

**FRANKLIN CITY COUNCIL
MAY 21, 2012**

Members of the Franklin City Council met in regular session on Monday, May 21, 2012, 6:00 p.m. at the Franklin Municipal Building, Vice Mayor Jason Faulkner presiding.

Roll call showed:

Denny Centers	present
Matt Wilcher	present
Jason Faulkner	present
Scott Lipps	absent
Carl Bray	present
Michael Aldridge	present
Todd Hall	present

There were 5 visitors and no one from the press at tonight's meeting. Also present: Mr. Jonathan Westendorf, Fire Chief; Mr. Russ Whitman, Police Chief; Mr. Ross Coulton, Police Captain; Ms. Donnette Fisher, Law Director; Mr. Sonny Lewis, City Manager and Mrs. Jane McGee, Clerk of Council.

The Pledge of Allegiance was led by Police Captain Russ Coulton.

Mr. Hall made the motion to approve the Clerk's Journal and accept the tapes as the official minutes of the May 7, 2012 regular meeting; seconded by Mr. Wilcher. The vote:

Mr. Centers	yes
Mr. Wilcher	yes
Mr. Faulkner	yes
Mr. Lipps	absent
Mr. Bray	abstain
Mr. Aldridge	yes
Mr. Hall	yes

Motion passed.

RECEPTION OF VISITORS

None tonight.

INTRODUCTION OF NEW LEGISLATION:

Vice Mayor Faulkner introduced: Ordinance 2012-08 Accepting the Dedication from Community Baptist Church of a Fifty-Foot Right-of-Way and Utility Easement to Establish Mission Lane as A Public Way

Mr. Lewis stated that there have been discussions the past several years on taking over the road but it never happened. We currently maintain the water and sewer lines which are located in the roadway. We now feel that we can do it.

Mr. Centers stated the last time we talked about this, there were several property owners involved and this just has signatures from the Church. Mr. Lewis stated that only the Church owns property along the

roadway. The other property owners do not have any street frontage. Ms. Fisher added the property owners had access easements. Mr. Lewis added the Church signatures are the ones needed.

Vice Mayor Faulkner stated we have tried several times to get this done but had problems getting the required signatures.

Mr. Wilcher asked if this will include any grinding when it is paved. Mr. Lewis stated yes, and this will be included in the street paving budget.

Discussion followed on paving Mission Lane along with the estimated cost of the paving.

The Public Hearing on Ordinance 2012-08 will be held Monday, June 4, 2012 at 6:00 p.m.

Vice Mayor Faulkner introduced: Ordinance 2012-09 Establishing a Video Service Provider Fee to be paid by Any Video Service Provider Offering Video Service in the City; Establishing a Definition of Gross Revenues; and Providing for Notice of this Ordinance to Video Service Providers

Ms. Fisher stated in 2007 a new law was passed removing all authority from local governments to award franchises and giving that control to the State. Under the new law, current franchise agreements were to continue until they expired, unless the VSP (video service provider-Time Warner) elected to opt-in to the State program at an earlier date. There are three reasons for which a VSP may opt-in early, one of them being the FCC has determined under Federal Law that the VSP is subject to effective competition in the service area. Time Warner has notified us they have received a VSP license under the new State Law. This makes our current contract void. We can continue to receive the cable franchise fees. This ordinance establishes the fee at 5% of the gross revenues, including advertising revenues, which it is currently. It will also apply to any company that provides this service. Time Warner also agrees to provide the PEG channel used by the Franklin City Schools and provide the basic cable services to all the schools, library and the city at no charge.

Mr. Centers asked how many providers are there. Ms. Fisher stated Time Warner is the only one now.

Mr. Centers voiced concerns being locked in with Time Warner. Ms. Fisher stated they will continue to give us what we currently have; any new services we will have to pay for; and AT&T is the only company providing VSP services.

Vice Mayor Faulkner explained that there are others providing video service in the area – just not in this area yet. Ms. Fisher added that the residents shouldn't see any change in their bills.

Mr. Bray asked if the schools know that we fought for them to continue receiving the same service. Ms. Fisher stated that she sent an email to Superintendent Elam but hasn't received any response from him.

Vice Mayor Faulkner stated the Public Hearing will be held at the June 4, 2012 Council meeting.

CITY MANAGER'S REPORT

Mr. Lewis had no report tonight.

LAW DIRECTOR'S REPORT

Ms. Fisher reported on the following:

- Received notice from the Liquor Control Board that all permits expire June 1; talked to the Police Chief and there are none to object to
- Hearing on Bistro's has been continued
- Need to schedule a Safety Committee Meeting – meeting scheduled for June 4, 2012 at 4 p.m.

COUNCIL COMMENTS

Mr. Centers asked for an update on tonight's Finance Committee meeting; and also asked about the Memorial Day Parade. Mr. Bray noted that they usually walk in the Memorial Day Parade and ride in the 4th of July Parade. Council agreed, they will walk in the Memorial Day Parade – will contact Mr. Mears and let him know. Mr. Centers asked who is in charge of the 4th of July parade – Special Events Committee. He added that he can arrange for an F-16 fly over - if you want a fly over and they are available.

Mr. Hall had no comments tonight.

Mr. Bray gave an update on the Finance Committee Meeting: Car Show request of \$3,500 and 911 Memorial request will be on the next Council agenda; need formal request and more information from Mr. Lamb about the bike show; and thanks to Joe Harris for fighting for the Mission Lane dedication as a public way.

Mr. Aldridge stated that the concert season is upon us and asked if there have been any complaints. Mr. Lewis stated we received 1 call from the first week, no calls last weekend and June 2nd is the big weekend.

Mr. Wilcher stated he agrees with Mr. Bray about Mission Lane; and that he met Luke, Water Department employee, who took the time to show & explain to him the equipment being used in reading meters.

Vice Mayor Faulkner thanked Mr. Harris for his support.

EXECUTIVE SESSION

Mr. Hall made the motion to enter into executive session to discuss pending legal issues, with no action afterwards; seconded by Mr. Aldridge. The vote:

- Mr. Wilcher yes
- Mr. Faulkner yes
- Mr. Lipps absent
- Mr. Bray yes
- Mr. Aldridge yes
- Mr. Hall no
- Mr. Centers yes

Motion passed.

Vice Mayor Faulkner and members of Council entered into executive session at 6:25 p.m. to discuss pending legal issues, with no action afterwards.

Mr. Bray made the motion to exit executive session; seconded by Mr. Aldridge. The vote:

- Mr. Faulkner yes
- Mr. Lipps absent
- Mr. Bray yes

Mr. Aldridge yes
Mr. Hall yes
Mr. Centers yes
Mr. Wilcher yes

Motion passed.

Vice Mayor Faulkner reconvened the meeting.

Mr. Wilcher made the motion to adjourn; seconded by Mr. Hall. The vote:

Mr. Lipps absent
Mr. Bray yes
Mr. Aldridge yes
Mr. Hall yes
Mr. Centers yes
Mr. Wilcher yes
Mr. Faulkner yes

Motion passed.

Vice Mayor Faulkner adjourned the meeting.

Mayor

Clerk of Council