

The Franklin City Commission convened in **regular session** at 6:00 p.m., **January 12, 2009**, in the Simpson County School Board meeting room, 430 S. College Street, Franklin, Kentucky. In the chair presiding was the Honorable Mayor Jim Brown, with the following City Commissioners present: Wendell Stewart, Henry Stone and Herbert Williams. Also present were City Manager, Hal W. Toomey; City Attorney, Scott Crabtree; City Finance Director, Cendy Dodd; City Clerk, Kathy Stradtner; and several members of the public. F-S High student Will Wade was present to video tape the meeting. A member of the media, Keith Pyles, from Franklin Favorite/WFKN was present.

Mayor Brown called the meeting to order, and Commissioner Herbert Williams offered an opening prayer.

APPROVAL OF MINUTES

Motion was made by Commissioner Stone and seconded by Commissioner Stewart, to approve the minutes from the December 22, 2008 regular Commission meeting. Ayes: All. Motion carried.

HEAR THE PUBLIC

- **Marcquel L. Bryant, 423 Morris Street**

Marcquel L. Bryant addressed the Commission regarding the living conditions around his home at 423 Morris Street. He feels that several of the surrounding homes are unsafe and need to be condemned and demolished; there is overgrown shrubbery and grass, unsafe dwellings, trash and debris strewn around the yards. The Bryant's are afraid for their children to play in the yard due to the snakes and rodents and have had to purchase and set traps to catch the animals. Mr. Bryant described several of the homes in the area that have tin roofs which are deteriorating and partially falling off the structures creating a hazard. Mr. and Mrs. Bryant reported calling the Code Enforcement Officer frequently over the last three or four years and have received no response; the couple were able to contact Commissioner Wendell Stewart who offered some help with their situation. Mr. Bryant has reviewed the Code Enforcement policies of the City and many of the problems in their neighborhood are in direct violation of the Code and would like for the City Commission to address the problems. Mr. Bryant distributed pictures of the area. During a lengthy discussion, the Commission noted that several years ago when the Harristown Community Development program was implemented, the plan was to continue similar rehabilitation programs throughout the residential neighborhoods of Franklin; those funds were made available through a Federal community development grant which the Federal government has discontinued. The City Commission has attempted to continue a similar program with what funds they have available and have been able to make some progress, but currently funds are not available in the budget to further this work. Following more discussion, Commissioner Stone stated he felt at least the overgrown yards could be mowed by the City and a lien for the cost applied to the property. Mayor Brown pledged to have cost estimates by the next meeting to condemn and tear down some of the more offensive structures in the area.

REGULAR BUSINESS

GENERAL GOVERNMENT

- **Discussion and/or Possible Action Regarding Board Appointments**

Mayor Brown made recommendations for appointments of Commissioners to boards and posts ending December 31, 2010. Motion was made by Mayor Brown and seconded by Commissioner Stewart to approve the recommendations for the 2009-2010 terms of Henry Stone as Mayor Pro-Tem; Wendell Stewart to the Electric Plant Board; Herbert Williams to the F-S Industrial Development Authority Board; and Henry Stone to the Housing Authority Board. Ayes: All. Motion carried.

- **Discussion and/or Possible Action Regarding Commission Appointment**

On September 1, 2008, House Bill 1 went into effect mandating a "separation date" of three (3) calendar months between the time a participant in the County Employee Retirement System (CERS) retires and when he can again be employed; this is the situation Jamie Powell falls under. At least eight months before Mr. Powell's retirement he contacted CERS and received approval to retire on November 30, 2007 2008 and at that time, that date was a sufficient separation date to assume his office on January 1, 2009 should he be elected to the Commission. Subsequent to that date the law changed and now Mr. Powell, who received the most votes during the November City Commissioner election, is unable to take office as a City Commissioner without losing his CERS retirement benefits. Therefore only three Commissions were sworn in earlier this month for the 2009-2010 terms. City Attorney Scott Crabtree has carefully reviewed the Kentucky Statutes regarding filling the vacancy on the City Commission (as noted in Section 152 of the Kentucky Constitution, Kentucky Revised Statute (KRS) 83A.040) and Attorney General Opinions related to the issue. Pursuant to the law, specifically KRS 83A.040, if a vacancy occurs on the City Commission, the remaining members of the Commission have thirty days to appoint a replacement; failure to do so within the thirty days means the appointment power goes to the Governor. After further discussion, motion was made by Mayor Brown and seconded by Commissioner Stone to appoint Bill Austin to serve the vacant office of City Commissioner. Ayes: All. Motion carried. It was noted that legislation to correct this problem and allow Mr. Powell, and others in a similar situation, to assume their offices is being considered in the Kentucky legislature during this session and Commissioner Austin has offered to step down should this occur.

- **Discussion and/or Possible Action Regarding Resolution Supporting County Employee Retirement Systems Reform**

City Manager Toomey presented to the Commission a proposed resolution indicating the City's support for County Employee Retirement System (CERS) reform. Presently the CERS Board of Trustees determines the percentage CERS members must pay into the system and have implemented a five year time frame to reach the full actuary contribution percentage as calculated by the Kentucky Retirement System. The Kentucky Retirement recently implemented a large increase in the employer's contribution rate and is pursuing the plan to increase the rate drastically over the next five years. This has created a financial hardship on the employers, which includes many local governments. Following discussion, motion was made by Commissioner Stone and seconded by Commissioner Williams to adopt Resolution # A-2009 and authorize the Mayor to sign. Ayes: All. Motion carried.

*CITY OF FRANKLIN, KENTUCKY
RESOLUTION A-2009*

*RESOLUTION OF THE CITY OF FRANKLIN KY SUPPORTING COUNTY EMPLOYEE
RETIREMENT SYSTEMS REFORM*

WHEREAS, the City of Franklin, Kentucky is a member of the County Employees Retirement System (CERS); and,

WHEREAS, the Kentucky Retirement Systems board of Trustees determines how much CERS member must pay into the system and cities have no choice but to pay this rate; and,

WHEREAS, without reform, the City of Franklin, KY must now contribute 17.37 percent of non-hazardous duty employees' salaries to the retirement system and 35.61 percent for hazardous duty employees starting in Fiscal Year 2010, a marked increase from last fiscal year; and,

WHEREAS, rate increases will cost the City of Franklin approximately \$115,000.00 more than in FY09; and,

WHEREAS, Allowing CERS members to reach their full contribution obligations over a ten-year period instead of the five-year time frame currently required by the KRS Board of Trustees would provide about \$37.5 million in savings to the agencies participating in CERS next fiscal year; and,

WHEREAS, actuaries with the Kentucky Retirement Systems have determined the ten-year extended phase-in period is fiscally sound; and

WHEREAS, the City of Franklin estimates that the extended phase-in would save approximately \$42,000.00 in FY10.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSION OF THE CITY OF FRANKLIN AS FOLLOWS:

SECTION I. That Mayor Jim Brown is hereby authorized and directed to request that the Kentucky Retirement Systems Board of Trustees move ahead with administrative changes that would extend the phase-in period for reaching the actuarially required contribution (ARC) to a ten-year period instead of a five-year time frame for employers participating in the County Employees Retirement System (CERS).

SECTION II. The foregoing RESOLUTION was read, passed and adopted by the City Commission of the City of Franklin, Simpson County, Kentucky, meeting in regular session on the 12th day of January, 2009, and Mayor Jim Brown was authorized to sign and approve said RESOLUTION.

PUBLIC SERVICES

No items.

PUBLIC SAFETY

No items.

COMMUNITY SERVICES

No items.

UTILITIES

- **Discussion and/or Possible Action Regarding Chemical Building at Waste Water Treatment Plant**

In a memo, Public Works Director Clif Beecher requested the Commission's approval to construct a building to house the chemicals at the Waste Water Treatment Plant (WWTP). Mr. Beecher noted staff would like to relocate the storage of the chemicals (Chlorine and Sulfur Dioxide) closer to the Chlorine Contact Basin (the end point for the chemicals). Along with a change in the type of water used to carry the chemical gas from the new building to the Contact

Basin, the relocating of the building would potentially reap savings in water usage plus the chemical cost savings. The State is in the course of issuing new requirements for the phosphorus removal, and Public Works Director Beecher anticipates utilizing the remainder of the new building for that chemical procedure as well. If the Commission approves this project, the State requires an engineer's seal on the construction drawings which have been prepared by City staff, and once everything is approved bids will be requested. During discussion, Mayor Brown noted he had discussed this project with the Public Works Director and City Manager and would be willing to supervise the project at no cost to the City in order to keep costs down. The plan is to utilize staff labor for as much of the project as possible, utilizing professional labor whenever required by the State. During further discussion, the project is estimated at \$70,820 but this estimate would change if expected changes in waste water treatment regulations should require a larger building. Motion was made by Commissioner Stewart and seconded by Commissioner Stone to accept staff recommendations and authorize the construction of a chemical building at the WWTP; to allow Mayor Brown to supervise the project as discussed; and further authorize an additional building size if deemed necessary. Ayes: All.

ORDINANCES

No items.

EXECUTIVE SESSION

Motion was made by Commissioner Williams and seconded by Commissioner Stewart to enter in to executive session for the purpose of discussion of proposed, or pending litigation {KRS 61.810(c)}, and discussions, or hearings, which might lead to the appointment, discipline, or dismissal of an individual {KRS 61.810(f)}. Ayes: All. Motion carried at 7:25 p.m. Entering executive session were Mayor Brown, Commissioners Stewart, Stone, & Williams, City Attorney Scott Crabtree, and City Manager Hal W. Toomey.

At 8:00 p.m., motion was made by Commissioner Stewart and seconded by Commissioner Williams to exit executive session and return to open session. Ayes: All. Motion carried.

CITY ATTORNEY REPORTS

No items.

CITY MANAGER REPORTS

City Manager Toomey reported that bids had been received and opened on January 8, 2009 for the manhole rehabilitation project.

<u>Bidder</u>	<u>Total Bid</u>
<i>C K Masonry Co., Inc</i>	<i>\$109,750</i>
<i>Spectra Tech</i>	<i>\$119,900</i>

This project is part of the sewer rehabilitation grant and the funds must be used by June, 2009. The bids were reviewed by Barge, Waggoner, Sumner & Cannon, Inc. Public Works Director Cliff Beecher recommends awarding the bid to the low bidder. Following discussion, motion was made by Commissioner Williams and seconded by Commissioner Stewart to take Staff recommendation

and award the sewer rehabilitation bid to C K Masonry and authorize the City Manager and Mayor to sign any documents necessary to fulfill the intent of this motion. Ayes: All.


City Manager Toomey requested direction from the Commission regarding parking violations. On Sunday mornings people attending some of the churches are parking in no parking areas or blocking the sidewalk when they park. In the case of the church located on the corner of College and Cedar Streets, the City Police have received complaints that the illegally parked cars block a clear view. The City Manager expressed his reluctance to see someone get a ticket for attending church, but did not feel right in having traffic and parking rules violated. Following a lengthy discussion, the Commission wished to encourage the public to obey parking and traffic signs and if parked illegally realize they will be liable for any damage resulting from an accident.

OTHER COMMISSION BUSINESS

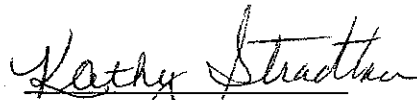
No items.

ADJOURNMENT

Motion was made by Commissioner Stewart and seconded by Commissioner Williams to adjourn the City Commission meeting. Ayes: All. Motion carried at 9:17 p.m.



Jim Brown, Mayor



Kathy Stradner, City Clerk