entering Executive Session were Mayor Dixon; Commissioners Powell, Bennett, Williams and Stewart; City Manager Kenton Powell; City Attorney Scott Crabtree; Dale McCreary; Carol Riggerbach; Roger Solomon and Tammie Carey.


At 1:45 PM, motion was made by Commissioner Powell and seconded by Commissioner Williams to exit Executive Session and return to open session.

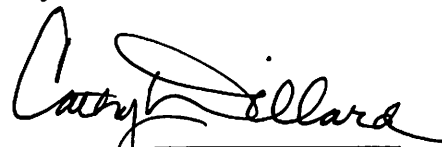
Voting Aye: All members present. Motion carried unanimously.

**ADJOURNMENT**

At 1:56 PM, motion was made by Commissioner Powell and seconded by Commissioner Bennett to adjourn the regular meeting of the Franklin City Commission.

Voting Aye: All members present. Motion carried unanimously.

  
Larry Dixon, Mayor  
City of Franklin, Kentucky

  
Cathy Dillard, City Clerk  
City of Franklin, Kentucky