
The Franklin City Commission convened in **regular session** at 6:00 pm, Monday, **November 09, 2009**, in the Simpson County School Board meeting room, 430 S. College Street, Franklin, Kentucky. Attendance as follows:

Mayor Herbert S. Williams	Present and in the chair presiding
Commissioner Jamie Powell	Present
Commissioner Mike Simpson	Present
Commissioner Wendell Stewart	Present
Commissioner Henry Stone	Present

Also present were City Manager, Jim Brown; City Attorney, Scott Crabtree; Police Chief, Todd Holder; and City Clerk, Kathy Stradtner. F-S student Bobby Uhls was present to video tape the meeting, and a member of the media, Keith Pyles representing Franklin Favorite/WFKN, was present.

Honorable Mayor Herbert S. Williams called the meeting to order at 6:00 pm, and Commissioner Jamie Powell offered an opening prayer.

APPROVAL OF MINUTES

Motion was made by Commissioner Powell and seconded by Commissioner Stewart, to approve the minutes from the October 26, 2009 regular Commission meeting. Ayes: All. Motion carried.

HEAR THE PUBLIC

None

REGULAR BUSINESS

GENERAL GOVERNMENT

- **Discussion and/or Possible Action Regarding Replacement of Skid Steer Loader**

As discussed at the last meeting, the skid steer loader used extensively in the Public Works Departments suffered a fatal error when the hydraulic pump failed and completely contaminated the hydraulic systems. The skid steer has been in service for five years and is fully depreciated; different dealers and technicians informed City staff that repair of the equipment would not be advisable and could not be depended on. This piece of equipment is used extensively in City operations, and staff recommended purchase of a new skid steer. City Manager Brown reviewed what took place regarding obtaining a replacement skid steer loader; prices were solicited from area supplies, and Mayor Williams, City Manager Brown, and Public Works Supervisor Derick Minnicks then traveled to Bowling Green to look at the two loaders with the best prices. All loaders quoted were deemed equal, and therefore staff considered availability as a priority due to immediate need. Delivery dates ranged between three and six weeks, so the loader which was in stock at Whayne Supply was chosen,

delivered to the Public Works Facility and immediately put into service. Quote information was included in this meeting's agenda packet. Following discussion, **motion** was made by Commissioner Stone and seconded by Commissioner Simpson to declare an emergency to exist, retroactively approve the purchase of the skid steer loader from Whayne Supply at the bid price of \$34,454, and authorize the Mayor to sign any and all documents necessary to effectuate the intent of this motion. Ayes: All. Motion carried.

- **Discussion and/or Possible Action Regarding Resolution for Fiber Optic Project**

In a memo, Community Development Director Tammie Carey reported bids were opened on September 17 for the purchase of the cable and hardware needed for the fiber optic project and subsequently at the September 28 Commission meeting the contract was awarded to GrayBar Electric. As required by the Economic Development Administration, the Commission must pass a resolution authorizing the purchase and approving the Notice of Award and Agreement. Following discussion, **motion** was made by Commissioner Stewart and seconded by Commissioner Powell to adopt Resolution J-2009 as requested and authorize the Mayor to sign any and all documents necessary to effectuate this motion. Aye: All. Motion carried.

RESOLUTION J-2009

**RESOLUTION OF THE CITY OF FRANKLIN
APPROVING A CONTRACT FOR
ECONOMIC DEVELOPMENT PROJECT NUMBER 04-01-06061 FOR THE
PURCHASE OF HARDWARE AND CABLE**

WHEREAS, Economic Development Project Number 04-01-06061 consists of installing a fiber optic system in the city of Franklin, Kentucky; and,

*WHEREAS, this project requires the purchase of cable and hardware; and,
WHEREAS, the City's representatives have followed all required procurement procedures and have found and determined that Graybar Electric Company of Charlotte, North Carolina to be the lowest bidder for this project, and the negotiations have been successful and have resulted in the contract which is attached hereto and incorporated herein by reference.*

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

1. The preamble to this Resolution is hereby approved and adopted as if set forth fully herein.

2. The City Commission approves the attached Notice of Award and Agreement for Purchase of fiber cable and hardware with Graybar Electric Company and authorizes the Mayor to sign any and all documents necessary to effectuate this transaction.

- **Discussion and/or Possible Action Regarding Appointment to F-S Human Rights Commission**

A vacancy exists in the City appointees to the Franklin-Simpson Human Rights Commission, and Chairperson Wanda Tuck requests Kevin Forshee, 543 G Vaughn Rd, Franklin, be appointed. Mr. Forshee has been duly recommended by the Human Rights Commission. **Motion** was made by Mayor Williams and seconded by Commissioner Stewart to accept the recommendation from the Human Rights Commission and appoint Kevin Forshee to fill the remaining City appointment on the board. Ayes: All. Motion carried.

- **Discussion and/or Possible Action Regarding Harristown Church of Christ**

City Manager Brown discussed with the Commission action that needs to be taken regarding a refund request made by Harristown Church of Christ. The Church paid to the City \$2,819.34 to satisfy a lien the City had on property at 513 Jackson Street (the Jack Smith property). The land is located adjacent to the Church's property and the lien was paid in hopes of purchasing the property. Unfortunately the transaction was never able to be completed; City Attorney Crabtree stated our lien is still in effect and never released. City Manager Brown is recommending the complete refund since the City has been out no money on the transaction. **Motion** was made by Commissioner Stone and seconded by Commissioner Powell to take staff's recommendation to refund \$2,819.34 to the Harristown Church of Christ and further authorize the Mayor to sign any documents necessary to effectuate this motion. Ayes: All. Motion carried.

PUBLIC SERVICES

No business

PUBLIC SAFETY

No business

COMMUNITY SERVICES

No business

UTILITIES

- **Discussion and/or Possible Action Regarding Sewer Manhole Rehab Project**

In a memo from Finance Director Cendy Dodd, the Commission is requested to authorize payment to C K Masonry. City Manager Brown reviewed that In February 2009, C K Masonry was awarded a contract totaling \$127,722 to rehab sewer manholes. The final invoices they submitted totaled \$129,290. The City has been reimbursed the total amount through the State grant for this project, and would like to make final payment to C K Masonry. Following discussion, **motion** was made by Commissioner Stewart and seconded by Commissioner Powell to approve the \$1,568 balance be paid to C K Masonry to close out the project as discussed, and the transaction be accounted for in Fiscal Year 2008-2009. Ayes: All. Motion carried.

ORDINANCES

- **First Reading of an Ordinance Adopting the Amended Comprehensive Plan for the City of Franklin, Kentucky as Recommended by the Franklin-Simpson Planning and Zoning Commission**

City Clerk Kathy Stradtner gave first reading of a summary of an Ordinance Adopting the Amended Comprehensive Plan for the City of Franklin, Kentucky as Recommended by the Franklin-Simpson Planning and Zoning Commission. City Attorney Crabtree noted this change and preparation of this ordinance had been discussed at an earlier meeting and he has reviewed the document which is required to be updated at least every five years.

- **Second Reading of an Ordinance Amending a Prior Ordinance Relating to Alcoholic Beverage Control**

City Clerk Kathy Stradtner gave second reading to an Ordinance Amending a Prior Ordinance Relating to Alcoholic Beverage Control regarding extending hours of sales. **Motion** was made by Commissioner Stewart and seconded by Commissioner Simpson, to adopt Ordinance # 220.500-10-2009, and following full discussion, roll call vote was taken: Commissioner Mike Simpson, Yes; Commissioner Jamie Powell, Yes; Commissioner Wendell Stewart, Yes; Commissioner Henry Stone, No; Mayor Herbert Williams, No. Motion carried. During earlier discussion, City Manager noted training is ongoing for all licensed establishments reinforcing their responsibility regarding serving alcoholic beverages. Police Chief Holder confirmed voluntary bar inspections are taking place.

- **Second Reading of an Ordinance Rezoning 57.91 Acres From A-1 to R-1 and 21 Acres from A-1 to R-2 Fronting Pleasant Valley Road and US 31-W**

City Clerk Kathy Stradtner gave second summary reading to an ordinance rezoning from A-1 to R-1 and from A-1 to R-2 certain properties fronting Pleasant Valley Road and U S Highway 31-W and containing 57.91 acres and 21 acres. **Motion** was made by Commissioner Stone and seconded by Commissioner Powell to adopt Ordinance No. 920.2-11-2009. Roll Call Vote: Commissioner Mike Simpson, Yes; Commissioner Jamie Powell, Yes; Commissioner Wendell Stewart, Yes; Commissioner Henry Stone, Yes; Mayor Herbert Williams, Yes. Motion carried.

- **First Reading of an Ordinance Rezoning Franklin Chapter 125 Disable American Veterans Property from R-1 to B-2 and Located at 1080 Harding Road**

City Clerk Kathy Stradtner gave first and emergency reading to an ordinance rezoning from R-1 to B-2 approximately 3.66 acres located at 1080 Harding Road. City Attorney Crabtree explained this property is owned by Chapter 125 of the Disable American Veterans and they desire to lease the property for operation of a restaurant. The tenant has already leased the property for that purpose when it was discovered the property was not zoned correctly originally. Motion was made by Commissioner Powell and seconded by Commissioner Stewart to adopt Ordinance No. 920.3-11-2009 upon first and emergency reading. Roll Call Vote: Commissioner Mike Simpson, Yes; Commissioner Jamie Powell, Yes; Commissioner Wendell Stewart, Yes; Commissioner Henry Stone, Yes; Mayor Herbert Williams, Yes. Motion carried.

EXECUTIVE SESSION

Motion was made by Commissioner Stewart and seconded by Commissioner Simpson to enter in to executive session for the purpose of deliberations on acquisition, or sale, of real property where publicity would be likely to affect the value {KRS 61.810(b)}, 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 6:46 pm. Entering executive session were Mayor Williams and the four Commissioners, City Attorney Crabtree, and City Manager Brown.

At 7:45 pm those in executive session returned to the open meeting room, and **motion** was made by Commissioner Stewart and seconded by Commissioner Powell to close the executive session and return to open session. Ayes: All. Motion carried.

CITY ATTORNEY REPORTS

None

CITY MANAGER REPORTS

City Manager Brown reported on the following City activities:


- The leaf collection equipment has experienced failure; on Wednesday morning the clutch disintegrated. The parts have been obtained and staff completed the repairs. The collection apparatus was put back in service today in Sector 2 and as soon as that area is finished, the schedule will return to complete Sector 1. The collection equipment has experienced problems with the clutch in the past and staff is hopeful this repair will last thru this season.

OTHER COMMISSION BUSINESS


None

ADJOURNMENT

Motion was made by Commissioner Powell and seconded by Commissioner Stewart to adjourn the City Commission meeting. Ayes: All. Motion carried at 7:50 pm.



Herbert S. Williams, Mayor



Kathy Stradtner, City Clerk
