

The Franklin City Commission convened in **regular session** at 6:00 pm, Monday, **June 13, 2011**, in the Simpson County School Board meeting room, 430 S. College Street, Franklin, Kentucky. Member attendance as follows:

Mayor Ronnie Clark	Present and in the chair presiding
Commissioner Mason Barnes	Present
Commissioner Larry Dixon	Present
Commissioner Jamie Powell	Present
Commissioner Henry Stone	Present

Others present included City Manager, Kenton Powell; City Attorney, Scott Crabtree; Finance Director, Cendy Dodd; Police Chief, Todd Holder; Personnel Director, Rita Vaughn; City Clerk, Kathy Stradtner; Industrial Authority Executive Director, Dennis Griffin; meeting Videographer, F-S school employee, Allie Meador; and Franklin Favorite/WFKN media representative, Keith Pyles.

Honorable Mayor Ronnie Clark called the meeting to order at 6:00 pm, and offered an opening prayer.

#### **APPROVAL OF MINUTES**

**Motion** was made by Commissioner Barnes and seconded by Commissioner Powell, to approve the minutes from the May 23, 2011 regular Commission. Ayes: All. Motion carried unanimously.

Motion was made by Commissioner Powell and seconded by Commissioner Dixon to approve the minutes from the June 6, 2011 special called Commission meeting. Ayes: All. Motion carried unanimously.

#### **HEAR THE PUBLIC**

None

#### **REGULAR BUSINESS**

#### **GENERAL GOVERNMENT**

- **Discussion and/or Possible Action Regarding Global Avenue**

As a result of discussion at the last regular Commission meeting regarding Global Avenue, Street Superintendent Derick Minnick's requested and received two quotes from contractors to bring Global Avenue to proper specifications for acceptance by the City.

<u>Company</u>	<u>Quotation</u>
Scotty's Contracting & Stone	\$26,435 less \$1,575 if pavement already removed
Triple K Construction	\$26,979.98 less \$1,861.38 if pavement already removed

City Manager Powell met with Andy Burchett from Global on June 9<sup>th</sup> to review the quotes. Mr. Burchett expressed a verbal commitment by Global Cleaners of \$7,000 toward the project; Global stated if an agreement with the City to pave the street is not reached, Global Cleaners plans to invest in a private drive and close Global Avenue as a connector street

between State Street and Industrial Drive. During complete discussion of this agenda item it was noted city staff can remove the old pavement and reduce the contractors cost; specifications used by the companies may need to be revisited and clarified so that the same footage is used by each company; any City money for this project can come from the Municipal Aid Funds.. **Motion** was made by Commissioner Barnes and seconded by Commissioner Powell to authorize the repair of Global Avenue to bring it up to acceptable City street maintenance standards as discussed and in an amount not to exceed \$17,860. Ayes: All. Motion carried unanimously.

- **Discussion and/or Possible Action Regarding Property & Liability Insurance Bids**

Bids were received for property and liability insurance from three providers. Personnel Director Rita Vaughn included a summary of the quotes in this meeting's packet.

<u>Company</u>	<u>Summary of Total Quote</u>
Cook-Grogan Agency; Travelers Product	\$ 126,127.15
Franklin Insurance, Travelers/Argo Group	\$ 114,198.40
Commonwealth Risk / Kentucky League of Cities (KLC) Product	\$ 132,633

City Attorney Scott Crabtree has reviewed the submittals and recommends the 2011-2012 property and liability insurance be award to Trident/Argo Group through Franklin Insurance Agency; their bid includes an increase of the umbrella liability from \$2,000,000 to \$4,000,000. Another feature that has allowed for the lower quote is request for a non-binding two year option whereby the City agrees to stay with this policy if the price quote is acceptable to the City. Attorney Crabtree stressed the option is non-binding to the City. **Motion** was made by Commissioner Powell and seconded by Commissioner Dixon to accept the City Attorney's recommendation and award the property and liability insurance to Franklin Insurance Agency as quoted with the two year additional non-binding option and authorize the Mayor to sign any and all documents per this motion. Ayes: All. Motion carried unanimously.

- **Discussion and/or Possible Action Regarding Workers Compensation Bids**

City Attorney Crabtree discussed the submittals received for the worker's compensation insurance and recommends awarding the policy to KLC.

<u>Company</u>	<u>Summary of Total Quote</u>
Cook-Grogan Insurance / Ky Employers Mutual Insurance	\$74,295.47
Cook-Grogan Insurance / BrickStreet	\$ 60,147
KLC / Commonwealth Risk Solutions	\$ 56,717

**Motion** was made by Commissioner Dixon and seconded by Commissioner Barnes to accept the recommendation and award the City of Franklin Worker's Compensation insurance to KLC as quoted for \$56,717 and authorize the Mayor to sign any documents necessary per this motion. Ayes: All. Motion carried unanimously.

- **Discussion and/or Possible Action Regarding Employee Dental Insurance**

Personnel Director Rita Vaughn informed the Commission the City has had employee dental insurance through KLC for some years and has been notified the company will not be implementing any premium increase for the 2011-2012 coverage. **Motion** was made by Commissioner Barnes and seconded by Commissioner Powell to accept renewal of the KLC Dental Insurance plan with no premium increase and authorize the Mayor to sign any documents necessary per this motion. Ayes: All. Motion carried unanimously.

- **Discussion and/or Possible Action Regarding Employee Life Insurance**

The City provides the employees with life insurance and accidental death and dismemberment insurance equal to two times their annual salary as provided by Standard Life Insurance Company through Franklin Insurance Agency at a rate of .12 per \$1,000 for life and .03 per \$1,000 for accidental death and dismemberment. The City has had this program for three years, and we have been notified their will be no increase in the rates for the upcoming fiscal year. Personnel Director Rita Vaughn reviewed the submittal with the Commission and recommends we continue the program. **Motion** was made by Commissioner Dixon and seconded by Commission Powell to accept the Personnel Director's recommendation and award the employee life insurance plan as discussed to Franklin Insurance Agency with the Standard Company product, and authorize the Mayor to sign any and all documents necessary per this motion. Ayes: All. Motion carried unanimously.

- **Discussion and/or Possible Action Regarding Municipal Aid Agreement and Resolution**

City Manager Kenton Powell presented documents for the Commission's review. A disbursement of Municipal Aid funds from the State to each participating City is uses in operating street departments. An annual contract and resolution is required to participate in the program. **Motion** was made by Commissioner Stone and seconded by Commissioner Powell to adopt Resolution H-2011 and accept the Municipal Aid Contract for Fiscal Year 2011-2012 and authorize the Mayor to sign any and all documents necessary per this motion. Ayes: All. Motion carried unanimously.

**RESOLUTION H-2011  
INCORPORATED CITY OF FRANKLIN, KENTUCKY**

**RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A MUNICIPAL AID  
CO-OP PROGRAM CONTRACT BETWEEN THE INCORPORATED CITY AND THE  
COMMONWEALTH OF KENTUCKY, TRANSPORTATION CABINET, DEPARTMENT OF  
RURAL AND MUNICIPAL AID FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, AS  
PROVIDED IN THE KENTUCKY REVISED STATUTES AND ACCEPTING ALL STREETS  
REFERRED TO THEREIN AS BEING STREETS WHICH ARE A PART OF THE  
INCORPORATED CITY.**

*Be it resolved by the Legislative Body of the Incorporated City that: The Legislative Body of the Incorporated City does hereby accept all streets referred to in said Contract as being city streets which are a part of the Incorporated City; and The Legislative Body of the Incorporated City does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Contract and does hereby accept said Contract and by such acceptance agrees to all the terms and conditions therein stated; and, The Chief Executive Officer of the said Incorporated City is hereby authorized and directed to sign said Contract as set forth on behalf of the Legislative Body of Franklin, and the City Clerk of Franklin is hereby authorized and directed to certify thereto.*

**CONTRACT**

*THIS CONTRACT is made between the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid, and the Legislative Body of the Incorporated City of FRANKLIN, Kentucky.*

*The initial apportionment to the Incorporated City is 60% of its total allocation based on revenue estimates supplied by the Office of State Budget Director, less three (3) percent set aside for an emergency fund. For the Fiscal Year beginning July 1, 2011, this amount is \$ 96,940.00. This amount, when added to any subsequent apportionments and any unencumbered balance of prior apportionments to the said Incorporated City will be expended by the Kentucky Department of Rural and Municipal Aid to aid the Incorporated City in the maintenance, reconstruction, or construction of city streets in said Incorporated City.*

*The Legislative Body of the Incorporated City hereby agrees and directs that their pro rata share of the Municipal Aid Fund, due monthly from the Finance Cabinet, be assigned to the Transportation Cabinet's Division of Accounts for Fiscal Year 2012.*

*Unless specifically excluded within this Contract, all city streets are a part of this Contract. This includes all structures lying within the limits of the project.*

**SPECIAL PROVISIONS**

*The Department of Rural and Municipal Aid will disburse funds to the Incorporated City of FRANKLIN for materials, labor and equipment necessary for the Incorporated City to accomplish maintenance, repairs and improvements on Incorporated City streets. This assistance is extended insofar as funds are available from the Incorporated City's share of the Municipal Aid Program allocation reflected by this Contract. The Incorporated City will be responsible for all costs in excess of the Municipal Aid funds.*

*The Department of Rural and Municipal Aid may assist the Incorporated City in fulfilling its road maintenance, repairs, and improvement needs by the following methods*

- (a) Disburse funds to the Incorporated City for materials and work performed by contract.*
- (b) Disburse funds to the Incorporated City for materials obtained by contract.*
- (c) Disburse funds to the Incorporated City for rental or purchase of road maintenance and construction equipment. Rental rates shall be based on current edition of the "Blue Book for Rental of Equipment" or the Transportation Cabinet's official rental rates.*
- (d) Disburse funds to the Incorporated City for the hourly rate for personnel who perform the work. This rate may include employee fringe benefits such as leave overlay, retirement, social security, insurance, etc.*

**GENERAL PROVISIONS**

*The Legislative Body of the Incorporated City stipulates and hereby certifies that all Municipal Aid funds will be expended within the right-of-way limits of city streets and their appurtenances. This Contract does not relieve Legislative Body of its responsibility for city streets and bridges.*

*The Legislative Body will acquire any rights-of-way contemplated under this Contract. The Legislative Body also assumes responsibility for any claims for damages arising from such acquisitions.*

*The Legislative Body will hold harmless and save the Commonwealth of Kentucky Transportation Cabinet and its officials and employees free from all claims or liability for damages of any nature whatsoever due to or arising from the performance of this Contract.*

*The Legislative Body will reimburse the Department of Rural and Municipal Aid for any loss it may sustain arising out of performance of this Contract by the Department. Such loss as sustained by the Department of Rural and Municipal Aid may be charged to this Incorporated City's apportionment in this or future fiscal years.*

*Should any balance of the Incorporated City's apportionment remain after performance of this Contract, such balance will remain to the credit of the Incorporated City for performance of future Contracts by the Department of Rural and Municipal Aid.*

*It is agreed that any materials purchased by the Department of Rural and Municipal Aid and delivered to the Incorporated City shall be used by the appropriate governmental agency only on city streets and bridges lying within the Incorporated City.*

*The general administration of the program herein designated shall be under the jurisdiction of the Department of Rural and Municipal Aid.*

*Should conditions arise which, in the judgment of the Commissioner of Rural and Municipal Aid, render it burdensome to the general welfare of the Commonwealth to continue any work commenced under terms of this Contract, the Department may suspend or curtail such work.*

*It is further agreed between the parties hereto that all obligations incurred under this Contract are subject to any law or regulations now existing or hereafter enacted or promulgated. The Legislative Body acknowledges its total responsibility for city streets.*

*The Chief Executive Officer of the said Incorporated City, and the Commissioner of Rural and Municipal Aid, or their authorized representatives, insofar as their actions are in accord with the laws of the Commonwealth of Kentucky, shall act for their respective parties on all matters arising under this Contract.*

*The Department reserves the right to cancel this Contract at any time deemed to be in the best interest of the Department by giving thirty (30) days written notice of such cancellation to the Legislative Body. If the Contract is canceled under this provision, the Department shall reimburse the Legislative Body according to the terms hereof to the date of such cancellation.*

- **Discussion and/or Possible Action Regarding Purchase of Copier for Police Department**

Police Chief Todd Holder has requested the purchase of a new copier for the Franklin Police Station. City Manager Powell noted the present copier at the Police Station was purchased in May, 2002 and the department is requesting an IDON Ricoh MP4001 all in one copier, fax, and scanner with network capability and finisher. Following discussion, motion was made by Commissioner Dixon and seconded by Commissioner Powell to authorize the purchase as discussed of an IKON copier for the Police Department. Ayes: All. Motion carried unanimously.

- **Discussion and/or Possible Action Regarding Request to Close City Street**

City Manager Powell discussed a request received from the Boys & Girls Club to close approximately two hundred feet of E Madison Street just east of Court Street and adjacent to the club on Friday, June 24 from 2 pm to 5:30 pm while they have a small carnival. During discussion it was noted only one residence would possibly be affected by the closing. Motion was made by Commissioner Powell and seconded by Commissioner Barnes to approve the street closing request by the Boys & Girls Club to close the portion of E Madison Street discussed on Friday, June 24 from 2 pm to 5:30 pm pending positive response from any occupants of the subject area. Ayes: All. Motion carried unanimously.

- **Discussion and/or Aggressive Dog Ordinance**

Subsequent to discussion of this matter at the last Commission Meeting, City Attorney Crabtree was notified by the County of their interest also in developing an ordinance regarding aggressive pets. Accordingly, the City Attorney has delayed preparing any legislation until the matter can be discussed further. The Police Chief, Sheriff and interested staff would like to address this item at the next joint City/County meeting. In the interest of cooperating with County officials, the Commission agreed to this plan.

**PUBLIC SERVICES**

None

**PUBLIC SAFETY**

None

**COMMUNITY SERVICES**

None

**UTILITIES**

- **Discussion and/or Possible Action Regarding Purchase of Core Drill**

Clif Beecher, Superintendent of Water Distribution & Waste Water Collections has requested purchase of a replacement Core Drill. The equipment is used to complete sewer taps in manholes, and quotes were procured from all sources found in our area and includes the core drill and 4, 6 & 8 inch core bits.

<u>Company</u>	<u>Quote</u>
RSC Equipment	\$4,279.96
ICM	\$3,240 + shipping of \$300

Motion was made by Commission Powell and seconded by Commissioner Barnes to purchase a core drill for the Water Distribution & Waste Water Collections at a price not to exceed \$3,540. Ayes: All. Motion carried unanimously.

- **Discussion and/or Possible Action Regarding Purchase of Street Saw**

Water Distribution & Waste Water Collections Superintendent Clif Beecher has requested purchase of a street saw; this is an essential piece of equipment used to cut streets to perform water leak and sewer line repairs. The current equipment has been in the shop several times in recent months and is heavily used by the departments. Presently the departments have three street saws and at one time all were out of service for over a week. If purchase is approved, plans are to retire two of the current saws and keep one as a back-up. Area quotes were received as follows:

<u>Company</u>	<u>Quote</u>
Southern Tool	\$5,319.39 plus shipping
RSC Equipment	\$5,499.95 (includes shipping)
ICM	\$7,700.00 plus shipping

Motion was made by Commissioner Stone and seconded by Commissioner Powell to authorize purchase of a street saw for the Water Distribution and Waste Water Collections Departments at a price not to exceed \$5,320. Ayes: All. Motion carried unanimously.

- **Discussion and Authorization for Calibration of Equipment at Water Treatment Plant**

Southeastern Environmental presently performs the quarterly calibration on our inline turbidimeters at the Water Treatment Plant (WTP) as required by the Division of Water. The calibration also includes the plant lab instruments required to verify to the State that WTP lab work is accurate. The calibration must be performed by a company certified by the Division of Water which Southeastern Environmental is. Following discussion, **motion** was made by Commissioner Dixon and seconded by Commissioner Barnes to approve a contract with Southeastern Environmental for calibration services at the WTP and authorize the Mayor to sign any and all documentation necessary per this motion. Ayes: All. Motion carried unanimously.

## ORDINANCES

- **Second Reading of an Ordinance Amending a Previous Ordinance Regulating the Use of Fireworks in the City of Franklin, Kentucky**

City Clerk Kathy Stradtner gave second reading to an amendment to ordinance 1020.30 regulating the use of fireworks in the City and amending Section 2(B) by inserting the words "in addition, the City Commission may approve, by motion or Executive Order, the use, firing or exploding of fireworks at other times and for other holidays or events as they deem

appropriate. **Motion** was made by Commissioner Mason Barnes and seconded by Commissioner Jamie Powell to adopt Ordinance #1020.30-6-2011 upon this second reading. Roll Call Vote: Commissioner Mason Barnes, Yes; Commissioner Larry Dixon, Yes; Commissioner Jamie Powell, Yes; Commissioner Henry Stone, Yes; Mayor Ronnie Clark, Yes. Motion carried and ordinance adopted unanimously.

- **First Reading of Fiscal Year 2011 – 2012 Budget Ordinance**

City Clerk Kathy Stradtner gave first summary reading to an ordinance (#A 20011-2012) adopting the annual budget for the fiscal year beginning July 1, 2011 and ending June 30, 2012 by estimating revenues and appropriations.

- **First Reading of Fiscal Year 2010-2011 Budget Amendment Ordinance**

City Clerk Kathy Stradtner gave first summary reading to an ordinance (#C 2010-2011) amending the annual budget for the fiscal year beginning July 1, 2010 and ending June 30, 2011 by estimating revenues and appropriations.

- **First Reading of an Ordinance Annexing in to the City of Franklin, Kentucky Certain Territory of Land Contiguous to the Existing City Limits of Franklin, Kentucky**

City Clerk Kathy Stradtner gave first summary reading to an ordinance (#110.70-6-2011) annexing a certain territory of land containing approximately 3.66 acres and contiguous to the existing city limits of Franklin, Kentucky; located on the west side of Highway 1008 and in the east side of the City.

### **EXECUTIVE SESSION**

**Motion** was made by Commissioner Barnes and seconded by Commissioner Powell to enter in to executive session for the purpose of discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee or member {KRS 61.810(f)}; and discussions between a public agency 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(g)}. Ayes: All Motion carried unanimously at 7:10 pm. Entering executive session were Mayor Clark and the four Commissioners, City Attorney Crabtree, City Manager Powell, and F-S Industrial Authority Executive Director Dennis Griffin.

At 7:26 pm, Mr. Griffin exited the executive session and the meeting.

At 7:39 pm those in executive session returned to open meeting, and **motion** was made by Commissioner Powell and seconded by Commissioner Dixon to close the executive session and return to open session. Ayes: All. Motion carried unanimously.

### **CITY ATTORNEY REPORTS**

Time for renewal of the natural gas franchise is approaching and is presently with Atmos Energy. City Attorney Crabtree needs direction from the Commission if they desire for the renewal process to begin. Commissioners Barnes and Powell sponsored the preparation of the ordinance and any documents necessary to begin the process for renewal of the natural gas franchise.

### **CITY MANAGER REPORTS**

City Manager Powell reported on the following items:

#### **Fiber Optic Project Update**

Poles have gone up in the East Industrial Park and fiber has been strung on poles.

Underground cable is being pulled in the East Industrial Park area

Project on target for fiber to be operational in the East Industrial Park by July 15

Costs for project buildings has been submitted for some time to the Economic Development Agency (EDA) in Atlanta; equipment list for the project was submitted in February; still have not received notification to proceed

The Fiber Optic Project is proceeding well, except for the submission of expense to EDA; in order for the City to maintain eligibility to receive federal monies for the Fiber Optic project, the City must follow purchase guidelines and receive approval from EDA; adhering to the strict guidelines is a priority to contain costs to the citizens but the process has proved to be cumbersome and time consuming.

**Suber Building Update**

Located at the corner of Main and Kentucky Streets, rehab is proceeding on schedule; Electric Plant Board has completed moving utility poles; the owners expect windows to be in within two more weeks.

**Community Clean-up & Maintenance Program**

City Manager discussed work that is being supervised by the recently hired temporary worker in the street department. Fresh paint is being applied to curbs and markings around the streets on the public square, and will proceed to streets immediately north, south, east and west of the square. The aim of the crew is to preserve an attractive appearance to our community and maintain the public installations. During the meeting it was noted that as everyone is experiencing, infrastructure and public installations require continual upgrading and maintenance to maintain an attractive appearance and stay in good operating condition.

**FY 11-12 Budget**

City Manager Powell commented on the FY11-12 budget which is due for final adoption at the June 26 Commission meeting; Would like to invite the public to attend the July 11 Commission meeting when components and aims of the budget will be discussed; on July 25 beginning at 7:00 pm a neighborhood walk is being planned by the Commission and Department supervisors. Prior announcement of the location of the walk will be made; aim of the walk will be for the Commission and City staff to view first hand and listen to any concerns or compliments from the citizens.


**OTHER COMMISSION BUSINESS**

None

**ADJOURNMENT**

**Motion** was made by Commissioner Barnes and seconded by Commissioner Powell to adjourn the City Commission meeting. Ayes: All. Motion carried at 7:53 pm.

  
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Ronnie Clark, Mayor

  
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Kathy Stradtner, City Clerk

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