

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

September 27, 2021

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

The Franklin, Kentucky City Commission met in Regular Session at 12:00 Noon, Monday, **September 27, 2021**, in the City Hall meeting room located at 117 West Cedar Street, Franklin, Kentucky.

Members attending were as follows:

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

Others present included City Manager Kenton Powell; City Attorney Scott Crabtree; City Personnel Director/Deputy Clerk Rita Vaughn; City Finance Director Carol Riegenbach; City Assistant Finance Director Daniel Reetzke; Franklin Police Chief Roger Solomon; Public Works Director Chris Klotter; City Clerk Cathy Dillard; Community Development Director Tammie Carey; John Whitaker from First Baptist Church; Water Treatment Plant employees Greg Duke, Jerry Farmer, Jason May, and Johnnie Skipworth; and, Tammie McCorry and Keena Richardson with Live the Proof, Inc.

Mayor Dixon called the meeting to order at 12:00 Noon, and John Whitaker from First Baptist Church offered the opening prayer.

APPROVAL OF MINUTES

Motion was made by Commissioner Bennett and seconded by Commissioner Williams to approve the minutes as presented of the Franklin City Commission September 13, 2021, Regular Meeting; the September 13, 2021, Public Hearing to Set the Tax Rate; and, the September 21, 2021 Regular Joint City/County Meeting.

Voting Aye by Roll Call: All members present. Motion carried unanimously.

HEAR THE PUBLIC

Tammie McCory, Executive Director of Live the Proof, Inc. addressed the Commission regarding homelessness in Franklin and provided the Commission with information about his organization, Live the Proof, Inc. This organization is a 501(3)c non-profit assisting the homeless community and provides meals to anyone in need. Mr. McCory stressed that his organizations mission was “a hand-up rather than a hand-out” and is currently seeking donations to continue his program.

No action was taken by the Commission regarding this matter.

RECOGNITIONS

The City of Franklin Water Treatment Superintendent Jerry Farmer will officially retire on Thursday, September 30, 2021. Jerry has worked for the City of Franklin for 31 years. Under Jerry’s leadership the Water Treatment Plant has received numerous awards and recognitions and in 2016 received the prestigious award of Best Tasting Water in Kentucky. This distinction allowed them to compete in the national competition in Washington, D.C. in 2017 where they placed third in the nation, a rarity for a surface water treatment facility.

Jerry Farmer represents the epitome of dedication and commitment to his job and to his co-workers. He always said he made sure to surround himself with people who are smarter than him so he would have peace of mind to know the water plant would function in his absence. Jerry always has a smile on his face and a kind word for everyone he meets, be it a co-worker or someone in the community. Thank you Jerry for 31 years of service to the citizens of Franklin by providing safe, clean drinking water.

COMMUNITY SERVICES

City Manager Kenton Powell asked the Commission to consider Halloween Trick or Treat hours in the City limits. He had consulted with Chief Solomon and recommended Sunday, October 31, 2021, from 4:30 PM until 7:30 PM.

Motion was made by Commissioner Powell and seconded by Commissioner Williams to set the hours for Trick or Treat in the City of Franklin on Sunday, October 31, 2021, from 4:30 PM until 7:30 PM.

Voting Aye: All members present. Motion carried unanimously.

City Manager Kenton Powell asked the Commission to consider a street closing request made by LaToya Anthony for the 2nd annual Taking It to the Streets event on October 9, 2021. Ms. Anthony has requested to close College Street from West Cedar Street to West Kentucky Street from 8:00 AM until 5:00 PM on that date.

Motion was made by Commissioner Stewart and seconded by Commissioner Powell to close College Street from West Cedar Street to West Kentucky Avenue on Saturday, October 9, 2021, from 8:00 AM until 5:00 PM for the 2nd annual Taking It to the Streets event.

Voting Aye: All members present. Motion carried unanimously.

Community Development Director Tammie Carey asked the Commission to consider approval of three resolutions that are required by for the Community Development Block Grant Utility Assistance Program which was awarded on July 21, 2021.

Motion was made by Commissioner Powell and seconded by Commissioner Williams and was unanimously approved by roll call vote the following resolutions:

CITY OF FRANKLIN, KENTUCKY

RESOLUTION I-2021

***Guideform Residential Anti-displacement and Relocation Assistance Plan
under Section 104(d) of the Housing and Community Development Act of 1974,
as amended***

The Franklin City Commission will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.488a(c)(1).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the Franklin City Commission will make public and submit to the Department of Local Government the following information in writing:

- 1. A description of the proposed assisted activity;*
- 2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate income dwelling units as a direct result of the assisted activity;*
- 3. A time schedule for the commencement and completion of the demolition or conversion;*
- 4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;*
- 5. The source of funding and a time schedule for the provision of replacement dwelling units; and*
- 6. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy.*

The Franklin City Commission will provide relocation assistance, as described in 570.488a(c)(1) to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the Act, the Franklin City Commission will take the following steps to minimize the displacement of persons from their home:

The Franklin City Commission will seek to undertake projects that will not create the displacement of persons from their homes. When the displacement of persons cannot be avoided, the project will be designed to minimize the number of the affected parties and will follow all requirements to mitigate the effect upon those impacted.

This 27th day of September, 2021.

CITY OF FRANKLIN, KENTUCKY

RESOLUTION J-2021

KCDBG PROCUREMENT CODE

All procurements made by the Franklin City Commission (hereafter referred to as "Grantee/ Subrecipient") involving the expenditure of local, state and federal funds on CDBG Project 20C-112 shall be made in accordance with the following procurement standards.

Procurement transactions, regardless of method or dollar value, will maximize open and free competition. The Grantee/Subrecipient shall not engage in procurement practices that may be considered restrictive in trade.

Purchases will be reviewed by the Treasurer to prevent duplication and to insure that costs are reasonable.

1. Methods for Procurement

Procurements shall be made by one of the following methods: (a) small purchase procedures, (b) competitive sealed bids, (c) competitive negotiation, (d) non-competitive negotiation.

A. SMALL PURCHASES

*For purchases of less than \$50, efforts will be made to get the lowest and best price, but written records of such efforts are not necessary. Purchases that cost more than \$50 but less than \$20,000 require quotations of rate, price, etc., but no legal advertisement is required. The **Grantee/Subrecipient** will solicit responses from at least three vendors. If written responses are not available, a statement explaining the procurement will be prepared and filed. If quotations are obtained via telephone, a memorandum will be prepared setting forth the date the calls were made, parties contacted, and prices obtained.*

*The **Grantee/Subrecipient** will make the award to the lowest responsive and responsible source, and enter into a contract formalizing the scope of work and terms of compensation.*

B. COMPETITIVE SEALED BIDS

Bidding will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost. When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services other than those personal or professional exceeds \$20,000, an Invitation for Bids (IFB) notice will generally be prepared. Per KRS 424.120, this notice will be published at least once in a qualifying official newspaper of general circulation within the community. This newspaper notice will appear not less than seven (7) days and not more than twenty-one (21) days before the due date for bid proposals. In addition, the Grantee/Subrecipient must solicit sealed bids from responsible prospective suppliers by distributing a copy of such notice to them.

The IFB will include a general description of the goods or services to be procured, the bid deposit and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest bid price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be utilized must be stated in the IFB. The newspaper notice must also contain language that calls to the attention of bidders all applicable requirements that must be complied with such as Section 3 of the 1968 Housing Act, Section 109 of the 1974 Housing and Community Development Act, the Civil Rights Act of 1964, Executive Order 11246 and the Davis-Bacon Act.

Sealed bids will be opened in public at the time and place stated in the IFBs. The Grantee/Subrecipient will tabulate the bids at the time of bid opening. The results of the tabulation and the bid documents will be evaluated by the review committee, which will make recommendations to the Grantee/Subrecipient. The Grantee/Subrecipient will make a firm fixed-price contract award in writing to the lowest responsive and responsible bidder. After the Grantee/Subrecipient makes the bid award, a contract will be prepared for execution by the successful bidder. After the contract is signed, all bid deposits will be returned to all unsuccessful bidders.

The Grantee/Subrecipient may cancel an Invitation for Bid or reject all bids if it is determined in writing that such is in the best interests of the Grantee/Subrecipient. The Grantee/Subrecipient may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.

Bid Overages:

The following options are available for awarding a bid following an overage:

- 1) Obtaining additional funds from another source and continuing with the original IFB.
- 2) Rejecting all bids, revising project scope and bid specifications, and issuing a revised IFB (competitive sealed bid) open to the entire public; or
- 3) Conducting competitive negotiations with all bidders. (**Grantees must seek pre-approval from DLG for this option**).

Competitive negotiations under option (3) must take place under the following criteria:

1. If discussions pertaining to the revision of the specifications or quantities are held with any bidder, all of the bidders shall be afforded an opportunity to take part in such discussions.
2. After discussions with the bidders, the grantee shall revise the scope of work accordingly and issue an RFP open to all bidders, providing for expedited proposals. No advertisement is required, but the grantee shall allow **at least seven days** for bidders to submit proposals.
3. The RFP shall be awarded on the basis of **lowest bid price**.

C. **COMPETITIVE NEGOTIATION**

The Grantee/Subrecipient may utilize competitive negotiations, regardless of contract amount, upon a written determination that:

1. Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid price or the lowest evaluated bid price (in other words, bidding is not feasible).
2. The services to be procured are professional or personal in nature.

The use of the competitive negotiations procurement method for contracts other than architectural, engineering, planning or administrative services must be pre-authorized by DLG. With the exception of procurement of certain professional services (principally engineering services), competitive negotiations will proceed as follows:

1. Proposals will be solicited through a qualifying official newspaper advertisement; additionally, a Request for Proposal (RFP) may be prepared and mailed to qualified vendors. The newspaper advertisement must be published at least seven (7) days and not more than twenty-one (21) days before the date for receipt of the proposals. The RFP will describe services needed and identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor. The RFP will also state where further details regarding the RFP may be obtained. The RFP will call attention to the same regulations discussed in the bidding process. Requests for proposals will always include cost as a selection factor except for engineering services.
2. Award must be made to the offeror whose proposal is determined by the review committee to be most advantageous to the program, with price and other factors considered. Evaluations must be based on the factors set forth in the Request for Proposal and a written evaluation of each response prepared. The review committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be abandoned.

For the procurement of architectural/engineering (A/E) professional services, an alternative to RFPs may be used. The Grantee/Subrecipient may publish a Request for Qualifications. RFQs are handled in a similar method to RFPs with the exception that cost is not a factor in the initial evaluation. A review committee will evaluate the responses and rank them by comparative qualifications. The highest scoring person or firm will be contacted and the selection committee will negotiate cost. If the committee is unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm will be invited to negotiate. The committee will maintain a written record of all such negotiations.

D. **NON-COMPETITIVE NEGOTIATIONS**

Non-competitive negotiation is procurement through solicitation of a proposal from one source, and is often referred to as sole source procurement. A contract may be awarded by noncompetitive negotiation

only when the award is infeasible under small purchase procedures, competitive sealed bids, or competitive negotiations and one of the following circumstances applies:

- 1. There is some public emergency that will not permit delay resulting from competitive solicitation (the grantee must declare an emergency as authorized by law); or*
- 2. The results of the competitive negotiations are inadequate; or*
- 3. The product or service is available only from a single source.*

Caution: The use of the non-competitive negotiations procurement method must be authorized by DLG.

The following requirements apply to the non-competitive negotiations procurement process:

- 1. Negotiations must be conducted with the selected company regarding a scope of work and price; and*
- 2. Preparation and signing of a contract formalizing a scope of work and the terms of compensation is required.*

II. CONTRACTS

Generally, all procurement in excess of \$500 will be memorialized and supported by a written contract. Where it is infeasible or impractical to prepare a contract, a written finding to this effect will be prepared and a purchase order regarding the transaction will also be prepared. The contractual provisions required by "The Common Rule" will be included in all contracts and purchase orders.

III. DOCUMENTATION

All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data, and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is infeasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed, the purpose of this section is to insure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost (including the issue of reasonableness of cost) and basis for payment.

IV. LOCALLY OWNED, MINORITY OWNED, FEMALE OWNED AND SMALL BUSINESSES

The Grantee/Subrecipient shall make and document efforts to solicit participation of locally owned, minority owned, female owned and small businesses. Where feasible, evaluation criteria will include a factor with an appropriate weight for these firms. A list of locally owned, minority owned, female owned and small businesses and also minority businesses located within the trade region shall be maintained and utilized when issuing IFBs, RFPs and RFQs. The Grantee/Subrecipient shall also consult this list when making small purchases.

VI. SECTION 3

Grantee/Subrecipient shall abide by its Section 3 action plan and shall, to the maximum extent feasible, as required by 24 CFR Part 135, award contracts to businesses that provide economic opportunities for low and very low-income persons residing in the project area.

VII. CODE OF CONDUCT

A. CONFLICTS OF INTEREST

In addition to the prohibitions set forth in 24 CFR 570.489(h) and 24 CFR 85.36(b)(3), the following prohibitions shall apply:

It shall be a breach of ethical standards for any employee with procurement authority to participate directly in any proceeding or application; request for ruling or other determination; claim or controversy; or other particular matter pertaining to any contract, or subcontract, and any solicitation or proposal therefor, in which to his knowledge:

- (a) He, or any member of his immediate family has a financial interest therein; or*
- (b) A business or organization in which he or any member of his immediate family has a financial interest as an officer, director, trustee, partner, or employee, is a party; or*

(c) Any other person, business, or organization with whom he or any member of his immediate family is negotiating or has an arrangement concerning prospective employment is a party. Direct or indirect participation shall include but not be limited to involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

(2) It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment, in connection with any decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling or other determination, claim or controversy, or other particular matter, pertaining to any contract or subcontract and any solicitation or proposal therefor.

(3) It is a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

(4) The prohibition against conflicts of interest and gratuities and kickbacks shall be conspicuously set forth in every local public agency written contract and solicitation therefor.

(5) It shall be a breach of ethical standards for any public employee or former employee knowingly to use confidential information for his actual or anticipated personal gain, or the actual or anticipated personal gain of any other person.

B. PENALTIES

Any elected official, employee or designated agent of the **Grantee/Subrecipient** who knowingly and deliberately violates the provisions of this code will be open to civil suit without the legal protection of the **Grantee/Subrecipient**. Furthermore, such a violation of these procurement standards is grounds for dismissal by the **Grantee/Subrecipient**.

Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with the **Grantee/Subrecipient**.

ADOPTED THIS 27th DAY OF SEPTEMBER, 2021

CITY OF FRANKLIN, KENTUCKY

RESOLUTION K-2021

Fair Housing

LET IT BE KNOWN TO ALL PERSONS OF the City of Franklin, Kentucky that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing or in the provision of brokerage services because of race, color, religion, sex or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law).

It is the policy of the City of Franklin to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex or national origin. The Fair Housing Amendments Act of 1988 expanded coverage to include disabled persons and families with children and HUD 2012 regulations expanded coverage to sexual orientation or gender identity. Therefore, the City does hereby pass the following Resolution.

BE IT RESOLVED that within available resources the City will assist all persons who feel they have been discriminated against because of race, color, religion, sex, sexual orientation, gender identity, national origin, disability or familial status to seek equity under Federal and state laws by filing a complaint with the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.

BE IT FURTHER RESOLVED that the City shall publicize this Resolution and through this publicity shall encourage owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law and amendments and any applicable state or local laws or ordinances.

SAID PROGRAM will at a minimum include: (1) printing and publicizing of this policy and other applicable fair housing information through local media and community contacts; (2) distribution of posters, flyers, and any other means that will bring attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing; and (3) prepare an analysis of impediments to fair housing choice and actions to mitigate such impediments.

This resolution shall take effect September 27, 2021.

GENERAL GOVERNMENT

Community Development Director Tammie Carey asked the Commission to consider a request to grant a five (5) year tax moratorium for a downtown historic district property located at 130 West Kentucky Avenue. Holloway Investments, LLC purchased the property at 130 West Kentucky Avenue for \$420,000.00 and anticipates renovations to the building to be complete by year end.

Motion was made by Commissioner Bennett and seconded by Commissioner Stewart to approve the request for the tax moratorium for property located at 130 West Kentucky Avenue for a period of five (5) years beginning in tax year 2021 and through tax year 2025 and further authorized the Mayor to sign the Application for Assessment Moratorium Certificate on behalf of the City.

Voting Aye by Roll Call: All members present. Motion carried unanimously.

City Attorney Scott Crabtree asked the Commission for two sponsors for a proposed ordinance to award the natural gas franchise to Atmos Energy and Millennium Energy, both of which have submitted bids pursuant to Ordinance No. 2021-016. Both companies have requested to renew their franchise agreements for a 20 year period.

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

City Attorney Scott Crabtree asked the Commission for two sponsors for a proposed ordinance to establish a telecommunications franchise in the City of Franklin. This franchise is for internet services only.

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

PUBLIC SAFETY

Chief Roger Solomon asked the Commission to consider approval of Captain Tim Burnett's Contract Peace Officer Agreement. This renewal is an annual requirement for retired officers who return to duty.

Motion was made by Commissioner Powell and seconded by Commissioner Stewart to approve the Contract Peace Officer Agreement as presented between the City of Franklin and Tim Burnett and further authorized the Mayor to sign this agreement.

Voting Aye by Roll Call: All members present. Motion carried unanimously.

ORDINANCES

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

Ordinance No. 2021-022 titled: *An Ordinance to Close the Public Way Known as the 0.05 and 0.04 Acre Tracts of Land Being a Part of Redwood Street That Has Not Been Paved or Surfaced, Located Near Sunset Circle*

Motion was made by Commissioner Stewart and seconded by Commissioner Bennett to adopt Ordinance No. 2021-022 and was unanimously approved by the following roll call vote:

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

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

Ordinance No. 2021-023 titled: *Ordinance Confirming Sale and Awarding Natural Gas Franchise*

Ordinance No. 2021-024 titled: *Ordinance of the City of Franklin Creating and Establishing for Bid a Non-Exclusive Telecommunications Franchise*

No action is taken on first reading of an ordinance.

EXECUTIVE SESSION

At 12:32 PM, motion was made by Commissioner Williams and seconded by Commissioner Bennett to enter into Executive Session for the purpose of: (1) Litigation – Discussion of proposed or pending litigation {KRS 61.810(1)(c)}; and, (2) Business – Discussions between a public agency a representative of a business entity concerning a specific proposal, where open discussions would jeopardize the siting, retention, expansion, or upgrading of the business {KRS 61.810(1)(g)}.

Voting Aye by Roll Call: All members present. Motion carried unanimously.

Entering Executive Session were Mayor Dixon; Commissioners Powell, Bennett, Williams and Stewart; City Manager Kenton Powell; City Attorney Scott Crabtree; Chris Kenner, Steve Smith, Jack Wade, Scott Randolph, Teresa Perkins and Courtney Smith.

Chris Kenner, Steve Smith, Jack Wade, Scott Randolph, Teresa Perkins and Courtney Smith exited Executive Session at 1:45 PM.

At 2:12 PM, motion was made by Commissioner Bennett and seconded by Commissioner Stewart to exit Executive Session and return to open session.

Voting Aye by Roll Call: All members present. Motion carried unanimously.

OTHER COMMISSION BUSINESS

Motion was made by Commissioner Stewart and seconded by Commissioner Powell to authorize the Mayor to sign paperwork regarding the 2021 Franklin TAP project for Pedestrian Improvements with the Franklin-Simpson Industrial Authority providing the required matching funds.

Voting Aye by Roll Call: All members present. Motion carried unanimously.


City Attorney Scott Crabtree asked for two sponsors for a proposed ordinance setting guidelines for street closings and downtown events.

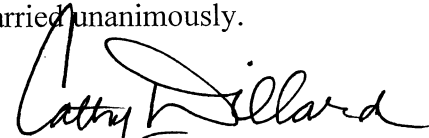
Commissioner Bennett and Commissioner Powell asked to sponsor the ordinance with discussion and first reading taking place at the next regular meeting.

ADJOURNMENT

At 2:18 PM, motion was made by Commissioner Powell and seconded by Commissioner Stewart to adjourn the regular meeting of the Franklin City Commission.

Voting Aye by Roll Call: All members present. Motion carried unanimously.


Larry Dixon, Mayor
City of Franklin, Kentucky


Cathy Dillard, City Clerk
City of Franklin, Kentucky