

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

November 22, 2021

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

The Franklin, Kentucky City Commission met in Regular Session at 12:00 Noon, Monday, **November 22, 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 Riggenbach; City Assistant Finance Director Daniel Reetzke; Lt. Kelly Mayfield, Franklin Police Department; Public Works Director Chris Klotter; City Clerk Cathy Dillard; Community Development Director Tammie Carey; Jeff Arnold; Larry Jernigan; Lee Ross Dinwiddie; David Cummins; Jill Broderon; Teresa Perkins; Jane Lewis; Pamela Brown; Tim Crocker; Sam Crocker; Amanda East; Billy Waits; and, Josh Henderson.

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

APPROVAL OF MINUTES

Motion was made by Commissioner Williams and seconded by Commissioner Powell to approve the minutes as presented of the Franklin City Commission November 8, 2021, Regular Meeting.

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

HEAR THE PUBLIC

Jane Lewis and Pamela Brown with Hope Haven addressed the Commission regarding the services Hope Haven provides to the community. Lewis described Hope Haven as a nationally certified recovery residency facility focusing on sober living and indicated their success rate

was high. In addition, Lewis indicated that residents who completed the program are now working and living in our community and are active and productive citizens in our town. She thanked the Commission for their support of Hope Haven.

GENERAL GOVERNMENT

City Attorney Scott Crabtree asked the Commission to consider approval of the proposed December City Commission meetings:

- Tuesday, December 7, 2021 – Special Called Joint City/County Meeting
- Monday, December 13, 2021 – Regular Commission Meeting
- Thursday, December 16, 2021 – Special Called Commission Meeting
- Monday, December 27, 2021 – Cancel Regular Commission Meeting

The Special Called Joint meeting will be to discuss the Emergency Management Radio Communication upgrade. The topic was discussed at the September 21, 2021, joint meeting and is now ready for further discussion and possible approval.

Motion was made by Commissioner Powell and seconded by Commissioner Bennett to approve the aforementioned meeting dates and times.

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

Lee Ross Dinwiddie Chairman of the Historic Preservation Committee asked the Commission to consider an ordinance approving the expansion of the boundaries of the Historic Preservation District. He indicated that efforts to preserve our downtown historic district have increased property values and economic development.

After some questions and discussion Commissioner Powell and Commissioner Stewart asked to sponsor the ordinance stipulating that all property owners affected by the expansion be notified in writing.

City Clerk Cathy Dillard asked the Commission to consider approval to declare the following list of items as surplus property and authorize the liquidation of the property on GovDeals online auction.

<u>ITEM #</u>	<u>DEPARTMENT</u>	<u>DESCRIPTION / I D NUMBER</u>
1	Police Dept	2003 BMW 530I VIN WBADT63453CK40641
2	Police Dept	1986 Ford F150 VIN 1FTDF15Y3GLA02807
3	Police Dept	2004 Dodge Neon VIN 1B3ES56CX40503534
4	Police Dept	2002 Jaguar S Type VIN SAJDA03PX2GM42920
5	Police Dept	2004 Ford Mustang VIN 1FAFP40644F168461
6	Police Dept	2004 Pontiac Grand AM VIN 1G2NF52E64M536559

7	Police Dept	2000 Jeep Cherokee VIN 1J4G248S1YC400515
8	Police Dept	1995 Buick Regal VIN 2G4WB52L4S1442131
9	Police Dept	2003 Chev Silverado VIN 1GCEC19V63Z334969
10	Police Dept	1992 Ford Ranger VIN 1FTCR10U7NTA55370
11	Police Dept	2007 Toyota Camry VIN 4T1BE46K57U686657
12	Police Dept	2003 Mercury Marauder VIN 2MEHM75V63X616987
13	Water Dist	2010 Ford Crown Vic VIN 2FABP7BV5AX102750
14	Public Works	2011 Ford Crown Vic VIN 2FABP7BV3BX135148
15	Public Works	2006 John Deere Gator CX Serial #M000CXA017300
16	Public Works	2004 Polaris ATV Serial #4XACH50A045846
17	Public Works	2015 Kubota Zero Turn Mower Serial #40351
18	Public Works	2011 Kubota Zero Turn Mower Serial #32369
19	Public Works	2012 Saltdogg Salt Spreaders
20	Public Works	2009 Saltdogg Salt Spreaders
21	Sewer Dept	2000 Ford F350 Super Duty VIN 1FDWF37S6YED75192
22	Sewer Dept	Utility Trailer 6.5x20
23	Sewer Dept	Enclosed Utility Trailer 6x20
24	Sewer Dept	PVC Pipe 10"x14'
25	Water Dist	PVC Pipe 75 Pieces 12"

Motion was made by Commissioner Powell and seconded by Commissioner Stewart to declare the items listed above as surplus property and authorize the sale of these items on GovDeals online auction.

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

City Attorney Scott Crabtree asked the Commission to consider approval of Resolution No. L-2021 authorize entering into a franchise agreement with OpenFiber Kentucky Company LLC granting a ten (10) year non-exclusive franchise for a telecommunication system within the City limits of Franklin.

Motion was made by Commissioner Bennett, seconded by Commissioner Williams and unanimously approved by roll call vote the following resolution:

**RESOLUTION NO. L-2021
CITY OF FRANKLIN**

**A RESOLUTION AUTHORIZING THE CITY OF FRANKLIN
TO ENTER INTO A FRANCHISE AGREEMENT WITH OPENFIBER
KENTUCKY COMPANY LLC, GRANTING A TEN (10) YEAR,
NON-EXCLUSIVE FRANCHISE FOR A TELECOMMUNICATION
SYSTEM WITHIN THE CITY LIMITS OF FRANKLIN**

WHEREAS, by Ordinance No. 2021-024, the City of Franklin created a ten (10) year, non-exclusive franchise for a telecommunications system within the city limits of Franklin; and

WHEREAS, the City of Franklin offered at bid a non-exclusive telecommunications franchise pursuant to Ordinance No. 2021-024; and

WHEREAS, OpenFiber Kentucky Company LLC ("OFKY") has submitted a complete application, including an addendum, for a telecommunications franchise, in accordance with the terms and conditions reflected in Ordinance No. 2021-024; and

WHEREAS, the City of Franklin has reviewed OFKY' application and its addendums, and wishes to grant a non-exclusive telecommunications franchise to OFKY by entering into a franchise agreement with OFKY;

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Franklin, that the Mayor is hereby requested and authorized to execute a franchise agreement with OFKY for a ten (10) year, non-exclusive franchise, the terms of which are subject to the provisions of Ordinance No. 2021-024 and, further, to execute any and all other documents necessary to effectuate a franchise with OFKY.

SO RESOLVED this 22nd day of November, 2021.

City Attorney Scott Crabtree asked the Commission to consider approval of Resolution No. M-2021 authorizing the City to participate in the Opioid Settlement Agreement and to further authorize the City Attorney to review and sign all necessary documents for the settlement on behalf of the City.

Motion was made by Commissioner Bennett, seconded by Commissioner Powell and was unanimously approved by roll call vote the following resolution:

**RESOLUTION NO. M-2021
CITY OF FRANKLIN**

**A RESOLUTION AUTHORIZING THE CITY OF FRANKLIN
TO ENTER INTO AND PARTICIPATE IN THE OPIOID SETTLEMENT AGREEMENT (AKA DISTRIBUTOR
SETTLEMENT) ORIGINALLY DATED JULY 21, 2021 AND ANY AND ALL OTHER NECESSARY
AGREEMENTS TO PARTICIPATE IN THE OPIOID SETTLEMENT AND AUTHORIZE THE CITY
ATTORNEY TO REVIEW AND SIGN ANY AND ALL NECESSARY DOCUMENTS ON BEHALF OF THE
CITY OF FRANKLIN, KENTUCKY**

WHEREAS, a class action lawsuit has been filed with regard to the abuse of opioid prescriptions and distribution by a number of Attorneys General of states and commonwealths across the country; and

WHEREAS, the Commonwealth of Kentucky participated in the litigation, and there has been a settlement reached whereby the Commonwealth of Kentucky and Cities and Counties in the Commonwealth will receive monies to assist in the fight against opioid use and abuse; and

WHEREAS, the City of Franklin has decided to participate in the opioid settlement and obtain its portion of the settlement proceeds to be used in accordance with the settlement terms;

NOW THEREFORE, BE IT RESOLVED by the City Commission of the City of Franklin, that the City Attorney is hereby requested and authorized to execute a Settlement Participation Form, register for participation in the settlement, and to take any other action and execute any and all other documents necessary to participate in the opioid settlement.

SO RESOLVED this 22nd day of November, 2021.

City Attorney Scott Crabtree informed the Commission that Atmos Energy had encountered a procedural error during the bidding and approval of the natural gas franchise with the City of Franklin. As a result, the Commission will need to re-bid and re-award the franchise by ordinance.

Commissioner Stewart and Commissioner Powell asked the sponsor both ordinances for the bidding and award of the natural gas franchise.

PUBLIC SAFETY

City Manager Kenton Powell asked the Commission to consider approval of a career development program for Franklin Police Department officers. This educational opportunity would allow any officer who is eligible to pursue a bachelor’s degree at Indiana Tech at a reduced cost to the City. In addition, the officer would be required to enter into the proposed Career Development and Higher Education Contract with the City of Franklin.

Motion was made by Commissioner Williams and seconded by Commissioner Powell to approve the Franklin Police Department career development program and further authorized the Mayor to sign any and all Career Development and Higher Education Contracts on behalf of the City of Franklin.

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

City Manager Kenton Powell asked the Commission to consider approval of a proposal by ISTT in the amount of \$2,500.00 to prepare the information technology bid specifications for the new police department project.

Motion was made by Commissioner Stewart and seconded by Commissioner Bennett to authorize approve ISTT to prepare the information technology bid specifications for the new police department project and further authorized the Mayor to sign any and all documents necessary for the bid specification for information technology.

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

ORDINANCES

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

Ordinance No. 2021-031 titled: *Ordinance Annexing to the City of Franklin, Kentucky Certain Territory of Land Contiguous to the Existing City Limits Located on 31-W North of Franklin, Kentucky in Accordance with the Comprehensive Plan of Annexation and Declaring an Emergency to Exist*

Motion was made by Commissioner Powell and seconded by Commissioner Stewart to adopt Ordinance No. 2021-031 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>		

Ordinance No. 2021-032 titled: *Ordinance Annexing to the City of Franklin, Kentucky Certain Territory of Land Contiguous to the Existing City Limits Located On 31-W South of Franklin,*

Kentucky in Accordance with the Comprehensive Plan of Annexation and Declaring an Emergency to Exist

Motion was made by Commissioner Bennett and seconded by Commissioner Powell to adopt Ordinance No. 2021-032 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>		

EXECUTIVE SESSION

At 12:58 PM, motion was made by Commissioner Powell and seconded by Commissioner Williams to enter into Executive Session for the purpose of:

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)}

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)}

PERSONNEL – Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee or member {KRS 61.810(1)(f)}

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; and City Attorney Scott Crabtree and Jennifer Knight, Utility Billing Supervisor.

At 1:50 PM, motion was made by Commissioner Williams and seconded by Commissioner Powell to exit Executive Session and return to open session.

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

OTHER COMMISSION BUSINESS

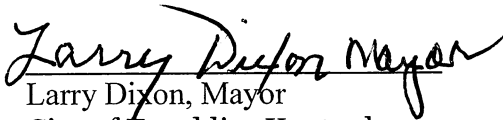
Motion was made by Commissioner Powell and seconded by Commissioner Stewart to promote Amanda Cothorn to the position of Utility Billing Analyst effective November 29, 2021; to promote Cortney Travelstead to the position of Lead Customer Service Representative effective November 29, 2021; and, to recruit and hire a Customer Service Representative.

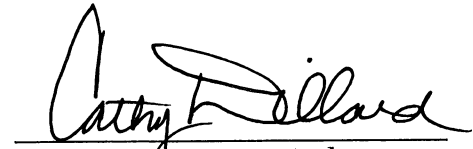
Voting Aye by Roll Call Vote: All members present. Motion carried unanimously.

ADJOURNMENT

At 1:53 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 Vote: All members present. Motion carried unanimously.


Larry Dixon, Mayor
City of Franklin, Kentucky


Cathy Dillard, City Clerk
City of Franklin, Kentucky