

The Franklin City Council held a regular meeting on Monday, April 14, 2008 at 7:00 p.m. in Council Chambers, 207 W. Second Avenue.

Council members in attendance: James P. Councill, III, Mayor, Raystine Johnson, Vice-Mayor, Charles Wrenn, Rosa Lawrence, Mary Hilliard and Mark Fetherolf. ABSENT: Joseph Scislowicz.

Staff in attendance: Rowland Taylor, City Manager, H. Taylor Williams, IV, City Attorney, Phil Hardison, Chief of Police, Andy Rose, Director of Finance, Beth Reavis, Director of Social Services, Vince Holt, Director of Emergency Services, Jonathan Lackey, IT Director, Connie Burgess, Director of Early Childhood Education and Erin Turner, Executive Assistant.

Others in attendance: Dinah Babb, Treasurer and Dan Howe, Downtown Franklin Association Director.

Invocation

Mayor Councill offered the invocation.

Introduction of New Employee

Beth Reavis introduced Carolyn Doughtie as the City's newest Eligibility Worker with Social Services.

Citizens' Time

Ellis James. Norfolk. Mr. James encouraged Council to support Southampton's opposition to the OLF. He volunteered for North Carolina's opposition efforts for six years. Mr. James stated that it wasn't a patriotism issue; it is about property rights and wildlife protection.

Approval of Minutes of the March 24, 2008 meeting

On motion made by Ms. Johnson and seconded by Mr. Wrenn it was RESOLVED that the minutes for the March 24, 2008 meeting were approved with the change that Ms. Johnson voted in favor of the approval of the March 10, 2008 meeting minutes. The vote on this motion was as follows: AYE: Mr. Wrenn, Mrs. Lawrence, Mrs. Hilliard, Ms. Johnson, Mr. Fetherolf and Mr. Councill. NO: none. ABSENT: Mr. Scislowicz. ABSTAIN: none.

Consent Agenda

- 1. Financial Matters** – Budget Amendment 2008-39; 2008-40; 2008-41 and 2008-42.

2. Resolution in Support of Southampton County, Virginia's Position on Outlying Landing Field (OLF) –

WHEREAS, the Southampton County Board of Supervisors has made a request by Resolution dated August 1, 2007 for the State of Virginia to remove and withdraw sites 3A, 4A, 4B and 4C in Southampton County, Virginia from further consideration by the Department of the Navy; and

WHEREAS, the Southampton County Board of Supervisors has expressed its opposition to the development of an outlying landing field within Southampton County; and

WHEREAS, the Franklin City Council supports the positions taken by the Southampton County Board of Supervisors; and

WHEREAS, the Franklin City Council feels that the location of an outlying landing field within Southampton County or neighboring jurisdictions may have flight patterns to such facilities which will negatively impact upon the quiet, repose and daily life of persons who live, work and visit the City; and

WHEREAS, it is the intent of the Franklin City Council to insure that circumstances which may negatively impact the City are brought to attention of persons who have the ability to influence the final decision made on the location of the outlying landing field (OLF) proposed for the Oceana Base located in Virginia Beach, Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Franklin City Council does hereby go on record in support of the Southampton County Board of Supervisors' position in opposition to the location of an outlying landing field (OLF).

AND, FURTHER RESOLVED, that a copy of this Resolution be sent to The Honorable Timothy M. Kaine, Governor of the State of Virginia and to the Chairman of the Southampton County Board of Supervisors.

3. Changes in the Family Medical Leave Act –

501 FAMILY AND MEDICAL LEAVE

1. The City will grant us to 12 weeks unpaid leave to an eligible employee for one or more of the following reasons:
 - a. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
 - b. Because of the placement of a son or daughter with the employee for adoption of foster care;

- c. Because of the need to care for an immediate family member of the employee, if such immediate family member has a serious health condition;
 - d. Because of a serious health condition that makes the employee unable to perform any of the essential functions of the employee's job.
 - e. ***To attend to emergency circumstances that arise when a family member is called to active military duty or is on active duty as an armed forces member, including the National Guard and Reserves. Emergency circumstances are those circumstances defined in the Department of Labor regulations as "exigent" circumstances. "Family member" is defined as spouse, son, daughter or parent.***
2. ***The City will grant up to 26 weeks in a 12 month period of unpaid leave to an eligible employee to care for a family member who is an armed forces member, including the National Guard and Reserves, who is injured in the line of duty and as a result thereof is undergoing medical treatment, recuperation or therapy, is on outpatient status or is otherwise on the temporary disability retired list for a serious injury or illness. "Family member" includes spouse, son, daughter, parent or next of kin.***
3. Each year the twelve month period during which employees are entitled to take Family and Medical Leave (FML) is the calendar year. In order to be eligible for FML, an employee must have worked for the City for 1250 hours during the twelve month period immediately preceding such leave.
4. a. The City requires employees to take accumulated PTO days in conjunction with Family and Medical Leave and banked sick leave in conjunction with Family and Medical Leave, if the Family and Medical Leave is being taken due to the serious health condition of the employee or a member of his or her immediate family.
- b. The time during which an employee is receiving short-term disability payments or worker's compensation benefits due to a serious health condition shall be considered time on Family and Medical Leave.
- c. The request for leave form which an employee must sign for any kind of leave shall advise the employee that if he or she goes out on short term disability, on banked sick leave or on a worker's compensation claim for a serious health condition and does not apply for Family and Medical Leave, the period of such leave will nevertheless be considered utilization of the employee's annual Family and Medical Leave, and the employee will be required to acknowledge on the form that he or she has received notice thereof.
5. An employee requesting FML must provide 30 days advance notice when the leave is "foreseeable" by completing a FML Application, and submitting a physician's medical certification statement. The employee must also complete a request for PTO form for payroll reporting purposes.

6. An employee may take intermittent leave or may work a reduced schedule to reduce the usual number of hours per day or work week, subject to his or her supervisor's approval. However, if intermittent leave or a reduced leave schedule is medically necessary, the employee's supervisor must grant it.
7. Upon return from FML employees will be restored to the original or equivalent positions with equivalent pay, benefits and other employment terms.
8. Medical insurance coverage will be maintained under the City's group health plan. Employees on FML must make arrangements to pay their co-payment of the insurance premium if applicable. The premiums paid for maintaining coverage may be recovered by the City, if the employee fails to return to work following FML.
9. The Family Medical Leave Act (FMLA) makes it unlawful for the City to interfere with, restrain, or deny the exercise of any right provided under the FMLA, the discharge or discriminate against any employee for opposing any practice made unlawful by FMLA, and to discharge or discriminate against any person because of involvement in any proceeding under or related to FMLA.

4. Enhanced Retirement Benefits for Police and Fire/Rescue –

WHEREAS, by Resolution legally adopted and approved by the City Council of Franklin, Virginia, a political subdivision, participates in the Virginia Retirement System under § 51.1-130 of the Code of Virginia, as amended; and

WHEREAS, by Resolution legally adopted and approved by the Council, The City of Franklin, Virginia, has elected to provide the enhanced benefits described in § 51.1-138, subsection B to selected public safety employee groups, such benefits being referred to collectively as "Section 138 Coverage"; and

WHEREAS, the Virginia General Assembly passed legislation effective July 1, 2007, allowing The City of Franklin, Virginia, to elect to provide for its employees with Section 138 Coverage a retirement allowance equal to the amount of creditable service multiplied by 1.85 percent of average final compensation as provided in clause (ii) in subsection A (1) of § 51.1-206 (the "1.85 Multiplier"); and

WHEREAS, The City of Franklin, Virginia, desires to make this irrevocable election effective July 1, 2008 and provide the 1.85 Multiplier to its employees that now have, or may in the future be given, Section 138 Coverage.

NOW, THEREFORE, BE IT RESOLVED, that The City of Franklin, Virginia, elects to establish the 1.85 Multiplier for all employees who are now, or who may be in the future, provided Section 138 Coverage; and it is

FURTHER RESOLVED, that the City of Franklin, Virginia agrees to pay the employer cost for providing the 1.85 Multiplier to all employees who are now, or who may be in the future, provided Section 138 Coverage, pursuant to this irrevocable election; and it is

FURTHER RESOLVED that Rowland L. Taylor, City Manager for the City of Franklin, Virginia, and Clerk of the Franklin City Council, is authorized and directed in the name of the City of Franklin, Virginia, to execute any required contract to carry out this irrevocable election, and to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The seal of the City of Franklin, Virginia, shall be affixed to any such contract and attested by the Clerk, and the Director of Finance for the City of Franklin, Virginia, is authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as may be required to be paid by the City of Franklin, Virginia, or its employees for this purpose.

On motion made by Ms. Johnson and seconded by Mrs. Hilliard, the Changes to the Family Medical Leave Act and the Enhanced Retirement Benefits of the Consent Agenda were unanimously approved by Council. The vote on this motion was as follows: AYE: Mr. Wrenn, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. NO: none. ABSENT: Mr. Scislowicz.

A motion was made by Mr. Wrenn and seconded by Mr. Fetherolf to approve the Financial Matters. The vote on the motion was as follows: AYE: Mr. Wrenn, Mr. Fetherolf and Mr. Council. NO: Ms. Johnson and Mrs. Hilliard. ABSTAIN: Mrs. Lawrence. ABSENT: Mr. Scislowicz. Motion did not pass.

On motion made by Ms. Johnson and seconded by Mr. Fetherolf, the Resolution In Support of Southampton County Regarding OLF was unanimously approved by Council. The vote on the motion was as follows: AYE: Mr. Wrenn, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. NO: none. ABSENT: Mr. Scislowicz.

Pandemic Flu Annex to the Emergency Operations Plan

Emergency Services Chief Vince Holt explained the purpose of the Pandemic Flu Annex. The City's Emergency Operations Plan covers a wide range of possible events that staff would have to address such as tornadoes, hurricanes, fires, etc., and the various procedures to follow. The Franklin/Southampton Pandemic Committee was formed to create a plan in which to follow in the event an outbreak reaches Franklin. Chief Holt and fellow committee members created the annex and requested that Council approve the plan for inclusion in the City's Emergency Operations Plan.

On motion made by Mr. Wrenn and seconded by Mrs. Lawrence, the Pandemic Flu Annex was unanimously adopted by Council. The vote on the motion was as follows: AYE: Mr. Wrenn, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. NO: none. ABSENT: Mr. Scislowicz.

Software and Equipment Lease for E-911

Deputy Police Chief Bruce Edwards addressed Council with the need to update the City's current software for the E-911 system. The first part of the system is the E911 Call taking equipment which is a mapping system that provides back-up in the event of a computer crash. For the past eight months, Verizon has been promising to upgrade the system, but nothing has been done to date. The second part of the system is the CAD/RMS Software and Hardware. The current software has developed several problems causing invalid reports to be sent to the state repository. The Police Department has done extensive research on various companies and would like to contract with microDATA and Southern Software. The money to fund the contracts will come from the Police Department budget.

On a motion made by Mrs. Hilliard and seconded by Ms. Johnson, authorization was unanimously granted for the City Manager to execute the necessary documents to lease the software and equipment. The vote on the motion was as follows: AYE: Mr. Wrenn, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. NO: none. ABSENT: Mr. Scislowicz.

Early Childhood – Smart Beginnings Agreement

Taylor Williams and Connie Burgess explained to Council that the City's Early Childhood Development Program was expanding to include Southampton County and Isle of Wight County. The program had also been accepted as part of the Smart Beginnings Program and would therefore be changing its name to Smart Beginnings – Western Tidewater. The goal of the program remains the same – to get children ready for school; ready for life.

On motion made by Mr. Fetherolf and seconded by Mrs. Hilliard, the Operating Agreement between Franklin, Southampton County and Isle of Wight County and Connie Burgess as Director was unanimously approved. The vote on this motion was as follows: AYE: Mr. Wrenn, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. NO: none. ABSENT: Mr. Scislowicz.

Old/New Business

Mayor Council discussed the state budget cuts and how it affects local governments. He wanted to make sure the public was aware of the mandates that our budget was expected to cover as a result of the state cuts.

Mayor Council advised that the Chowan River Basin Focus Group met again on April 7, 2008 to discuss more river gauges and matching grants.

Mayor Council advised that the Focus Group met again with Judge Brewbaker to discuss topics on how to prevent truancy and other social problems in our youth.

Mayor Councill advised that the Guidance Counselor Program meetings have been delayed due to the SOL preparation.

Vice-Mayor Johnson commended Frank Davis on the work he has done with the Youth Commission. Ms. Johnson stated that the City was receiving great feedback from our area youth.

Miscellaneous

An announcement was made that the Chowan-Albemarle Watershed and River Day was being held on Saturday at the Blackwater Landing. Frank Davis was also conducting a youth fishing tournament near Barrett's Landing.

Closed Session

On motion made by Mr. Fetherolf and seconded by Mr. Wrenn it was unanimously RESOLVED that Council meet in closed session to discuss (1) appointments to boards and committees and (2) the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body as permitted by Virginia Code Section 2.2-3711(A), (1) and (3). The vote on this motion was as follows: AYE: Mr. Wrenn, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Councill. NO: none. ABSENT: Mr. Scislowicz.

Certification

On motion made by Mr. Fetherolf and seconded by Mr. Wrenn, it was unanimously RESOLVED that City Council hereby certifies that to the best of the knowledge of each member only public business matters identified in the motion which the closed meeting was convened were discussed, heard or considered. The vote on this motion was as follows: AYE: Mr. Wrenn, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Councill. NO: none. ABSTAIN: Ms. Johnson. ABSENT: Mr. Scislowicz.

Adjournment

There being no further business, on motion duly made, seconded and unanimously adopted the meeting was adjourned at 9:20 P.M. The vote on this motion was as follows: AYE: Mr. Wrenn, Mrs. Lawrence, Ms. Johnson, Mrs. Hilliard, Mr. Fetherolf and Mr. Councill. NO: none. ABSENT: Mr. Scislowicz.

Mayor

Clerk to City Council