

The Franklin City Commission convened in **regular session** at 6:00 pm, Monday, May 9, 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 (entered meeting a few minutes late); meeting videographer, F-S school employee Allie Meador; and Franklin Favorite/WFKN media representative, Keith Pyles.

The Honorable Mayor Ronnie Clark called the meeting to order at 6:00 pm, and offered an opening prayer.

APPROVAL OF MINUTES

Motion was made by Commissioner Powell and seconded by Commissioner Dixon, to approve the minutes of the April 25, 2011 regular Commission meeting. Ayes: All. Motion carried unanimously.

HEAR THE PUBLIC

None

REGULAR BUSINESS

GENERAL GOVERNMENT

- **Discussion and/or Possible Action Regarding Request to Close Street**

A street closing request was received from David Akins representing a group conducting a fundraising event to benefit Bree Perdue, a 34 year old mother of five, who is suffering from ovarian cancer and is currently under the care of Hospice. The request was to close a portion of Kentucky Avenue on Saturday, May 21, 2011 from 4pm until 9 pm. During discussion, Commissioner Stone expressed concern that businesses on that street would still be open on Saturday at 4 pm. Following discussion, **motion** was made by Commissioner Dixon and seconded by Commissioner Barnes to authorize the temporary closing of Kentucky Avenue from Main Street to College Street on Saturday, May 21st, 2011 from 4 pm until 9 pm with the time subject to change by the City Manager if necessary, after he contacts the business that will be affected by the closing. Ayes: All. Motion carried unanimously.

- **Discussion and/or Possible Action Regarding Relay for Life Event**

A request was received from Debbie Hudson representing Simpson County Relay for Life. The annual Relay for Life event is scheduled for June 3rd 2011 at the F-S football stadium, with the theme being "Once Upon a Cure" and a small five to eight minute fireworks display planned during the event. The display will be managed by a group of volunteers who are experienced in conducting larger such displays. Relay for Life has received permission from the school to conduct the display in a vacant lot behind the baseball field and football practice field. Due to the ordinance read at the last Commission meeting proposing to limit fireworks displays, Mrs. Hudson was concerned about the City allowing this display on June 3rd. On behalf of Relay for Life Mrs. Hudson would like to request special permission for their fireworks display as part of the annual Relay for Life Event. After a lengthy discussion, including the intent to address an amendment to the proposed ordinance allowing such exceptions by the Commission, **motion** was made by Commissioner Stone and seconded by Commissioner Barnes to allow as discussed the fireworks display on June 3rd at the Relay for Life Event. Ayes: All. Motion carried unanimously.

- **Discussion and/or Possible Action Regarding Finn Building**

City Manager Powell reviewed this agenda item. Since adopting Ordinance No. 220.3-2011, approximately sixty properties have been identified as meeting the criteria to be classified as abandoned urban property. It has been discovered the City owns the Finn Building located on 502 Jefferson Street which meets this criteria. The Finn Building was purchased under the Harristown Revitalization Community Development Block Grant (CDBG) Project. The building was never restored and has dilapidated beyond repair. Public Works Superintendent, Derick Minnicks, has obtained a quote in the amount of \$2,230 for removal of the structure with assistance from City labor; the cost would qualify under the Harristown Revitalization CDBG.

<u>Company</u>	<u>Description</u>	<u>Cost per Unit</u>	<u>Total Est. Cost</u>
Kenway Contracting	30cu.yd. Dumpster hauled to landfill	\$ 410	\$1,230
Kenway Contracting	Demolish Building	\$1,000	\$1,000

To keep costs down, City labor will be used to assist in demo of the building and clean up of the area. Debris hauled to a landfill by the contractor will include items that do not qualify for disposal at the City's permitted landfill site. Dirt and other debris that would qualify will be taken to the City site; cost for the three employees and three days estimated for that task were not included. If the City chooses to also remove the existing concrete pad, an additional 1 to 1 ½ days could be required. Once the building is removed, the City would be compliant with Ordinance 220.3-2011. **Motion** was made by Commissioner Powell and seconded by Commissioner Dixon to authorize the City Manager to proceed with the tear down of the Finn Building, 502 Jefferson Street. Ayes: All. Motion carried unanimously.

PUBLIC SERVICES

• **Discussion and/or Possible Action Regarding Storm Damage at Cemetery**

City Manager Powel discussed with the Commission recent damage at Greenlawn Cemetery. On April 13, 2011 Franklin experienced storms which included heavy winds, and a tree fell on a century old mausoleum in the City cemetery. Currently, it is unsure whether the City's insurance policy will even cover the damage and while staff determines the exact coverage, City Manager Powell feels the City should move forward with the repairs as soon as possible. The estimate from Gilbert Monument to repair the mausoleum ranges between \$4,000 and \$6,000. Money for the repair will need to be transferred from the General Fund as the Cemetery Fund does not have budgeted funds to cover the expenditure. Immediately after the damage was discovered, action was taken to secure the site until permanent repairs can be completed. Following discussion, **motion** was made by Commissioner Dixon and seconded by Commissioner Barnes to authorize the City Manager to proceed with repairs to the damaged Hudspeth mausoleum at Greenlawn Cemetery in an amount not to exceed \$6,000 and authorize him to explore other local vendors who may be able to quote this repair. Ayes: All. Motion carried unanimously.

• **Discussion and/or Possible Action Regarding HVAC System at Cemetery Office**

City Manager Powell discussed this agenda item: recently the outside portion of the heat and air unit at the Cemetery Office failed due to age. Derick Minnicks, Cemetery Sexton and Street & Public Works Superintendant, contacted four contractors for quotes to repair the unit. If this expenditure is approved, funds will have to b transferred from the General Fund since the Cemetery budget does not have funds to cover.

Contractor	Description	Amount
Sollingers Heat & Cool	Install Payne by Carrier 1.5 ton 13 Seer Heat Pump Pad & Pump ups	\$1,865.30
Turney's Heating & Cooling	1.5 Ton Payne outside Heat Pump	\$2,000
Chilly Ben's Heating & Air	R-22 outside Condensing Unit	\$2,063
Jody & Sons	Install 1.5 ton 13 Seer Heat Pump Condenser	\$2,650

After discussion, **motion** was made by Commissioner Powell and seconded by Commissioner Stone to approve replacing the heat and air unit at the Cemetery Office and award the repair contract to the lowest and best responsive, responsible bid from Turney's Heating & Cooling in the amount of \$2,000. Ayes: All. Motion carried unanimously.

PUBLIC SAFETY

No business

COMMUNITY SERVICES

No business

UTILITIES

• **Discussion and/or Possible Action Regarding Generator Fence at Water Treatment**

In a memo included in this meeting's agenda packet, City Manager Powell explained the Water Plant Generator project is nearing completion. The City recently discovered that before the Electrical inspector can give his final approval, a fence surrounding the unit is required. Three companies were contacted for quotes for a six foot high fence to surround the generator, and only two were received. It is estimated the fence would cost \$2,861, and approximately \$100,000 remains in the Water & Sewer unallocated capital line item. Commissioners noted they would like to see local businesses contacted to quote on any work the City performs; when reasonable the Commission would like to spend the taxpayer's money with local vendors. **Motion** was made by Commission Barnes and seconded by Commissioner Powell to approve up to \$3,000 to put up a fence as discussed for the Water Plant Generator and authorize the City Manager to seek additional quotes for the task. Ayes: All. Motion carried unanimously.

ORDINANCES

• **Second Reading of an Ordinance Amending the City of Franklin "Gross Receipts License Fee"**

City Clerk Kathy Stradtner gave second summary reading to an Ordinance amending the City of Franklin "Gross Receipts License Fee" as it relates to fireworks sales. **Motion** was made by Commissioner Powell and seconded by Commissioner Stone to adopt Ordinance No. 220.7-5-2011 upon this second reading. Roll Call Vote: Commissioner Mason Barnes, Yes; Commissioner Larry Dixon, Yes;; Commissioner Jamie Powell, Yes; Commissioner Henry Stone, Yes; Mayor Ronnie Clark, Yes. Motion carried unanimously.

• **Second Reading of an Ordinance Amending and Regulating Use of Fireworks**

City Clerk Kathy Stradtner gave summary second reading to an ordinance regulating the use of fireworks in the City. **Motion** was made by Commission Stone and seconded by Commissioner Powell to adopt Ordinance No. 1020.30-5-2011 upon this second reading. Roll Call Vote: Commissioner Mason Barnes, Yes; Commissioner Larry Dixon, Yes;; Commissioner Jamie Powell, Yes; Commissioner Henry Stone, Yes; Mayor Ronnie Clark, Yes. Motion carried unanimously.

EXECUTIVE SESSION

Motion was made by Commissioner Powell and seconded by Commissioner Barnes 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 employee or member (City Attorney Contract) {KRS 61.810(f)}. Ayes: All. Motion carried at 6:35 pm. Entering executive session were Mayor Clark and the four Commissioners, City Attorney Crabtree, and City Manager Powell.

At 7:13 pm those in executive session returned to open meeting, and **motion** was made by Commissioner Powell and seconded by Commissioner Barnes to close the executive session and return to open session. Ayes: All. Motion carried unanimously.

Motion was made by Commissioner Powell and seconded by Commissioner Dixon to authorize the employment contract for City Attorney Scott Crabtree for the period of July 1 2011 thru July

1, 2015 and authorize the Mayor to sign. During discussion, comments were heard from the Board.

- Commissioner Barnes stated he has no problems with City Attorney Crabtree and the fine job he is doing for the City, but as a practical business practice was of the opinion additional proposals should be solicited for the position.
- Commissioner Stone reiterated his stand the City legal cost was too much for our size City and continues to feel the City needs to pursue ways to cut those costs; Commissioner Stone feels the City needs to request proposals for the position.
- Commissioner Powell shared that during his years of experience as Police Chief for the City and his time serving on the City Commission that he is aware of the law suits and other missteps Mr. Crabtree has kept the City out of; the personal contacts and respect Mr. Crabtree has in Frankfort and other areas of the state are a great asset to the City and enhanced his ability to work with the Industrial Authority and Mr. Crabtree is a great asset in working with new and existing industry.
- Mayor Clark stated that as he has talked to others he has confidence in and who are more familiar and experienced in City matters and found that not everyone is qualified to perform the duties of City Attorney and Franklin has a knowledgeable and dedicated individual in Scott Crabtree; The Mayor feels that Mr. Crabtree is the most experienced in government matters. For our community to continue to grow and prosper, we must sometimes spend money to obtain a quality individual. The Mayor believes in our changing world it just takes more funds to operate, and believes in retaining experienced individuals and be willing to support those people. Mayor Clark believes it is in the City's best interests to keep superior persons on staff and for that reason supports keeping Mr. Crabtree as our City Attorney.

Roll call vote was called. Commissioner Mason Barnes, No; Commissioner Larry Dixon, Yes; Commissioner Jamie Powell, Yes; Commissioner Henry Stone, No; Mayor Ronnie Clark, Yes. Motion carried 3 to 2.

CITY ATTORNEY REPORTS

None

CITY MANAGER REPORTS

City Manager Powell gave the following updates:

- The Electric Plant Board has completed work on the power lines at the Suber Building on the corner of Main and Kentucky Streets; the deadline per the City/County/Suber agreement for the owners to have the upgrade work completed on the building is September 9.
- In this meetings packet was information regarding upcoming testing of the Sanitarily Sewer System. It has been a continuing problem that large amounts of storm water infiltrate our sanitary sewer system and result in our Waste Water Treatment Plant (WWTP) working overtime treating storm water unnecessarily; during the recent storms the WWTP worked around the clock and this causes the water cost to increase. Smoke testing will be done on the sewer lines and show any locations that rain water can enter the system, either through infrastructure failure or illegally. If customer error is found, notice will be given to the owner to correct the problem and deadline determined to avoid fines. The times for this testing will be communicated to the public through the local radio, government cable channel, City web site www.franklinky.org, as well as door hangers in the neighborhood.

- The F-S Human Rights Commission will be conducting a public training session on Saturday, June 4, 9am to 4 pm at a cost of \$25 per individual. The sessions will include team building, working as a team and accountability training.
- The Water Treatment Plant (WTP) received a letter of achievement from the federal Environmental Protection Agency congratulating them on meeting the goals set by the Ky. Division of Water for optimum performance during 2010. City Manager Powell wishes to recognize the WTP staff for their hard work in meeting and exceeding the requirements.
- Also in this meeting's packet was the revised Rules and Regulations of the Veterans Section of the Cemetery per the Commission's direction.
- The Water Treatment Plant (WTP) is in the process of sending all City water customers a required Consumer Confidence Report that gives information on the testing and process of delivering quality water

OTHER COMMISSION BUSINESS

City Attorney Crabtree reminded the Commission that earlier in the meeting tonight they had indicated a desire to make a change in the Ordinance allowing for the granting of exemptions regarding the fire works time restrictions. Commissioners Powell and Barnes sponsored preparation of the documents necessary to implement the change and begin the process to amend the Ordinance.

ADJOURNMENT

Motion was made by Commissioner Barnes and seconded by Commissioner Dixon to adjourn the City Commission meeting. Ayes: All. Motion carried at 7:33 pm.



Ronnie Clark, Mayor



Kathy Stradtner, City Clerk
