

ORDINANCE NO. 221.3-10A-2010

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 CHARLES DEWEESE CONSTRUCTION COMPANY, 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

WHEREAS, it is the public policy of the City Commission of the City of Franklin, Kentucky ("City Commission" and "City") to encourage, promote, and support economic development, new job formation, and the development and growth of industry and commerce, and to preserve existing jobs in Kentucky for the public purposes of providing employment opportunities for its citizens and residents, alleviating conditions of unemployment, stabilizing and promoting the economy of Kentucky, and creating new tax bases and sources of revenue for the Commonwealth;

WHEREAS, the Kentucky Business Investment Program, Sections 154.32-010 through 154.32-100 of the Kentucky Revised Statutes ("KRS"), the ("Program"), authorizes and empowers the Commonwealth and certain local jurisdictions to promote economic development in Kentucky by inducing the creation of economic development projects by eligible companies, as more particularly described therein;

WHEREAS, KRS 154.32-090 authorizes an eligible company to deduct certain wage assessments from payments of wages to economic development project employees and each employee paying the assessment, in turn, to credit the assessment against their Kentucky individual income tax and, subject to the approval of the local levying authority or authorities, local occupational license fee or fees otherwise due;

WHEREAS, Charles Dewese Construction Company, Inc. (the "Company") has proposed to expand, acquire, construct and/or install within the City a project consisting of the facilities and properties described in Exhibit A attached hereto (collectively, the "Project");

WHEREAS, the Company has represented to the City that the expansion, acquisition, construction and/or installation of the Project, if completed, will result in a substantial number of new job opportunities in the community;

WHEREAS, the Company has filed an application with the Kentucky Economic Development Finance Authority (the "Authority") for approval of the Project for the Program as authorized in KRS 154.32-030;

WHEREAS, it is appropriate and in the public interest that the City Commission make a formal, binding commitment of financial resources in order to encourage and support economic development endeavors generally and the Project specifically if and when approved by the Authority pursuant to KRS 154.32-030; and

WHEREAS, the City Commission has approved the granting of an inducement to the Company for the Project, pursuant to the Program, whereby it would forego the collection of the one percent (1%) occupational license fee on wages that otherwise would be due the City, which fee shall be retained by the Company, with respect to Project employees whose jobs meet the criteria and requirements established by the Program ("Qualifying Employees") for a term of not longer than ten (10) years from the date the Company properly activates the

Program's incentives pursuant to KRS 154.32-030 and any agreement relating to the Project that the Company has with the Authority (the "Activation Date").

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRANKLIN AS FOLLOWS:

Section 1. It is hereby found, determined and declared that the recitals set forth in the preambles to this Ordinance, which are incorporated in this Section by reference, are true and correct.

Section 2. Inducement. The City shall forego collection of, and Company shall be entitled to collect and retain the one percent (1%) City occupational license fee due on wages paid to Qualifying Employees for a term of not longer than ten (10) years from the Activation Date (the "Inducement Term"), as specified herein.

Section 3. Company to Deduct and Withhold Occupational License Fee on Wages. The Company when making payment of wages to Qualifying Employees earned with respect to the Inducement Term shall deduct and withhold upon the wages the one percent (1%) City occupational license fee. The Company shall report such withheld amounts on the forms and reconciliations required by KRS 67.783(4) and (5) and Sections 110.60(4) and (5) of the City Code of Ordinances.

Section 4. Company Entitled to Credit for Withheld Amounts. The Company shall not remit to the City but shall retain the amounts withheld from wage payments pursuant to Section 3 of this Ordinance. The Company shall be entitled to an offsetting credit against its liability to the City under KRS 67.780 to 67.785 and Sections 110.059 to 110.61 of the City Code of Ordinances for withheld amounts equal to the amounts withheld from wage payments pursuant to Section 3 of this Ordinance.

Section 5. Qualifying Employees Entitled to Credit for Withheld Amounts. Each Qualifying Employee shall be entitled to a credit against his or her occupational license fee liability to the City under KRS 67.785(3) and Section 110.61(3) equal to the amounts withheld from his or her wages pursuant to Section 3 of this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after its adoption as provided by law.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of this Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

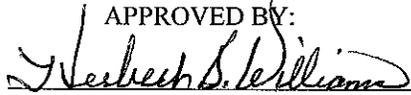
September 27, 2010 FIRST READING

September 30, 2010 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on September 30, 2010, on motion made by Commissioner Jamie Powell and seconded by Commissioner Mike Simpson, the foregoing ordinance was adopted, after full discussion, by the following vote:

YES MIKE SIMPSON
YES JAMIE POWELL
YES WENDELL STEWART
YES HENRY STONE
YES HERBERT S. WILLIAMS, MAYOR

APPROVED BY:


HERBERT S. WILLIAMS, MAYOR

ATTEST:


KATHY STRADTNER, CITY CLERK
CITY OF FRANKLIN, KENTUCKY

Exhibit A

Project Description

An expansion of the existing business located at 765 Industrial By-Pass North in Franklin, Kentucky for the creation of approximately 50 construction related jobs to construct roads, water and sewer lines, and to perform site preparation work. The project will be located within the incorporated area of the City of Franklin, Kentucky, together with new equipment and machinery and subsequent replacement equipment and machinery necessary to the continued operation of the project, and related facilities.