

The Franklin City Commission convened in **regular session** at 6:00 pm, Monday, April 11, 2011, 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	Present
Commissioner Henry Stone	Present

Others present included City Manager, Kenton Powell; City Attorney, Scott Crabtree; Police Chief, Todd Holder; City Clerk, Kathy Stradtner; Personnel Director, Rita Vaughn; Water Distribution and Waste Water Collections Superintendent, Clifton Beecher; meeting Videographer, F-S school employee Allie Meador; Franklin Favorite/WFKN media representative; Keith Pyles; and several members of the Franklin Police Department and their families.

Honorable Mayor Ronnie Clark called the meeting to order at 6:05 pm, and offered an opening prayer.

APPROVAL OF MINUTES

Motion was made by Commissioner Powell and seconded by Commissioner Dixon to approve the minutes from the March 28, 2011 regular Commission meeting. Ayes: All. Motion carried.

HEAR THE PUBLIC

- **Johnny Drake, Drake Brothers, Inc.**

Mr. Drake addressed the Commission regarding a fire near a building he owns at 624 Brevard Street. At 6:30 pm, Thursday, March 7, a house fire was reported at 626 Brevard and Mr. Drake went to investigate; the house on fire was approximately twenty-seven feet from the building he owns and he wanted to enter his building to retrieve several important business documents. The police officer on the scene blocked his entrance and Mr. Drake wished to communicate his unhappiness with what he feels was inappropriate treatment used by the officer. Following further discussion, the Mayor requested Chief Holder to respond to the complaint. The Chief apologized for Mr. Drake's displeasure, but had gathered additional information concerning the scene: law enforcement had received information the house on fire had been the site of possible drug activity, namely the making of the illegal drug meth, and a suspect was fleeing the scene. Also a large number of onlookers were crowding the site of the fire and law enforcement was stretched to the limit trying to secure a possible crime scene while protecting onlookers from harm; in addition the fire hoses had been run over several times which create a danger or physical arm to the firefighters as well as slowing response to controlling the fire. Chief Holder stated normally the police would prefer to give individual attention to citizen's request, but the near riot atmosphere that night prevented the time for personal attention, and may have led to the impression they were not seriously considering requests from the public. Chief Holder again apologized for Mr. Drake's bad experience, but restated the police officer's first duty was to protect the citizens in the most efficient manner available and unfortunately, in some situations, that does not allow for the most personal and individual attention the Department would like to offer. Further questions and answers continued and no action was taken. During discussion Mr. Drake noted he has had incidents of theft at his business location and made a request to the Police Chief for extra patrols in the area of his business.

REGULAR BUSINESS

GENERAL GOVERNMENT

• **Swearing-In of New Police Officer**

City Attorney Scott Crabtree administered the oath of office to Franklin's newest police officer, Justin Casada. Mr. Casada is already a certified officer.

• **Discussion and/or Possible Action Regarding Resolution E-2011**

The Police Department recently received six new cruisers which has allowed them to retire from service one of the older vehicles, a 2002 Ford Crown Victoria. The Simpson County Jail has indicated their desire to have the vehicle in their inventory to be used to transport inmate work details, and Chief Holder would like to recommend granting this request. The Jail personnel have been very helpful to the City in various ways, including donating several lights and equipment used to outfit the police cruisers. City Attorney Crabtree has drawn up a resolution allowing transfer of the vehicle to a governmental unit. Following discussion, **motion** was made by Commissioner Barnes and seconded by Commissioner Powell to adopt Resolution # E-2001 authorizing transfer of a vehicle to the Simpson County Jail. Ayes: All. Motion carried.

RESOLUTION NO. E-2011

WHEREAS, the City of Franklin, Kentucky, by and through its City Commission has determined that it is in the best interest of the citizens and residents of Franklin, Kentucky, to dispose of a 2002 Ford Crown Victoria automobile formerly used by the Franklin Police Department of the City of Franklin, Kentucky, and convey it to the Simpson County Jail; and,

WHEREAS, the automobile shall be used by the Simpson County Jail in the operation and maintenance of the Jail, and the property will be transferred to the Jail, without compensation.

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

- 1. The City of Franklin, Kentucky hereby finds and determines that it is in the best interest of the City to convey, without compensation, to the Simpson County Jail, a 2002 Ford Crown Victoria automobile, VIN # 2FAFP71W42X115616.*
- 2. The intended use of the automobile shall be to benefit the operation and maintenance of the Jail to the benefit of all of the residents of Franklin, Simpson County, Kentucky.*
- 3. All maintenance and upkeep of the automobile shall be the responsibility of the Simpson County Jail.*
- 4. In accordance with KRS 82.083, the City of Franklin, Kentucky 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 automobile to the Simpson County Jail with no compensation.*
- 5. The Mayor, Ronnie Clark, 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.*

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

The Property Valuation Administrator addresses any appeals to property assessments through a three member Board of Assessment Appeals whose members are appointed by the County Judge-Executive, Fiscal Court and Mayor. Mayor Clark has recommended Mr. Lynn

Graves and he has agreed to fill the member vacancy for the City. Motion was made by Commissioner Powell and second by Commissioner Dixon to accept the recommendation to appoint Lynn Graves, 1114 Woodmont Circle, Franklin, KY to a three year term on the Board of Assessment Appeals, such term to expire December 30, 2013. Ayes: All. Motion carried.

- **Discussion and/or Possible Action Regarding City Commission Training Statute**

During this legislative session House Bill 119 was adopted. The bill allows cities to offer an incentive for city officials to attend annual training. City Attorney Scott Crabtree discussed the various features of the bill which allows between \$100 and \$500 each year for each Commissioner who attends a specified amount of hours of authorized training. This option has been available to County officials for some time, and was recently enacted for cities to encourage elected officials to receive and maintain training of various laws and municipal opportunities. Following discussion, Attorney Crabtree noted this option did not expire and adoption is required by ordinance. The Commission tabled the issue indefinitely.

- **Discussion and/or Possible Action Regarding Commissioners' Compensation**

City attorney Crabtree advised the Commission of a Kentucky statute that establishes a deadline of May 2, 2011 for the Commission to implement an elected officials' salary increase that would take place during this term of office. Any raise in elected officials' salary adopted after that date would not take effect until the next term of office. Attorney Crabtree presented this as a point of information and is not promoting such; included in this meeting's packet was also information from the Department for Local Government detailing the maximum amount of compensation or raises that can be given for this year. Following discussion, the Board of Commission unanimously agreed to leave their compensation as is and not take advantage of this option.

- **Discussion and/or Possible Action Regarding City Vehicle**

It was noted that per the City Manager's Contract Section F states "*The City Manager's duties require the use of an automobile. Accordingly, the City agrees to provide the City Manager with an automobile, with the make and model of said automobile being recommended by the City manager, subject to the approval of the City Commission, prior to procuring said vehicle.*" City Manager Powell has been using his personal vehicle these last three months and after familiarizing himself with the City Manager's job requirements, he is recommending the Commission consider instead of purchasing a City Vehicle, offering a car allowance for his position. After discussion, including the dollar amount of the allowance to adopt and amending the City Manager's agreement, the Commission decided to explore the matter further and revisit at the next regular meeting.

- **Discussion Regarding HB333**

City Attorney Crafton noted the State has enacted legislation in the form of House Bill 333 which basically allows local governments to regulate the sale of fireworks in their community. It allows the local government to determine the licensing fees, hours and locations of operations, proof of insurances and other requirements for sellers of fireworks. Their followed a complete and full discussion of the options and applications of this new law. The consensus of the Commission was to consult with the Police Chief, Fire Chief and any others for input regarding this legislation and revisit this matter at the next meeting.

PUBLIC SERVICES

No business

PUBLIC SAFETY

• **Discussion Regarding Police Manual**

For several years the Police Department has been in the process of developing a Police Manual. During the recent Commissioner Tours of City facilities, Police Chief Holder introduced and explained the Manual as developed to date. City Manager Powell explained the Police Department's intent for the Commission to approve the manual as soon as possible and during discussion the City Manager requested comments or suggestions from the Commission regarding the document. The Commission complimented Chief Holder and police department staff for the preparation and work on the manual and had nothing to add to the document at this time.

• **Discussion and/or Possible Action Regarding Police Department Parking Lot**

Police Chief Holder has requested the Commission consider three bids to install concrete parking lot stops in the Franklin Police parking lot.

Coffey's Concrete	\$350
Specialty Concrete Co., Inc.	\$785.50 + dunage rental fee
Lee Brick & Block	\$1,575

Coffey's Concrete is owned by Chief Holder's brother, Chris Holder, who has agreed to sell the parking lot stops at cost. Although the cost is well under the amount that can be handled during daily operations, staff wished to present to the Commission in the spirit of full disclosure. Motion was made by Commissioner Dixon and seconded by Commissioner Powell to approve the purchase of stops for the Police Department parking lot from Coffey's Concrete for the quoted price of \$350. Ayes: All. Motion carried.

COMMUNITY SERVICES

• **Discussion and/or Possible Action Regarding Quarterly City News**

The idea of producing a City Newsletter for distribution to the public has been discussed on occasion, and Community Development Director Tammie Carey has prepared and included in this agenda packet a prototype for discussion. Items addressed in the four pages were business license requirements, grass and weed control and other code enforcement issues, brush and limb pick-up and Commission meeting schedules, notice of requirement to register yard and garage sales, and various items of information on recently adopted legislation and upcoming Commission events. The aim of the publication would be a more transparent government, letting the community know how their tax dollars are being spent and be a vehicle to distribute information regarding requirements and recently adopted legislation. Options and costs to distribute through the local newspaper were provided. After complete discussion, no official action was taken; the Commission agreed the idea was something that would be of value to the community but does not wish to expend the funds at this time. Mayor Clark wished to complement Mrs. Carey on the professional and helpful document prepared. Other alternatives for distribution of such information were discussed, included making use of news releases, promoting use of the City website or the government cable channel.

UTILITIES

• **Discussion and/or Possible Action Regarding Dump Truck for Public Works**

The public works departments currently have two dump trucks, 1995 and 1996 Ford F-650. During the past three years, the City has spent \$7,863.49 on the 1996 model and \$8,349.60 on the 1995 model in repairs and the vehicles are continually in the shop. Both vehicles are too small for the work required of them, and the 1995 model is currently not being used due to its condition and the 1996 model has a hydraulic leak and needs to go back in to the shop. One new large tandem dump truck could replace both these vehicles and allow staff to move more material on and off the jobsite, therefore eliminating current labor down time waiting for material. Also, the City hauls their own rock, and saves approximately \$50 per load by doing so; with a larger truck we would be able to double the load size and save even more on fuel and the haul time. Water Distribution/Waste Water Collection Superintendent Clif Beecher was present at the meeting and has investigated the price for a new Freightliner dump truck under the State Contract price and with a three year/100,000 mile warranty it will cost \$10,326 and Mr. Beecher recommends the Commission authorize the expenditure. City Manager Powell discussed this request with the Commission and answered any questions. **Motion** was made by Commissioner Powell and seconded by Commissioner Barnes to authorize the purchase as discussed of a new tandem dump truck at or below the state bid price of \$106,326 and authorize the Mayor to sign any documents necessary per this motion. Ayes: All. Motion carried.

One item in the City News prototype and something that had been discussed earlier was implementing a City Walk event where the Mayor, Commission, City Manager, City Department heads and other staff made public dates they would walk areas of town to bring the local municipal government presence to the community and citizens can voice concerns, compliments and meet with officials. Tentative dates were set as follows:

Tuesday, May 17 at 6:00 pm	meet at Greenlawn Cemetery entrance
Tuesday, June 21 at 6:00 pm	meet at Lincoln Elementary School
Tuesday, July 19 at 6:00 pm	meet at Simpson Elementary
Tuesday, August 16 at 6:00 pm	meet at Housing Authority (outside office area)

Following discussion, the Commission and Mayor approved those dates and times.

ORDINANCES

None

CITY MANAGER REPORTS

It was requested the City Manager give his report before the executive session. Manager Powell had brought an item to show the public: the erts that is on the top of the water meters that is used to obtain a radio read number for water usage. He brought in this item to also recognize Water Distribution/Waste Water Collection Superintendent Clif Beecher for his efforts on behalf of the City. A design flaw was identified in the erts the City had ordered whereby instead of the device stopping to indicate failure in recording usage, it was just slowing down which caused a false reading. The company replaced the items with an improved design, but thanks to Mr. Beecher's continued efforts and several phone calls, the company is giving the City 1,008 free erts which equate to \$96,000 in savings. The Suber Agreement was signed last week by all parties involved, and we should soon see improvements at the location on the corner of Kentucky Avenue and Main Street.

Manager Powell gave the following Fiber Optic Project Report

- The contract between the Electric Plant Board and City has been signed and approximately forty-seven street lights have been ordered to be used to change out the substandard items to obtain the proper clearance for attachment of the fiber cable
- WRECC and the City contract has been signed and the pole make ready has been completed
- The conflict with the Fiber route and AT&T poles has been resolved and confirmed with Electric Plant Board
- Fiber Optic building design has been completed and bid packages for the buildings will be ready by April 15th
- The city met on March 31st with personnel from Tractor Supply regarding the new distribution center and their Fiber Optic requirements; The City will temporarily be their primary supplier of fiber service and require the lines to be available and operating by July 15; a follow up meeting has been scheduled for April 14
- Deadline to select a network provider for the East Industrial Park is April 13th
- Estimated Fiber Project Completion date remains December, 2011
- Looking ahead, Manager Powell noted the continued need to follow bidding process for Site Buildings and Cable Construction as required by Economic Development Administration (EDA) and the project will cross the I-65 Interstate and this will require re-approval

EXECUTIVE SESSION

Motion was made by Commissioner Barnes and seconded by Commissioner Powell 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 7:34 pm. Entering executive session were Mayor Clark and the four Commissioners, City Attorney Crabtree, and City Manager Powell.

At 8:16 pm those in executive session returned to open meeting, and **motion** was made by Commissioner Powell and seconded by Commissioner Dixon to close the executive session and return to open session. Ayes: All. Motion carried.

Motion was made by Commissioner Barnes and seconded by Commissioner Dixon to employ Gerald Averill in the Water Distribution department as a Class II Operator effective 04-12-11. Ayes: All. Motion carried.

CITY ATTORNEY REPORTS

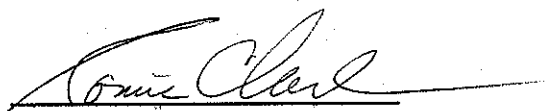
None

OTHER COMMISSION BUSINESS

None

ADJOURNMENT

Motion was made by Commissioner Powell and seconded by Commissioner Barnes to adjourn the City Commission meeting. Ayes: All. Motion carried at 8:17 pm.


Ronnie Clark, Mayor


Kathy Stradtner, City Clerk
