

AGENDA

FRANKLIN CITY COUNCIL

MONDAY, JULY 22, 2013 – CITY HALL COUNCIL CHAMBERS – 207 W. SECOND AVENUE

6:00 P.M.

**CLOSED SESSION
(See Motion Below)**

7:00 P.M.

REGULAR MEETING

CALL TO ORDER. . . . MAYOR RAYSTINE D. JOHNSON-ASHBURN
PLEASE TURN OFF CELL PHONES . . . MAYOR RAYSTINE D. JOHNSON-ASHBURN
INVOCATION WARD 4
PLEDGE OF ALLEGIANCE

CITIZENS' TIME

AMENDMENTS TO AGENDA

- 1. **CONSENT AGENDA**
 - A. Minutes from July 8, 2013 Regular City Council Meeting
 - B. Proclamation – National Night Out 2013 (August 6, 2013)
 - C. Departmental Reports for June 2013 (in a separate file on your I-Pad)
- 2. **FINANCIAL:**
 - A. (Preliminary FY 2012-2013 End of Year Financial Report @ August 12th Meeting)
- 3. **OLD/NEW BUSINESS**
 - A. Non-Binding SPSA Resolution
 - B. City Manager’s Report
 - 1. HRTPO Transportation Funding MOA Update (HB 2313)
- 4. **COUNCIL/STAFF REPORTS ON BOARDS AND COMMISSIONS**
- 5. **CLOSED SESSION** – I move that the Franklin City Council meet in closed session to include a discussion of an employee evaluation, to consider appointments to boards and commissions and to discuss a prospective business or industry locating in the City of Franklin, where no previous announcement has been made of the business’ or industry’s interest in locating in the City, and for a consultation with pursuant to Virginia Code Section 2.2-3711 (A) (1) and (5).

Motion Upon Returning to Open Session: I move that the only matters discussed during the session were those lawfully exempted from open meeting requirements and identified in the motion by which the closed session was convened.

- 6. **ADJOURN**

UPCOMING ITEMS TO BE SCHEDULED...

The items below are intended to be reflective, and not inclusive of all subjects staff is working on to bring forward to City Council in the next two months. Both the time lines and subject matter are subject to change and should not be considered final.

SUBJECT**TENTATIVE TIME LINE****Preliminary FY 2012-2013 End of Year Financial Report****August 12, 2013****Shared Services Agreement with Southampton County****TBD****Paid Time Off (PTO) Policy Discussion****TBD**

CONSENT AGENDA

A. Minutes from July 8, 2013 Regular City Council Meeting

B. Proclamation – National Night Out 2013

C. Departmental Reports for June 2013 (in a separate file on your I-Pad)

Regular City Council Meeting

The Franklin City Council held a regular meeting on Monday, July 8, 2013, at 7:00 p.m. in the Council Chambers, 207 West Second Avenue.

Council Members in Attendance: Raystine Johnson-Ashburn, Mayor; Barry Cheatham, Vice-Mayor; Greg McLemore, Benny Burgess, Mary Hilliard, and Mona Murphy (Councilman Blythe absent).

Staff in Attendance: Randy Martin, City Manager; Taylor Williams, IV, City Attorney; Russ Pace, Director of Public Works; Vince Holt, Chief of Emergency Services; Dan Howe, Director of Downtown Development; Carolyn Joyner, Director of Human Resources; Dinah Babb, Treasurer; Mark Bly, Director of Power & Light; Frank Davis, Director of Parks & Recreation; and Phil Hardison, Chief of Police.

Other Staff in Attendance: Bob Porti, Deputy Chief of Police; and Leesa Livesay, Acting Secretary, Recording Minutes.

CALL TO ORDER

The City Council Meeting was called to order by Mayor Johnson-Ashburn at 7:00 p.m.

INVOCATION

The Invocation was offered by Reverend Dr. Linwood Johnson on the behalf of Councilman McLemore.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by everyone in attendance.

CITIZEN'S TIME

Citizen 1

Dr. Linwood Johnson, III who resides at 301 Hall Street requests the policy for auditing equipment of the Electric Department and the policy for how often the City checks their electrical grid.

Mayor Johnson-Ashburn informed Dr. Johnson our Citizen's Time Policy states that the City's Staff is the appropriate source to address these questions. She advised him to contact with Manager Martin.

Citizen 2

Frank Davis, Director of Parks & Recreations; who resides at 715 Gardner Street is the elected President of the Neighborhood Watch Association in his area. He thanked citizens for their participation in the Neighborhood Watch Program. Mr. Davis informed Council of National Night Out that would be held on August 6, 2013 and asked for a Proclamation from Council. Mr. Davis challenged everyone to do something in their neighborhood to support the Neighborhood Watch efforts.

Mr. Davis also extended his thanks to Mayor Johnson-Ashburn, Councilwomen Hilliard and Murphy for attending the event and the Mayor throwing the first ball for Franklin's first Kickball LeagueTeam.

AMENDMENTS TO AGENDA

A motion was made by Vice-Mayor Cheatham that the Regular Meeting Agenda Closed Session Motion be amended to include a discussion of the salary of an employee, a discussion of a prospective business or industry locating in the City of Franklin where no previous announcement has been made of the business's or industry's interest in locating in the City and for a consultation with legal counsel employed by the City regarding specific legal matters requiring the provision of legal advice pursuant to Virginia Code Section 2.2-3711 (A) (1), (5) and (7). The motion was seconded by Councilwoman Murphy.

The motion was approved with the vote as follows:

Mayor Johnson-Ashburn, AYE; Vice-Mayor Cheatham, AYE; Councilman McLemore, Abstain; Councilman Burgess, AYE; Councilwoman Hilliard, AYE; Councilwoman Murphy, AYE; (Councilman Blythe absent).

CONSENT AGENDA

June 10, 2013 Regular City Council Meeting

There were no corrections.

June 17, 2013 Budget/Goal Work Session

Mayor Johnson-Ashburn requested a correction on the June 17, 2013 Budget/Goal Work Session Minutes on page 1, 8th paragraph; third line to read the motion was seconded by Councilman Burgess and approved by a 5-0 vote (Councilmen McLemore and Blythe absent).

A motion was made by Vice-Mayor Cheatham to adopt the June 10, 2013 Regular City Council Meeting and the June 17, 2013 Budget/Goal Work Session with corrections. The motion was seconded by Councilwoman Hilliard.

The motion was approved with the vote as follows:

Mayor Johnson-Ashburn, AYE; Vice-Mayor Cheatham, AYE; Councilman McLemore, Abstain; Councilman Burgess, AYE; Councilwoman Hilliard, AYE; Councilwoman Murphy, AYE; (Councilman Blythe absent).

June 24, 2013 Regular City Council Meeting

Councilman Burgess requested a correction on the June 24, 2013 Regular City Council Meeting Minutes on page 10, under the caption Retail per Kilowatt Hour Comparison, Weighted Average should read:

***Proposed 2.0% Increase**

***Proposed 0.8% Increase**

A motion was made by Councilman Burgess to adopt the June 24, 2013 Regular City Council Meeting with corrections. The motion was seconded by Vice-Mayor Cheatham.

The motion was approved with the vote as follows:

Mayor Johnson-Ashburn, Abstain absent; Vice-Mayor Cheatham, AYE; Councilman McLemore, AYE; Councilman Burgess, AYE; Councilwoman Hilliard, AYE; Councilwoman Murphy, AYE; (Councilman Blythe absent).

FINANCIAL

Budget Amendments General Fund FY 2013-14

Manager Martin reviewed the Budget Amendments General Fund FY 2013-14 which is a request from Ellen Couch, Executive Director of Smart Beginnings, to appropriate the FY 2013-2014 budget in the total amount of \$285,700. This amount does not include any prior year carryover funds; these funds will be amended at a later date upon reconciliation and/or audit of financial reports.

A motion was made by Councilman Burgess to amend the FY 2013-2014 Budget to include the budget as approved for Smart Beginnings (Fund 204) and appropriate the funds for expenditure. The motion was seconded by Vice-Mayor Cheatham and passed with a 6-0 vote (Councilman Blythe absent).

OLD/NEW BUSINESS

Consider an Amendment to the Personnel Policy Section 101 2 (b) – Part Time Employees

City Attorney Williams reviewed the current Full-Time/Part-Time Employment Policy which states a full-time Employment status requires a minimum of 37¹/₂ hours per week, or 1950 hours per year. The current Part-Time Employment Policy states part-time employment status shall be deemed to exist whenever a position is assigned fewer hours per pay period than a comparable full-time position. Unless expressly authorized, part-time employees are not eligible for benefit programs other than legally mandated benefits such as worker's compensation insurance, Social Security, legal holidays and Family Medical Leave in certain circumstances. However, part-time employees are subject to Work Rules and Policies as set forth in Sections 601 through 609, Employee standards of conduct as set forth in Sections 701 through 710 and disciplinary grievance procedures as set forth in Sections 801 through 802.

City Attorney Williams recommended some amendments to the policy describing Part-Time Employment which will state Part-Time Employment status shall be deemed to exist whenever a position is scheduled to work an average of less than 30 hours per week. Unless expressly authorized, part-time employees are not eligible for benefit programs other than legally mandated benefits such as worker's compensation insurance, Social Security, legal holidays and Family Medical Leave in certain circumstances. However, part-time employees are subject to Work Rules and Policies as set forth in Sections 601 through 609, employee standards or conduct as set forth in Sections 701 through 710 and disciplinary grievance procedures as set forth in Sections 801 through 802.

Councilman Burgess asked if the City's Policy states full-time is a minimum of 37 ¹/₂ hours per week and part-time is less than 30 hours per week; what if an employee works 34 hours a week.

City Attorney Williams answered this would have to be managed by the Department Head.

City Attorney Williams informed Mayor and Council that due to a recent change the Affordable Health Care Act will not take effect as previously scheduled until January 2015. It was originally scheduled to be effective January, 2014.

City Attorney Williams stated that another thing to consider is the benefit package that would be available for any employees in the gap between full-time and part-time.

Councilwoman Murphy stated she felt this policy needed to be researched further before a decision is made.

Councilman McLemore is in agreement with Councilwoman Murphy that this policy needs to be researched further before action is taken by Council.

Manager Martin announced there is a Webinar scheduled for next week that he and Carolyn Joyner, Director of Human Resources will be participating in that will hopefully clarify the recent delay in effective date of certain provisions of the law and answer policy questions.

Mayor Johnson-Ashburn and Council were in agreement that this Policy should be brought back to Council for further discussion in the future after further research.

City Manager's Report

Manager Martin did not have anything additional to report at this time.

COUNCIL/STAFF REPORTS ON BOARDS AND COMMISSIONS

Mayor Johnson-Ashburn thanked Vice-Mayor Cheatham for standing in for her while she was away.

Mayor Johnson-Ashburn advised that she had attended a ribbon cutting for the new pool at the Girl Scout Camp at Camp Darden.

Mayor Johnson-Ashburn also advised that she, Councilman Burgess, Councilwomen Hilliard and Murphy attended a luncheon for Congressman J. Randy Forbes held on Friday, June 21, 2013 at the Country Club given by the Franklin-Southampton Area Chamber of Commerce and The Franklin Rotary Club.

Mayor Johnson-Ashburn also stated it was a pleasure to participate with Councilwomen Hilliard and Murphy in the first Kick-Ball kick-off event recently sponsored by the Parks & Recreation Department.

Vice-Mayor Cheatham informed Council about the Joint Shared Services Committee Meeting that was held with Southampton County officials and stated at the moment everyone is in the discussion stage regarding sewer.

Vice-Mayor Cheatham also reported on June 30, 2013, that he and Councilwoman Murphy and her son attended Unity Day at the White Oaks Springs Baptist Church, representing the City.

Vice-Mayor Cheatham informed Council that he spoke at the Patriotic Music Presentation held at the Armory and sponsored by the Downtown Franklin Association (DFA) which he stated was a very nice event.

CLOSED SESSION

A motion was made by Councilman Burgess that the Franklin City Council meet in Closed Session to consider appointments to boards and commissions, to discuss the salary of an employee, to include a discussion of a prospective business or industry locating in the City of Franklin where no previous announcement has been made of the business's or industry's interest in locating in the City and for a consultation with legal counsel employed by the City regarding specific legal matters requiring the provision of legal advice pursuant to Virginia Code Section 2.2-3711 (A) (1), (5) and (7). The motion was seconded by Councilwoman Hilliard and passed with a 6-0 vote (Councilman Blythe absent).

Councilman McLemore left the Closed Session Meeting at approximately 8:15 p.m.

Motion Upon Returning to Open Session: A motion was made by Vice-Mayor Cheatham that the only matters discussed during the session were those lawfully exempted from open meeting requirements and identified in the motion by which the closed session was convened. The motion was seconded by Councilwoman Hilliard and passed with a 5-0 vote (Councilmen McLemore and Blythe absent).

Adjourn

A motion was made by Councilwoman Murphy to adjourn the meeting. The motion was seconded by Councilman Burgess and passed with a 5-0 vote (Councilmen McLemore and Blythe absent).

The meeting adjourned at 9:17 p.m.



National Night Out 2013 Proclamation

***Whereas,** the National Association of Town Watch, Target, Next-door and Associa are sponsoring a unique, nationwide crime, drug, and violence prevention program on August 6th, 2013 entitled “National Night Out” and*

***Whereas,** the “30th Annual National Night Out” provides a unique opportunity for the City of Franklin, Virginia to join forces with thousands of other communities across the country in promoting, cooperative, police-community crime prevention efforts; and*

***Whereas,** the Berkley Neighborhood Watch Group plays a vital role in assisting the Franklin Police Department through joint crime, drug and violence prevention effort in the City of Franklin and is supporting “National Night Out 2013” locally; and*

***Whereas,** it is essential that all citizens of the City of Franklin be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drugs and violence in the City of Franklin; and*

***Whereas,** police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the “National Night Out” program;*

Now, Therefore We the City Council of Franklin, Virginia do hereby call upon all citizens of the City of Franklin to join with the Berkley Neighborhood Watch Group, the National Association of Town Watch in supporting “30th Annual National Night Out” on August 6th, 2013.

Further, Let it Be Resolved That We the City Council of Franklin, Virginia do hereby proclaim Tuesday, August 6th 2013 as “National Night Out” in the City of Franklin, Virginia.

Mayor Raystine D. Johnson

Date

FINANCIAL

A. (Preliminary FY 2012-2013 End of Year Financial Report @ August 12th Meeting)

OLD/NEW BUSINESS

A. Non-Binding SPSA Resolution

B. City Manager's Report

1. HRTPO Transportation Funding MOA Update (HB 2313)



*Office Of The City Attorney
H. Taylor Williams, IV*

July 12, 2013

From: H. Taylor Williams, IV

To: Members of City Council

Re: SPSA Resolution

Enclosed is a proposed Resolution authorizing staff to continue to work toward a decision on what action to take for the City regarding disposal of our municipal solid waste after January 24, 2018. The Resolution contemplates looking at continued participation in the SPSA organization post 2018 by meeting with the other SPSA communities to work on a mutually acceptable Use and Support Agreement for post 2018. It is not a recommendation for a commitment to SPSA. It is just a recommendation that the City continue to examine SPSA as an option available to the City. The Board of Supervisors of Southampton County and Isle of Wight County will be reviewing similar resolutions at their respective July Board meetings.

H. Taylor Williams, IV
City Attorney

**A NON-BINDING RESOLUTION OF THE FRANKLIN CITY COUNCIL
CONCERNING SOLID WASTE COLLECTION AND DISPOSAL
AFTER JANUARY 24, 2018**

Whereas, the City of Franklin, Virginia (the “City”) is a member of the Southeastern Public Service Authority (“SPSA”) which was created by concurrent resolution of the Cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk and Virginia Beach and the Counties of Isle of Wight and Southampton (the “Localities”) in 1976; and,

Whereas, between 1983 and 1984, the City and the other Localities entered into individual Use and Support Agreements with SPSA, providing, among other things, that each member jurisdiction would deliver substantially all of the disposable solid waste generated or collected by or within or under the control of the Localities to SPSA; and,

Whereas, all of the Use and Support Agreements will expire on January 24, 2018; and,

Whereas, over the course of SPSA ‘s existence significant debt was incurred that resulted in severe financial hardship requiring the increase of tipping fees to unprecedented levels beginning in early 2009; and,

Whereas, in an effort to resolve its financial issues, SPSA refinanced its bond obligations and sold assets to reduce debt with the goal of eliminating all SPSA debt by the date of expiration of the current use and Support Agreements; and,

Whereas, in anticipation of the expiration of the Use and Support Agreements, the Chief Administrative Officers of the member Localities of SPSA directed a technical committee to be established in order to review and address numerous policy and operational issues (the “Committee”); and,

Whereas, the City supports the on-going work of the Committee and is also currently considering a number of alternatives to provide municipal solid waste collection and disposal services to citizens of the City in a cost effective manner

and in compliance with all applicable laws and regulations governing the same (the “Alternatives”); now, therefore,

BE IT RESOLVED BY THE FRANKLIN CITY COUNCIL that the City Council recognizes the continued participation as a member of SPSA on terms and conditions acceptable to the City and in the best interests of City residents should be one of the Alternatives to be examined by the City, and the City Manager and other City staff are directed to participate in the Committee and Committee negotiations with the goal of evaluating such continued participation in SPSA as an Alternative, taking into account all issues they consider to be in the best interests of the City.

Adopted by the Franklin City Council on this 22nd day of July, 2013.

Raystine D. Johnson-Ashburn, Mayor

Attest:

R. Randy Martin, Clerk



**Memorandum of Agreement
Between
The Hampton Roads Transportation Planning Organization
And
The City of Franklin, Virginia**

This Memorandum of Agreement is executed as of _____, 2013, by and among the Hampton Roads Transportation Planning Organization (“HRTPO”), and the City of Franklin, Virginia (“Franklin”).

WHEREAS, Chapter 766, 2013 Virginia Acts of Assembly, effective July 1, 2013, codifies the enactment of HB2313, establishing new revenues for transportation projects (“HB 2313 Revenues”), a portion of which will be deposited to a newly established Hampton Roads Transportation Fund (the “Fund”) to be expended for projects in the Planning District 23; and

WHEREAS, HB2313 imposes certain new and increased taxes in those cities, counties and towns comprising Virginia Planning District 23 that will be deposited into the Fund, and requires that monies in the Fund be used for transportation projects in all localities of that Planning District 23; and

WHEREAS, the HRTPO is the designated MPO for the Hampton Roads Metropolitan Planning Area, which does not include the City of Franklin, nor Southampton County (hereinafter collectively referred to as “the Localities” and individually as “Locality”); and

WHEREAS, the HRTPO is designated by HB2313 to identify those transportation projects for which monies in the Fund may be expended; and

WHEREAS, the Localities are not members of the HRTPO, and therefore this Agreement does not provide the Localities with any authority to participate as a voting member in the federal planning processes conducted by the HRTPO in its capacity as an MPO, which processes include, but are not limited to, development of the Transportation Improvement Program and Constrained Long-Range Transportation Plan for the Hampton Roads Metropolitan Planning Area; and

WHEREAS, the parties hereto desire to establish a mechanism by which the Localities will be entitled to vote on the allocation of funds for projects supported by HB2313 revenues deposited into the Fund.

NOW, THEREFORE, the parties hereby agree as follows:

1. Effective July 1, 2013, the HRTPO shall establish "Fund set-asides" for each of the Localities by maintaining information, received from the various state agencies responsible for collecting and depositing HB2313 Revenues into the Fund, relating to the portions of the HB2313 Revenues attributable to the imposition/collection of HB2313 taxes in each of the Localities and deposited into the Fund, and shall reserve sums equivalent to said portions of the HB2313 Revenues, which sums shall be expended for projects located in each Locality, outside the boundaries of the Hampton Roads Metropolitan Planning Area.
2. Effective July 1, 2013, each of the Localities shall be entitled to one vote on actions of the HRTPO involving the allocation of funds for any project to be funded in whole or in part with HB2313 Revenues in the Fund set-asides for the Localities in Paragraph 1 above.
3. Each of the Localities shall appoint one individual to represent it, and, subject to the provisions of Paragraphs 1 and 2 above, exercise the right of the Locality to vote, on the allocation of HB2313 funds before the HRTPO. The representative shall be an elected official appointed by the governing body of the Locality. Each of the Localities shall designate an alternate authorized to act in the absence of the appointed representative of the Locality, who shall also be an elected official.
4. The representatives of the Localities shall be invited to attend all meetings of the HRTPO in which any allocation of HB2313 Funds are to be discussed or otherwise considered and shall be provided with all information and communications relating to said allocations that are provided to HRTPO members, and for those meetings in which allocations of funds for projects meeting the conditions set forth in Paragraphs 1 and 2 above are to be discussed or will be subjected to a vote, shall be provided with all information and communications relating to said projects that are provided to the HRTPO members, and shall be allowed to participate in discussions relating to said projects.
5. This Agreement may be amended or revoked only by further written instrument executed by all parties hereto. This Agreement shall remain in effect until such time as it is revoked by the parties hereto.

In Witness Whereof, the parties have caused this Memorandum of Agreement to be executed by their duly authorized officers as of the date first set forth as shown on page 1.

Hampton Roads Transportation
Planning Organization

By: _____
Chair

City of Franklin

By: _____
Title: _____

COUNCIL/STAFF REPORTS ON BOARDS AND COMMISSIONS