

The Franklin, KY City Commission convened in **regular session** at 6:00pm, Monday, **January 23, 2012**, in the Simpson County School Board meeting room, 430 S. College Street, Franklin, Kentucky. Member attendance as follows:

Mayor Ronnie Clark	Present and in the chair presiding
Commissioner Mason Barnes	Present
Commissioner Larry Dixon	Present
Commissioner Jamie Powell	Absent
Commissioner Henry Stone	Present

Others present included City Manager, Kenton Powell; City Attorney, Scott Crabtree; Finance Director, Cendy Dodd; Police Chief, Todd Holder; City Clerk, Kathy Stradtner; meeting Videographer, F-S school employee Allie Meador; F-S Human Rights Commission representative, Donzella Lee; and Franklin Favorite/WFKN media representative; Keith Pyles.

Honorable Mayor Ronnie Clark called the meeting to order at 6:00 pm. Sulphur Springs Baptist Church pastor Tim Menser was present and offered an opening prayer.

APPROVAL OF MINUTES

Motion made by Commissioner Dixon and second by Commissioner Barnes to approve the minutes from the January 9, 2012 regular Commission meeting. Ayes: All those voting members present. Motion carried unanimously.

HEAR THE PUBLIC

- **Tim McNally Representing Waste Management**

Mr. McNally spoke to the Commission regarding his company's performance under the City Residential Solid Waste Collection franchise. Mr. McNally shared his desire to relocate the recycled material collection point, which is presently on Kenneth Utley Drive, to a more central location or perhaps develop satellite collection points. According to Mr. McNally, making the collection site more central and easy to access has proven to increase the number of individuals using the facility. The Board thanked Mr. McNally for coming and sharing Waste Management's desires; the Commission was also gratified to hear that Waste Management is very complimentary of the City's Customer Service personnel.

REGULAR BUSINESS

GENERAL GOVERNMENT

- **Presentation of Audit for Fiscal Year Ending June 30th, 2011**

Kim Kirby of Kirby and Kirby CPAs presented the City of Franklin's Annual Financial Report for Fiscal Year 2010-2011. The document was prepared in accordance with generally accepted government audit guidelines, and Franklin received an unqualified or clean opinion, the best opinion you can receive. Mr. Kirby reviewed the report, answering any questions from the Commission, and complemented Finance Director Dodd and her staff on the financial records and the ease in working with the City.

Included in this meetings' packet were several graphs as prepared by Finance Director Dodd; a graph of the Unreserved Fund Balance as a percentage of expenditures for the year ended June 30, 2011, yields a percentage of 28.6% versus a target of 15% and has show continued improvement over the past six years. For Franklin Municipal Utilities (FMU), a graph of the Debt Service Coverage for the year ended June 30, 2011 shows the debt coverage ratio was 1.56, which is down from last year's 1.61, but considerably higher than our target of 1.25. With the payoff of the 2000 Bonds (\$200K) during fiscal year 2011 and the payoff of the 2002 bonds (\$536K) during the current fiscal year 2012, FMU should have funds to invest in infrastructure improvements and not have any concern meeting this ratio, which is required by our bond covenants.

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

Per discussion at the last regular Commission meeting, City Manager Powell recommends two more board re-appointments, all have agreed to serve another four-year term on their respective boards and the re-appointments were confirmed by representatives of the boards.

<u>Board / Member to be re-appointed</u>	<u>New Term Expiration</u>
Zoning Board of Adjustments / Ray Malchow	12-31-15
Franklin Housing Authority / Mary Cummings	12-31-15

Motion made by Commissioner Barnes and second by Commissioner Stone to approve the recommended board appointments retroactive to December 13, 2011. Ayes: All those voting members present. Motion carried unanimously.

• **Discussion and/or Possible Action Regarding Resolution No. Z-2007 General Purchasing Procedures**

City Manager Powell initiated this agenda item discussion; in 2007, the Board of Commission adopted general purchasing and contracting procedures for goods and services under \$20,000. Recent questions concerning the practice outlined in the resolutions have suggested the Board and City staff review the legislation. Discussion included the need to better publish the requirement in Section A, and a discrepancy between the Resolution and the City Manager's contract about the amount specified in Section C. The Commission requested the current City Manager's contract be emailed to the Board of Commission for their review and consider if amendment is needed.

RESOLUTION NO. Z-2007

WHEREAS, the City of Franklin Board of City Commissioners desire to enact a Resolution setting forth guidelines for general purchasing and contracting of goods and services under \$20,000.00;

NOW, THEREFORE, BE IT RESOLVED by the City of Franklin, Board of City Commissioners that the Municipal Order shall be amended as follows:

I. General Purchasing/Contracting Guidelines for all purchases and contracts under \$20,000.00

A. *At the beginning of each fiscal year, the City Clerk shall place an advertisement in the local newspaper requesting any and all providers and contractors who desire to do business with the City of Franklin to send written notification to the City indicating what services or goods, i.e. electrical, plumbing, etc., they could provide to the City. Said advertisement shall specify that anyone desiring to provide services must supply a copy of the Contractor's General Liability Insurance Policy with limits not less than \$500,000.00, proof of workers compensation insurance and proof of a city occupational license must accompany said information. Upon receipt of said information, the City Clerk shall retain the original and deliver copies to each Department Head.*

B. *Any person or business entity providing any service to the City of Franklin for which said person or business entity would not be covered under the City of Franklin's Workers Compensation*

Insurance, shall have a written Contract for Service with the City of Franklin regardless of the amount of said Contract. Said Contract shall be approved by the Board of City Commissioners prior to the commencement of the duties under said Contract.

C. Regardless of any provision herein to the contrary, unless an emergency exists as defined herein, the Board of City Commissioners shall be notified prior to any expenditure by the City's staff in excess of \$5,000.00 for services, equipment or capital improvements.

II. Purchase of Goods Under \$20,000.00

A. Purchases between \$5,000.00 and \$20,000.00 - For all individual purchase of goods between \$5,000.00 and \$20,000.00, the Department Head must contact providers and obtain at least three written quotes for said goods. When possible, the Department Head shall contact those providers who provided the City information pursuant to Section I herein indicating a desire to provide goods to the City of Franklin. The quotes shall not be made public until presented to the Board of City Commissioners for approval. Provided, however, that if the good(s) or service(s) are included in the budget that was duly adopted by the Board of City Commissioners and the cost/purchase price is within the budgeted amount(s), no further action is necessary other than approval by the City Manager and/or Finance Director.

B. Purchases under \$5,000.00 - For all purchases of goods under \$5,000.00, quotes are not necessary. If said funds are not approved in the budget, then the Department Head desiring to purchase said goods, shall be required to get approval of Board of City Commissioners and the budget must be properly amended prior to making said purchase.

III. Contract for Services Under \$20,000.00

A. Contracts between \$5,000.00 and \$20,000.00 - For all contracts for services between \$5,000.00 and \$20,000.00, the Department Head must contact providers and/or contractors and obtain at least three written quotes for said services. When possible, the Department Head shall contact those contractors who have provided the City information pursuant to Section I herein indicating a desire to work for the City.

B. Contracts under \$5,000.00 -- For all contracts for services under \$5,000.00, quotes are not necessary. However, the Board of City Commissioners must approve said Contract prior to the purchase of goods or commencement of services. Provided, however, that if the good(s) or service(s) are included in the budget that was duly adopted by the Board of City Commissioners and the cost/purchase price is within the budgeted amount(s), no further action is necessary other than approval by the City Manager and/or Finance Director. Contracts for \$2,500.00 or less do not need to receive prior approval from the Board of City Commissioners.

C. Contract Requirements -- All contracts entered into under Section A and B must be in writing and the Contractor's general liability insurance policy with limits not less than \$500,000.00, proof of workers compensation insurance and proof of a city occupational license must be attached to said Contract prior to commencement of services.

D. Exceptions -- For those businesses who have an annual contract for services, i.e. landscaping, said contract may be renewed one time without obtaining new quotes so long as said Contractor has performed a satisfactory job and the compensation is under \$20,000.00.

IV. Contracts for Professional Service -- In accordance with KRS 424.260, contracts for professional service shall not be subject to this order, regardless of the amount.

V. Emergency Circumstances

An emergency circumstance is defined as any event in which persons or property is in immediate danger or harm. In such situations, if quotes and written Contracts for Services cannot be obtained, then the Mayor may approve said purchase of goods or contract for services. Said contractor shall still provide a copy of his/her general liability policy for not less than \$500,000.00, workers compensation certificate and occupational license.

• **Discussion and/or Possible Action Regarding Approval of City's and City Department's Mission Statements**

City leaders and department supervisors met January 17 and 18 to discuss the purpose of the City, and develop an overall mission statement as well as statements for the individual City departments. Kentucky League of Cities Public Affairs Director, Bobbie Bryant, served as facilitator for the session and led the group in an exercise to define what the City does, how it functions, and the values of our City government. If the Commission approves these statements, City Manager Powell would like to post the statements on the City's Website, City stationery, and other areas where the public may view or access information. During discussion, City Manager Powell shared how very useful the exercise was in focusing on the purpose and goal of City employee's. **Motion** made by Commissioner Powell and second

by Commissioner Dixon to accept the City of Franklin mission statements as presented. Ayes: All those voting members present. Motion carried unanimously.

City of Franklin - Mission Statement

The City of Franklin is dedicated to providing customer care with fair, responsive and efficient services, ensuring the health, safety and well-being of all citizens; that promotes the community with pride, integrity and leadership in order to sustain a high quality of life.

Street Department

To provide the citizens of Franklin with clean, safe and well-maintained streets and sidewalks, thereby creating an attractive and friendly environment for visitors. Let the citizens of Franklin know we work for and with them to provide services.

Technology

The Franklin Municipal Fiber NET is dedicated to providing a reliable telecommunication services with pride and integrity, that will enhance economic development and City services.

Finance and Accounting

The Finance and Accounting Department is dedicated to maintaining accurate records from the collection of revenues, ensuring the appropriate allocation of funds, while providing helpful, courteous and friendly service to the citizens of Franklin.

Water Treatment Plant

The City of Franklin Waste Water Treatment Plant is dedicated to protect public safety and health, the environment and public waterways, by providing professional, timely and efficient treatment at the plant and in the collection system.

Water Department

The City of Franklin Water Department is dedicated to maintaining the community's water distribution system with the most responsive and efficient discipline; ensuring quality health and safety for all citizens at all times and conditions.

Water Plant

The City of Franklin Water Plant endeavors to exceed the citizens' expectations and government standards for quality drinking water, and to ensure an excess quantity for fire, domestic, and commercial use.

Police Department

The Franklin Police promotes public safety through service, integrity and professionalism-utilizing partnerships to prevent, reduce, and deter crime and the fear of crime. The Franklin Police shall enhance highway safety through education and enforcement, safeguard property and protect individual rights.

• **Discussion and/or Possible Action Regarding Deed of Correction for Tractor Supply Company**

City Attorney Crabtree included information in this meeting's packet regarding correction to the amount stated as consideration for the property for Tractor Supply Company (TSC) distribution site. Amount on current deed, \$31,424,656, and amount proposed on deed of correction, \$31,108,555.62). The reason TSC wants to do this is to establish the amount they spent on the property and the initial taxable value; a spreadsheet substantiating the about TSC requests was also included in the packet. Following discussion, **motion** made by Commissioner Barnes and second by Commissioner Stone to approve the deed of corrections as presented and authorize the Mayor to sign any documents necessary pre this motion. Ayes; All those voting members present. Motion carried unanimously.

- **Discussion and/or Possible Action Regarding Request by Sewell and Sewell Architects**

Fiber Services Manager Tammie Carey included a memo in this meeting's packet pertaining to a request from Matt Sewell with Sewell and Sewell Architects; they have served as a sub-contractor of Arnold Consulting and Engineering that completed the plans and designs for the fiber buildings. Mr. Sewell has requested permission to use photos and drawings of our Fiber Project NOC and Node buildings on their website. The request involves items they developed, and will not require information or time from us. A release agreement from Mr. Sewell was included in the meeting packet. **Motion** made by Commissioner Barnes and second by Commissioner Dixon to authorize use by Sewell and Sewell Architects of photos, images and drawings of the City of Franklin Fiber Optic NOC and Node Buildings as discussed, and authorize the Mayor to sign the release agreement. Ayes: All those voting members present. Motion carried unanimously.

PUBLIC SERVICES

- **Discussion and/or Possible Action Regarding Request to Locate Outdoor Warning Siren**

For the last four years, the City collaborated with the County to apply for funding through the Kentucky Office of Homeland Security for a Homeland Security Grant. We again joined forces this year, and applied for funding for two outdoor warning sirens (COWS), and awarded \$23,000 for one alert system. The funding will go through the County, and they will take care of procurement and installation of the equipment and payment of expenses. Fiber Services Manager/Project Manager Tammie Carey assembled the grant application, and will perform the project environmental review. Mrs. Carey has talked with Bob Palmer, Emergency Management Director, several times regarding the best location for the new siren. He feels there is a great need for a siren at I-65 Exit 6 due to the hotels, truck stops, travelers and industries located in the area. The City owns property at 108 Page Drive that would be a good location; the siren will be mounted on a 50-foot class two wood pole. The siren requires an electrical connection, which can be accessed with underground service from an existing utility pole on Page Drive. All expenses associated with the pole, siren, and placement of the pole will be covered through the grant; monthly electricity cost of the siren will be funded through the County's emergency management department. **Motion** by Commissioner Barnes and second by Commissioner Stone to approve locating the new outdoor warning sirens as discussed on City owned property at 1208 Page Drive, and further authorize the signing of any documents necessary per this motion. Ayes: All those voting members present. Motion carried unanimously.

PUBLIC SAFETY

No business.

COMMUNITY SERVICES

No business.

UTILITIES

- **Discussion and/or Possible Action Regarding ENERNOC Agreement**

The Enernoc DemandSMART program is a demand response program that compensates electricity users for reducing consumption when demand for electricity is high. The program is designed to help maintain reliable and affordable electricity across the Tennessee Valley Authority (TVA). The City Water Plant has previously participated in the program with a clear savings in electricity costs. A new agreement (with start date of October 1, 2011) to enter into a thirty-six month plan for the Water Plant on East Cedar Street was included in this meeting's packet. In the previous agreement, the city saved \$14,836. **Motion** made by Commissioner Dixon and second by Commissioner Stone to authorize the City's participation in the ENERNOC Demand Response Sales and Service Agreement as discussed, and authorize the Mayor to sign any documents necessary per this motion. Ayes: All those voting members present. Motion carried unanimously.

- **Discussion and/or Possible Action Regarding Fiber Construction Contract**

An advertisement for construction bids for the fiber cable was in the November 3rd edition of the Franklin Favorite newspaper. Bid documents were emailed to twenty-seven companies that were on the bid list. A pre-bid meeting was held on Thursday, November 10, and Denise Frey with Fiber Planners was on site to assist with the meeting. Due to the number of questions raised by contractors during the pre-bid meeting, the bid opening date was moved from December 8 to January 19 to allow adequate response time. Bids were opened at 3:00pm on January 19 at City Hall. Ms. Frey, Jonathan Lindsey of WRECC, City Network Engineer Glenn Dalcourt, and City Fiber Services Manager Tammie Carey, evaluated the three bids received.

<u>BIDDER</u>	ESTIMATED TOTALS (based on 25 miles)
Stajl Construction DBA Fiber Technologies	\$ 487,505 (does not include materials)
Groves Construction	\$1,301,450
Stansell Electric	\$ 544,865

Following discussion, **motion** made by Commissioner Barnes and second by Commissioner Stone to award the Fiber Optic Construction contract to Stansell Electric at the bid price of \$544,865 and authorize the signing of any documents necessary per this motion. Ayes: All those voting members present. Motion carried unanimously.

ORDINANCES

- **Second Reading of Ordinance Prohibiting the Possession or Sale of AM Cannabinoids, CP Cannabinoids, JWH Cannabinoids, or HU Cannabinoids, Synthetic Cannabinoids Agnostis**

City Clerk Kathy Stradtner gave second reading to summary of an ordinance Prohibiting the Possession or Sale of AM Cannabinoids, CP Cannabinoids, JWH Cannabinoids, or HU Cannabinoids, Synthetic Cannabinoids Agnostis. **Motion** by Commissioner Stone and second by Commissioner Dixon to adopt, upon this second reading, Ordinance No. 350.00-02-12 prohibiting cannabinoids. Roll Call Vote: Commission Mason Barnes, Yes; Commissioner Larry Dixon, Yes; Commissioner Jamie Powell, Absent; Commissioner Henry Stone, Yes; Mayor Ronnie Clark, Yes. Motion carried.

- **Discussion and First Reading of an Ordinance of the City of Franklin Kentucky, County of Simpson Kentucky, and the Simpson County Board of Education Approving the Interlocal Cooperation Agreement for Reimbursement of Certain Costs Including,**

But Not Limited to the Costs of a School Resource Officer and for the Simpson County Board of Education to Provide Videographer to Record Certain Governmental Functions for a Period of Ten (10) Years

City Clerk Kathy Stradtner gave second reading to summary of ordinance # IA-01-2012 authorizing an interlocal agreement between the City, County and School Board for a period of ten years regarding providing services and the reimbursement of certain costs, including but not limited to the School Resource Officer, and for the School to provide a videographer(s) to record certain government functions.

EXECUTIVE SESSION

Motion by Commissioner Barnes and second by Commissioner Dixon 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 those voting members present. Motion carried unanimously at 7:11pm. Entering executive session were Mayor Clark and the four Commissioners, City Attorney Crabtree Police Chief Holder, and City Manager Powell.

Chief Holder exited the executive session at 7:35pm.

At 8:09pm, the members returned to open meeting, and **motion** made by Commissioner Barnes and second by Commissioner Dixon to close the executive session and return to open session. Ayes: All those voting members present. Motion carried unanimously.

CITY ATTORNEY REPORTS

None

CITY MANAGER REPORTS

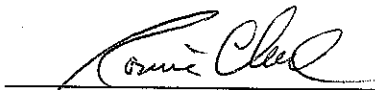
City Manager Powell reminded the Commission of the upcoming City Day/Night scheduled in Frankfort, KY. The get-together is an opportunity to meet with our State legislators and voice any concerns before the legislative sessions begin.

OTHER COMMISSION BUSINESS

None

ADJOURNMENT

Motion made by Mayor Clark and second by Commissioner Barnes to adjourn the City Commission meeting. Ayes: All. Motion carried at 8:10 pm.



Ronnie Clark, Mayor



Kathy Stradtner, City Clerk