

# AGENDA

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**A G E N D A**  
**City of Franklin, Kentucky**  
**City Commission**  
  
**February 24, 2020**  
**Regular Meeting – 12:00 Noon**  
  
**City Hall Meeting Room**  
**117 West Cedar Street**  
**Franklin, Kentucky**

**I. Call to Order and Member Roll Call**

**II. Opening Prayer - Steven Kirby, Franklin Church of Christ**

**III. Approval of Minutes**

- Approval of Minutes of February 10, 2020 Regular Meeting *Pg. 5*

**IV. Recognitions**

**V. Hear the Public**

**VI. Community Services**

- Update from Debbie Hill, United Way of Southern Kentucky *Pg. 11*  
*Presenter: Kenton Powell, City Manager*

**VII. General Government**

- Discussion and/or possible action regarding Joint City/County Regular Meeting *Pg. 13*  
*Presenter: Kenton Powell, City Manager*
- Discussion and/or possible action regarding Request for Street Closure for Shamrock Sprint *Pg. 14*  
*Presenter: Kenton Powell, City Manager*
- Discussion and update regarding KLC City Day/City Night *Pg. 16*  
*Presenter: Kenton Powell, City Manager*
- Discussion and/or possible action regarding Surplus Property Online Auction *Pg. 47*  
*Presenter: Cathy Dillard, City Clerk*
- Discussion and/or possible action regarding Termination of Drainage Easement *Pg. 48*  
*Presenter: Scott Crabtree, City Attorney*
- Discussion and/or possible action regarding Amendment to Planning & Zoning Regulations *Pg. 52*  
*Presenter: Scott Crabtree, City Attorney*
- Discussion and/or possible action regarding Historic Cemetery Walk at Greenlawn Cemetery *Pg. 55*  
*Presenter: Tammie Carey, Community Development Director*

**VIII. Public Services**

**IX. Public Safety**

- Discussion and/or possible action regarding Law Enforcement Protection Program Grant Application and Resolution No. B-2020 **Pg. 57**

***Presenter: Tammie Carey, Community Development Director***

**X. Utilities**

- Discussion and/or possible action regarding Approval of Utility Billing Services Agreement **Pg. 60**

***Presenter: Shaunna Cornwell, Finance Director***

**XI. Ordinances**

- Second summary reading of Ordinance No. 2020-002 entitled: *An Ordinance of the City of Franklin, Kentucky Relating To The City/County Building Inspector Program And Amending Sections 151.15, 151.16, 151.18, 152.01, 153.02, and 153.11 of the City Of Franklin Code Of Ordinances And Adding Section 11.5 To The Franklin-Simpson Planning And Zoning Regulations* **Pg. 69**

***Presenter: Cathy Dillard, City Clerk***

**XII. Executive Session**

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)}

LITIGATION – Discussion of proposed or pending litigation {KRS 61.810(1)(c)}

**XIII. City Attorney Reports**

**XIV. City Manager Reports**

**XV. Other Commission Business**

**XVI. Adjournment**

# MINUTES

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

**February 10, 2020**

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

The Franklin, Kentucky City Commission met in Regular Session at 12:00 Noon, Monday, **February 10, 2020**, 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, Shaunna Cornwell; City Police Chief, Roger Solomon; Public Works Superintendent Chris Klotter; City Clerk, Cathy Dillard; F-S Human Rights Commission Director, Donzella Lee; Franklin Favorite/WFKN media representative, Keith Pyles; Carter Munday, F-S Planning & Zoning Commission; Lisa Deavers, F-S Bicentennial Committee/Gallery on the Square Director; Amy Ellis, F-S Renaissance Director; Steve Akin, Public Works Scheduler; and Darrell Mallory, Public Works Superintendent.

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 Bennett and seconded by Commissioner Powell to approve the minutes as presented of the January 27, 2020, special called meeting of the Franklin City Commission and of the February 4, 2020, special called joint City/County meeting.

Voting aye: All. Motion carried unanimously.

## **COMMUNITY SERVICES**

Community Development Director Tammie Carey provided an overview of the upcoming City of Franklin Bicentennial events. On Thursday, February 6, 2020, the City of Franklin hosted a reception at the Roxy to announce the year-long activities planned in celebration of the City of Franklin's 200<sup>th</sup> year. Congressman James Comer and Governor Andy Beshear provided videos with greetings and well-wishes for the upcoming events and celebrations. Event highlights include a vintage baseball game; Independence Day parade; City Commission meeting on the Courthouse lawn; historical play; historic cemetery walk; Franklin Run 200 (relay from Frankfort to Franklin); Bicentennial Ball and a New Year's Eve bash.

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Community Development Director Tammie Carey and F-S Renaissance Director Amy Ellis asked the Commission to consider options for improving and revitalizing the alley between Main Street and the Justice Center.

Ellis presented some ideas and proposed plans for the alley. Phase one of the revitalization would include paving or resurfacing the alley to provide consistency with materials and surface elevations. Brick pavers were recommended as utility lines are under the existing asphalt and pavers could be removed and replaced for needed repairs.

Carey asked the Commission to consider reallocation of funding provided in the current fiscal year budget from asphalt repair to be used to mill the existing pavement and brick pavers be purchased and installed.

Motion was made by Commissioner Stewart and seconded by Commissioner Bennett to approve reallocation of budgeted funds for alley improvements and revitalization from asphalt repair to asphalt milling and purchase and installation of brick pavers.

Voting Aye: All. Motion carried unanimously.

## **GENERAL GOVERNMENT**

Community Development Director Tammie Carey asked the Commission to consider approval of a resolution authorizing the Mayor to sign any and all documents related to the Kentucky Transportation Cabinet Transportation Alternatives Program for the Wildcat Way/Main Street project.

Motion was made by Commissioner Powell and seconded by Commissioner Williams to approve Resolution No. A-2020 as follows:

### ***RESOLUTION NO. A-2020***

### ***CITY OF FRANKLIN, KENTUCKY***

### ***RESOLUTION FOR AGREEMENT FOR TRANSPORTATION ALTERNATIVES PROGRAM KENTUCKY TRANSPORTATION CABINET PROJECT***

**AUTHORIZING THE MAYOR TO ENTER INTO AN  
AGREEMENT WITH THE KENTUCKY TRANSPORTATION  
CABINET TO EXECUTE ANY DOCUMENTS WHICH ARE  
DEEMED NECESSARY BY KTC TO FACILITATE AND  
ADMINISTER THE PROJECT AND TO ACT AS THE  
AUTHORIZED CORRESPONDENT FOR THIS PROJECT**

*WHEREAS, the federal-aid highway program state administered funding was awarded in the amount of \$96,000.00;  
and*

*WHEREAS this amount will be authorized in phases as federal requirements are met for the Franklin-Simpson  
Wildcat Way Project; and*

*WHEREAS, the City of Franklin does hereby authorize Mayor Larry Dixon to sign the above mentioned Agreement,  
as well as any other necessary documents relating to the project.*

*NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Franklin, Kentucky, that the  
Mayor is hereby authorized to execute and furnish all required documentation, including agreements, as may be required by  
KTC of the FHWA for the furtherance of the above-referenced project and to act as the authorized correspondent for said  
project.*

*Adopted by the unanimous vote of the Board of Commissioner of the City of Franklin, Kentucky, at a meeting held  
on February 10, 2020.*

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Public Works Scheduler Steve Akin provided the Commission with a progress of the demolition of the structures located at 501 West Madison Street. Last year phase one of the property cleanup began with a contractor removing the debris and pallets from the site. Phase two of the cleanup began in January with AAA Remediation contracting for the building removal. Akin indicated that progression of the removal appeared to be on track for completion by the end of March.

No action was taken on this matter.

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City Manager Kenton Powell provided the Commission with a project plan for planning and approval of the fiscal year 2020-2021 budget. Two budget work sessions are planned for May 11, 2020, and June 1, 2020, with final approval of the budget ordinance projected for the June 22, 2020, regular meeting of the Commission.

No action was taken on this matter.

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City Attorney Scott Crabtree presented the Commission with a proposed ordinance amending seven (7) sections of the existing Franklin-Simpson Planning and Zoning ordinance and adding a new section establishing the Building Inspector Appeals Board.

Commissioner Powell and Commissioner Bennett agreed to sponsor the proposed ordinance with first reading taking place during the ordinance portion of the meeting.

## **ORDINANCES**

City Clerk Cathy Dillard provided first summary reading of the following ordinance:

Ordinance No. 2020-002 titled: *An Ordinance of the City of Franklin, Kentucky Relating To The City/County Building Inspector Program And Amending Sections 151.15, 151.16, 151.18, 152.01, 153.02, and 153.11 of the City Of Franklin Code Of Ordinances And Adding Section 11.5 To The Franklin-Simpson Planning And Zoning Regulations*

No action is taken on first summary reading of an ordinance.

## **EXECUTIVE SESSION**

At 12:36 PM, motion was made by Commissioner Williams and seconded by Commissioner Powell 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)}; and,
2. Litigation – Discussion of proposed or pending litigation {KRS 61.810(1)(c)}

Voting Aye: All. Motion carried unanimously.

Entering Executive Session were Mayor Dixon; Commissioners Powell, Bennett, Williams and Stewart; City Manager Kenton Powell; City Attorney Scott Crabtree; City Finance Director Shaunna Cornwell; and, Police Chief Roger Solomon.

Chief Solomon and Cornwell exited Executive Session at 1:22 PM.

At 1:34 PM, motion was made by Commissioner Bennett and seconded by Commissioner Stewart to exit Executive Session and return to open session.

Voting Aye: All. Motion carried unanimously.

## **OTHER COMMISSION BUSINESS**

Mayor Dixon commented that the Bicentennial kickoff event was well attended by community leaders and members and he is looking forward to the activities planned for this year.



**ADJOURNMENT**

At 1:35 PM, motion was made by Commissioner Powell and seconded by Commissioner Stewart to adjourn the regular meeting of the Franklin City Commission.

Voting Aye: All. Motion carried unanimously.

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Larry Dixon, Mayor  
City of Franklin, Kentucky

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Cathy Dillard, City Clerk  
City of Franklin, Kentucky

# COMMUNITY SERVICES

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## **MEMORANDUM**

To: Mayor Larry Dixon and Commissioners

From: Kenton Powell, City Manager

Subject: Community Service Update

Date: February 20, 2020

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Debbie Hill, President of the United Way of Southern Kentucky, will give an update to the Commission about the services United Way of Southern Kentucky provides to our community.

# **GENERAL GOVERNMENT**

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## MEMORANDUM

To: Mayor Larry Dixon and Commissioners

From: Kenton Powell, City Manager

Subject: Joint City/County Meeting

Date: February 20, 2020

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I spoke with Judge Executive Barnes and he indicates that he does not have any items for discussion for the regularly scheduled joint meeting on Tuesday, March 3, 2020, so I recommend that we cancel this meeting.

**Proposed Action: Motion to cancel the regular joint City/County meeting scheduled for Tuesday, March 3, 2020.**



## MEMORANDUM

To: Mayor Larry Dixon and Commissioners

From: Kenton Powell, City Manager

Subject: Street Closure Request

Date: February 20, 2020

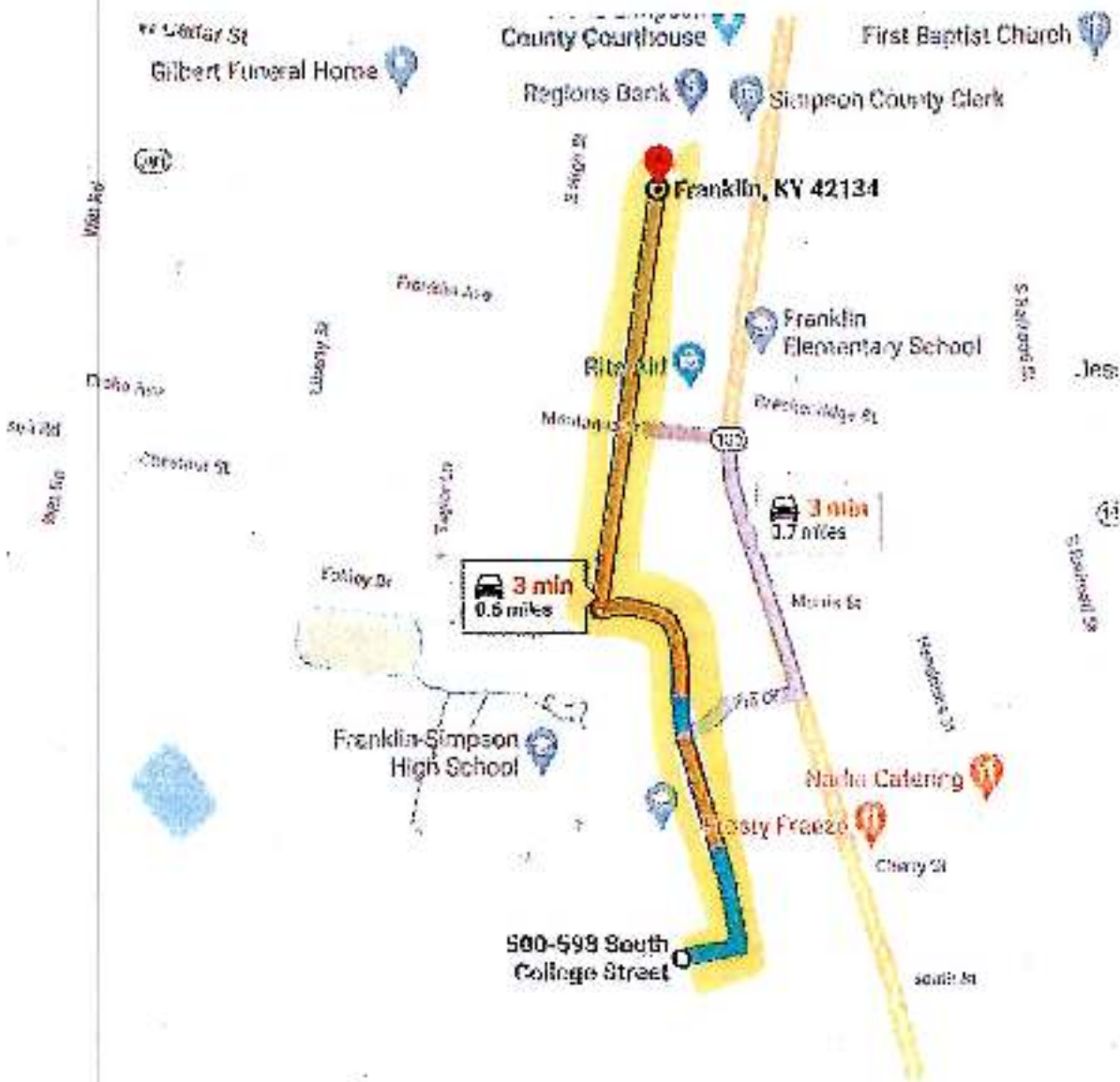
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Kids on the Block will host the 6<sup>th</sup> Annual Citizens First Shamrock Sprint on Saturday, March 14, 2020, and have requested the Commission authorize a street closure on South College Street from 9:30 AM until 11:00 AM. The Shamrock Sprint is a free kids only event and is a part of the Kids on the Block Healthy Habits program.

The approximate one-half mile race route will begin on South College Street in front of the grassy area behind the former Grow Mortgage building and continue past the F-S High School with the turn-around point after the curve on South College Street. A route map is attached.

Kids on the Block Executive Director Ashley Reynolds indicates that each home along the route will be notified by a door-to-door visit and placement of a flyer regarding this road closure.

**Proposed Action:** Motion to approve the closure of a portion of South College Street for Kids on the Block Shamrock Sprint on Saturday, March 14, 2020, from 9:30 AM until 11:00 AM.





## MEMO

TO: Mayor Larry Dixon and Commissioners  
FROM: City Manager Kenton Powell  
DATE: 2-19-2020  
SUBJECT: Kentucky League of Cities – CITY DAY/CITY NIGHT

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On Wednesday, February 12<sup>th</sup>, Commissioner Herbert Williams, Commissioner Brownie Bennett, Financial Director Shaunna Cornwell and I attended KLC City Day/City Night, in Frankfort Kentucky. After a long day and evening of networking with legislators, government leaders and other city officials, I felt we all walked away better informed concerning the current legislative session.

Our day started with the KLC Board of Directors meeting. We were allowed to sit in the room and listen to the discussion concerning legislative items that the KLC board voted to support, oppose or remain neutral. Mayor Larry Dixon and City Attorney Scott Crabtree are current Board members. *On the following pages is the agenda with a list of House Bills that was discussed.*

After the KLC meeting we met Senator David Givens privately, and later he invited us to join him in a Republican Caucus meeting. This meeting was very informative and we were well received. We met with Representative Wilson Stone later that evening at the reception. As always, Representative Wilson Stone was welcoming and complementary concerning the City of Franklin.

We spent the rest of the evening networking with other city leaders and officials and then my least favorite part was driving back to Franklin on a rainy winter's night.

Shaunna Cornwell, Commissioner Williams, Commissioner Bennett, Scott Crabtree and I would love to share in more detail, during our Commission meeting on Monday.

Thank You,  
Kenton Powell





City Leaders Shaunna Comwell and Kenton Powell, spending time with Representative Wilson Stone and Senator David Givons.



City Leaders Kenton Powell, Commissioner Brownie Rennell, and Commissioner Herbert Williams met with Senator David Givens today to discuss local legislative issues and concerns. They were then honored to join him in the Senate Republican Caucus.



## **CITY DAY/CITY NIGHT**

**WEDNESDAY, FEBRUARY 12, 2020**

### **SCHEDULE OF EVENTS**

**ALL TIMES ARE EASTERN STANDARD TIME**

#### **CITY DAY**

##### **8:00 a.m. - 4:30 p.m. VISIT WITH KLC LEGISLATIVE STAFF**

Drop in anytime to visit with staff at the KLC Frankfort Office on the corner of Battle Alley and Capital Avenue.  
*Location: KLC Frankfort Office, 104 Battle Alley, Frankfort*

##### **8:00 a.m. - 12:00 p.m. OPEN TIME TO MEET WITH YOUR LEGISLATORS**

Individual meetings are the best way to get your city's issues heard. Please contact your legislators prior to arriving in Frankfort to schedule time to discuss the issues that matter most to your city. *Call 502-564-8190 to set up an appointment.*

##### **9:00 a.m. - 11:00 a.m. KLC BOARD OF DIRECTORS MEETING**

KLC will provide an update on the status of legislation that affects city government. A light breakfast will be served. **All KLC members are encouraged to attend. Please RSVP to ensure adequate seating.** *Location: Thomas D. Clark Center for Kentucky History, 100 W. Broadway, Frankfort*

**12:00 p.m. - 2:00 p.m.\* HOUSE LOCAL GOVERNMENT COMMITTEE** (*Location: Room 131 of the Capitol Annex\**)

**SENATE STATE & LOCAL GOVERNMENT COMMITTEE** (*Location: Room 154 of the Capitol Annex\**)

Join KLC lobbyists in this important opportunity to witness the legislative process first hand and hear about the issues that impact local government. Your attendance at these committee meetings is of the utmost importance because it shows legislators that cities are united in legislative efforts. Please note that you are welcome and encouraged to attend committee meetings throughout the legislative session.

##### **2:00 p.m. - 4:00 p.m.\* SENATE AND HOUSE CHAMBERS CONVENT**

Observe the Chambers in session and be recognized in Frankfort. Please contact your legislators for a gallery pass and to be recognized on the floor. *Location: State Capitol*

*\*Location and time subject to legislative schedule.*

#### **CITY NIGHT**

##### **4:30 p.m. - 7:30 p.m. CITY NIGHT RECEPTION**

KLC's evening of networking with legislators, government leaders and city officials.

*Location: Thomas D. Clark Center for Kentucky History, 100 W. Broadway, Frankfort*





Kentucky League of Cities Board of Directors  
City Day Regular Meeting  
Wednesday, February 12, 2020  
9:00 a.m. EST  
Thomas D. Clark Center for Kentucky History  
100 W Broadway, Frankfort

**AGENDA**

- 1) **Call to Order and Roll Call of Members**  
*Mayor Bill Dieruf of Jeffersonton, KLC President*  
*Denita Kubala, KLC Executive Assistant*
- 2) **Welcome and Introductions**  
*Mayor Bill Dieruf, KLC President*  
*J.D. Chaney, Executive Director/CEO, KLC*
- 3) **Approval of the Minutes from the February 3, 2020 Board Meeting**  
*Mayor Bill Dieruf, KLC President*
- 4) **Representative Michael Meredith**  
*Chairman, House Committee on Local Government*
- 5) **Senator Wil Schroder**  
*Chairman, Senate State and Local Government Committee*
- 6) **Discussion of Medical Marijuana legislation**  
*Representative Jason Nemes*
- 7) **Discussion and determination of KLC's position on proposed and pending legislation in the 2020 Regular Session of the Kentucky General Assembly**  
*J.D. Chaney, Executive Director/CEO, KLC*  
*Bryanna Carroll, KLC Director of Governmental Affairs*
- 8) **Announcements Related to City Day and City Night Activities**  
*J.D. Chaney, Executive Director/CEO, KLC*
- 9) **Next Board of Directors Meeting**  
*Special Meeting/Conference Call on March 2, 2020 at 10:00 a.m. EST*
- 10) **Adjournment**



## **ITEM 3**

# **Approval of the Minutes from the February 3, 2020 Meeting**



**Kentucky League of Cities Board of Directors  
Special Meeting/Conference Call  
Monday, February 3, 2020  
10:00 a.m. EST  
KLC Lexington Office**

**MEMBERS PARTICIPATING:** Mayor Steve Austin, Mr. Kevin Atkins, Councilmember Susan Barto, Ms. Erin Ballou, Mayor Daniel Bell, Mayor Ed Burines, Mr. Scott Crabtree, Mr. Dennis Crist, Mayor Bill Dieruf, Mayor Larry Dixon, Mr. Jeffrey Edwards, Mr. Philip Elswick, Ms. Crissy Fletcher, Councilmember Marty Fulkerson, Mr. Scott Hall, Mayor Jude Helman, Mayor Curtis Heckenbury, Mayor Mike Hughes, Mayor Bonnie Jung, Mayor Philip King, Ms. Bridgette Lester, Chief Jeffrey Giles, Mayor Scott Maden, Mayor Paul Meier, Ms. Chery Morris, Mayor Tracy Neice, Mayor Kathy O'Nan, Mr. Nata Pagan, Mayor Mike Pernos, Mayor Billy Phelps, Mayor David Prater, Mayor Troy Rudder, Mr. Darren Simmons, Mr. Marlen Sams, Mr. Joseph Schepers, Councilmember Bill Shookles, Mayor Rick Skinner, Mayor Harold Stone, Commissioner Pamela Smith-Wright, Mayor Les Stapleton, Mayor Brian Traugott, Mayor Scotty Turner, Mayor Mark Walter, Mayor Diana Whalen, Mayor Laura White-Brown, Ms. Mary Ellen Wiederwohl, Mayor Bruce Wilkerson, and Mr. Tim Williams.

**MEMBERS ABSENT:** Mayor Brenda Allen, Mayor Robert Blythe, Mayor James Craft, Mayor Rita Detson, Councilmember Sindica Dunn, Mayor Stephen Gilmore, Mayor James Hamberg, Mayor Roddy Harrison, Mayor Paul Sandefur, Ms. Stephanie Settles, Ms. Larisa Sims, and Mayor Jan Yonts.

**STAFF PARTICIPATING:** J.D. Chaney, Bryanna Carroll, Demita Kohala, Elizabeth Schepers, Joseph Coleman, Michele Hill, and Hannah Thompson.

**CONTRACT STAFF PARTICIPATING:** Nancy Yelton

**Call to Order and Roll Call of Members**

KLC President and Jeffersontown Mayor Bill Dieruf called the meeting to order at 10:01 a.m.

The roll was called and it was determined that a quorum was present.

**Item 3: Consideration and determination of KLC's position on proposed and pending legislation in the 2020 Regular Session of the Kentucky General Assembly**

**HB 297 – Alcoholic Beverage Licensing (Cantrell, M)**

Ms. Lester moved to remain neutral HB 297. Mayor Meier seconded. *The motion passed unanimously.*



- HB 298 – Police Pursuit Policies (Tipton, J)  
Mayor Jung moved to support HB 298. Mayor Wilkerson seconded. *The motion passed unanimously.*
- HB 305 – Consolidated Emergency Services Districts (Massey, C)  
Mayor Whalen moved to oppose HB 305. Mayor Rudder seconded. *The motion passed unanimously.*
- HB 309 – Open Meetings (Sorrells, M)  
Mr. Crabtree moved to oppose HB 309. Mayor Jung seconded. *The motion passed unanimously.*
- HB 322 – Law Enforcement Seizure and Forfeiture (Maddux, S)  
Mr. Crabtree moved to oppose HB 322. Mayor Rudder seconded. *The motion passed unanimously.*
- HB 324 – Tax Credit for Volunteer Firefighters (Graviss, J)  
Mr. Crabtree moved to support HB 324. Mayor King seconded. *The motion passed unanimously.*
- HB 325 – Certified Rehabilitation Tax Credit (Bowling, A)  
Mr. Crabtree moved to support HB 325. Mayor Hughes seconded. *The motion passed unanimously.*
- HB 343 – Supplemental Payments to Police Officers (Pruitt, M)  
Mr. Crabtree moved to support HB 343. Mayor Mosier seconded. *The motion passed unanimously.*
- HB 344 – Prescription Electronic Reporting (Moser, K)  
Mr. Crabtree moved to remain neutral on HB 344. Mayor Jung seconded. *The motion passed unanimously.*
- HB 347 – Regulatory Licensing Fees (Pratt, P)  
Mayor Jung moved to support HB 347. Mayor Austin seconded. *The motion passed unanimously.*
- HB 357 – Emergency Medical Services Professions Reciprocity (Frazier, D)  
Mayor Duttner moved to support HB 357. Councilmember Barto seconded. *The motion passed unanimously.*
- SB 95 – Sales and Taxes (McDaniel, C)  
Mr. Crabtree moved to support SB 95. Mayor O’Nan seconded. *The motion passed unanimously.*





SB 99 – Distilled Spirits (Schickel, J)

Mr. Crabtree moved to support SB 99. Mayor Jung seconded. *The motion passed unanimously.*

SB 111 – Transportation of Personnel (Wheeler, P)

Ms. Wiederwehl moved to support SB 111. Mayor Jung seconded. *The motion passed unanimously.*

An ACT relating to law enforcement: Peace Officer Powers Expansion (Blanton, J)

Mr. Crabtree moved to oppose. Mayor O'Nun seconded. *The motion passed unanimously.*

Mayor Meier moved to oppose the legislation if it is amended to include only sheriffs. Mayor Jung seconded. *The motion passed unanimously.*

An ACT relating to the training of city officials

Councilmember Barto moved to support. Mr. Williams seconded. *The motion passed unanimously.*

Mayor Dieruf adjourned the meeting at 11:16 a.m. EST.



## **ITEM 8**

**Discussion and determination  
of KLC's position on  
proposed and pending  
legislation in the 2020 Regular  
Session of the Kentucky  
General Assembly**





# The City of Nicholasville

Legal Department  
207 North Main Street  
Nicholasville, Kentucky 40306

Phone: (606) 738-1132

Fax: (606) 738-2700

January 7, 2020

*Spirit the Together and  
Nicholasville Trail*  
Mr. J.D. Charney, Esq.  
Executive Director/CEO  
Kentucky League of Cities  
100 E. Vine Street, Suite 800  
Lexington, KY 40507

**RE: Proposed Bill to Improve City Real Estate Purchase Process**

Dear J.D.:

I am writing to you in my capacity as President of the Kentucky Association of Attorneys ("KAAA") regarding a proposed bill to improve KRS 61.810 to give cities greater flexibility in the purchase of real estate. You are aware, I am sure, of the difficulties cities face in attempting to comply with Kentucky open meetings law while also trying to compete fairly in public real estate auctions. I have created law, a city must disclose during a public meeting—its intention to make an offer to purchase land and also the total amount that it is willing to pay. This places cities at a distinct disadvantage compared to other prospective purchasers, who may simply outbid the city, and also to sellers, who may require a city to expend every last cent of its approved authority for a given purchase.

As you know, City Attorney and fellow KLC Board member, Scott Crabtree, previously mailed the following changes to KRS 61.810:

KRS 61.810 is amended to read as follows:

(1) All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings open to the public at all times, except for the following:

(a) Deliberations of the Kentucky Family Board;

(b) Deletions in the final regulation, as well as real property by a public agency, in only when such a sale 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, including any deliberations and bidding instructions or instructions provided by the public agency to a duly authorized representative regarding its decision to participate in an auction for the purchase of real property.

MAAR has watched and has disagreed in what you and the KLC Board of Directors. It supports Mr. Chamber's proposal amendment. Government transparency is incredibly important, but it should not come at the price of significantly increased costs for the purchase of public land, because it is the public who ultimately pays this inflated price. We believe that this change will allow cities to compete more effectively in public auctions without improperly disclosing governmental transparency. For this reason, MAAR urges RLC to support this change.

Respectfully,

*Darren T. Sammons*  
 Darren T. Sammons  
 President, Municipal Attorneys  
 Association of Kentucky



**HB362 BROADBAND DEPLOYMENT (PRATT, P) AN ACT relating to broadband deployment.**

Amend various sections of KRS Chapter 224A to add definitions of "broadband", "broadband deployment fund", "broadband deployment project", "broadband deployment project area", "census block", "shapefile", and "underserved area"; include moneys received under KRS 224.1121 as revenues of the Kentucky Infrastructure Authority; clarify that broadband deployment fund would be used to provide assistance to construct infrastructure for deployment of broadband service to underserved and unserved areas of the Commonwealth and that the moneys are appropriated for those purposes; provide that the broadband deployment fund shall be used to provide grants to deploy broadband service to underserved as well as unserved areas of the Commonwealth and provide the requirements for grant applications.

*Current Status:* 2/6/2020 - (H) posted in committee House Small Business & Information Technology (H)

**HB371 TAX CREDITS (BRIDGES, R) AN ACT relating to tax credits.**

Create a new section of KRS Chapter 198A to establish the nonrefundable Kentucky affordable housing credit; allow the credit to be applied to the income and insurance taxes, in an amount equal to the amount of federal low-income housing tax credit; create a new section of KRS Chapter 141 to allow the credit to be applied to income and limited liability entity taxes; amend KRS 141.0205 to order the income tax credit; create new sections of KRS Chapter 136 to allow the credit to be applied to insurance tax; order the insurance tax credits; amend KRS 136.190 to conform.

*Current Status:* 2/5/2020 - (H) Referred to Committee House Appropriations & Revenue (H)

**HB375 REORGANIZATION (HART, M) AN ACT relating to reorganization.**

Amend KRS 95A.020 to define "chief fire officer"; change the name of the





Commission on Fire Protection Personnel Standards and Education to the Kentucky Fire Commission; attach the commission to the Kentucky Community and Technical College System for administrative purposes; require the commission to have male, female, and minority representation; require that no more than three appointed members reside in the same congressional district; reduce the number of members from 17 to 14; change the qualifications for certain members appointed to the commission by the Governor; amend various sections to conform.

*Current Status:* 2/6/2020 - (II) Referred to Committee House Veterans, Military Affairs, and Public Protection (II)

**HB379 ELECTRONIC ADVERTISING (TITOMAS, W) AN ACT relating to electronic advertising.**

Create a new section of KRS 177.830 to 177.890 to allow electronic advertising devices located on the premises of a business or organization to advertise or promote activities and products offered both on the property and by charitable nonprofit organizations or groups; require content advertised to comply with state and federal statutes and regulations; allow nonprofit content to be displayed at the discretion of the electronic advertising device owner; prohibit the advertising of outside content if the business or organization has ceased operation; amend KRS 177.841 to conform.

*Current Status:* 2/5/2020 - (FI) Referred to Committee House Transportation (FI)

**HB380 VOLUNTARY ENVIRONMENTAL REMEDIATION TAX CREDIT (NEMBS, J) AN ACT relating to the voluntary environmental remediation tax credit.**

Amend KRS 141.418 to expand the voluntary environmental remediation tax credit for taxable years beginning on or after January 1, 2020, but before January 1, 2024, and to allow a refundable credit for these taxable years; amend KRS 141.0205 to order the refundable credit; amend KRS 141.190 to require reporting.

*Current Status:* 2/6/2020 - (H) Referred to Committee House Appropriations & Revenue (H)



**HB382 OPERATION OF GOLF CARTS (SANTORO, S) AN ACT relating to the operation of golf carts.**

Amend KRS 189.286 to remove time of operation restrictions for golf carts operating on city and county roads where allowed by local governments.

*Current Status:* 2/1/2020 - (H) posted in committee House Transportation (H)

**HB384 LOCAL GOVERNMENT (KOENIG, A) AN ACT relating to local government.**

Create a new section of KRS Chapter 70 detailing the powers and duties of constables, excluding the general powers of peace or police officers, with certain exceptions; allow police powers where the county grants them and the constable or deputy has been certified pursuant to KRS 15.380, so long as that certification is maintained; amend KRS 15.707 deleting constables; amend KRS 16.060 deleting constables; amend KRS 61.300 deleting deputy constables; amend KRS 61.310 deleting deputy constables; amend KRS 63.170 by adding constables; amend KRS 63.180 by adding deputy constables; amend KRS 64.060 to remove noncertified constables from the fee schedule for services and allow certified constables to continue to receive fees per the schedule; amend KRS 64.190 to amend constable fee schedule; amend KRS 64.200 to exclude urban-county governments from constable compensation requirements and include deputy constables within reporting requirements; amend KRS 70.310 to require deputy constables to execute bond; amend KRS 70.320 to allow the appointment of deputy constables; specify how they are appointed and their numbers determined, and their qualifications; amend KRS 70.350 to specify where constables may execute warrants; amend KRS 70.410 to include deputy constables; amend KRS 70.430 to specify the nature and recipient of constable and deputy constable's reports; grant fiscal courts or county clerks and merged governments the authority to retain 25% of fees collected; amend KRS 70.440 to include mandated reports within false reporting prohibitions; amend KRS 148.056 to remove constables; amend KRS 150.100 to remove constables; amend KRS 164.955 to specify that powers of constables are not being diluted or removed; amend KRS 183.881 to specify that constable powers are not impaired or diminished; amend KRS 189.950 to permit vehicle blue lights for constables if the county grants them the authority and if they are certified as peace officers; amend KRS 230.240 to remove constables; amend KRS 277.280 to remove constables; amend KRS 281.765 to remove constables and deputies; amend KRS 446.010 to remove constables from definition of "peace officers"; amend KRS 454.140 to direct service of process first to sheriffs; exclude urban-county and consolidated local



governments from this requirement, unless they pass ordinances granting the sheriff priority.

*Current Status:* 2/1/2020 - (H) Referred to Committee House Local Government (H)

**IIB386 AMBULANCE CONTRACTS (LEWIS, S) AN ACT relating to ambulance contracts.**

Amend KRS 65.710 to increase the time limit from 1 year to 4 years that local governments may contract for ambulance services with private persons, partnerships, or corporations.

*Current Status:* 2/1/2020 - (H) Referred to Committee House Local Government (H)

**IIB394 PLAYGROUNDS (ELLIOTT, D) AN ACT relating to playgrounds.**

Amend KRS 97.010 to require certain local government playground projects to include wheelchair access ramps, wheelchair-friendly surfaces and at least one (1) wheelchair swing, except where the contract for a playground project was signed prior to the effective date of this Act and for playground projects wholly using private funds.

*Current Status:* 2/6/2020 - Introduced

**SB133 WORKERS' COMPENSATION FOR EMERGENCY PERSONNEL (WHEELER, P) AN ACT relating to workers compensation for volunteer firemen and other emergency personnel.**

Amend KRS 342.140 to add that income benefits for volunteer firemen, police, and emergency management agency members or trainees may be based on fifty percent (50%) of the state average weekly wage if that is greater than the average weekly wage of their regular employment.

*Current Status:* 2/5/2020 - (S) Referred to Committee Senate Economic Development, Tourism, and Labor (S)



**SB138 WINE CORKAGE (WEBB, R) AN ACT relating to wine corkage.**

Create a new section of KRS Chapter 243 to establish conditions for wine corkage in conjunction with a meal; create conditions for removal of a bottle of opened wine; amend KRS 243.020 to permit corkage; amend KRS 243.034 to allow a limited restaurant licensee to provide corkage; amend KRS 243.084 to allow a nonquota type 2 or NQ2 retail drink licensee to provide corkage; amend KRS 242.260 to exempt corkage from being a violation.

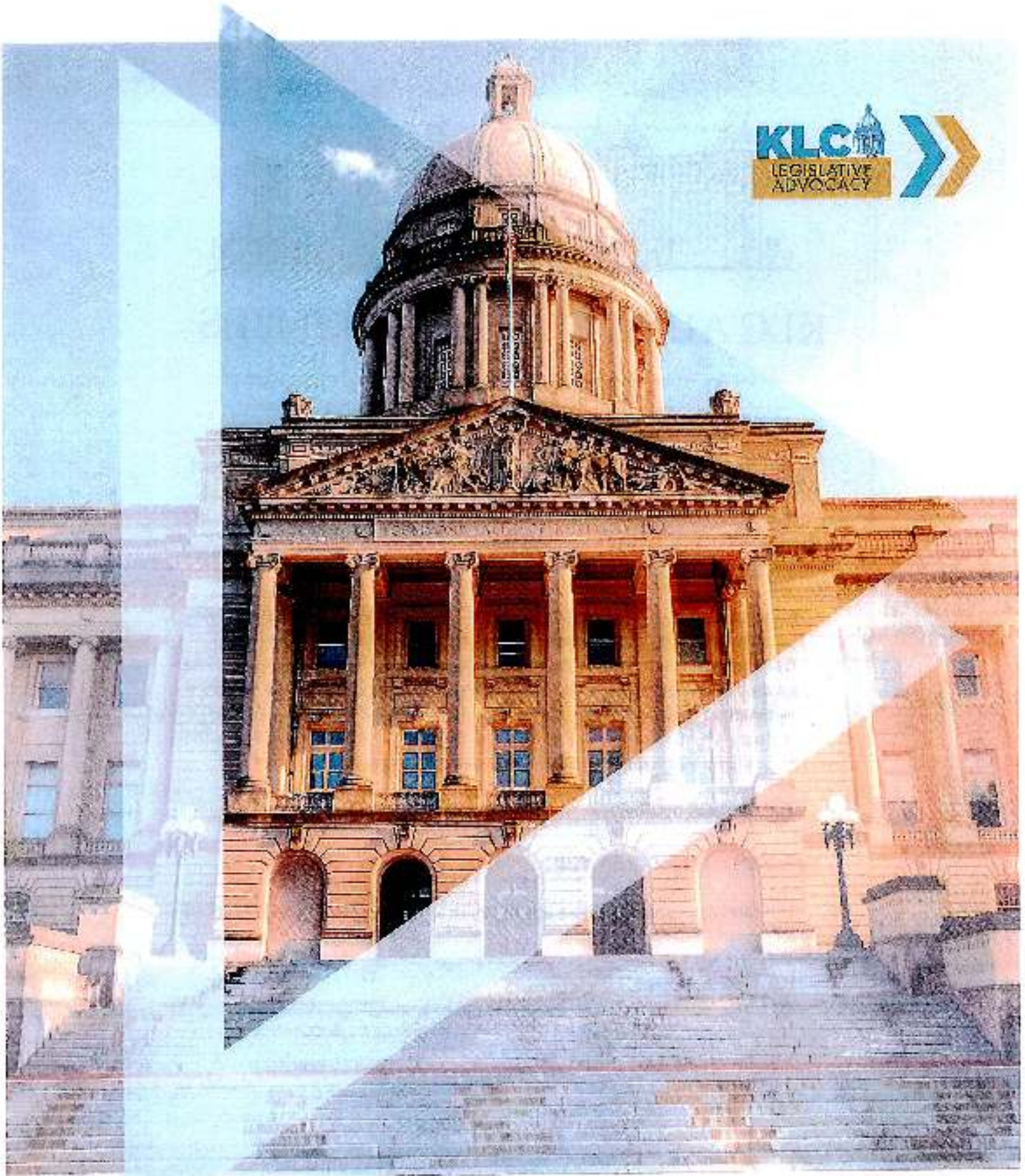
*Current Status:* 2/6/2020 - (S) Referred to Committee Senate Licensing, Occupations, & Administrative Regulations (S)

**SB144 CORONERS (CARPENTER, J) AN ACT relating to coroners.**

Amend KRS 72.410 to require a coroner to collect, secure, and provide for the disposal of any prescription medications of a decedent; amend KRS 72.992 to establish fines for violations of those duties.

*Current Status:* 2/7/2020 - (S) Referred to Committee Senate State & Local Government (S)

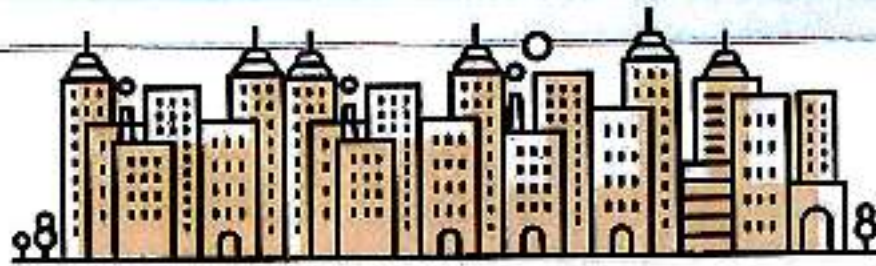




# LEGISLATIVE AGENDA

2020 EDITION || KENTUCKY LEAGUE OF CITIES P. 32





## KLC ADVOCATES FOR CITIES

### WHAT IS THE KENTUCKY LEAGUE OF CITIES?

Established in 1927, the Kentucky League of Cities serves as the united voice of cities in Kentucky. Committed to the principle of home rule, KLC believes local decisions are best made at the local level. We are governed by a 62-member Board of Directors that sets the Legislative Agenda for each session. KLC also has an 18-member Executive Board.

**This year, the Board's top legislative priority for cities is ensuring separate governance of the County Employees Retirement System (CERS) that is free from political influence and solely focused on CERS to ensure it is not unduly impacted by decisions made for the struggling Kentucky Employees Retirement System (KERS).** Top priorities for 2020 also include modernization of the state's road funding formula, revenue flexibility and protection, and solutions for the growing problem of blighted, deteriorated and vacant properties.

The goal of KLC and its members is enhancing the quality of life within our cities.

### WHO DOES KLC SERVE?

The Kentucky League of Cities represents cities and the officials who serve them.

#### SERVICES PROVIDED BY KLC:

- Community Development
- Financial Services
- Municipal Law & Training
- Insurance & Loss Control
- Kentucky City Magazine
- KLC Conference & Expo



### KLC LEGISLATIVE ADVOCACY EFFORTS:

- » Local State and Federal Relations
- » Annual Legislative Agenda for Cities
- » Annual Legislative Update for Cities
- » Legislative Wrap-Ups for Cities
- » Awards and Recognition of Legislators Who Go Above & Beyond for Cities
- » KLC City Limit News Website
- » Weekly Legislative Bulletin
- » Bill Drafting/Tracking During Session
- » Research
- » City Census
- » Wage & Salary Survey/Report
- » City Government Month



### CITIES ARE BOOMING!

City populations are continuing to grow at a faster pace than unincorporated areas, growing by 4.1 percent since 2010. In the past year alone, Kentucky cities have added 8,000 people. In this decade, 80 percent of the state's population increase has occurred within city limits. Today, 2.47 million people live in Kentucky cities. Four out of five jobs in Kentucky are in cities and our city governments spend more than \$5.25 billion each year.



### SERVICES PROVIDED BY CITIES:

- |                                    |                              |
|------------------------------------|------------------------------|
| Public Safety                      | Code Enforcement             |
| Sidewalks & Street Lights          | Parks & Public Facilities    |
| Clean Drinking Water               | Utilities & Regulation       |
| Sewer Systems & Waste Treatment    | Youth & Senior Services      |
| Economic Development               | Trash & Recycling Collection |
| Safe Roads                         | Historic Preservation        |
| Public Transportation & Bike Paths | Job Training                 |
| Tourism and Recreation             | Public Housing               |



# || CERS REFORM/SEPARATION ||

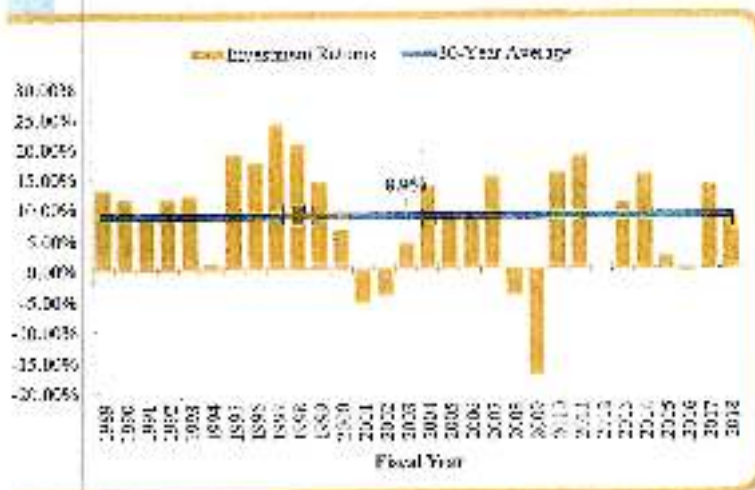
KLC Legislative Agenda 2020

Across the state, cities face the mounting cost of a pension debt that now threatens the future availability of services residents enjoy and expect. While the legislature provided a much-needed phase-in of employer contribution rates in the 2018 session, the pension bill continues to grow. It is vital to the health of the County Employees Retirement System (CERS), its employers and members that the local pension system is put on a path that ensures investment and management decisions are based on what is best for CERS. That will require a separate administration of CERS to ensure its funding status grows and that the system remains viable for future generations.

**LEGISLATIVE PRIORITY: KLC will advocate for the affordability of CERS and for separate governance that is free from political influence and solely focused on CERS assets and investments to ensure the local pension system is not unduly affected by decisions made for the struggling Kentucky Employees Retirement System (KERS).**

From investment strategies to the adoption of assumption rates, CERS has felt the impact of decisions that best benefit KERS. The Kentucky Retirement Systems (KRS) Board of Trustees decided in 2018 to take a less aggressive approach to investing and move from equity funds to fixed-income investments.

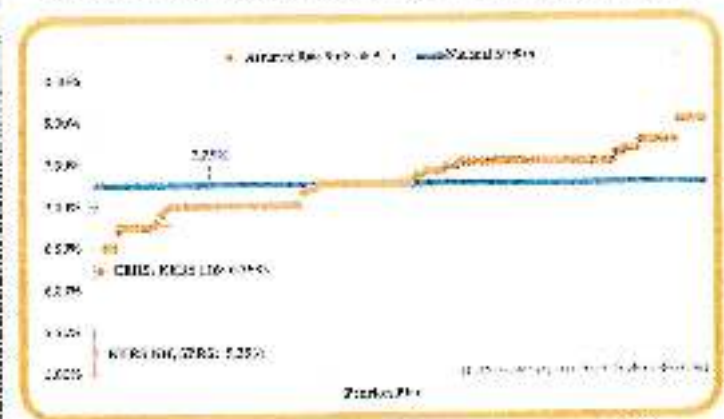
## CERS NONHAZARDOUS INVESTMENT RETURNS



Information KRS provided to the Public Pension Oversight Board (PPOB) in June 2019 highlighted the impact that decision has had on CERS. Investment income earned by the CERS nonhazardous pension system was one-quarter the amount earned in the same period for the prior fiscal year.

KRS leadership argues its systems are too poorly funded to take risks, but CERS is funded at 50.45 percent after changes made to the mortality rate assumption in April 2019. It is KERS that is funded at 13.66 percent and is considered the worst-funded pension system in America. KRS Executive Director David Lager has testified that the Kentucky Teachers' Retirement System (KTRS) sees much better investment returns than KRS because it is "not in as bad of a shape as KRS" and can invest more aggressively. However, KTRS is currently funded at 57.7 percent, and it uses drastically different assumption rates than those adopted for CERS.

## INVESTMENT RETURN ASSUMPTIONS FOR STATE RETIREMENT PLANS NATIONWIDE



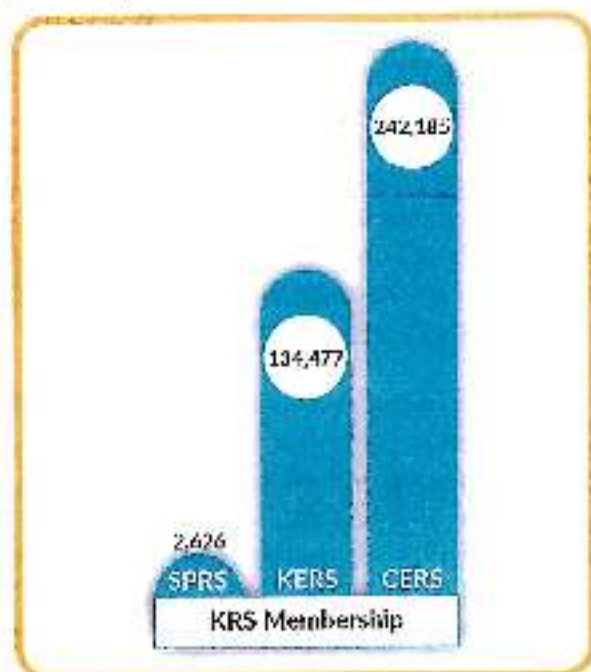
Source: National Association of State Retirement Administrators, 2019

In 2017, the KRS Board of Trustees moved the CERS assumed rate of return to 8.25 percent. It remains the second lowest rate in the nation outside of the KERS nonhazardous pension plan and the Kentucky State Police Retirement System (SPRS), which are overseen by the same KRS Board of Trustees. Since that change was adopted, KRS has reported a 10-year investment rate of return for CERS of 8.9 percent and a 30-year return of 8.6 percent.



Separating the governance of CERS from KERS will help ensure the local pension system is free from political influence, regardless of future administrations. Additionally, it will guard against CERS being lumped into decisions that are made for the benefit of the state's struggling system.

The KRS Board of Trustees is comprised mostly of gubernatorial appointees and representatives of KERS, even though it does not account for most of the assets or members in KRS. CERS is growing and now has 242,185 members compared to 134,477 in KERS. That makes CERS 64 percent of the membership and KERS 32 percent. While KERS lost 10,710 employees from Fiscal Year 2009 to Fiscal Year 2018, CERS reported an increase in employment numbers.



The local pension system holds a large chunk of the funds KRS manages, \$13.4 billion compared to \$4.4 billion in KERS. Despite being 73 percent of KRS assets compared to the 27 percent held by KERS and SPRS, it is the KERS funding crisis that drives decisions and discussions at KRS. Testimony given by Eager before a May 2019 PPOB meeting on why KRS wanted to change the funding formula for all the systems it manages did not include any data on how such a move would impact CERS.

CERS representation on the KRS Board of Trustees accounts for just six of the 17 seats — 35 percent. It makes up 11

percent of the KRS Investment Committee and 14 percent of its Actuarial Subcommittee. That unfair representation is one of the reasons those advocating for separate governance believe it is necessary to ensure decisions are made in the best interest of the local pension system, regardless of the plight of other systems managed by KRS.

Because CERS is 64 percent of KRS membership, it pays 64 percent of its administrative expenses. Those are continuing to climb every year and are much higher than other state pension systems that run independently of KRS.

CERS is a local pension system, made up of city, county and school board employees (excluding teachers). It is important for the municipal employees who keep our cities safe and desirable places to live. They maintain our city halls, parks and streets. Those members provide police and fire protection and create an environment that drives economic development. They deserve a pension system that is also safe and secure; one that is managed by people who put their needs and interests first.



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# || ROAD FUNDING FORMULA ||

KIC Legislative Agenda 2020

**A**s cities continue to do more with less, the high cost of maintaining vital infrastructure becomes more of a struggle. The condition of our city roads and bridges directly impacts the ability of a community to grow and attract new business. While the population of Kentucky cities has continued to expand, the funding formulas of important transportation networks have remained unchanged for 48 years. It is critical that we modernize these formulas to ensure transportation needs are met in Kentucky cities.

**LEGISLATIVE PRIORITY: Cities support adopting a new road funding formula to ensure city governments receive a fairer proportion of new state gas tax revenues for the construction and maintenance of city streets.**

From Kentucky's smallest cities to Louisville and Lexington, neighborhoods need reliable roads to bring jobs and improve quality of life. Cities are the economic engines of Kentucky and are often the heart of the state's infrastructure network. They must provide consistent, safe services while also dealing with slow financial growth.

While transportation needs have grown, the method used to pay for our vital infrastructure has not been amended in decades. Since 2013, 27 other states have increased their motor fuel tax revenue, including nearby Indiana and Tennessee. Kentucky has remained flat. Cities have seen spending on streets and roads climb 17 percent since 2010, while state and federal support has dropped 21 percent.

Money collected in the motor fuels tax goes into the state's Road Fund, of which 48.2 percent is shared between cities and counties. How those assets are divided is largely determined by a system established in 1948 that is known as the "formula of fifths." It is heavily slanted toward rural counties and has not changed in 70 years. The formula allocates one-fifth equally



to all counties, one-fifth based on rural population, one-fifth by rural road miles and the remaining two-fifths by rural land area. The formula does not account for the population boom of cities nor the high cost of maintaining those heavily traveled roads. In fact, it can penalize counties with rapid growth.

The last update to the system was instituted in 1972 when the legislature created the municipal road aid program. It has not changed since that time, despite a sizeable increase in the population of Kentucky's cities. Municipalities are now responsible for more than 10,000 miles of public streets. State and federal road revenue provides only about one-fifth of the cost of maintaining those thoroughfares.

A proposal to update the state's road funding formula acknowledges the growth and demand on city streets by equally dividing motor fuels income over \$625 million, the total available for sharing in Kentucky in Fiscal Year 2014. The amount above that threshold will be split between the municipal and county road aid programs at 13 percent each. This will help ensure cities, which are often the center of commerce and activity in a county, can pay to keep high-traffic areas safe while also holding counties harmless.

Currently, 81 percent of yearly vehicle miles traveled in Kentucky are on rural roads, yet counties receive 85 percent of road aid revenue. Urban roads account for 39 percent of vehicle miles traveled, but cities receive only 15 percent of the state's road aid allocations. It is time the state modernized the road funding formula to equalize distribution and ensure cities have the money to maintain roads and bridges that often need more frequent repair and maintenance.



## Road Funding Formula Modernization

The revenue split will remain the same until the total amount exceeds \$825 million, the historical high mark from Fiscal Year 2014. Cities and counties will then equally split the local government portion above \$825 million at 13% each.



Road Aid up to \$825M



Road Aid over \$825M

## BLIGHTED, DETERIORATED & VACANT PROPERTIES

They can be the scourge of a neighborhood, bringing down property values and posing safety risks. Blighted, deteriorated and vacant buildings are an eyesore and invite crime into a community. Dealing with the problem is often an expensive, time consuming and complicated process for cities.

**LEGISLATIVE PRIORITY:** Expand the tools currently available to cities to address these types of properties, including creating a conservatorship for rehabilitation of qualifying areas.

Most cities in Kentucky have faced the question of how to handle blighted and abandoned property. From homes to businesses and industrial structures, an empty building can quickly fall into disrepair. A study conducted by the Lincoln Institute of Land Policy found unused homes and businesses can cost a city millions of dollars in lost tax revenue and lead to a feeling of community isolation for citizens who live near the site.

Creating a conservatorship for buildings that have been

vacant for at least one year will help bring the facility into compliance with local code. Rules would be set to help the court determine if a property is "abandoned and blighted," and local governments would be responsible for developing a plan for rehabilitation and potential funding. It would give local governments another option to ensure the financial and aesthetic value of the community.

As the problem with deteriorated properties continues to grow, cities are forced to find solutions. The nonprofit organization Next City recently shared the results of a study conducted by an urban economist. He found that each abandoned building can cost a community roughly \$155,000 in its first year alone, and there is often a 10 percent increase in crime within 250 feet of the structure.

City leaders are continuing to look for new and innovative ways to deal with the problem. Creating a conservatorship is one legislative solution to this multifaceted problem.



# || REVENUE DIVERSIFICATION ||

KLC Legislative Agenda 2020

**A**cross the state cities are faced with a growing population that expects the amenities and security that municipalities provide. However, these essential services are being threatened as financial strains take a toll on revenue-limited local governments. City leaders are now at a crossroads where future economic development and neighborhood growth may be stifled by antiquated and restrictive statutes that have not been changed for decades.

**LEGISLATIVE PRIORITY: Cities seek equalization and modernization of funding options. This includes expanding to all cities the ability to collect consumption-based restaurant revenue, amending the state constitution to permit the option of a local sales tax, protecting the crediting of occupational license taxes paid to a city against any county tax owed, and opposing centralized collection.**

Kentucky law restricts how cities collect income, and as pension costs and other expenses skyrocket, local elected officials are forced to make tough decisions. If the legislature doesn't enact reforms, mayors warn that public safety and community services could be reduced or eliminated. While many cities have been able to cut budgets and trim staff, there is only so much local elected leaders can do as costs continue to climb.

A solution currently being discussed is modernization of Kentucky's tax structure. Cities are the economic engines of the state, and it is only through economic growth that Kentucky can establish the type of prosperity necessary for stability and improvement. Diversifying income options for cities would empower local governments to find the funding sources that best fit their community.

One option available to some municipalities is the collection of consumption-based restaurant revenue. Only former fourth and fifth class cities can collect the

earnings, which preempts almost half of the state's cities from even considering this financial option. The money is collected from everyone who eats in local restaurants, including tourists and other visitors, and it does not impose an undue burden on local citizens.

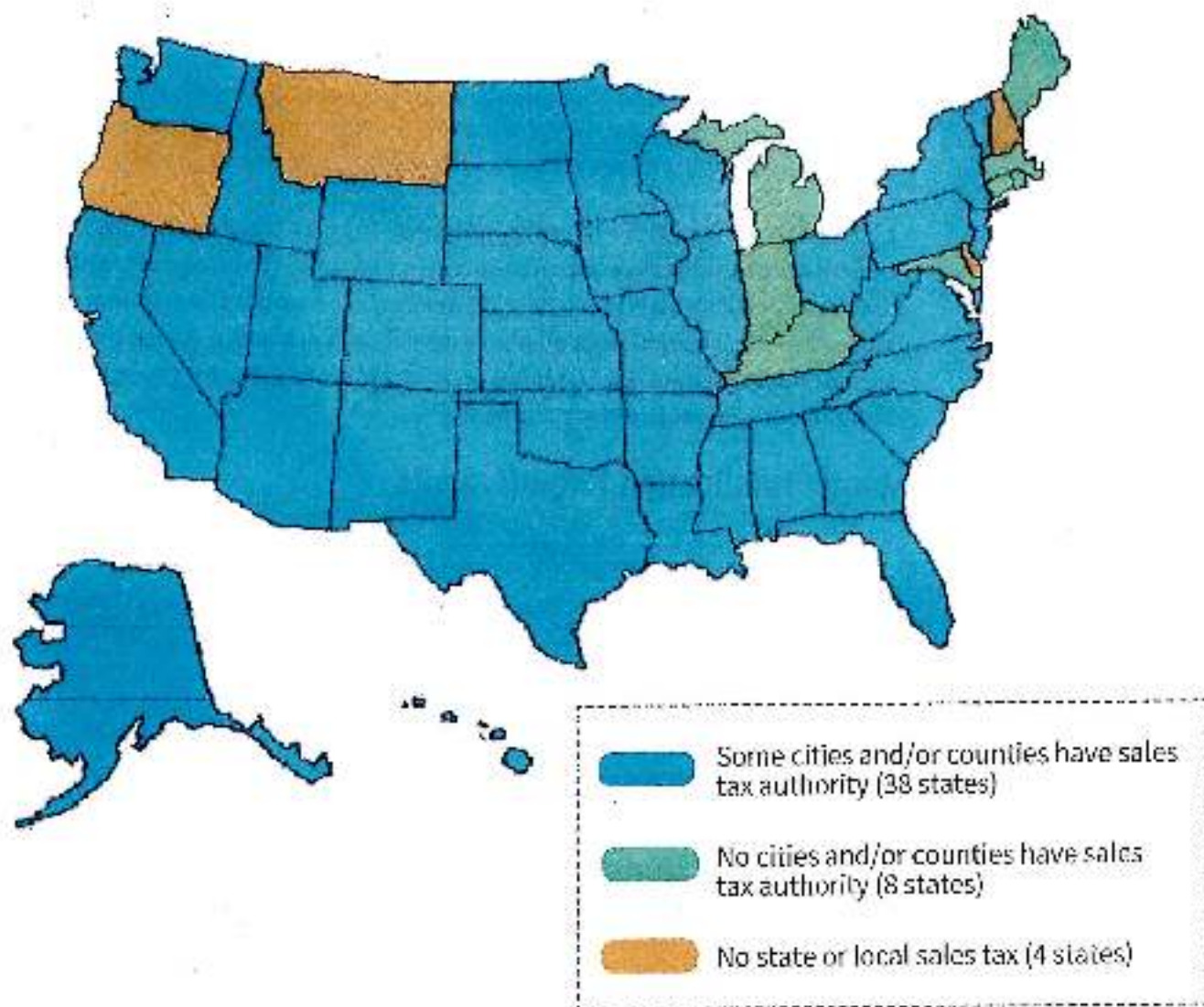
Restaurants would not face an extra cost because the fee is collected in lieu of net profits or gross receipts taxes on the businesses. Cities would be limited to collecting no more than 3 percent, and a portion of the money would go to the local tourism commission. Mayors say it is a good way to spread the expense of a growing city among those who enjoy its amenities.

When it comes to collecting consumption-based restaurant revenue and other needed types of reform, the focus is often on leveling the playing field. Many Kentucky cities border Tennessee, which has no state income tax. Competing for business and jobs in these communities is a challenge.

Moving Kentucky toward a more consumption-based tax structure would be a big step toward modernization. That includes allowing cities the option to collect a local sales tax. Kentucky is one of only 12 states that does not allow one or more local governments to collect that funding.

It is important that changes to tax policies don't impede the few revenue-generating options cities have available. Both cities and counties can collect an occupational license tax on the net profits of businesses and/or on the salaries and wages that employees earn. The money raised provides the essential services business owners and their employees expect while doing business in the community. If a city and county with a population of 30,000 or more both levy an occupational license tax, the amount paid to the city can be credited toward the amount owed to the county.





The credit helps ensure taxes are not stacked on local businesses and workers. People who conduct business in a city's limits count on city services (police, fire, streets, etc.). Removing the crediting provision would ultimately result in taxpayers paying for duplicate services. Eliminating the credit would result in millions of dollars of higher taxes for more than a quarter million Kentuckians.

State government should not interfere with the collection of local revenue that provides vital community services. Centralized collection of municipal funds would slow down the ability of city leaders to serve their citizens. Additionally, it could create an environment where money designated for local projects ends up swept into state coffers.

Mayors and other local elected officials are calling on state legislators to support the principles of home rule and provide the tools cities need to keep the state on a path of progress and prosperity. Revenue diversification is a big part of the equation. By allowing cities to pursue economic solutions that are specific to their community's unique challenges, Kentucky will be embracing modern funding solutions that help ensure the state continues to thrive.



# ADDITIONAL PRIORITIES

## Substance Abuse



Since 2013, the Kentucky League of Cities has maintained an active position on battling the substance abuse epidemic throughout the commonwealth. It remains a top legislative priority for 2020. All cities in the state are impacted by the social, criminal and economic impacts of alcohol and drug abuse.

**LEGISLATIVE PRIORITY:** KLC will continue to support legislation that addresses the substance abuse problem in Kentucky. The League will have an active position on and participate in efforts to combat the criminal aspects of drug trafficking and abuse as well as a proactive stance on treatment, rehabilitation, training and workforce reentry for those who suffer from alcohol and drug abuse.

## Modernization of Newspaper Publication Requirements

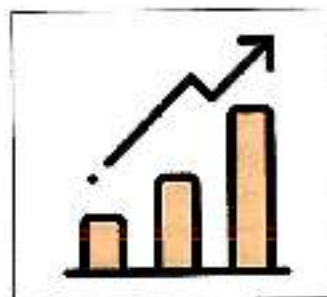


As cities continue to look for ways to streamline operations and improve efficiencies, modernization is key. It is imperative that cities be good stewards of tax dollars and utilize all available avenues to cut costs. One antiquated expense that cities are looking to update is the publication of official acts and information in newspapers. These types of documents and public reports can be made available on a city's website at low or no cost. Anyone can access the information online, without the required cost of a newspaper subscription, and the data is available for a longer time.

Temporary legislation was passed in the 2018 session to allow county governments with a population of more than 90,000 and the cities within those counties to post ordinances, audits and bid solicitations online with an advertisement in the local newspaper on where to find the web-based material. It only impacted 135 cities and was only permitted for two years, meaning it will expire in 2020.

**LEGISLATIVE PRIORITY:** The Kentucky League of Cities will advocate for modernization of the publication law to allow cities of all sizes to publish full documents on their website with an advertisement about the online material published in the local newspaper.

## Economic Development

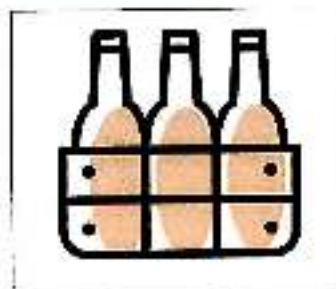


The success and growth of Kentucky cities depends on economic development, which brings job growth and financial prosperity to local communities.

**LEGISLATIVE PRIORITY:** KLC will support legislation that enhances economic development opportunities in our cities.



## Alcohol Regulatory License Equity



Cities continue to see a disparity in the number and types of alcohol licenses that can be issued at the state level compared to those issued by city governments. This makes regulation of the licenses at the local level more difficult, if not impossible. Senate Bill 29, passed in the 2019 Regular Session, helped level the playing field by allowing some cities to impose a regulatory license fee upon the gross receipts of the sale of alcoholic beverages. However, it only applied to cities with a population of less than 20,000.

**LEGISLATIVE PRIORITY:** Expanding to all cities the ability collect an alcohol regulatory license fee will enable communities to offset some of the additional policing and regulatory costs associated with alcohol sales. Cities are also looking to the legislature to modify the two-year enactment requirement from a wet or moist election date.

## Open Records and Meetings Law Changes



Transparency is vital to ensure citizens have faith in the management of their city and tax revenue. However, it is important that efforts to improve and ensure open government are not detrimental to it running in an efficient and cost-saving manner. Senate Bill 230, passed in the 2019 Regular Session, provides citizens the ability to make a request for documents through the Open Records Act through email. This has created some unforeseen issues for city clerks. Additionally, city officials find there are occasions in which sensitive information needs to be discussed in private to protect the public's interest and finances. When cities are forced to release details on how much money could be spent on a project, the information could be used to drive up the cost.

**LEGISLATIVE PRIORITY:** KLC is seeking an amendment to Kentucky's Open Records Act to make compliance easier for cities, particularly in response to electronic submission of applications. Cities are also seeking an amendment to Kentucky's Open Meetings Act to allow going into closed session to authorize an agent to bid at an auction on the sale of property and to discuss contract negotiations.

## Employees Carrying Weapons



Private employers in Kentucky can prohibit their employees from carrying a weapon on the business' property or while on duty. Public employers cannot.

**LEGISLATIVE PRIORITY:** KLC will advocate for state law to be amended so cities are provided the same option private employers have to prohibit an employee from carrying weapons during his or her official duties.



# ADDITIONAL PRIORITIES

## Paramedic & EMT Training



Local governments are finding it more and more difficult to acquire qualified and certified candidates for paramedics and emergency medical technicians (EMTs). The current method used by the Kentucky Board of Emergency Medical Services makes certification difficult to obtain, which can delay the hiring and training process for cities in need of medical first responders.

**LEGISLATIVE PRIORITY:** Changes in the way the Kentucky Board of Emergency Medical Services certifies paramedics and EMTs can make it easier for cities to find qualified and certified candidates.

## Elected City Official Career Retirement



In most Kentucky cities people serving in an elected position do so to serve their community. It is a part-time job with minimal pay. Their full-time career may involve the public sector, working for the local school or another employer that participates in one of the state's retirement systems. For instance, the mayor may be a school bus driver, or a city legislative body member may work in law enforcement. Retiring from that career could require the city official to also resign from his or her elected position, even if that was not the intent.

**LEGISLATIVE PRIORITY:** Cities are seeking legislation to permit an elected city official participating in the County Employees Retirement System (CERS) who has a full-time job with an employer participating in the Kentucky Retirement Systems to retire from that career without having to also resign from his or her elected office.

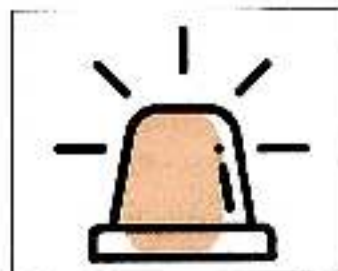
## Untrained Constables



Untrained constables pose a threat to the safety and security of cities. Several incidents have already been documented of these elected officers abusing their power and putting citizens in danger. In 2012, a committee created by the Kentucky Justice and Public Safety Cabinet issued a report recommending lawmakers review powers granted to constables under the Kentucky Constitution to either eliminate or restrict the position or to grant local governments the right to set limitations on constables.

**LEGISLATIVE PRIORITY:** KLC supports legislation to amend state law to eliminate the peace officer powers of constables unless they are certified by the Kentucky Law Enforcement Council and approved by the county fiscal court.

## Legacy Police and Fire Pension Plans



As pension costs continue to rise for local governments, it is important to streamline expenses. When the County Employees Retirement System (CERS) was established in 1958, it was designed to function as the pension system for local government employees. While most cities are in CERS, some legacy pension plans still linger.

**LEGISLATIVE PRIORITY:** KLC will advocate for a modification in membership requirements for local boards of trustees of legacy pension plans and seek legislation that allows beneficiaries to be paid an annuity to expedite closure of these systems.

## Annexation Filings with the Secretary of State



Many Kentucky cities are growing, adding to the population and city boundaries. When a city annexes nearby property, it is required to file a new map with the Secretary of State to ensure the state's database has the newest data.

**LEGISLATIVE PRIORITY:** Municipalities are seeking legislation that requires annexation submissions to include an electronic map to expedite entry of the new boundaries into the secretary's land database.

## Interlocal Cooperation Act



The Kentucky Interlocal Cooperation Act gives local governments the ability to work together to ensure constituents receive the best services at the most advantageous cost.

**LEGISLATIVE PRIORITY:** Cities are looking to the legislature to update the Interlocal Cooperation Act to make it easier and more efficient for governments to cooperate.



# ADDITIONAL PRIORITIES

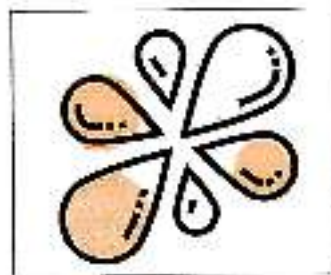
## Planned-Unit/Homeowner Association Legislation



Neighborhood associations can often improve the quality of life in a city, providing amenities and creating a sense of community. However, in some cases the association cannot continue to afford the services it was designed to provide, leading to concern about how neighborhood programs will be funded.

**LEGISLATIVE PRIORITY:** KLC will seek legislation to help municipalities address problems created when homeowners' associations go defunct or planned-unit documents do not adequately cover the maintenance of common areas.

## Splash Parks/Pads



Splash parks are growing in popularity as they offer cities a less expensive way to provide families more ways to enjoy the summer. These public areas have some ambiguity under current Kentucky law.

**LEGISLATIVE PRIORITY:** Cities are advocating for legislation that determines what laws and regulations apply to splash parks/pads compared to swimming pools.





## || KLC LEGISLATIVE TEAM ||



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**TRACK LEGISLATIVE NEWS UPDATES  
& MONITOR ISSUES DURING SESSION**



## MEMORANDUM

TO: Mayor Larry Dixon and City Commissioners  
 FROM: Cathy Dillard, City Clerk  
 DATE: February 19, 2020  
 SUBJECT: Surplus Property Online Auction

The City recently finalized our second online surplus property auction with GovDeals. The final bid results totaled \$23,725.00 and are detailed below. Also included are the number of bids and online visitors for each individual item.

One item, the cardboard baler, did not receive a bid in this auction cycle. We have re-listed it and dropped the minimum bid to \$100.00. The auction on this item will close on Friday, February 28.

Description	Buyer	Buyer's Company	Buyer's City	Buyer's State	Sold Amount	Bids	Bis	Visitors
2012 DODGE CHARGER POLICE	Norman Baker	Nash Auto Sales Inc	Clarksville	TN	\$5,400.00	48	2,642	1,797
2012 DODGE CHARGER POLICE	Norman Baker	Nash Auto Sales Inc	Clarksville	TN	\$5,400.00	51	2,095	1,414
1990 HYSTER FORK LIFT	Jeremiah Garrett	Garrett Trucking Services LLC	Berea	KY	\$8,600.00	43	2,657	1,864
WOOD DRYER - USED FOR PALLETS	Bob Anderson	Superiortruss	Spearfish	SD	\$2,500.00	1	2,229	1,700
HOPPER BIN DRY STORAGE	Henry Gregory	Gregory, Henry	Gallatin	IN	\$550.00	9	1,106	719
AKRON WATER METER TEST BENCH	Cherie David	TN Meter	Westmoreland	IN	\$750.00	1	561	252
ELSTER WATER METERS	Paul Randall	Ocean State Meter Service & Supply	Lincoln	RI	\$1,025.00	3	544	366
Total					\$23,725.00			



## MEMO

TO: Board of City Commissioners, Mayor Dixon, and Kenton Powell  
FROM: Scott Crabtree  
DATE: February 19, 2020  
SUBJECT: J & S Development Termination of Drainage Easement

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Attached hereto please find a memo from Buddy Leach and a Termination of Drainage Easement. Chris Klotter and I have reviewed this issue and have no problem with this. If it meets your approval, we will need a motion to approve the termination of drainage easement and authorize the Mayor to sign.

Attachments



**From:** Leach and Cummins <lac@LEACHANDCUMMINS.COM>  
**Date:** February 18, 2020 at 10:00:56 AM CST  
**To:** Scott Crabtree <Scott@ScottCrabtree.com>  
**Cc:** Josh Jones <jbjones@bellsouth.net>  
**Subject:** Re: Termination of Drainage Easement

Josh Jones called me yesterday about terminating a drainage easement that affects Lot 52 of Section 2 of Fox Chase Subdivision. He indicated that the City is in agreement and requested that I prepare an instrument to document the termination. Attached is a draft Termination of Drainage Easement. If I need to set up the format differently for the City signatures, let me know.

By the way, I made a brief search at the County Clerk's Office looking for a written drainage easement in favor of the City, but I did not find one. Of course, the City has hundreds of instruments to look through, so I may have missed it. I came to the conclusion that there probably is no written easement, but rather the easement area was placed on the plat to document where drainage should occur. If you are aware of a written easement, let me know and I will change this to refer to the written, recorded easement. Otherwise, I think this should work fine. Let me know your thoughts.

G. William Leach, Jr.  
Leach & Cummins  
P.O. Box 425  
200 N. Main St.  
Franklin, KY 42134-0425  
Ph: (270) 586-9595  
Fax: (270) 586-6907

TERMINATION OF DRAINAGE EASEMENT

THIS AGREEMENT made and entered on this \_\_\_\_ day of \_\_\_\_\_, 2020, by and between CITY OF FRANKLIN, a municipal corporation, P. O. Box 2805, Franklin, Kentucky 42135 ("City"), and J & S Development, LLC, a Kentucky limited liability company, 200 Robey Street, Franklin, Kentucky 42134 ("J & S");

WITNESSETH:

WHEREAS, the City holds a drainage easement affecting the western most portion of Lot 52 of Section 2 of Fox Chase Subdivision, according to plat of record in Plat Book 5, Page 49, Simpson County Clerk's Office, and as also reserved on previous plats of Fox Chase Subdivision, Section 2;

WHEREAS, the drainage pattern in the area has changed from what was contemplated at the commencement of the development of Fox Chase Subdivision in 2005, making the drainage easement affecting Lot 52 of Section 2 no longer necessary;

NOW, THEREFORE, in consideration of the premises and in consideration of removing the existence of an unnecessary burden to Lot 52 of Section 2 of Fox Chase Subdivision, the City hereby revokes and terminates its drainage easement affecting Lot 52 of Section 2 of Fox Chase Subdivision, as shown of record in Plat Book 5, Page 49, Simpson County Clerk's Office, effective upon execution of this instrument.

This \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF FRANKLIN, KENTUCKY

By: \_\_\_\_\_  
LARRY DIXON, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

COMMONWEALTH OF KENTUCKY

COUNTY OF SIMPSON

The foregoing Termination of Drainage Easement was on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, acknowledged, subscribed, and sworn before me Larry Dixon, Mayor of City of Franklin, Kentucky.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

COMMONWEALTH OF KENTUCKY

COUNTY OF SIMPSON

The foregoing Termination of Drainage Easement was on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, acknowledged, subscribed, and sworn before me by \_\_\_\_\_, City of Franklin Clerk.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Prepared By:

LEACH & CUMMINS  
Attorneys at Law  
200 North Main Street  
P.O. Box 425  
Franklin, KY 42135-0425  
Tele. (270)586-9595  
Fax (270)586-6907

\_\_\_\_\_  
G. WILLIAM LEACH, JR.  
(021820)



## MEMO

TO: Mayor Larry Dixon and Commissioners  
FROM: Scott Crabtree  
DATE: February 20, 2020  
SUBJECT: Discussion Regarding Amendment to Planning and Zoning Regulations

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Recently, Carter Munday brought to my attention a deficiency in the current Planning and Zoning Regulations. It appears that there is no adequate language to permit eating and drinking establishments in the "B" (business) zones. Obviously, that is an oversight. At this time, we are recommending that the amended regulations attached (or something substantially similar) be adopted. We are also recommending that the Planning and Zoning Commission conduct a public hearing on the proposed changes in accordance with the requirements of KRS 100.211(3).

**Action: Motion to request that the Planning and Zoning Commission conduct a public hearing on the attached revisions to the Planning and Zoning Regulations in accordance with KRS 100.211(3).**

### **8.9.2 Permitted Uses**

The following uses are permitted in the **Central Business (B-1)** zoning district, subject to all the applicable development standards and requirements of these Zoning Regulations:

- a. **Retail sales:** Stores which deal in retail sales exclusively; **restaurants;** and places of amusement.

**Replace- restaurants with eating and drinking establishments**

### **8.10.2 Permitted Uses**

The following uses are permitted in any **B-2** zoning district, subject to all the applicable development standards and requirements of these Zoning Regulations:

- a. **Retail sales:** Retail establishments which deal in retail sales, exclusively **restaurants** and places of amusement.

**Replace- restaurants with eating and drinking establishments**

## **8.11 Neighborhood Business District, B-3**

### **8.11.2 Permitted Uses**

The following uses are permitted in the **B-3** district, subject to all the applicable development standards and requirements of these Zoning Regulations:

- a. **Grocery, self-service laundries, drug stores, meat or fruit markets, barber or beauty shops, shoe repair shops, laundry or dry cleaning establishments where no laundering or cleaning is to be done on the premises, restaurants which do not provide window or car service.**

**Remove- restaurants which do not provide window or car service**

### **8.11.3 Conditional Uses**

The following uses are conditional uses in a **B-3** zoning district and require written approval of the Board of Adjustment:

Day care centers and nurseries; philanthropic institutions and clubs, (except which carry on a business).

**Add to- eating and drinking establishments**



### 8.12.2 Permitted Uses

The following uses are permitted in any B-4 district, subject to all the applicable development standards and requirements:

- a. Retail sales: stores which deal in retail sales exclusively; restaurants; drive-in restaurants; and places of amusement.

Replace – restaurants with eating and drinking establishments

### 8.13.2 Permitted Uses

The following uses are permitted in the interstate interchange business, B-5, zoning district, subject to all the applicable development standards and requirements:

Gasoline service stations and truck stops; camping grounds; motor hotels and motels; truck terminals; gift shops, souvenir shops, and curio shops; restaurants; drive-in restaurants, and cafes; shopping centers; mini-warehouses; truck rental and trailer rental; recreation equipment sales and service; other compatible and appropriate commercial uses, if included within an overall plan of development within which most of the activity is of the uses listed above; outdoor advertising signs as regulated in Article 5. Any accessory building or use customarily incidental to the permitted uses are permitted.

Replace – restaurants with eating and drinking establishments



## MEMO

TO: Mayor and Commissioners

FROM: Tammie Carey, Community Development Director

DATE: February 20, 2020

RE: Historic Cemetery Walk at Greenlawn Cemetery

In 2019 the Bicentennial Committee held a two day historic cemetery walk in Greenlawn Cemetery. The event took participants on a walk through a portion of the cemetery where actors portrayed characters that shared their story and historical events that happened in Simpson County.

The Daughters of the American Revolution organization has agreed to take on the historic walk as a project this year. Cheryl Goodlad, with DAR, will be at the Commission meeting to request usage of the Cemetery for the 2020 Historic Cemetery Walks which are planned for October. Cheryl will provide details of the event at the meeting.

**Proposed Motion:** *I make a motion to allow the Daughters of the American Revolution organization to use Greenlawn Cemetery to hold a historic cemetery walk and allow the use of the City owned lot near the Cemetery Office as parking for walk participants.*

# **PUBLIC SAFETY**

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# MEMO

TO: Mayor and Commissioners

FROM: Tammie Carey, Community Development Director

DATE: February 17, 2020

RE: Law Enforcement Protection Program  
Grant Application

The Police Department has asked that an application be put together and submitted to the Kentucky Office of Homeland Security requesting funding for the purchase of body armor.

The department is in need of replacing vests for Canaan Scott, Chad Moody, Adam Bennett, and Seth Stewart. These officers are wearing vests that expire in 2020 and 2021.

The application requests funding for the purchase of 4 sets of body armor. The total project cost is estimated to be \$3,000 depending on the company and final quotes received. The total amount of grant funds requested is \$2,660 as the program allows a maximum reimbursement of \$665 per vest.

One of the requirements of the grant application process is to have the City Commission approve a resolution. This resolution allows for the application to be submitted and for the Mayor to sign any and all documents related to the grant.

## ***PROPOSED MOTION:***

I make a motion to adopt Resolution \_\_\_\_-2020 authorizing the submission of an application and upon approval, to enter into an agreement with the Kentucky Office of Homeland Security and to allow the Mayor to sign any and all documents which are deemed necessary by the Kentucky Office of Homeland Security for the project.

**Resolution for application for and administration of  
Kentucky Office of Homeland Security Project(s)**

**RESOLUTION \_\_-2020**

City of Franklin, Kentucky

A RESOLUTION OF THE CITY OF FRANKLIN , KENTUCKY 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 Kentucky Office of Homeland Security:

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 24<sup>th</sup> day of February 2020, by the City of Franklin, Kentucky,

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.

Done this 24<sup>th</sup> day of February, 2020 on a Motion made by Commissioner \_\_\_\_\_and seconded by Commissioner \_\_\_\_\_.

Members present voting in favor:

Members Present voting against:

BY:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



# UTILITIES

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## MEMO

TO: Mayor Larry Dixon and Commissioners  
FROM: Shaundra R. Carrawell, Director of Finance  
DATE: February 24, 2020  
SUBJECT: Discussion Regarding Debt Collection Services for Franklin Municipal Utilities.

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For several years FMU staff has worked diligently to ensure collection of all utility bad debt. And although the annual increase in bad debt is being reduced, FMU still has approximately \$145,000 in accounts receivable that is greater than 120 days old.

Despite FMU's increases in enforcement and collection efforts, Bad Debt has increased from \$54,000 in FY2014 to \$145,000 as of January 2020.

Note: Commission approved a write off of FMU Bad Debt in FY2012; bad debt was \$102,000 at the time.

### Debt > 120 Days Old

FY2014 \$ 54,000	
FY2015 \$ 77,000	FY14 to FY15 Increase \$23,000
FY2016 \$ 95,000	FY15 to FY16 Increase \$18,000
FY2017 \$112,000	FY16 to FY17 Increase \$16,000
FY2018 \$131,000	FY17 to FY18 Increase \$19,000
FY2019 \$145,000	FY18 to FY19 Increase \$14,000

After submission of an RFP (of which there were no responses) and communication with various collection agencies, we have decided that it would be in the best interest of the City to partner with Credit Bureau Systems (CBS), Inc. Attached is their Collection Service Agreement for your review.

In accordance with the Collection Service Agreement, the sole charge to the City for these services will be calculated at a designated percent of amounts according to the following schedule:

- Twenty percent (20%) of all recoveries, regardless of the source of payment on all non-legal recoveries.
- Twenty-five percent (25%) of all recoveries on accounts older than a year old.
- Should legal action become necessary, meaning the filing of a formal complaint in any court of law, thirty-two percent (32%) will be the fee to which CBS is entitled. CBS will pay all court costs and attorney fees involved in the litigation of the account.
- Zero percent (0%) of all amounts collected only if commission fee added criteria has been met. Proof the debtor has expressly consented to 32% collection agency fees upfront would need to be provided for each account listed at no cost to The Company. (This criteria will be met once a user services agreement is approved. This is currently under discussion.)

**Proposed Motion:** Authorize the City to enter into a collections agreement with Credit Bureau Systems and authorize the Mayor to sign any and all documents needed to effectuate this partnership.

## **COLLECTION SERVICE AGREEMENT**

THIS AGREEMENT, made this 12th day of February 2020,

**BETWEEN**

**City of Franklin**

hereinafter called The Company.

**AND**

**Credit Bureau Systems, Inc.**

hereinafter called The Collector.

## WITNESSETH THAT:

WHEREAS, The Company has presently outstanding certain delinquent accounts which it desires to process and treat expeditiously and effectively in order to collect and satisfy in a diligent and nondiscriminatory manner, and;

WHEREAS, The Collector maintains and provides an experienced and effective collection service, which it represents is conducted in a diligent and nondiscriminatory manner, and;

WHEREAS, The Company intends to retain the services of The Collector, and The Collector desires to process and treat the delinquent accounts of The Company,

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, the parties do hereby agree as follows:

FIRST: It is understood that this Agreement is a non-exclusive agreement that shall commence on 2/12, 2020, and continue in effect through 2/12th, 2021, subject to the right of either party to cancel or terminate said Agreement at any time, with or without justification or cause, by giving written notice via registered or certified mail to the last known business address of the other party, not less than thirty (30) days prior to the effective date of such cancellation or termination.

This Agreement shall automatically renew in one (1) year terms unless either party provides thirty (30) day prior written notice of intent not to renew. This Agreement can be terminated immediately by either party upon the material breach of any term or condition of this Agreement by the other party.

Neither party shall be liable to the other for any damages or losses whatsoever, which are directly, incidentally or remotely caused by reasons or resulting from the cancellation or termination of this Agreement. Such cancellation or termination shall not operate to affect any indebtedness due or The Collector's duty to remit to The Company all monies thereafter received from delinquent accounts previously referred for collection.

Referral of Claims will be open ended and no guarantee is made or implied as to the number or dollar amount of accounts that The Company may refer to The Collector during the term of this agreement. The Company reserves the right to withdraw any Claim at any time but agrees that The Collector shall be entitled to its fees and commission on accounts that are withdrawn when payment is imminent and when the Collector, in the normal course of business, would have otherwise been entitled to such commission.

In the event of termination, it is mutually agreed that The Collector shall be allowed to retain all accounts referred to attorneys for suit (legal accounts) and all accounts upon which installment payment arrangements have been set up by The Collector, provided that the date of last payment on the installment arrangement has been within the past sixty (60) days.

SECOND: The Collector will expeditiously and diligently provide collection services on all delinquent accounts referred and received from The Company by employing lawful, ethical, and nondiscriminatory means, methods, and procedures.

THIRD: The Collector has entered into this Agreement with the expressed intention, understanding and knowledge that its relationship to The Company is that of an independent contractor, and not that of an agent, servant, or employee; and that The Collector shall have no power or authorization to bind or otherwise obligate The Company on any matter whatsoever, except however, to negotiate with and accept payments from debtors on accounts. Whenever such authorization is expressly granted by its directors, officers, employees, agents or representatives it shall not be construed to alter The Collector's status as an independent contractor.



FOURTH: The Collector agrees to accept as its exclusive charge to The Company for collection services, including all disbursements, costs, expenses, and legal fees incurred by The Collector, a contingency commission rate as provided for in the schedule attached hereto and referred to as Exhibit or Attachment A.

FIFTH: The contingency commission rate will be based solely on a percentage of amounts paid to either The Collector or The Company. It is understood that, regardless of the source of payment (Insurance, Medicare, Medicaid, Workers' Compensation, Personal Injury, etc.), commissions will be due and payable on all accounts for which an Acknowledgment has been provided to The Company.

SIXTH: The Collector shall provide The Company with the following written information and data:

- (A) A statement acknowledging receipt of each account identifying the debtor's name, account number, and amount of indebtedness. Said statement shall be referred to as an Acknowledgement and shall be processed and mailed or electronically delivered to the Company within Forty-Eight (48) hours of receipt of any account(s) referred to the Collector by The Company. (Refer to @ Client Services Portal)
- (B) A separate itemized statement on a monthly basis identifying all monies received by The Collector on accounts and relating those monies to the appropriate account numbers and guarantor or patient name in such order and medium as designated by The Company. The Remittance Statement shall be sent within not more than ten (10) calendar days from the end of the preceding month and shall be copied to employees of the Company as designated by The Company and accompanied by all documents required by The Company.
- (C) A statement on a monthly basis setting forth all commission charges presently due and identifying all charges with the appropriate account number and name in alphabetical order.
- (D) A monthly statistical report reflecting gross dollars placed, gross recoveries, liquidation percentages, and commission charges.
- (F) A monthly statistical report reflecting Summary Totals of all Agency Activity.
- (G) Other reports as mutually agreed upon.

SEVENTH: The Collector agrees to provide the necessary personnel, computer programming, expertise, and network capabilities for the purpose of accepting the Company's accounts in an electronic format to be designated by the Company.

EIGHTH: The Collector agrees to cooperate with and assist The Company in the design of a convenient and efficient means for identifying and reporting monies paid directly to The Company or its client.

NINTH: The Collector shall protect, defend, indemnify, and hold harmless The Company, its directors, officers, agents, servants, and employees from, and against, all costs, expenses, attorney's fees, injuries, losses, damages, orders, judgments, and liability whatsoever, and from any and all claims, demands, proceedings, suits, actions, and causes of action that may, at any time, be made or brought against them, whether the same arise out of, or connected with, result directly or indirectly from, the acts, omissions, collection procedures or collections services of The Collector, its agents, servants, employees, representatives, or attorney it engages to assist in collection; whether or not same are made or brought against The Company, its directors, officers, agents, servants, or employees individually, or jointly against one or more of them, or jointly against one or more of them and The Collector.

TENTH: The Collector shall commence no litigation on any account without the written authorization of The Company.

ELEVENTH: The failure of either party to enforce, at any time, the terms, provisions, or covenants of this Agreement shall in no way be construed to be a waiver of such terms, provisions, and covenants; nor shall such failure in any way affect the validity of this Agreement, or any part thereof, nor affect the right of either party to thereafter enforce each and every term, provision, and covenant herein. This Agreement is to be governed by and construed under the internal laws of the **State of Kentucky**.

TWELFTH: This Agreement contains the entire Agreement between the parties, and there is no outside or collateral agreement existing not specified herein. This Agreement shall only be amended, modified, deleted, or otherwise changed by written supplement hereto, which must be executed by both parties.

THIRTEENTH: The Collector shall secure written approval from The Company before any specifications, records, data, or any other information relating to this Agreement are released to anyone other than those requiring the information for the performance of work under this Agreement. Any information of the type described hereinabove which is furnished by The Company to The Collector under or in contemplation of this Agreement shall remain The Company's property and unless such information is (1) within public knowledge, or (2) made public by The Company or a third party, or (3) was previously known to The Collector free of any obligation to keep it confidential, it shall be kept confidential by The Collector.

The Company shall not receive The Collector's information in confidence.

FOURTEENTH: Neither this Agreement nor any rights there under may be assigned by The Company or by The Collector without the prior written consent of the other party, such permission not to be reasonably withheld. However, The Company may assign the Agreement to any of The Company's owned or affiliated entities without the consent of The Collector

FIFTEENTH: It is agreed that The Collector, at its own expense, shall take out and carry at all times and keep in full force and effect during the term of the Agreement, comprehensive general liability insurance, with a minimum limit of \$1,000,000. The policy or policies shall protect The Company, its directors, officers, agents, servants, and employees, and The Collector against claims or suits alleging personal or bodily injury including death, malicious prosecution, libel, slander, defamation of character, property damage, invasion of privacy, wrongful eviction, wrongful entry, wrongful attachment, false arrest, false detention, false imprisonment and all other actions or suits, howsoever denominated arising out of, or in connection with, other performances or lack thereof by The Collector under this Agreement or such other insurance as may be approved by The Company. All such insurance will be subject to the approval by The Company as to adequacy of protection, and The Collector will furnish The Company with duplicate certified copies of all such insurance policies at the request of The Company, together with the agreement of the insurance company to notify The Company in writing, at least 10 days prior to any cancellation, modification, or other charges in said policy or policies. *The Company will be added as a certificate holder to the insurance and a copy of the liability policy with their name added will be sent for their keeping.*

SIXTEENTH: In the event that any one or more of the provisions contained herein shall for any reason be held to be unenforceable in any respect under the law of this State of the United States of America, such unenforceability shall not affect any other provisions of this Agreement, but this Agreement shall then be construed as if such unenforceable provision had never been contained herein.

SEVENTEENTH: Both parties recognize the importance of the Health Insurance Portability and Accountability Act ("HIPAA") and the regulations promulgated there under in maintaining security, privacy, and confidentiality of patient information. Therefore, to the extent that each party's business functions are governed by the HIPAA transaction, security, and/or privacy regulations, each party will have all appropriate organizational and technical policies, procedures, and safeguards in place in order to comply with the applicable provisions of the HIPAA regulations. Furthermore, both parties agree to execute any and all documents, including a business associate agreement, which is attached hereto as Exhibit or Attachment B, as necessary, in order for either party to comply with the requirements of HIPAA and the regulations promulgated there under.

EIGHTEENTH: Payment of Invoices – All client invoices for commissions, fees, equipment, and other miscellaneous charges shall be billed each month by Credit Bureau Systems on or about the tenth of the month following the close of business from the prior month. All invoice amounts are due and payable within thirty (30) days of the date of the invoice. All invoices that remain open after 90 days from the date of the invoice are subject to finance charges of ½ of 1% of the unpaid balance each month.

The Collector will provide the total GROSS remittance on all dollars received directly by The Collector to The Company at the end of each month and will invoice The Company for any commissions due The Collector.

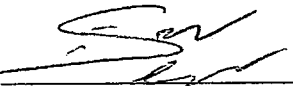
In the event that a charge or invoice, which has not been disputed, remains open after 75 days, Client hereby authorizes CREDIT BUREAU SYSTEMS/MARS/AMB to withhold and retain money from payment transactions on patient accounts and to apply such money to the outstanding invoices and amounts owed CREDIT BUREAU SYSTEMS/MARS/AMB.

**NINETEENTH: CHANGES IN BILLING AND/OR ACCOUNT PROCESSING:**

In the event that The Company shall change its billing processes and procedures in a manner that materially affects the aging or collectability of the accounts to be referred under this agreement, The Company agrees to provide thirty-day prior written notice to The Collector describing the changes in the Company's billing procedures. This requirement for written notice includes the referral of accounts to other third party vendors, changes in the revenue or billing cycles such as adding additional days prior to bad debt write-off, and/or the referral of the accounts to pre-collection or early out services.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date first above written.

The Collector: Credit Bureau Systems, Inc.

By: 

Title: Regional Sales Manager

The Company: City of Franklin

By: \_\_\_\_\_

Title: \_\_\_\_\_



## Exhibit A

### **An Addendum to the Collection Service Agreement Stipulating the Fees and Contingency Commissions to Be Paid Under Section Four and Five Of The Collection Service Agreement**

This addendum to the Collection Service Agreement by and between

City of Franklin And Credit Bureau Systems, Inc.

Is herewith incorporated into the original agreement dated on the 12 th day of Feb, 2020.  
**WITNESSETH THAT:**

Whereas, the parties have entered into and executed a Collection Service Agreement, a copy of which is attached,  
Now therefore, in consideration of the covenants and promises contained in the Collection Service Agreement, the parties do agree as follows:

In accordance with the "Fourth" and "Fifth" sections of The Collection Service Agreement, the sole charge to The Company for the services to be rendered by The Collector shall be:  
**commission.** On all accounts sent to The Collector by The Company, The Collector shall be entitled to a designated percent of amounts collected by The Collector, or collected by or paid directly to The Company, or its client according to the following schedule:

**Twenty percent (20%)** of all recoveries, regardless of the source of payment on all non-legal recoveries.

**Twenty-five percent (25%)** of all recoveries on accounts older than a year old.

Should legal action become necessary, meaning the filing of a formal complaint in any court of law, **thirty-two percent (32%)** will be the fee to which The Collector is entitled. The collector will pay all court costs and attorney fees involved in the litigation of the account.

**Zero percent (0%)** of all amounts collected only if commission fee added criteria has been met. Proof the debtor has expressly consented to 32% collection agency fees upfront would need to be provided for each account listed at no cost to The Company.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date first above written.

The Collector: **Credit Bureau Systems, Inc.**

By: [Signature]

Title: Regional Sales Manager

The Company: **City of Franklin**

By: \_\_\_\_\_

Title: \_\_\_\_\_

# ORDINANCES

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**ORDINANCE NO. 2020 - 002**

**AN ORDINANCE OF THE CITY OF FRANKLIN, KENTUCKY  
RELATING TO THE CITY/COUNTY BUILDING INSPECTOR PROGRAM  
AND AMENDING SECTIONS 151.15, 151.16, 151.18, 152.01, 153.02, AND 153.11  
OF THE CITY OF FRANKLIN CODE OF ORDINANCES AND ADDING SECTION 11.5  
TO THE FRANKLIN-SIMPSON PLANNING AND ZONING REGULATIONS**

WHEREAS, there have been changes to the Kentucky Revised Statutes that require certain changes to the existing ordinances; and

WHEREAS, it has come to the Board of Commissioner's attention, upon recommendation from certain staff members, that there is a need for an appeals process from decisions made by the City/County building inspector; and

WHEREAS, the Board of City Commissioners has recognized a need to identify the types of structures that will be inspected if and when Franklin and Simpson County is granted expanded jurisdiction to review and inspect commercial buildings, and the Board wishes to implement and adopt this ordinance setting these parameters; and

WHEREAS, it is the opinion and judgment of the Board of Commissioners of the City of Franklin that it is necessary to amend the existing ordinances and/or regulations to reflect the changes as set forth herein; and

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kentucky, acting by and through its Board of Commissioners as follows:

Section 151.15 is hereby amended as follows:

**§ 151.15 BUILDING CODE ADOPTED.**

(A) ~~The State Building Code~~ 2015 International Building Code, as promulgated in 815 KAR 7:120 by the Board of Housing, Buildings and Construction of the ~~e~~Commonwealth, is hereby adopted as the mandatory building code for all buildings constructed in the City, except that the Kentucky amendments in the 2018 Kentucky Building Code shall supersede any conflicting provision in the 2015 International Building Code. These codes are incorporated herein by reference and adopted -in full as an ordinance of the city as if set out at length herein. The City further adopts and incorporates herein by reference any and all changes and amendments made, from time to time, by the Board of Housing, Buildings, and Construction to the mandatory building code(s) for the Commonwealth (hereinafter referred to collectively as the "State Building Code") whether set forth in 815 KAR 7:120 or otherwise.

(B) A copy of ~~said~~current State Building Code together with a copy of all other regulations or NFPA Pamphlets adopted or referred to thereunder, shall be kept in the Franklin-Simpson Planning and Zoning Office of the County Clerk, and that officee-Clerk shall at all times keep and maintain a current copy of said building code for public reference.

(C) An attested copy of this subchapter shall be transmitted to the Department Housing, Buildings and Construction of the ~~C~~ommonwealth to the extent necessary or required.

Section 151.16 is hereby amended as follows:

**§ 151.16 ENFORCEMENT.**

~~The County Fiscal Court~~ Franklin-Simpson Planning and Zoning Commission, by and through the local City/County Building Inspector shall be designated local enforcement agent/agency for ~~said~~the State Building Code and State Residential Code. The local City/County building inspector shall serve as the inspector and/or on-site inspector for all applicable structure plan reviews and/or inspections made in accordance with any and all state and/or local ordinances, resolutions, rules or regulations, and the City/County Building Inspector's duties shall include, but not be limited to plan review and inspections of all commercial and residential structures to the extent permitted or allowed by the Commonwealth of Kentucky and this ordinance. Provided, however, that the local



City/County Building Inspector shall not conduct plan reviews and inspections on the following: all buildings, structures, or property classified as High-Hazard Group H under all applicable sections of the State Building Code including, but not limited to Section 307 of said code; and all buildings, structures, and property classified as Institutional Group I-1, I-2, and I-3 under all applicable sections of the State Building Code including, but not limited to Section 308 and 408 of said code.

Section 151.18 shall be deleted in its entirety as follows:

**§ 151.18 APPLICABILITY.**

~~—The application of the State Building Code is extended to all single-family dwellings in the city which are to be constructed or remodeled.~~

Section 152.01 shall be amended as follows:

**§ 152.01 RESIDENTIAL CODE AND INSPECTIONS.**

(A) The State Residential Code, Chapters 1 through 43, as published by the International Code Council, Inc. The 2015 International Residential Code for One (1) and Two (2) Family Dwellings (IRC) shall be the mandatory city residential building code for all single-family dwellings, two (2) family dwellings, and townhouses constructed in the city, except that the Kentucky amendments in the 2018 Residential Code shall supersede any conflicting provision in the 2015 IRC (hereinafter referred to collectively as the “Residential Code”). The Residential Code is incorporated herein by reference and adopted in full as an ordinance of the city as if set out in length herein. Further, and/or any subsequent changes or amendments revisions thereto to the Residential Code made by the Board of Housing, Buildings, and Construction or other duly authorized agency or body is hereby adopted for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the city, and each and all of the regulations, provisions, conditions and terms of such Residential State Residential Code, 2002 edition, and/or subsequent revisions thereto, published by the International Code Council shall be kept on file in the Franklin-Simpson Planning and Zoning Office, and that office shall at all times keep and maintain a current copy of said Residential Code for public reference of the Building Inspector are hereby referred to, adopted and made a part hereof as it fully set out in this section.

(B)(a) In accordance with KRS 198B.060(1), permits, inspections, and certificates of occupancy shall be required for a single-family residence or dwelling, with the costs of said permits, inspections, and certificates of occupancy being set forth in Ordinance 2019-24 and/or by and through other ordinances, resolutions, or regulations.

(C)(b) All residential occupancies that are not single-family dwellings, two-family dwellings, or townhouses shall comply with the provisions of Section 151.15 of this Code of Ordinances.

**153.02 NATIONAL ELECTRICAL CODE ADOPTED.**

There is hereby adopted pursuant to KRS 198B.060 and Article 15 of the applicable sections of the Kentucky Revised Statutes and the State Building Code, for the purpose of establishing rules and regulations for the installation, maintenance and repair of electrical wiring, apparatus or equipment for light, heat or power inside or attached to buildings within the jurisdiction of the city, or attached to the service company’s lines, a certain code known as the National Electrical Code, 1999 Edition National Electric Code NFPA 70, the edition of which is adopted by and through the State Building Code, sponsored by the National Fire Protection Association of which a three copies of which shall be kept on file in the Planning and Zoning Office for public review office of the Building Inspector. In the event that this edition of the National Electrical Code is revised subsequent to the adoption of this chapter, the city hereby adopts the most recent publication or edition of the National Electrical Code. Further, all structures shall be inspected by the local Electrical Inspector using the edition of the National Electrical Code that was in existence as of the date the permit for the structure to be inspected was obtained.

Section 153.11(T) shall be deleted in its entirety as follows:

**§ 153.11 MISCELLANEOUS ELECTRICAL PROVISIONS**

~~(T) Any person(s) or entity aggrieved by a decision of the Electrical Inspector shall have a right to appeal said decision to the Franklin-Simpson Planning and Zoning Board of Adjustments. Said appeal must be submitted to the~~

~~Franklin Simpson Planning and Zoning office, in writing, within ten days of the date of the decision of the Electrical Inspector. The Board of Adjustments shall conduct a hearing on the Electrical Inspector's decision as soon as practicable after the filing of the written notice of appeal.~~

There shall be added a new Article 11.15 to the Franklin-Simpson Planning and Zoning Regulations which shall read as follows:

11.15 Appeals from Decisions of Local Building and/or Electrical Inspector:

(A) Establishment of the Inspector Appeals Board: Pursuant to KRS 198B.070(3), any party to a decision by the local building or electrical inspector may appeal that decision to the local appeals board which shall be known as the "Inspector Appeals Board." This Board shall consist of five (5) members who are technically qualified and have professional experience related to the building industry.

(B) Membership on the Appeals Board, How Appointed, and Miscellaneous Provisions: The Inspector Appeals Board members shall be chosen as follows:

1. Three (3) members shall be chosen by the County Judge Executive with approval from the Simpson Fiscal Court; and,

2. Two (2) members shall be chosen by the Mayor of the City of Franklin with approval from the City of Franklin Board of City Commissioners.

3. Term of Office: The initial members appointed by the County Judge Executive shall serve a term of one (1), two (2), or three (3) years at the discretion of the County Judge Executive with the approval of the Simpson Fiscal Court. Likewise, the initial members appointed by the Mayor shall serve a term of one (1) or two (2) years at the discretion of the Mayor with the approval of the Board of City Commissioners. After the initial term, all members shall serve for a term of three (3) years. Further, any member may be reappointed subject to the approval of the respective legislative body.

4. Removal from Office: A board member may be removed from office by the legislative authority for misconduct, inefficiency, or willful neglect of duty. The legislative authority shall submit a written statement to the member and the legislative body setting forth the reasons for removal. The member so removed shall have the right of appeal to the Circuit Court.

5. Oath of Office: Members of the board shall, before entering upon the duties of their office, take the oath of office as prescribed by Section 228 of the Kentucky Constitution.

C. Time for Appeal and Hearing: Upon receipt of an appeal from a qualified party, the Inspector Appeals Board shall convene a hearing to consider the appeal within fifteen (15) days of receipt. All parties to the appeal shall be notified of the time and place of the hearing by letter mailed certified mail no later than ten (10) days prior to the date of the hearing. The Building Inspector Appeals Board shall render a decision within five (5) working days after the hearing.

D. Results of Building Inspector Appeals Board Decisions and Appeals from the Board: The Inspector Appeals Board may uphold, amend, or reverse the decision of the City/County building inspector. There is no appeal from the Building Inspector Appeals Board other than by appeal to the Commonwealth of Kentucky Board of Housing, Buildings, and Construction pursuant to KRS 198B.070.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

\_\_\_\_\_  
February 20, 2020

FIRST READING

\_\_\_\_\_  
February 24, 2020

SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on February 24, 2020, on motion made by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted, after full discussion, by the following vote:

\_\_\_\_\_ BROWNIE BENNETT  
\_\_\_\_\_ JAMIE POWELL  
\_\_\_\_\_ HERBERT WILLIAMS  
\_\_\_\_\_ WENDELL STEWART  
\_\_\_\_\_ LARRY DIXON, MAYOR

APPROVED BY:

\_\_\_\_\_  
LARRY DIXON, Mayor

ATTEST:

\_\_\_\_\_  
Cathy Dillard, City Clerk