

The Franklin City Commission convened in **regular session** at 6:00 p.m., Monday, **February 23, 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: Bill Austin, Henry Stone and Herbert Williams. Commissioner Wendell Stewart was absent.

Also present were City Manager, Hal W. Toomey; City Attorney, Scott Crabtree; Police Chief, Todd Holder; City Clerk, Kathy Stradtner, Jamie Powell,, and several of the Franklin Police officers. F-S High student Cody Mann 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 Henry Stone offered an opening prayer.

APPROVAL OF MINUTES

Motion was made by Commissioner Stone and seconded by Commissioner Williams, to approve the minutes from the February 9, 2009 regular Commission meeting. Ayes: All those voting members present. Motion carried.

HEAR THE PUBLIC

No items.

REGULAR BUSINESS

At this time City Attorney Scott Crabtree officially gave the oath of office to Todd Holder as Chief of Police for Franklin, Kentucky.

GENERAL GOVERNMENT

- **Discussion and/or Possible Action Regarding Trench Shoring Equipment for Sewer Department**

In this meeting's packet was a memo from Public Works (PW) Director Clif Beecher regarding the purchase of shoring equipment. PW Director Beecher noted that about \$176,424 remains in the sewer grant funds. From those funds a contract for approximately \$109,750 was recently awarded to CK Masonry to rehab manholes to help correct inflow and infiltration (I&I) problems in the sanitary sewer system, another invoice for \$600 is expected for engineering work on the manhole rehab specifications, an additional \$26,825 is remaining to be paid for improvements at the Macedonia Road Lift Station, and staff expects an invoice from Kentucky Rural Water Association (KRWA) in the amount of \$102,000 for camera work completed on the sewer lines in January. This should leave approximately \$38,229 in the sewer grant funds. During KRWA's camera survey several problem areas were found that will impact the I&I problems existing in our sewer system. After conferring with staff, PW Director Beecher believes they can repair many of these sewer line problems in house, if they have the appropriate trench shoring equipment to make repairs less than fifteen feet deep. After determining the appropriate equipment needed to address the repair work safely, several companies were called and quotes obtained; follows are the three submittals that best suit our needs.

<u>Company</u>	<u>Quote including freight</u>
American Shoring Inc	\$22,500
Kentuckiana Trench Shoring	\$15,377
Wayne Supply, Inc	\$19,436

PW Director Beecher recommends awarding the purchase to the lowest quote from Kentuckiana Trench Shoring of \$15,377. If awarded, this would leave about \$22,852 in grant funds which staff proposes to use as follows:

- Rehabilitate the small lift station at the Methodist Home on north Highway 31-W for around \$23,800
- Add an addendum to the CK Masonry contract to rehab approximately 72 feet (or 7 manholes, 10' deep) for \$17,972
- Use the remaining approximate \$2,500 to complete about 4,160 feet of sewer camera work with KRWA

The Sewer Rehab Grant Funds must be used before July 1, 2009 or the City loses any grant funds remaining. Following complete discussion, motion was made by Commissioner Stone and seconded by Commissioner Austin to approve as discussed the purchase of shoring equipment from Kentuckiana Trench Shoring at the \$15,377 quoted price, to approve the Public Works Director's recommendation for the allocation of the remaining sewer rehabilitation grant funds, and finally to authorize the Mayor to sign any documents necessary to effectuate the intent of this motion. Ayes: All those voting members present. Motion carried.

• **Discussion and/or Possible Action Regarding Participating in TVA Demand Response Team**

City Manager Toomey discussed a meeting he and Water Treatment Plant (WTP) Superintendent Jerry Farmer had with John Carter of Enernoc, a division of the Tennessee Valley Authority (TVA). The purpose of the meeting was to discuss the TVA Demand Response Program which is designed to reduce and conserve electricity usage during peak times, and the Water Plant has been identified as a user to target during such events. If the City chooses to participate, we would agree to shut down operations at the WTP during the peak hours of 5 a.m. to 1 p.m. during winter months and from 12:00 noon until 8:00 p.m. during summer months when a Program Event occurs. A Program Event would be determined by TVA when customer usage peaks when they would call on participating customers to reduce usage during the customer's peak usage hours. Enernoc agrees to provide the monitoring software which will give the WTP the ability to track usage and spikes in power usage and would pay the City to curtail power usage during a Program Event; they estimate our return to be around \$11,000 annually. If the Commission approves participation, we would also agree to the following:

- Enernoc would contact us thirty minutes prior to a Program Event and we would then need to stop processing as quickly as possible based on the circumstances
- Program Events last a minimum of two hours up to a maximum of eight hours. Program Events can not exceed eight hours during the year
- Program Events may be called by TVA up to three consecutive days and up to six times per calendar month
- The City would be targeted to conserve up to 520kw during the winter months and 195kw during the summer months, based on the hours of operation

- If we do not participate or if our Reduction Capacity is less than 50%, we do not get paid, however, we are not penalized

City representatives emphasized to Enernoc that the City must provide our citizens and businesses with sufficient water and water pressure for normal operation and emergency needs. After review, staff does believe the processing schedule at the WTP can be altered to continue providing a quality product and service to our customers and still meet the goals set under this TVA Demand Response Program. City Attorney Scott Crabtree has reviewed the agreement and it is consistent with what was represented to the City. During discussion, the Commission and City Manager felt this was an opportunity to operate more efficiently with only minor changes; to set a good example as a proactive consumer of electric power and protect the TVA power base. During their visit Enernoc had made suggestions for improvements for more efficient power usage, and City Manager Toomey noted a team from TVA had come in to review operations at the WTP and suggested a change could be made to the pumps which are running inefficiently at the Plant. Manager Toomey feels many such improvements can be made to better protect and conserve our power resources. Motion was made by Commissioner Austin and seconded by Commissioner Williams to approve participation by the City in the TVA Demand Response Program as discussed and to authorize the Mayor to sign any documents necessary per this motion. Ayes: All those voting members present. Motion carried.

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

Mayor Brown recommended two board re-appointments of members whose terms expired in December and both have agreed to another term. Motion was made by Mayor Brown and seconded by Commissioner Stone to re-appointment Derfra Holt to the F-S Parks Board and Martha Rohde to the Franklin Housing Authority Board, both new terms to expire December 31, 2012. Ayes: All those voting members present. Motion carried.

PUBLIC SERVICES

No items.

PUBLIC SAFETY

No items.

COMMUNITY SERVICES

No items.

UTILITIES

No items.

ORDINANCES

- **First Reading of an Ordinance Amending the Annual budget for the Fiscal Year Beginning July 1, 2008 and Ending June 30, 2009 by Estimating Revenues and Appropriations**

City Clerk Kathy Stradtner gave first reading to an ordinance amending the Fiscal Year 2008-2009 budget; this being the first amendment to this budget and as always, the entire document and attachments are available for public inspection at City Hall, 117 W Cedar Street.

EXECUTIVE SESSION

Motion was made by Commissioner Williams and seconded by Commissioner Austin to enter in to executive session for the purpose of discussions, or hearings, which might lead to the appointment, discipline, or dismissal of an individual {KRS 61.810(f)}. Ayes: All those voting members present. Motion carried at 6:39 p.m. Entering executive session were Mayor Brown and Commissioners Austin, Williams and Stone, City Attorney Scott Crabtree, and Jamie Powell.

At 7:18 p.m. City Manager Hal Toomey entered the executive session.

At 7:22 p.m., motion was made by Commissioner Austin and seconded by Commissioner Williams to exit executive session and return to open session. Ayes: All those voting members present. Motion carried.

CITY ATTORNEY REPORTS

No items.

CITY MANAGER REPORTS

Matter being discussed at an earlier Commission meeting; City Manager Toomey has received communication from City of Lewisport, KY that they would like to purchase the lime silo that sits atop the Franklin Water Treatment Plant. The silo is no longer in use and in fact needs to be removed. Lewisport is proposing to purchase the equipment, including removal, for \$6,000. Regulations provide for the transfer of surplus property from one governmental unit to another governmental unit without the requirement for publication, and City Attorney Crabtree had previously been authorized to prepare a document for such an occurrence. Following discussion, motion was made by Commissioner Austin and seconded by Commissioner Williams to adopt Resolution B-2009 to sale the lime silo to City of Lewisport, KY as discussed and authorize the Mayor to sign. Ayes: All those voting members present. Motion carried.

RESOLUTION NO. B-2009

WHEREAS, the City Commission of the City of Franklin, Kentucky has determined that it is in the best interest of the citizens of Franklin, Kentucky, to dispose of a lime silo located atop the Water Plant in Franklin, Kentucky; and,

WHEREAS, the lime silo shall be used by the City of Lewisport, Kentucky in the operation and maintenance of that city's water system, and the property will be transferred to the city by and through the statutory process for the compensation set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Franklin, Kentucky, as follows:

1. The City Commission hereby finds and determines that it is in the best interest of the City of Franklin, Kentucky to surplus and convey, for the sum of \$6,000.00, to the City of Lewisport, Kentucky, a lime silo.
2. *The intended use of said equipment shall be to benefit the operation and maintenance of the water system in said city.*
3. *All maintenance and upkeep of the lime silo shall be the responsibility of the City of Lewisport, Kentucky.*

4. In accordance with KRS 82.083, the City Commission hereby adopts this Resolution as its written determination which describes the property, identifies the intended use and the reasons why it is in the public interest to dispose of the property, and the Commission affirmatively states that the method of disposition is by and through the transfer of title of the lime silo to the City of Lewisport, Kentucky for the sum of \$6,000.00.

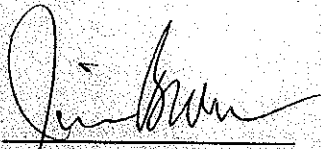
5. The Mayor of the City of Franklin, Kentucky, is hereby authorized and directed to sign any and all documents necessary to effectuate the intent of this Resolution including, but not limited to the title.

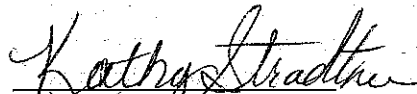
OTHER COMMISSION BUSINESS

Mayor Brown reported everything points to the Kentucky Legislature adopting legislation during the current session that will allow Jamie Powell to take his office as a City Commissioner. Mr. Powell received the most votes for Franklin City Commission in the November, 2008 general election, but due to a change in the Kentucky Retirement System, in which Mr. Powell had participated in as Franklin, KY Police Chief, he could not take his office on January 1, 2009 without forfeiting his retirement benefits which he had worked most of his career for. The change in the system which initiated the problem had never been designed to create such a condition, and before long it is expected the legislative action will be taken to correct the situation.

ADJOURNMENT

Motion was made by Commissioner Stone and seconded by Commissioner Austin to adjourn the City Commission meeting. Ayes: All. Motion carried at 7:27 p.m.


Jim Brown, Mayor


Kathy Stradtner, City Clerk