

The Franklin, KY City Commission convened in **regular session** at 12:00 pm, Monday, **March 25, 2013**, in the City Hall meeting room, 117 W. Cedar 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 Wendell Stewart	Present

Others present included City Attorney, Scott Crabtree; Chief of Police, Todd Holder; City Clerk, Mandy Cassidy; Administrative Deputy Clerk, Kathy Stradtner; Human Resources Director, Rita Vaughn who videoed the meeting; F. S Industrial Authority Director, Dennis Griffin; Housing Authority Director, Doug Jeffers; Community & Economic Development Coordinator, Nick Cooke; F.S. Human Rights Commission Representative, Donzella Lee; Franklin citizens for "Neighbors Against the Quarry" Bill Moody, Rhonda Carver, Mike Jacobs; various members of the community and Franklin Favorite/WFKN media representative, Keith Pyles.

**Honorable Mayor Ronnie Clark** called the meeting to order at 12:00 PM, and Woodburn Baptist Church Franklin Campus Pastor, Eric Walker, offered an opening prayer.

#### **APPROVAL OF MINUTES**

**Motion was made by Commissioner Barnes and second by Commissioner Stewart to approve the minutes from the March 11, 2013 Regular Commission Meeting. Ayes: Commissioner Powell, Commissioner Barnes, Commissioner Dixon, Commissioner Stewart and Mayor Clark. Motion carried unanimously.**

#### **RECOGNITION**

- **Introduction of New Franklin Housing Authority Executive Director Doug Jeffers**

Franklin Housing Authority Executive Director Doug Jeffers offered an update on housing authority business since he began ten (10) weeks ago. Mr. Jeffers indicated he is still becoming acquainted with a few aspects of the position; however he has reviewed the accounts payable and feels if they continue to receive the monthly subsidy from Housing and Urban Development (HUD) that everything will remain okay. Mr. Jeffers reported that there is 100% occupancy with a 3-6 month waiting list at this time. Mr. Jeffers reported they currently have 2 handicap accessible units and are hoping to obtain a total of 5 units which are handicap accessible. Commissioner Barnes inquired if there are any plans for expansion in the near future. Mr. Jeffers indicated the Housing Authority was approached by a current resident who is interested in purchasing property which the City recently provided to the Housing Authority located at 404 West Street. Discussion was held briefly regarding the intent of assisted housing. Mayor Clark and Commissioners thanked Mr. Jeffers for his work at the Housing Authority and his update on progress and daily activities.

#### **HEAR THE PUBLIC**

Franklin resident, Billy Moody, addressed the commission with a question concerning the sale of city property located on Ditmore Ford Road to Charles Deweese. City Attorney, Scott Crabtree, addressed Mr. Moody's question stating the city has not had any discussion regarding the sale of such property and each commissioner commented they had heard the rumor itself and assured the community that this item has not been discussed. Mr. Moody thanked the commission for their time.

**REGULAR BUSINESS**

**COMMUNITY SERVICES**

No business

**GENERAL GOVERNMENT**

• **Update on City Ordinance Codification**

City Clerk, Mandy Cassady, updated the commission regarding the ongoing Ordinance Codification project. Ms. Cassady informed the commission that electronic copies of all ordinances on the books were sent to American Legal Publishing and hope to have a review copy available to the City of Franklin within 4-6 months. No action taken.

• **Discussion and/or Possible Action Regarding Evidentiary Materials for CDBG #12-017 Funding for Blighted Hospital Removal Project.**

Commission heard update from Nick Cook, Community & Economic Development Coordinator for BRADD (Barren River Area Development District) regarding Community Development Grant #12-017. Mr. Cook confirmed the preliminary approval of grant in the amount of \$500,000.00 and notified the commission of several evidentiary materials which need to be submitted for the blighted hospital removal project. Mr. Cook explained in detail to commission the materials needed and review of materials and discussion took place. A motion was made by Commissioner Powell and second by Commissioner Dixon to approve the adoption of Resolution C-2013 RE: Anti-displacement & Relocation Assistance and authorize the Mayor to sign said Resolution. Ayes: All. Motion carried unanimously

*Resolution No. C-2013*  
*GUIDEFORM RESIDENTIAL ANTIDISPLACEMENT AND*  
*RELOCATION ASSISTANCE*  
*PLAN UNDER SECTION 104 (d) OF THE HOUSING AND COMMUNITY*  
*DEVELOPMENT ACT OF 1974, AS AMENDED.*

*The City of Franklin will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606 (b) (1).*

*All replacement housing will be provided within three years of the commencement of the demolition of rehabilitation relating to conservation. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Franklin will make public notice and submit to the Department for Local Government the following information in writing:*

- 1. A description of the proposed assisted activity;*
- 2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate income dwelling units as a direct result of the assisted activity;*
- 3. A time schedule for the commencement and completion of the demolition or conversion;*
- 4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;*
- 5. The source of funding and a time schedule for the provision of replacement dwelling units; and*
- 6. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy.*

*The City of Franklin will provide relocation assistance, as described in 570.606 (b) (2), to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling to another use as a direct result of assisted activities.*

*Consistent with the goals and objectives of activities assisted under the Act, the City of Franklin will take the following steps to minimize the displacement of persons from their homes:*

*The City of Franklin will avoid displacement and relocations of any existing housing units. Specifically, the acquisition and demolition of buildings associated with the Franklin Blighted Hospital Removal using Federal funds will not require any displacement or relocations other than those residents whom are already displaced as a result of a previous fire. Residents previously occupying the structures that were destroyed by the fire may be eligible for relocation assistance under the Uniform Relocation Act and if eligible will be provided with relocation assistance.*

**A motion was made by Commissioner Stewart and second by Commissioner Powell to approve the adoption of Resolution D-2013 RE: Signatory Authority for CDBG and authorize the Mayor to sign said Resolution. Ayes: All. Motion carried unanimously.**

**Resolution No. D-2013**

**City of Franklin**

**Resolution Regarding Signatory Authority for CDBG Project**

*WHEREAS, the City of Franklin is desirous of acquiring and demolishing blighted structures and has applied for and been awarded CDBG funds for such project,*

*THEREFORE BE IT RESOLVED THAT THE City Commission hereby approves any and all documents related to grant number 12-017 including but not limited to the grant agreement.*

*FURTHERMORE, BE IT RESOLVED BY THE City Commission that the Mayor of Franklin is authorized to sign any and all documents necessary for the development and completion of the project.*

*FUTHERMORE, BE IT RESOLVED BY THE City Commission, that City Manager, Kenton Powell is authorized to sign the all documents necessary for the development and completion of the project, in the absence of Mayor Ronnie Clark.*

**A motion was made by Commissioner Barnes and second by Commissioner Stewart to approve the adoption of Resolution E-2013 RE: Procurement Standards and authorize the Mayor to sign. Ayes: All. Motion carried unanimously.**

**Resolution Number E-2013**

**PROCUREMENT STANDARDS**

*All procurements made by the City of Franklin (hereafter referred to as "Grantee") involving the expenditure of local, State and Federal funds on CDBG Project 12-017 will be made in accordance with the following procurement standards.*

*Procurement transactions, regardless of method or dollar value, will maximize open and free competition. The City shall not engage in procurement practices that may be considered restrictive in trade.*

*Purchases will be reviewed by the Treasurer to prevent duplication and to insure that costs are reasonable.*

***I. Methods for Procurement***

*Procurements shall be made by one of the following methods: (a) small purchase procedures, (b) competitive sealed bids, (c) competitive negotiation, (d) non-competitive negotiation.*

***A. SMALL PURCHASES***

*For purchases of less than \$50, efforts will be made to get the lowest and best price, but written records of such efforts are not necessary.*

*Purchases that cost more than \$50 but less than \$20,000 require quotations of rate, price, etc., but no legal advertisement is required. The City will solicit responses from at least three vendors. If written responses are not available, a statement explaining the procurement will be prepared and filed. If quotations are obtained via telephone, a memorandum will be prepared setting forth the date the calls were made, parties contacted, and prices obtained.*

*The City will make the award to the lowest responsive and responsible source, and enter into a contract formalizing the scope of work and terms of compensation.*

***B. COMPETITIVE SEALED BIDS***

*Bidding will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost. When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services other than those personal or professional exceeds \$20,000, an Invitation for Bids (IFB) notice will generally be prepared. Per KRS 424.120, this notice will be published at least once in a qualifying official newspaper of general circulation within the community. This newspaper notice will appear not less than seven (7) days and not more than twenty-one (21) days before the due date for bid proposals. In addition, the City must also solicit sealed bids from responsible prospective suppliers by distributing a copy of such notice to them.*

*The IFB will include a general description of the goods or services to be procured, the bid deposit and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest bid price or the*

lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be utilized must be stated in the IFB. The newspaper notice must also contain language that calls to the attention of bidders all applicable requirements that must be complied with such as Section 3 of the 1968 Housing Act, Section 109 of the 1974 Housing and Community Development Act, the Civil Rights Act of 1964, Executive Order 11246 and the Davis-Bacon Act.

Sealed bids will be opened in public at the time and place stated in the IFBs. The City will tabulate the bids at the time of bid opening. The results of the tabulation and the bid documents will be evaluated by the review committee, which will make recommendations to the City. The City will make a firm fixed-price contract award in writing to the lowest responsive and responsible bidder. After the City makes the bid award, a contract will be prepared for execution by the successful bidder. After the contract is signed, all bid deposits will be returned to all unsuccessful bidders.

The City may cancel an Invitation for Bid or reject all bids if it is determined in writing that such is in the best interests of the City. The City may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.

In the event that all bids exceed available funds, the City may enter into negotiations with bidders in accordance with KRS 45A.375.

#### C. COMPETITIVE NEGOTIATION

The City will utilize competitive negotiations, regardless of contract amount, upon a written determination that:

1. Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid price or the lowest evaluated bid price (in other words, bidding is not feasible).
2. The services to be procured are professional or personal in nature.

With the exception of procurement of certain professional services (principally engineering services), competitive negotiations will proceed as follows:

1. Proposals will be solicited through a qualifying official newspaper advertisement; additionally, a Request for Proposal (RFP) may be prepared and mailed to qualified vendors. The newspaper advertisement must be published at least seven (7) days and not more than twenty-one (21) days before the date for receipt of the proposals. The RFP will describe services needed and identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor. The RFP will also state where further details regarding the RFP may be obtained. The RFP will call attention to the same regulations discussed in the bidding process. Requests for proposals will always include cost as a selection factor except for engineering services.
2. Award must be made to the offeror whose proposal is determined by the review committee to be most advantageous to the program, with price and other factors considered. Evaluations must be based on the factors set forth in the Request for Proposal and a written evaluation of each response prepared. The review committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be abandoned.

For the procurement of architectural/engineering (A/E) professional services, an alternative to RFPs may be used. The City may publish a Request for Qualifications. RFQs are handled in a similar method to RFPs with the exception that cost is not a factor in the initial evaluation. A review committee will evaluate the responses and rank them by comparative qualifications. The highest scoring person or firm will be contacted and the selection committee will negotiate cost. If the committee is unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm will be invited to negotiate. The committee will maintain a written record of all such negotiations.

#### D. NON-COMPETITIVE NEGOTIATIONS

Non-competitive negotiations may be used for procurements in excess of \$20,000 when sealed bidding or competitive negotiations are not feasible. The City may purchase goods and services through non-competitive negotiations when it is determined in writing that competitive negotiation or bidding is not feasible and that one of the following circumstances applies:

1. An emergency exists which will cause public harm as a result of the delay caused by following competitive purchasing procedures, or
2. The product or service can be obtained only from one source, or
3. Only one satisfactory proposal is received through RFP or RFQ, or
4. The state has authorized the particular type of non-competitive negotiation (e.g., - the procurement of services by an Area Development District).

Procurement by non-competitive negotiation requires the strictest attention to the observation of impartiality toward all suppliers. The Commonwealth of Kentucky must approve all procurements by non-competitive negotiation when only one supplier is involved or only one bid or response to an RFP/RFQ is received.

#### II. CONTRACTS

Generally, all procurement in excess of \$500 will be memorialized and supported by a written contract. Where it is infeasible or impractical to prepare a contract, a written finding to this effect will be prepared and a purchase

order regarding the transaction will also be prepared. The contractual provisions required by "The Common Rule" will be included in all contracts and purchase orders.

### III. DOCUMENTATION

All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data, and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is infeasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed, the purpose of this section is to insure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost (including the issue of reasonableness of cost) and basis for payment.

### IV. LOCALLY OWNED, MINORITY OWNED, FEMALE OWNED AND SMALL BUSINESSES

Efforts will be made and documented to solicit participation of locally owned, minority owned, female owned and small businesses. Where feasible, evaluation criteria will include a factor with an appropriate weight for these firms. A list of locally owned, minority owned, female owned and small businesses and also minority businesses located within the trade region shall be maintained and utilized when issuing IFBs, RFPs and RFQs. This list shall also be consulted when making small purchases.

### V. CODE OF CONDUCT

#### A. CONFLICT OF INTEREST

No elected official, employee or designated agent of the City will participate or have an interest in the selection or in award or administration of any procurement transaction if a conflict of interest, real or apparent, exists.

A conflict of interest occurs when the official, employee or designated agent of the City, partners of such individuals, immediate family members within a first degree relationship by affinity or consanguinity, or an organization which employs or intends to employ any of the above has a financial or other interest in any of the firms selected for an award.

#### B. ACCEPTANCE OF GRATITUDES

No elected official, employee or designated agent of the City shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, subcontractors or potential subcontractors.

#### C. PENALTIES

Any elected official, employee or designated agent of the City who knowingly and deliberately violates the provisions of this code will be open to civil suit without the legal protection of the City. Furthermore, such a violation of these procurement standards is grounds for dismissal by the City.

Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with the City.

**A motion was made by Commissioner Dixon and second by Commissioner Barnes to approve the adoption of Resolution F-2013 RE: CDBG Project Costs; and to authorize the Mayor to sign said Resolution. Ayes: All. Motion Carried unanimously.**

**Resolution Number F-2013  
RESOLUTION FOR FRANKLIN, KENTUCKY  
RESOLUTION REGARDING CDBG PROJECT COSTS**

*WHEREAS, the City of Franklin is desirous of acquiring and eliminating blighted structures and has applied for and been awarded CDBG funds for such project,*

*THEREFORE BE IT RESOLVED BY THE CITY COMMISSION that cost overruns associated with the Franklin Blighted Hospital Removal project will be borne by the City as the applicant from resources secured by the City.*

- **Discussion and /or Possible Action Regarding Conveyance of Un-Built Alley on Northerly Side of Cemetery Street.**

Commissioner heard request from City Attorney, Scott Crabtree, regarding the approval of a Quitclaim deed for .02+/- acres conveying an un-built alley on Cemetery Street to Lloyd Chandler and Wife, Paulette Chandler. A motion was made by Commissioner Powell and second by Commissioner Stewart to approve Quitclaim Deed for .02+/- acres on the northerly side of Cemetery Street and to authorize the Mayor to sign any documents necessary to effectuate this transaction. Ayes: All. Motion carried unanimously.

### PUBLIC SERVICES

No Business

**PUBLIC SAFETY**

No Business

**UTILITIES**

- **Discussion and/or Possible Action Regarding Change order #3 for FiberNet Network Equipment and Related Hardware.**

Fiber Services Manager, Tammie Carey, addressed the commission regarding a change order for Network Equipment and Related Hardware. Mrs. Carey commented, due to Glenn Dalcourt's assistance to Cornerstone Information Systems, a large portion of installation and configuration of equipment was completed by Mr. Dalcourt. Due to this, the final invoice to the City of Franklin was under budget by \$24,562.25. A motion was made by Commissioner Dixon and second by Commissioner Barnes to approve change order number 3 for the network equipment and related hardware contract for the fiber optic project reducing the contracted amount to Cornerstone Information Systems, Inc. by \$24,562.25. Ayes: All. Motion carried unanimously.

- **Discussion and/or Possible Action Regarding Change Order #4 for FiberNet Fiber Construction Project.**

Commission heard request from Fiber Services Manager, Tammie Carey, regarding change order #4 to the contract with Stansell Electric for the construction of the fiber optic project in the amount of \$29,843.14. Due to additional purchase of fiber, messenger wire, various other materials needed to complete the project there was an increase to the original contract cost. A motion was made by Commissioner Powell and second by Commissioner Barnes to approve change order number 4 with Stansell Electric in the amount of \$29,843.14 for the fiber optic construction project. Ayes: All. Motion carried unanimously.

**ORDINANCES**

- **First Reading of Ordinance No. 620.3-04-08-2013 Establishing Limits and Restrictions on Kenneth Utley Drive (formerly known as Ditmore Ford Road).**

City Clerk, Mandy Cassady, gave first summary reading to Ordinance No. 620.3-04-08-2013. No action taken.

- **First Reading of Ordinance Amending Fiscal Year 2012 -- 2013 Budget.**

City Clerk, Mandy Cassady, gave first summary reading to Ordinance No. C2012-2013. No action taken.

- **Second Reading of Ordinance Authorizing Inducement for Franklin Precision Industries pursuant to Kentucky Business Investment Program.**

City Clerk, Mandy Cassady, gave second summary reading to Ordinance No. 221.9-03-2013 an ordinance authorizing inducement for Franklin Precision Industries pursuant to Kentucky Business Investment program. A motion was made by Commissioner Barnes and second by Commissioner Stewart to adopt Ordinance No. 221.9-03-2013. Roll call vote taken: Ayes: Commissioner Barnes, Commissioner Dixon, Commissioner Powell, Commissioner Stewart and Mayor Clark. Motion carried unanimously.

EXECUTIVE SESSION

Motion by Commissioner Powell and second 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 {KRS 61.810(f)} Ayes: All. Motion carried unanimously at 12:35 PM.

Entering executive session were Mayor Clark, Commission Barnes, Commissioner Dixon, Commissioner Powell, Commissioner Stewart and City Manager Powell.

Mr. Dennis Griffin entered into executive session at 1:15 pm. Mr. Dennis Griffin exited executive session at 1:20 pm.

At 1:28 p.m. session was returned to open meeting, and motion was made by Commissioner Powell and second by Commissioner Stewart to close the executive session and return to open session. Ayes: All. Motion carried unanimously.

CITY ATTORNEY REPORTS

City Attorney, Scott Crabtree, requested approval to send letter to Board of Adjustments regarding support of conditional use permits for approved liquor license applicants. A motion was made by Commissioner Barnes and second by Commissioner Dixon to approve letter of support to Franklin Simpson Board of Adjustments for conditional use permits issued by Board of Adjustments for state awarded package liquor license applicants. Ayes: All. Motion carried unanimously.

CITY MANAGER REPORTS

City Manager, Kenton Powell, requested approval for the Mayor's signature on letter approving the raising of radio tower for radio wave coverage. The city no longer uses the frequency in question and commented they had no objection to request. A motion was made by Commissioner Powell and second by Commissioner Stewart to authorize Mayor Clark to sign letter in support of raising radio tower for radio coverage. Ayes: All. Motion carried unanimously.

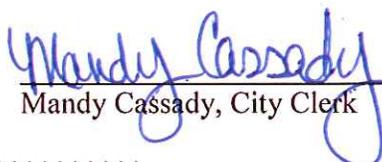
OTHER COMMISSION BUSINESS

None

ADJOURNMENT

Motion made by Commissioner Powell and second by Commissioner Dixon to adjourn the City Commission meeting. Ayes: All. Motion carried unanimously at 1:35 pm

  
Ronnie Clark, Mayor

  
Mandy Cassady, City Clerk