

The Franklin, KY City Commission convened in **regular session** at 6:00 pm, **October 24, 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; Police Chief, Todd Holder; Police Senior Office, Chris Jackson; City Clerk, Kathy Stradtner; F-S Industrial Authority Chairman, Gary Broady; F-S Industrial Authority Executive Director, Dennis Griffin; 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 Good Samaritan Executive Director, Curry Davis was present and offered an opening prayer.

#### **APPROVAL OF MINUTES**

**Motion** made by Commissioner Barnes and second by Commissioner Powell to approve the minutes from the October 10, 2011 regular Commission meeting. Ayes: All. Motion carried unanimously.

#### **HEAR THE PUBLIC**

None

#### **REGULAR BUSINESS**

#### **GENERAL GOVERNMENT**

- **Discussion and/or Possible Action Regarding Street Closure Requests**

The City received two street closure requests:

1. Franklin First United Methodist Church requested the closing of College Street from W Cedar Street to Kentucky Avenue and Kentucky Avenue from College Street to Main Street for their annual Trunk or Treat activities on Monday, October 31, 2011 from 5:00 pm until 8:30 pm.
2. F-S Middle School requested the closing of College Street from W Cedar Street to Kentucky Ave for a "Drug Free is the Way to Be" event on Friday, October 28 from 11:30 am until 12:30 pm.

**Motion** made by Commissioner Powell and second by Commissioner Dixon to approve the request by Franklin First United Methodist Church and F-S Middle School as presented. Ayes: All. Motion carried unanimously.

- **Discussion and/or Possible Action Regarding Joint Resolution of the City Commission of the City of Franklin, Kentucky and the Simpson County Fiscal Court Amending a Previous Resolution Regarding the Franklin-Simpson Human Rights Commission**

As directed at the last Commission meeting, City Attorney Crabtree presented a resolution incorporating changes to the structure of the Franklin-Simpson Human Rights Commission. Motion made by Commissioner Barnes and second by Commissioner Dixon to approve Resolution R-2011 and authorize the Mayor to sign. Ayes: All. Motion carried unanimously.

**RESOLUTION NO. R-2011  
JOINT RESOLUTION OF THE CITY COMMISSION  
OF THE CITY OF FRANKLIN, KENTUCKY  
AND THE SIMPSON COUNTY FISCAL COURT  
AMENDING A PREVIOUS RESOLUTION REGARDING THE  
FRANKLIN-SIMPSON HUMAN RIGHTS COMMISSION**

*WHEREAS, it is the public policy of the Commonwealth of Kentucky to encourage fair treatment and equal opportunity to all persons regardless of race, color, sex, religion, national origin, gender, or age (40 and above), disability and familial status (in housing); and,*

*WHEREAS, the General Assembly of Kentucky has enacted the Kentucky Civil Rights Act (KRS 344) which confirms the power of all Kentucky cities and counties to establish commissions on human rights, and the State Commissions on Human Rights has urged the formation of Commission on Human Rights that would promote equal opportunity for all in Kentucky cities and counties; and,*

*WHEREAS, discrimination against persons based on race, religion, sex, age, disability or national origin is detrimental to the social health of the City and County, produces harmful effects on the economy, resulting in unused human resources and lower earning power for portions of the population; and,*

*WHEREAS, such discrimination represents an affront to the dignity of the individuals against whom it is directed, and is inconsistent with the democratic principles embodied in the Constitution of the United States and the Commonwealth of Kentucky; and,*

*WHEREAS, such discrimination intensifies group conflicts which do grave injury to the public health and welfare; and,*

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRANKLIN AND THE SIMPSON COUNTY FISCAL COURT as follows:*

**SECTION ONE. Policy.**

*It is the public policy of the City and County to promote fair treatment and equal opportunity for all persons regardless of race, color, religion, national origin, gender and/or sex, age (40 and above), disability or familial status in housing.*

**SECTION TWO. Definitions.**

*As used in this Resolution:*

*(A) "Discrimination" means any direct or indirect act or practice of exclusion, differentiation or preference in the treatment of person or persons because of race, color, religion national origin, gender and/or sex, age (40 or above), disability and familial status (housing) or the aiding, abetting, inciting, coercing or compelling thereof.*

*(B) "Commission" means the Franklin-Simpson Commission on Human Rights.*

*(C) "Commissioner" means a member of the Franklin-Simpson Commission on Human Rights.*

**SECTION THREE. Commission on Human Rights.**

*There is hereby re-established and created The Franklin-Simpson Commission on Human Rights. It shall consist of thirteen (13) members who shall be appointed on a nonpartisan basis and shall be broadly representative of employers, proprietors, religious groups, human rights members of the general public and the geography of Franklin, Simpson County. The Mayor shall appoint seven (7) of the members, and the County Judge shall appoint six (6) of the members. Members in good standing shall serve until resignation or replacement by the Mayor, County Judge Executive or Franklin-Simpson Human Rights Commission, in their discretion, with approval of the majority of the City Commission or Fiscal Court. Any member with more than (3) unexcused absences will be evaluated by the Commission. If a member has excessive absences, he or she will be recommended for removal to the governing body that appointed the member sought to be removed. A member of the Commission in good standing is eligible for reappointment. It is recommended that each Commission member attend at least one (1) Kentucky Human Rights Commission Workshop each year. No elected or appointed City or County official shall be a member of the Commission. The members shall serve without compensation. When a vacancy occurs, new applicants shall submit a brief biography to*

commission members before being appointed. Said biography shall include, but not limited to the applicant's name, address and telephone number. After the new member is appointed, he/she shall be required to attend training and evaluation. Excused absences shall be illness, death in family, work-related, or emergency. Member(s) shall notify Chairperson or Co-chairperson of any absences and the reason therefor.

**SECTION FOUR. Functions.**

(A) The Commission shall encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, national origin, gender and/or sex, age (40 or above) or disability and shall promote mutual understanding and respect among all economic, social, racial, sex, age, religion, disability and ethnic groups; and shall endeavor to eliminate discrimination against and antagonism between groups and their members because of their race, color, religion, national origin, sex, age or disability.

(B) The Commission shall administer such enforceable ordinances forbidding discrimination as the Franklin City Commission or Simpson Fiscal Court may enact.

**SECTION FIVE. Power and Duties.**

In performing its functions, the Commission shall have the following powers and duties:

(A) to conduct or arrange for research projects and studies into, and publish reports on discrimination and progress in equal opportunity in the community;

(B) to accept gifts or bequests, grants or other payments, public or private, to help finance its activities;

(C) to receive, initiate, investigate, seek to conciliate, and refer to the Kentucky Commission on Human Rights complaints alleging discrimination;

(D) to recommend methods for elimination of discrimination and intergroup tensions, and use its best efforts to secure compliance with recommendation;

(E) to cooperate with other intergroup relations agencies, both public and private, on the local, state and national levels in performing its functions under this resolution;

(F) to cooperate with various departments, agencies and boards of the City, County and of the Commonwealth in effectuating the purpose of this ordinance;

(G) to enlist the support of civic, labor, religious, professional, and educational organizations and institutions in community activities and programs that will further the goal of this resolution;

(H) to organize community committees and councils that will work toward the goals of this resolution;

(I) to recommend legislation to the Franklin City Commission and the Simpson Fiscal Court that will effectuate the purpose of this resolution;

(J) to submit an annual report of its activities and of the progress and problems in intergroup relations in the community to the Franklin City Commission and/or Simpson Fiscal Court; and,

(K) to adopt, promulgate, amend and rescind rules and regulations to effectuate the policies and provisions of this resolution.

**SECTION SIX. Cooperation of Departments.**

The services of all City and/or County departments, agencies or boards shall be made available to the Commission through the Mayor and County Judge Executive, with reasonable notice upon request, and to the extent permitted by law.

**SECTION SEVEN. Election of Officers.**

The Commission shall elect a Chairperson, Co-Chairperson, Secretary, Treasurer, Public Relations Officer, and such other officers as it shall deem necessary in order to carry out its functions. The terms of service of the Chairperson, Co-Chairperson and Treasurer shall be as long as the officers are members of the Commission. The officers shall serve three (3) year terms. The officers can serve multiple consecutive terms if approved by the Commission. The Commission shall also employ a Deputy Director who shall manage the day-to-day operations of the Commission, under the supervision of the Chair/Co-Chairperson, and shall be an ex-officio (nonvoting) member of the Commission.

**SECTION EIGHT. Expenditures.**

The Commission shall adopt a budget for expenditures within the limits of the funds raised or made available. The treasurer shall make an annual financial report to the Franklin City Commission and the Simpson Fiscal Court.

**SECTION NINE. Office Space.**

The City Commission and/or Fiscal Court may provide suitable meeting space and facilities for the Commission if such is available.

**SECTION TEN. Relationship with Kentucky Commission on Human Rights.**

The Commission shall, when requested, act in an advisory capacity to and otherwise cooperate with the Kentucky Commission on Human Rights whenever possible to effectuate compliance with the state laws. The Commission is authorized to enter into cooperative working agreements with the Kentucky Commission on Human Rights whenever enforceable ordinances forbidding discrimination are enacted which are in conformity with state law.

**PUBLIC SERVICES**

• **Presentation/Update Regarding Franklin Police Explorer Program**

Franklin Police Senior Officer Chris Jackson prepared a power-point presentation for the Commission regarding the Franklin Police Explorer program. The program, implemented in Franklin in 2010, is a national program with ties to the Boy Scouts of America program and is for both female and male individual's age fourteen to twenty years old who are interested in community work. Candidates must submit to a careful screening program to participate in the elite program. After recently conducting an open membership drive, the Explorer force presently numbers twelve members. At the end of the presentation, Officer Jackson noted that one aim of the Explorer Program is to interest young people in pursuing a career in law enforcement and returning to serve their community. The Commission recognized Officer Jackson and the Police Department for the fine job they are doing with the Explorer program.

**PUBLIC SAFETY**

No business

**COMMUNITY SERVICES**

• **Discussion and/or Possible Action Regarding Sales Procedures for Greenlawn Cemetery Lots**

City Manager Powell noted that during the last neighborhood walk, which was around the Greenlawn Cemetery, acting Sexton Derick Minnicks stated receiving several request to purchase cemetery lots on monthly installments. Currently the City sells each lot for \$500.00 with the full amount due at time of sell. City Manager Powell felt during these economic times, coming up with \$500.00 at one time is becoming more of an issue for many people. Finance Director Cendy Dodd has provided recommendation for a lot installment plan. Following discussion, the Commission gave their approval to proceed with development of procedures for installment purchase of cemetery lot(s).

City of Franklin Cemetery  
Lot Installment Sale Procedures  
October 19, 2011

1. Currently, cemetery lots are priced at \$500 per lot. This is subject to change per action of the Franklin City Commission. In case of a change in price, the City of Franklin will honor the price in effect at the date of the installment sale agreement.
2. A deposit of \$100 per lot is required to qualify for a lot installment sale agreement. There is a \$50 nonrefundable fee per lot if full payment is not received within term of the agreement.
3. Installment sale term is 6 months per grave with maximum of 12 months total.
  - a. One lot purchased term is 6 months maximum
  - b. Two or more lots purchased term is 12 months maximum
4. Deed(s) for lot will not be conveyed to customer until paid in full. The customer will have no ownership rights until deed(s) is conveyed.
5. There will be no interest charged on the installment sale. All payments will go toward purchase price of the lot.
6. If full payment is not received by the end of the agreed term, all monies received less the nonrefundable deposit of \$50 per lot will be refunded to the customer.

- **Discussion and/or Possible Action Regarding Donating Public Works ZAP Truck**

During preparation of a list of obsolete City equipment for later bid or disposal, City staff identified a 2008 Zebra Zap Truck that has not been operational for thirteen months and is sitting in the Public works building. Jeremy Loveall, Franklin-Simpson Welding Instructor, stated he would like to have the vehicle for the students to repair and later use for School related needs. The vehicle has a \$6,300 value on the books, and if we should donate the truck, we would show additional depreciation on the Company Wide Financial Statements. City Manager Powell recommends the City donate the Zap Truck to the F-S School system. Following discussion, **motion** made by Commissioner Powell and second by Commissioner Barnes to approve Resolution No. Q-2011 transferring the 2008 Zebra Zap truck to the Simpson County Board of Education. Ayes: All. Motion carried unanimously.

**RESOLUTION NO. Q-2011  
CITY OF FRANKLIN  
REGARDING DISPOSITION OF 2008 ZAP TRUCK TO SIMPSON COUNTY BOARD OF  
EDUCATION**

*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 2008 ZAP Xebra Truck formerly used by the Public Works Department/Street Department to the Franklin-Simpson Board of Education; and,*

*WHEREAS, the truck shall be used by the Franklin-Simpson Board of Education in the operation and maintenance of the Franklin-Simpson Board of Education, and the property will be transferred to the Franklin-Simpson Board of Education without compensation.*

*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 convey, without compensation, to the Franklin-Simpson Board of Education a 2008 ZAP Xebra truck, VIN # LAMB24618G200307.*
- 2. The intended use of the truck shall be to benefit the operation and maintenance of the school system to the benefit of all of the residents of Franklin, Simpson County, Kentucky.*
- 3. All maintenance and upkeep of the pickup truck shall be the responsibility of the Franklin-Simpson Board of Education.*
- 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 truck to the Franklin-Simpson Board of Education with no compensation.*
- 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.*

**UTILITIES**

- **Discussion and/or Possible Action Regarding Awarding Bid for Engineering Services for Drawings and Designs for the Gravity Sanitary Sewer Along South College Street, Rolling Road Drive and Timberlane Drive**

The City requested proposals for engineering services for the Gravity Sanitary Sewer along South College Street, Rolling Road Drive and Timberlane Drive. Quotes from three companies were received: Strand Associates (Louisville, KY) \$35,000; Barge, Waggoner, Sumner, Cannon, INC (Nashville, TN) \$27,800; ACES Engineering (Bowling Green, KY) \$12,000. This project is included in the Fiscal Year 11-12 budget, and City Manager Powell recommends awarding the project to ACES Engineering. The City Manager estimates their work to take two weeks for design and survey with an additional eight weeks for design approval from Kentucky Division of Water, after which bids will be requested for construction, which is targeted for the months of February and March 2012. **Motion** made by Commissioner Powell and second by Commissioner Dixon to award the engineering services contract for the Gravity Sanitary Sewer along South College Street, Rolling Road Drive and Timberlane Drive to ACES Engineering at the quoted price of \$12,000. Discussion included the large discrepancy between the low and high quotes. Question called and voting aye: All. Motion carried unanimously.

**ORDINANCES**

- **Second Reading of Ordinance Confirming the Sale and Awarding a Non-Exclusive Natural Gas Franchise to Atmos Energy Corporation and Millennium Energy, Inc. for a Term of Ten (10) Years for the Construction, Operation, and Maintenance of a Natural Gas Distribution System Along and Under Public Right-of-Way Within the City of Franklin, Kentucky, in Return for Which the Franchisees Shall Pay to the City an Annual Sum Equal to One Percent (1%) of the Revenues Derived From the Franchise Awarded Herein**

City Clerk Kathy Stradtner gave second summary reading to an ordinance awarding the natural gas franchise to Atmos Energy Corporation and Millenium Energy Inc. Motion made by Commissioner Powell and second by Commissioner Barnes to adopt Ordinance F.3-10-2011 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 and Ordinance adopted.

- **Second Reading of an Ordinance of the Commission of the City of Franklin, Kentucky, Authorizing the Grant of an Inducement for the Acquisition and Construction of a Project Pursuant to the Kentucky Business Investment Program KRS 154.32-010 to 154.32-100) Whereby the City Agrees to Forego the Collection of the One Percent (1%) City Occupational License Fee on Wages From Premium Services, LLC That Would Otherwise be Due With Respect to Project Employees, Which Amounts Shall be Collected and Retained by Said Employer Over a Term of Not Longer Than Ten (10) Years From the Activation Date Established by Said Program, and Taking Other Related Action**

City Clerk Kathy Stradtner gave second summary reading to an ordinance regarding a business inducement for Premium Services LLC. Motion made by Commissioner Barnes and second by Commissioner Stone to adopt Ordinance 221.5-10-2010 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 and Ordinance adopted.

- **Second Reading of an Ordinance of the Commission of the City of Franklin, Kentucky, Authorizing the Grant of an Inducement for the Acquisition and Construction of a Project Pursuant to the Kentucky Business Investment Program KRS 154.32-010 to 154.32-100) Whereby the City Agrees to Forego the Collection of the One Percent (1%) City Occupational License Fee on Wages From Worldwide Technologies That Would Otherwise be Due With Respect to Project Employees, Which Amounts Shall be Collected and Retained by Said Employer Over a Term of Not Longer Than Ten (10) Years From the Activation Date Established by Said Program, and Taking Other Related Action**

City Clerk Kathy Stradtner gave second summary reading to an ordinance regarding a business inducement for Worldwide Technologies. Motion made by Commissioner Powell and second by Commissioner Barnes to adopt Ordinance 221.6-10-2010 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 and Ordinance adopted.

- **First Reading of an Ordinance of the Commission of the City of Franklin, Kentucky, Authorizing the Grant of an Inducement for the Acquisition and Construction of a Project Pursuant to the Kentucky Business Investment Program KRS 154.32-010 to 154.32-100) Whereby the City Agrees to Forego the Collection of the One Percent (1%) City Occupational License Fee on Wages from Danafilms, Inc. That Would Otherwise be Due With Respect to Project Employees, Which Amounts Shall be Collected and Retained by Said Employer Over a Term of Not Longer Than Ten (10) Years From the Activation Date Established by Said Program, and Taking Other Related Action**

City Clerk Kathy Stradtner gave second summary reading to an ordinance regarding a business inducement for Danafilms, Inc. **Motion** made by Commissioner Dixon and second by Commissioner Powell to adopt Ordinance 221.4-10-2010 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 and Ordinance adopted.

- **First Reading of an Ordinance Rezoning 3.0 Acres From I-1 (Light Industrial) to B-4 (Highway Business District) at 822 Blackjack Road**

City Clerk Stradtner gave first summary reading to an ordinance granting a zone change from I-1 to B-4 to Franklin Church Holding LLC to property located at 822 Blackjack Road and containing approximately three acres.

#### EXECUTIVE SESSION

**Motion** made by Commissioner Barnes and second by Commissioner Powell to enter in to executive session for the purpose of deliberations on the future acquisition or sale of real property by a public agency where publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency {KRS 61.810 (b)}, discussions 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 {KRS 61.810(f)}. Ayes: All. Motion carried unanimously at 6:40 pm. Entering executive session were Mayor Clark and the four Commissioners, City Manager Powell, F-S Industrial Authority Chairman, Gary Broady, and F-S Industrial Authority Executive Director, Dennis Griffin.

At 7:00 pm, Mr. Griffin exited the executive session and the meeting.

At 7:21 pm, Mr. Broady exited the executive session and the meeting

At 7:30 pm, session returned to open meeting, and **motion** made by Commissioner Barnes and second by Commissioner Powell to close the executive session and return to open session. Ayes: All. Motion carried unanimously.

As a result of the executive session, **motion** was made by Commissioner Stone and seconded by Commissioner Dixon that the City be a guarantor and/or finance or assist in the financing of \$1,350,000, along with the County and/or the Industrial Authority, for the purchase of approximately 451 acres of property located on the east side of I-65 the north east side of Ky. Hwy. 100, said land formerly owned by Garvin properties, and authorize the Mayor to sign any and all documents necessary to effectuate the intent of this motion. Ayes: All. Motion carried unanimously. Commissioner Stone further reflected on his motion by stating he felt this action was a bargain for the future of this community, and the Fiscal Court is expected to mirror the action taken by the City; the cost ultimately to be borne by the Industrial Authority.

**CITY ATTORNEY REPORTS**

None

**CITY MANAGER REPORTS**

City Manager Powell announced the 2011 City Property Taxes had been mailed to city property owners and were payable at face value until November 30, 2011; all payments received or postmarked after that date will incur an initial 10% penalty. Any City property owners with questions regarding their bill or payment may contact City Hall.

**OTHER COMMISSION BUSINESS**

Mayor Clark commented on the three ordinances adopted tonight which offer inducements to Premium Services, LLC, Worldwide Technologies, and Danafilms, Inc. The incentive to abate the local occupational fee is on new employment only, and is something the State participates in to spur industrial development and retention.

**ADJOURNMENT**

**Motion** made by Commissioner Powell and second by Commissioner Dixon to adjourn the City Commission meeting. Ayes: All. Motion carried at 7:35 pm.

  
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Ronnie Clark, Mayor

  
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Kathy Stradtner, City Clerk

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