

The Franklin City Commission convened in regular session at 6:00 pm, Monday, January 25, 2010, in the Simpson County School Board meeting room, 430 S. College Street, Franklin, Kentucky. Attendance as follows:

Mayor Herbert S. Williams	Present and in the chair presiding
Commissioner Jamie Powell	Present
Commissioner Mike Simpson	Present
Commissioner Wendell Stewart	Present
Commissioner Henry Stone	Present

Also present were City Manager, Jim Brown; City Attorney, Scott Crabtree; Police Chief, Todd Holder; City Clerk, Kathy Stradtner; and several members of the public. F-S student Bobby Uhls was present to video tape the meeting. A member of the media, Keith Pyles from Franklin Favorite/WFKN, was present.

Honorable Mayor Herbert S. Williams called the meeting to order at 6:00 pm, and offered an opening prayer.

APPROVAL OF MINUTES

Motion was made by Commissioner Simpson and seconded by Commissioner Stewart, to approve the minutes from the January 11, 2010 regular Commission meeting. Ayes: All. Motion carried.

HEAR THE PUBLIC

Ms. Day Johnson, 204 West Street, appeared before the Commission to discuss mail delivery issues. Ms. Johnson received a letter from the local post office requiring her to install a mail receptacle at the curb. She discussed her opposition to this requirement; she is happy with her present delivery at her door where she has a secure receptacle. Ms. Johnson has contacted the postmaster and been assured this was not mandated by the federal postal system, but a local decision; she inquired if the City Commission could do anything about it. During discussion, City Attorney Crabtree noted the City Commission has no authority over the Postal Service and recommends Ms. Johnson and others who may have received such a letter investigate their avenues of recourse within the Postal system; suggestions included a petition presented to the Post Office showing opposition to the plan; any actions the citizens plan to take should be done without delay since the deadline to comply for certain areas is immediate. Following further discussion, the Commission directed City Attorney Crabtree to investigate the matter with the Post Office and report any findings to the Mayor or Ms. Johnson, and urge the citizens take immediate action and investigate opportunities to individually or as a group address the problem.

Former City Mayor William Young, 443 W. Cedar Street, addressed the Commission with a request the City take action to honor two men from Simpson County have excelled in their professions, and frequently promote Franklin and Simpson County when given the opportunity during their illustrious careers. PGA Golfer Kenny Perry was recognized by County Government several years ago when they renamed a road in south Simpson County *Kenny Perry Road*. Mr. Young encouraged the City to honor University of Kentucky football coach "in-waiting" Joe "Joker" Phillips by re-naming a street in his honor. Suggested was to rename a street or streets around the High School to honor Coach Phillips.

REGULAR BUSINESS

GENERAL GOVERNMENT

- **Discussion and/or Possible Action Regarding United Healthcare/HRA Funding**

Finance Director Cendy Dodd explained in a memo included in this meeting's packet that United Healthcare did not convert the City's deductible period from a calendar period to a fiscal period as the City had requested. City Manager Brown discussed the item: City staff discovered the omission a few months after Fiscal Year 09-10 began, and due to the Health Insurance Portability Accountability Act (HIPAA) privacy laws, United Healthcare cannot provide information related to member usage to assist the City in making a decision regarding the deductible period. Our options are to have United Healthcare reprocess every claim since July 1st to reflect changing the deductible period to a fiscal year time frame, or just continue with a calendar year deductible for this fiscal year. After discussions with our insurance agent of record, Kelly Harding, staff used the FEBCO information to summarize the impact our choice may have on the City and our employees; a summary of the findings was included in this meeting's packet. It appears eighteen employees will be negatively impacted a total of \$19,405 if we go back and reprocess every claim since July 1st to change to a calendar year deductible. The original plan was the City would not pay over \$7,000 in deductibles on each employee, and the FEBCO summary shows that nine accounts were funded over that amount. City staff has asked Mr. Harding to audit these accounts to determine if United Healthcare paid everything appropriately or if they made refunds to employees who failed to submit the checks to the City. City Manager Brown contributed that United Health Care acknowledges their mistake and City staff still anticipates coming in under budget for this item. Following full discussion, **motion** was made by Commissioner Stewart and seconded by Commissioner Powell to accept staff's recommendations and continue with the current fiscal year deductible plan for the employee health plan; and further to approve additional dollars, not to exceed \$42,000, to continue with the current fiscal year deductible plan. Ayes: All. Motion carried.

- **Discussion and/or Possible Action Regarding a Resolution Designating the Agency Applicant for the President's Disaster Relief Fund and Adopting Agreements and Assurances**

Simpson County Emergency Management Director Bob Palmer has requested the Commission adopt a resolution designating an authority to provide to the State and Federal Emergency Management all matters pertaining to disaster management. The document is a requirement should the City ever be in a position to need to access the President's Disaster Relief Fund. The City Attorney has reviewed and approved the document. **Motion** was made by Commissioner Powell and seconded by Commissioner Simpson to adopt Resolution C-2010 and authorize the Mayor to sign. Ayes: All. Motion carried.

RESOLUTION NO C-2010

A RESOLUTION OF THE CITY OF FRANKLIN, KENTUCKY DESIGNATING THE AGENCY APPLICANT FOR THE PRESIDENT'S DISASTER RELIEF FUND AND ADOPTING AGREEMENTS AND ASSURANCES:

BE IT RESOLVED by the board of commission of the City of Franklin, KY that Herbert S. Williams, Mayor is hereby authorized to execute for and in behalf of the City of Franklin, Kentucky, a public entity established under the laws of the Commonwealth of Kentucky, this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund.

THAT the City of Franklin, Kentucky, an entity established under the laws of the Commonwealth of Kentucky, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements attached hereto.

APPLICANT ASSURANCES

The Applicant hereby assures and certifies that he will comply with FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and

FMC 74-4 as they relate to the application, acceptance and use of Federal funds for this Federally-assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.

18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.

19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.

20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.

21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.

23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.

24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.

- **Discussion and/or Possible Action Regarding a Resolution Authorizing the Mayor to Make Application for and, Upon Approval, to Enter Into an Agreement with the Kentucky Office of Homeland Security (KOHS), to Execute Any Documents Deemed Necessary by KOHS to Facilitate and Administer the Project, and to Act as the Authorized Correspondent for this Project**

Franklin Police Chief Todd Holder discussed a resolution he is requesting the Commission adopt authorizing application for Kentucky Homeland Security funds. The Police Department is requesting \$4,500 to replace two personal protection vests and purchase four new vests for new officers. Motion was made by Commissioner Stewart and seconded by Commissioner Powell to adopt Resolution B-2010 and authorize the Mayor to sign. Ayes: All. Motion carried.

RESOLUTION B-2010

RESOLUTION OF THE CITY OF FRANKLIN KY AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR AND, UPON APPROVAL, TO ENTER INTO AN AGREEMENT WITH THE KENTUCKY OFFICE OF HOMELAND SECURITY (KOHS), TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY KOHS TO FACILITATE AND ADMINISTER THE PROJECT ,AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THIS PROJECT

WHEREAS, the City of Franklin, Kentucky desires to make an application for Law Enforcement Protection Program funds for a project to be administered by the Kentucky Office of Homeland Security; and

WHEREAS, it is recognized that an application for and approval of Kentucky Office of Homeland Security funds impose certain obligations and responsibilities upon the city;

NOW, THEREFORE, BE IT RESOLVED this 25th day of January, 2010, by the City of Franklin, Kentucky as follows:

The Mayor is hereby authorized to execute and furnish all required documentation, including a memorandum of agreement, as may be required by KOHS for the furtherance of the above referenced project and to act as the authorized correspondent for said project.

• **Discussion and/or Possible Action Regarding Revision to Personnel Policies and Procedures Manual**

Include in this meeting's packet, and detailed below, was documentation regarding changes City Manager Brown requests to the City Personnel Policies and Procedures Manual; the amendments address Certifications for our employees, a section to clarify Cross-Training Certification program, and additions under *Disciplinary Action* that addresses reporting accidents within twenty-four hours.

V. COMPENSATION PLAN (add the following sections)

C. State Mandated Certifications

Full time, non-exempt personnel who are required to obtain state mandated certifications shall be compensated at \$1.00 per hour per classification. Exempt personnel in supervisory positions shall be required to obtain the same certifications as a requirement of their job and will not qualify for the \$1.00 per hour compensation

D. Cross-Training Certification Pay

Full time personnel who obtain certifications in areas outside their regular positions for duties they will be called upon to perform regularly may qualify for cross-training certification incentive pay. All applications for cross-training certification pay must be approved by the City Manager prior to submission. In addition to their base pay, employees may earn .19 per hour for the first cross-training and .24 per hour for each additional cross-training certification obtained. Examples of certifications that qualify for the cross-training incentive pay include, but are not limited to, pesticide application and roads scholar certification. Employees receiving cross-training pay must maintain the certification to continue to receive the cross-training incentive pay. Once the certification has expired, the incentive pay will be deducted from the employee's pay.

III. CONDITIONS OF EMPLOYMENT (add to section A(1) Disciplinary Action subsection aa. and renumber)

aa. Failure to report any accident within twenty-four (24) hours of said accident;
(Add to section J(4))

Employees shall notify his/her supervisor of any work related injury within twenty-four (24) hours of injury.

Motion was made by Commissioner Simpson and seconded by Commissioner Powell to approve revisions to the Personnel Policies and Procedures Manual as presented. Ayes: All. Motion carried.

- **Update on Street and Sidewalk Repairs**

City Manager Brown reviewed the sidewalk work City employees are performing on East Cedar, Railroad and Madison Streets. In addition, the curb and gutter work completed on South College Street was reviewed. During the report, Commission made a plea to public to take care and not disturb freshly poured concrete.

PUBLIC SERVICES

No business

PUBLIC SAFETY

- **Discussion Regarding Basketball Goals in Streets**

The Commission considered complaints received regarding the danger and nuisance caused by basketball goals placed near the street and children playing the game in the street. Mr. George Weissinger, Franklin Avenue, was present to talk about his experience with this problem including noise and safety issues to the participants. During discussion, the City Attorney noted no ordinance is in place at present to legislate this type occurrence; the Board of Commissioners ask the public for their input on this subject, negative or positive, to help determine if enough concern exists for the problem to be addressed in an ordinance. Police Chief Holder was also requested to monitor such occurrences.

COMMUNITY SERVICES

No business

UTILITIES

- **Water Leak Detection Program Update**

City Manager Brown reported Kentucky Rural Water (KRWA) and City staff continues the leak detection program in the north east quadrant of the water utility system. Several leaks were found around the Quail Ridge Water Tank, and now those have been repaired, water level in the tank has improved. As the detection program continues and improves, the City Manager is hopeful diligence in maintenance and locating and repairing system leaks will result in improved water pressure, and in getting under control water lost in the distribution system.

- **Update on Progress at Water Treatment Plant Projects**

As previously discussed, exterior and structural improvements were made to the Water Plant (WTP) building on East Cedar Street. Instead of expending the additional funds and using outside professional labor, City staff has completed the replacement of doors at the WTP. The high service pump has been sent off to be re-configured and is expected to be back in service during the next couple weeks; the installation of the newly maintained equipment is expected to help cut electrical costs at the Plant.

ORDINANCES

None

Mayor Williams took this opportunity to recognize Police Lieutenant Art McFadden; a letter received from the Kentucky Attorney General's Office praised Officer McFadden when he recently worked with an investigator from that office on an internet fraud investigation. As stated in the correspondence, "Lieutenant McFadden went above and beyond his duty" and "it

was a pleasure and rewarding experience working with your city (and) such a professional law enforcement agency and employee.”

EXECUTIVE SESSION

Motion was made by Commissioner Stewart and seconded by Commissioner Simpson to enter in to executive session for the purpose of deliberations on acquisition, or sale, of real property where publicity would be likely to affect the value {KRS 61.810(b)}, discussion of proposed, or pending litigation {KRS 61.810(c)}, and discussions, or hearings, which might lead to the appointment, discipline, or dismissal of an individual {KRS 61.810(f)}. Ayes: All. Motion carried at 7:17 pm. Entering executive session were Mayor Williams and the four Commissioners, City Attorney Crabtree, City Manager Brown, and Police Chief Holder..

At 7:52 pm those in executive session returned to the open meeting room, and **motion** was made by Commissioner Stewart and seconded by Commissioner Stone to close the executive session and return to open session. Ayes: All. Motion carried.

Motion was made by Commissioner Powell and seconded by Commissioner Stewart to accept the resignation of Aubrey Holland from the Waste Water Collections department effective January 15, and to authorize advertisement of the open position. Ayes: All. Motion carried.

Motion was made by Commissioner Powell and seconded by Commissioner Simpson to accept the recommendations from the Police chief and City manager, and hire four police officers, Kevin Williams, Jonathan Johnson, Joseph Hopper, Jr., and Evan Cook, pending successful completion of all POPs and employment tests. Ayes: All. Motion carried. If all goes as expected, plans are to swear in the new officers at the next regular Commission meeting.

CITY ATTORNEY REPORTS

None

CITY MANAGER REPORTS

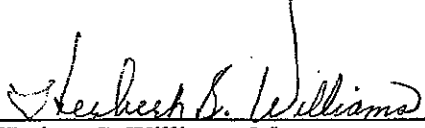
None

OTHER COMMISSION BUSINESS

None

ADJOURNMENT

Motion was made by Commissioner Stewart and seconded by Commissioner Stone to adjourn the City Commission meeting. Ayes: All. Motion carried at 8:00 pm.


Herbert S. Williams, Mayor


Kathy Stradtner, City Clerk