

ORDINANCE NO. 830.6-09-08

**AN ORDINANCE RELATING TO AN EXCLUSIVE FRANCHISEE
TO COLLECT, TRANSPORT AND DISPOSE
OF COMMERCIAL AND RESIDENTIAL SOLID WASTE
WITHIN THE CITY OF FRANKLIN, KENTUCKY**

WHEREAS, the City Commission of the City of Franklin, Kentucky, acting under the authority granted to it by Chapter 109 and 224 of the Kentucky Revised Statutes and with powers delegated to it in KRS 82.081, advertised a request for proposals for the collection, transport and disposal of household, commercial and Wastewater Treatment Plant solid waste, and the collection, transport and resale or reuse of certain recoverable (recyclable) materials in the incorporated portions of the City of Franklin, Kentucky intending to award an exclusive franchise for the services described in the request for proposals;

WHEREAS, on May 1, 2008, proposals were received by the City of Franklin to perform the services described in the request for proposals;

WHEREAS, City staff recommended that the City Commission issue an exclusive franchise to collect, transport and dispose of commercial and residential solid waste within the City of Franklin because multiple franchisees would increase large truck traffic in the City leading to increased wear and tear on the roadways and an increase in potential traffic hazards caused by the need for collection vehicle to stop frequently in the roadway during collection;

WHEREAS, City staff recommended that the City Commission issue an exclusive franchise to collect, transport and dispose of residential, commercial and Wastewater Treatment Plant solid waste within the City of Franklin because of the concentrated nature of businesses and residences within the City, and the need to maintain uniformity and minimize confusion of collection times that would be caused by multiple franchisees servicing residents in a confined area such as Franklin.

WHEREAS, City staff recommended that the City Commission issue an exclusive franchise to collect, transport and dispose of Wastewater Treatment Plant, commercial and residential solid waste within the City of Franklin to Waste Management of Kentucky, L.L.C., (hereinafter "Waste Management") because Waste Management's proposal offered the lowest rate for the services currently enjoyed by the residents of Franklin at \$14.85 for collection of residential solid waste with oversize collection at the curb, and the lower prices offered for the collection of the other solid wastes, yielding the citizens of Franklin an overall reduction in current solid waste rates.

WHEREAS, the City staff's recommendation was also based upon Waste Management's experience and qualifications to perform residential solid waste collection services, including prior experience collecting the county residents' residential waste in a prompt, efficient and professional manner.

WHEREAS, the Franklin City Commission by motion adopted the recommendations of City staff and awarded a franchise to Waste Management to collect, transport and dispose of the Wastewater Treatment Plant cake sludge, and the commercial and residential solid waste within the City of Franklin.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Franklin, Kentucky that the attached City of Franklin Exclusive Commercial and Residential Franchise Agreement which is incorporated herein by reference be approved and that the Mayor be authorized to execute said agreement on behalf of the City of Franklin, Kentucky.

The City shall have the authority to bring an action against any party who violates the exclusive franchise which is granted pursuant to the Agreement, to enjoin such party from such violation, impose a fine of \$1,000 per day of violation, obtain damages and obtain other relief that may be allowed pursuant to applicable law from such party.

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 Ordinance.

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

Sept 11, 2008 FIRST READING

Sept 22, 2008 SECOND READING

At a meeting of the City Commission of the City of Franklin, Kentucky, held on September 22, 2008 on motion made by Commissioner Bill Austin and seconded by Commissioner Wendell Stewart, the foregoing ordinance was adopted, after full discussion, by the following vote:

Yes HERBERT WILLIAMS


Yes BILL AUSTIN

Yes WENDELL STEWART

Yes HENRY STONE

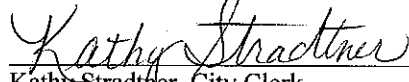
Yes JIM BROWN, MAYOR

APPROVED BY:



Jim Brown, Mayor

ATTEST:



Kathy Stradtner, City Clerk