

The Franklin City Council held a work session on Monday, June 23, 2008 at 5:30 p.m. in Council Chambers, 207 W. Second Avenue.

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

Closed Session

On motion made by Mr. Wrenn and seconded by Mrs. Hilliard it was unanimously RESOLVED that Council meet in closed session to discuss (1) appointments to boards and committees, (2) discussion of the contract between the City and the Downtown Franklin Association related to the occupant of the renovated train station and (3) to discuss the possible sale of the Hayden School Property as permitted by Virginia Code Section 2.2-3711(A)(1), (7) and (4). The vote on this motion was as follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Councill. ABSENT: Ms. Johnson.

Certification

On motion made by Mr. Scislowicz and seconded by Mr. Fetherolf, 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. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Councill. ABSENT: Ms. Johnson.

Regular Meeting

The Franklin City Council held a regular meeting on Monday, June 23, 2008 at 7:00 p.m. in Council Chambers, 207 W. Second Avenue.

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

Staff in attendance: Rowland Taylor, City Manager, H. Taylor Williams, IV, City Attorney, Phil Hardison, Chief of Police, Andy Rose, Director of Finance, Carolyn Joyner, Personnel Manager, Sheryl Frazier, Director of FRHA, Russ Pace, Director of Public Works, Sandy Holloman, Voter Registrar, Beth Reavis, Director of Social Services, Frank Davis, Director of Parks and Recreation, Sandy Holloman, Registrar, Donald Goodwin, Director of Community Development, Dexter Trump, Deputy Director of Power & Light and Erin Turner, Executive Assistant.

Others in attendance: Dinah Babb, Treasurer, Brenda Rickman, Commissioner of the Revenue and Dan Howe, Downtown Franklin Association Director.

Invocation

Deacon Clarence Peebles offered the invocation.

Swearing In of Council Members

Rick Francis, Clerk of the Circuit Court of Southampton County, conducted the swearing in of new Council members. Barry Cheatham was sworn in as the new ward 1 representative and Brenton “Benny” Burgess was sworn in as the new ward 2 representative, while Mayor James P. Councill, III retained his seat on Council. All terms will become effective July 1, 2008 and all will expire on June 30, 2012, except for Mayor Councill, whose term ends on June 30, 2010. Vice Mayor and ward 4 representative, Raystine Johnson was out of town, but is scheduled to be sworn in at a later date.

Citizens’ Time

Ellis Crum. 125 Queens Lane. Mr. Crum questioned the Network Systems Administrator position that was advertised in the paper. He stated that it was not funded in the current budget. Mr. Crum questioned how the City planned to pay for the position and why was the college degree requirement removed?

Barry Cheatham. 135 Bobwhite Lane. Mr. Cheatham asked that Council not make any decisions with regard to the budget at tonight’s meeting. He requested that the new members be allowed to make those decisions at the next meeting. Mr. Cheatham asked Council to initiate a hiring freeze. He further thanked Charles Wrenn and Joe Scislowicz for their long years of service to the City.

Benny Burgess. 409 N. College Drive. Mr. Burgess asked that Council not make any budget decisions tonight and that a hiring freeze be put into place as soon as possible. Mr. Burgess also thanked Mr. Wrenn and Mr. Scislowicz for their hard work to the citizens of Franklin.

Approval of Minutes of the June 9, 2008 meeting

On motion made by Mr. Wrenn and seconded by Mrs. Hilliard it was RESOLVED that the minutes for the June 9, 2008 meeting were approved with the removal of Mrs. Johnson’s name in the last sentence of the Old/New Business section (first paragraph). The vote on this motion was as follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Councill. NO: none. ABSENT: Ms. Johnson.

Consent Agenda

- 1. Financial Matters – May Financial Report.**

2. Resolution to Provide Local Aid to the Commonwealth –

WHEREAS, the General Assembly chose to respond to shrinking revenue growth by shifting to local governments the responsibility for reducing \$100.0 million of core services; and

WHEREAS, the Governor signed into law this \$100.0 million appropriation reduction for local governments in the 2008-2010 biennium without identifying the programs to be reduced; and

WHEREAS, these reductions are in addition to those made by the General Assembly and approved by the Governor affecting law enforcement, elementary and secondary education, profits from the Alcoholic Beverage Control Enterprise Fund and distributions of wine liter tax collections, constitutional offices, the upgrade of wastewater treatment facilities in conformance with water quality standards and goals, and farmland preservation to name but a few; and

WHEREAS, the \$100.0 million reduction will likely be carried forward into future biennia forcing city and county governments to choose between raising taxes or reducing services;

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Franklin, Virginia does hereby support the recording of this intergovernmental revenue reduction from the Commonwealth as **Local Aid to the Commonwealth**; and

BE IT FURTHER RESOLVED THAT, this recording on all financial records shall be shared with the delegation, the Governor and local news media so that citizens understand the decisions made by this governing body in response to the Commonwealth's choice to delegate their constitutional obligation to local governments.

3. Resolution on Transportation Funding –

WHEREAS, an efficient transportation network is crucial to sustainable economic growth in the Commonwealth, a cleaner environment and enhanced public safety and quality of life; and,

WHEREAS, the Commonwealth faces a documented transportation funding shortfall including a recurring and inflating road maintenance funding shortfall resulting in the Commonwealth Transportation Board eliminating and reducing programmed project spending totaling \$1.1 billion in the new six-year transportation program; and,

WHEREAS, the Virginia Department of Transportation is transferring almost \$400 million in Fiscal Year 2008 from road construction funds to support road maintenance activities; and,

WHEREAS, the eliminated and stalled project monies include primary, urban, and secondary construction funding reductions to regions and localities of up to 44 percent for Fiscal Year 2009; and,

WHEREAS, funding for new highway and bridge construction is diminished as the annual road maintenance shortfall continues to escalate and the estimate to repair the Commonwealth's 1,700 deficient bridges totals more than \$3 billion; and,

WHEREAS, regions of economic importance to the Commonwealth, including Hampton Roads and Northern Virginia, confront major transportation funding challenges in addition to those shared by all other areas of the Commonwealth; and,

WHEREAS, transferring state general funds to transportation neither adequately supports documented and recurring transportation infrastructure investment needs, nor serves to protect the Commonwealth's additional core services including public education, health care, mental health and retardation, and public safety; and,

WHEREAS, Virginia has the nation's seventh lowest motor vehicle sales tax rate and the Commonwealth last enacted dedicated, new, significant and recurring annual statewide revenues for transportation in 1986, including the last increase in Virginia's modestly low gas tax rate of 17.5 cents per gallon; and,

WHEREAS, since 2006 the Commonwealth has enacted significant reforms to improve the coordination between transportation and local land-use planning;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Franklin, Virginia hereby calls on the Governor of Virginia and the Virginia General Assembly during the forthcoming transportation special session to enact a significant transportation funding package to include dedicated, new, significant and recurring annual revenues to address the Commonwealth's documented transportation infrastructure needs.

AND, BE IT FURTHER RESOLVED, that the Governor of Virginia and the Virginia General Assembly are urged to enact dedicated, new, significant and recurring annual revenues to eliminate the road maintenance shortfall; increase funding directed to interstate and primary highways, urban and secondary roads, and transit projects; guard against the transfer of general funds to transportation; and address the unique transportation needs of specific regions of the Commonwealth including initially Hampton Roads and Northern Virginia.

On motion made by Mr. Scislowicz and seconded by Mrs. Lawrence, the Consent Agenda was approved by Council. The vote on this motion was as follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. ABSENT: Ms. Johnson.

Public Hearing for Ward 3 School Board Representative

The public hearing was opened for comment.

Deacon Clarence Peebles nominated Jonetta Nichols for reappointment to the ward 3 seat on the Franklin City School Board.

With no one else wishing to speak, the public hearing was closed.

On motion made by Mrs. Hilliard and seconded by Mrs. Lawrence, Council unanimously agreed to waive the interview for Mrs. Nichols. The vote on this motion was as follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. ABSENT: Ms. Johnson.

Tax Relief for the Elderly

Brenda Rickman, Commissioner of the Revenue, spoke to Council about increasing the limits set for the Tax Relief for the Elderly Program. The last increase occurred in 2002 and Southampton County recently increased their limits. Mrs. Rickman requested the same increase for Franklin, which is \$30,000 gross income and \$80,000 combined net worth.

Council decided to take no action at this time.

Old/New Business

Council reviewed the Short Term Disability Policy and the three proposed changes.

The recommendations are:

1. Require any banked sick leave an employee has to be used first. Then they may use PTO time down to 60 hours.
2. Allocate PTO time on a “pay-period” basis as was done prior to the change to PTO in 2002. Begin this effective January 1, 2009. (Currently this is done half on January 1 and half on July 1 of each year.)

The reason for doing it on January 1 is that some employees may well have vacation or time off planned during July, August, September, etc and will not have the time accrued if the change is made on July 1st. On July 1st based on the current system they would receive ½ of their annual allotment of PTO. This will also allow them to prepare for the new allocation on January 1 over the next 6 months.

3. Change the percentages of payments while on short term disability.

CITY OF FRANKLIN
PERSONNEL MANUAL
403 SHORT TERM DISABILITY

The City provides full-time permanent position employees employed by the City with short term disability compensation for a covered illness or injury that prevents the employee from performing all his/her usual work responsibilities.

To be eligible for this benefit an employee must have at least 40 hours of either banked sick leave or paid time off or a combination of banked sick leave and paid time off equal to at least 40 hours available to be paid the first 40 working hours in the waiting period.

Full-time permanent position employees who have banked sick leave or have accrued more than 60 hours of paid time off (PTO) must use their banked sick leave or accrued PTO in lieu of short term disability for compensation of a covered illness or injury at the rate of 40 hours per work week up to a maximum of 90 calendar days or until banked sick leave has been depleted or accrued PTO is down to 20 hours. Once banked sick leave is depleted or accrued PTO is down to 20 hours, then the employee will be entitled to receive short term disability compensation for a covered illness or injury for the balance of 90 calendar days not covered by the use of banked sick leave or accrued PTO.

In the event a full-time permanent position employee on short term disability for a covered illness or injury comes back to work before the 85 calendar day period has passed and then must leave work again because of the same covered illness or injury, the short term disability coverage does not require a second 40 working hour waiting period. Coverage will continue until the full 85 calendar days attributable to the illness or injury have passed.

In the event that another and different covered illness or injury occurs there will be a 40 working hour waiting period before short term disability coverage commences for the new and different covered illness or injury up to a maximum of 85 calendar days. The employee must have 40 hours of banked sick leave or 40 hours of accrued PTO for compensation during the 40 working hour waiting period to be eligible to receive this benefit for the new and different illness or injury.

Employees will receive 60% or more of their salary for up to 85 calendar days depending on their years of service as set forth in the chart below:

Length of service (Years)	Number of Calendar Days		
	100% benefit	80% benefit	60% benefit
0 months – 5 years	0	0	85
6-10 years	10	20	55
11-19 years	20	35	30
20+ years	50	35	0

Short term disability is for coverage of an illness or injury that must be documented by a doctor. Documentation includes the identification of the date of the illness or injury, the date disability from the illness or injury began and the date the disability from the illness or injury ended. To be covered, the documentation must show that the illness or injury

must prevent the employee from performing all his/her written duties of employment. To be covered, the documentation must show the injury or illness is not related to work performed in the course of employment as an employee of the City. The documentation must show a diagnosis for the illness or injury and the proposed treatment for the illness or injury. In order to be eligible for short term disability an employee's covered illness or injury must be documented by the doctor's certification prior to the commencement of disability payments.

If the employee was injured in the course of employment for some other entity or person or while self employed, employee cannot receive short term disability compensation if he/she is receiving worker's compensation benefits from the outside employment. Additionally, to be covered, the injury or illness must prevent the employee from performing work at any job.

No short term disability compensation for an illness or injury will be paid if it is determined that an illness or injury is related to any of the following circumstances:

- a. was intentionally self inflicted by the employee;
- b. is the result of active participation in a riot, rebellion or insurrection by the employee;
- c. occurred when the employee was committing or attempting to commit an assault, felony or other illegal act;
- d. is an illness or injury for which the employee is entitled to benefits under any Workers' Compensation, Occupational Disease or similar law;
- e. is an illness or injury sustained while doing any act or thing relating to any occupation for wage or profit.

The City may require the employee to be examined by doctors, other medical practitioners or vocational experts of its choice to confirm the documentation required to receive short term disability compensation. The City will pay for these examinations. Refusal to be examined may result in denial or termination of short term disability benefits.

In order to simplify the administration of this benefit whether an employee is working an 8, 10, 12 or 24 hour shift, he or she will be considered to be working an 8 hour day, 5 days a week shift for purposes of short term disability.

The time during which an employee is receiving short-term disability compensation due to a covered illness or injury shall be considered time on Family and Medical Leave.

DOCTOR'S CERTIFICATION

Name of Employee _____

Date of Birth _____

Date of Examination _____

Date employee is disabled because he/she can no longer perform his/her written duties of employment _____

Disability is related to illness?	YES	NO
Disability is related to injury?	YES	NO
If disability is related to injury, was injury received in the course of or related to employment with the City?	YES	NO
With other employer?	YES	NO
In the course of self-employment?	YES	NO

Date: _____

Doctor's signature

Print name

Address

Address

Phone number

On motion made by Mr. Scislowicz and seconded by Mr. Wrenn, the amended short term disability policy was unanimously approved by Council. The vote on this motion was as follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. ABSENT: Ms. Johnson.

Mayor Council advised that he met with Congressman J. Randy Forbes today while he was in town for another matter. The meeting covered OLF issues, the Corp of Engineers River Study and other matters. At the current time, five other localities have approved the Cooperative Agreement and are forwarding their contributions to the City. We are waiting to hear from the remaining two localities.

Mayor Council read a letter written by Mike Reichert, a resident that resides on Beechwood Drive. Mr. Reichert wanted to publicly thank the Public Works department for addressing a drainage ditch issue in his neighborhood.

Mayor Council presented Joe Scislowicz and Charlie Wrenn with Resolutions for their hard work and service to the Franklin City Council.

**RESOLUTION OF HONOR AND APPRECIATION
TO CHARLES A. WRENN**

WHEREAS, Charles A. Wrenn has faithfully served on the Franklin City Council exemplarily representing the citizens of Ward 2 beginning on October 25, 1999 and ending on June 30, 2008 ... a total of 8 years and 8 months; and,

WHEREAS, Charles A. Wrenn has faithfully and diligently expended countless hours in attentively listening to his constituents, citizens of the City at-large and developing opinions and positions on various items only after having completed his research and weighing the complete impact of the issue at hand; and,

WHEREAS, Charles A. Wrenn has rendered exceptional guidance and wisdom through his position on the Franklin City Council in such activities as the Southeastern Public Service Authority, the Franklin/Southampton Pandemic Committee and the Franklin Business Incubator; and,

WHEREAS, his years of tenure on the Council have resulted in conspicuous and significant progress which will enable the fruits of his devotion and work to be enjoyed by the citizens of the City for many years to come; and,

WHEREAS, Charles A. Wrenn has been dedicated to the City's Mission - "to protect the health, safety and welfare of the people who live, work and visit the City of Franklin by providing quality services in an efficient and cost-effective manner"; and,

WHEREAS, the Franklin City Council commends Charles A. Wrenn for his generous and devoted service to this City and wishes him well in all his future endeavors.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin City Council Recognizes, Salutes and Honors the Exceptional and Dedicated Service of Charles A. Wrenn.

AND, FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of this meeting of the Franklin City Council as visible evidence of the high esteem in which this Council and the Citizens of the City of Franklin hold Charles A. Wrenn thereby forever preserving and recording its gratitude.

**RESOLUTION OF HONOR AND APPRECIATION
TO JOSEPH J. SCISLOWICZ**

WHEREAS, Joseph J. Scislowicz has faithfully served on the Franklin City Council exemplarily representing the citizens of Ward 1 beginning on July 1, 1996 and ending on June 30, 2008 ... a total of 12 years; and,

WHEREAS, Joseph J. Scislowicz has faithfully and diligently expended countless hours in attentively listening to his constituents and developing opinions and positions on many topics only after having completed his research and weighing the impact of the issue at hand; and,

WHEREAS, Joseph J. Scislowicz has rendered exceptional guidance and wisdom through his position on the Franklin City Council and,

WHEREAS, his years of tenure on the Council have resulted in conspicuous and significant progress which will enable the fruits of his devotion and work to be enjoyed by the citizens of the City for many years to come; and,

WHEREAS, Joseph J. Scislowicz has been dedicated to the City's Mission - "to protect the health, safety and welfare of the people who live, work and visit the City of Franklin by providing quality services in an efficient and cost-effective manner"; and,

WHEREAS, the Franklin City Council commends Joseph J. Scislowicz for his generous, dedicated and devoted service to this City and wishes all his future endeavors will be fruitful and rewarding and he may look back upon the time he served the citizens of Franklin on this Council with warmth and fulfillment of a job well done.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin City Council Recognizes, Salutes and Honors the Exceptional and Dedicated Service of Joseph J. Scislowicz.

AND, FURTHER RESOLVED that a copy of this Resolution be spread upon the minutes of this meeting of the Franklin City Council as visible evidence of the high esteem in which this Council and the Citizens of the City of Franklin hold Joseph J. Scislowicz thereby forever preserving and recording its gratitude.

Miscellaneous

Mr. Taylor advised Council that the City received \$200,000 from the Virginia Department of Emergency Management as reimbursement from the October 2006 flooding. It was not expected, but greatly appreciated.

Closed Session

On motion made by Mr. Fetherolf and seconded by Mrs. Hilliard it was unanimously RESOLVED that Council meet in closed session to discuss the annual evaluation of the city manager and the city attorney as permitted by Virginia Code Section 2.2-3711(A) (4). The vote on this motion was as follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. ABSENT: Ms. Johnson.

Certification

On motion made by Mrs. Hilliard and seconded by Mrs. Lawrence, 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. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. ABSENT: Ms. Johnson. *(Note: Barry Cheatham and Benny Burgess were present during the Closed Session.)*

Adjournment

There being no further business, on motion duly made, seconded and unanimously adopted the meeting was adjourned at 10:00 P.M. The vote on this motion was as follows: AYE: Mr. Scislowicz, Mr. Wrenn, Mrs. Lawrence, Mrs. Hilliard, Mr. Fetherolf and Mr. Council. ABSENT: Ms. Johnson.

Mayor

Clerk to City Council