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## Regular City Council Meeting Minutes January 27, 2025

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### Call to order

The Franklin City Council held its regular City Council meeting on January 27, 2025 at 7:00 p.m. in the City Council Chambers.

### Moment of Silence

A moment of silence was held for the young man who loss his life on Laurel Street and Mr. McCarty, Vice Chair of WRTJ Board and Board of Supervisors with Isle of Wight County that passed away.

### Roll Call

Council Members in Attendance: Councilwoman Jessica Banks; Wynndolyn Copeland, Vice-Mayor; Councilman Linwood Johnson; Paul Kaplan, Mayor; Councilman Mark Kitchen; Councilman Gregory McLemore

Council Members Absent: Councilman Richard "Ricky" Grizzard

Others in Attendance: Rosylen Oglesby, City Manager, Adam Winston, City Attorney

### Cell Phones

Mayor Kaplan asked all to silence cell phones.

### Pledge of Allegiance

The Pledge of Allegiance was recited by all in attendance.

### Citizen's Time

**Mr. Jim Hart of Hart Realty and Construction** made comments in reference to the outstanding job that the Public Works Department and Power and Light did during the snow. He also made comments in reference to signs around town and the city doing something about it.

### Introduction of New Staff

City Manager Oglesby introduced Ms. Tomeka Morgan, Interim Finance Director, and shared her background. Ms. Morgan thanked the Council for the opportunity.

### Consent Agenda

A motion was made by Councilman Kitchen and seconded by Councilman Johnson to approve the consent agenda.

**The motion carried the vote 5-1**

**The vote was as follows:**

**Ayes: Banks, Copeland, Johnson, Kaplan, Kitchen**

**Nays: McLemore**

**City Manager's Report**

Agenda Item #2025-8

A motion was made by Councilman Johnson and seconded by Councilman Kitchen to approve the Ordinance to Approve City Code Amendment to Amend Chapter 13 Garbage & refuse Section 13-8: Placement of Containers at Collection Sites.

**The motion carried the vote 6-0**

**The vote was as follows:**

**Ayes: Banks, Copeland, Johnson, Kaplan, Kitchen, McLemore**



**ORDINANCE: APPROVE CITY CODE AMENDMENT TO AMEND CHAPTER 13  
GARBAGE & REFUSE SECTION 13-8: PLACEMENT OF CONTAINERS AT  
COLLECTION SITES**

**WHEREAS**, pursuant to §15.2-1427 of the Code of Virginia (1950) as amended, the City Council for the City of Franklin, Virginia (Council), has the legislative authority to amend an ordinance in the same manner, or by the same procedure, in which, or by which, ordinances are adopted; and

**WHEREAS**, Council still believes it appropriate to ensure that all containers shall be removed from the street, curbside, or sidewalk no later than 11:00 p.m. the day of collection and placed out of the view of the public; and

**WHEREAS**, Council wishes to amend the ordinance to ensure that no criminal prosecution or fines will result from violations related to the removal of collection containers.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Franklin, Virginia, that Chapter 13. Garbage and Refuse, Section 13-8 Placement of Containers at Collection Sites is hereby amended as attached hereto:

**VOTE:**

**Ayes:**

**Nays:**

**Abstentions:**

**Absent for vote:**

**ADOPTED:**

\_\_\_\_\_  
**Paul Kaplan, Mayor**

**CERTIFIED:**

\_\_\_\_\_  
**Deputy Clerk**



## Chapter 13. Garbage & Refuse

### § 13-8 Placement of containers at collection sites.

[Ord. No. 94-6, 6-13-1994]

It shall be the responsibility of the owner or user of a refuse container, the contents of which are to be collected by City forces, to place the container at the collection site so that there is no danger of the container being overturned and so that there is sufficient clearance to accommodate City collection equipment. Collection containers, disposable containers, yard waste, bulky waste and recycling bins should be placed at the collection site by 7:00 a.m. of the designated collection day. [A violation of this section shall not result in fines nor criminal prosecution.](#)

#### Agenda Item #2025-9

A motion was made by Councilman Johnson and seconded by Vice-Mayor Copeland to approve the Resolution Amending the FY 2024-2025 City Operating Budget to Accept a Donation from Franklin Baptist Church Faithful Worker's Sunday School Class to the Police Department in the Amount of \$200 and to Appropriate Said Donation for Supplies.

**The motion carried the vote 6-0**

**The vote was as follows:**

**Ayes: Banks, Copeland, Johnson, Kaplan, Kitchen, McLemore**



**BUDGET AMENDMENT 2025-10**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA that the 2024-2025 City Budget is hereby amended to:

- 1. Recognize donation to the Police Dept from Franklin Baptist Church Faithful Worker's Sunday School Class and to appropriate such donation for supplies;

		<u>2024-2025</u>		<u>AMENDED</u>		<u>INCREASE</u>
		<u>BUDGET</u>		<u>BUDGET</u>		<u>(DECREASE)</u>
<b>100 GENERAL</b>						
<b>REVENUE</b>						
100-3-18990-3041	Donations Police	\$ 3,477	\$	3,677		<u>200</u>
						<u>200</u>
<b>EXPENDITURES</b>						
100-4-31100-6010	Police Supplies	\$ 62,000	\$	62,200		<u>200</u>
						<u>200</u>

*Certified copy of resolution adopted by Franklin City Council*

*Deputy Clerk to the City Council*

Agenda  
Franklin City Council  
January 27, 2025

**Agenda Item #2025-10**

A motion was made by Councilman Johnson and seconded by Councilman Kitchen to approve the Resolution Amending the FY 2024-2025 City Operating Budget to Transfer the Amount of \$97,157.18 from the City Council Contingency Fund and Move the Said Amount to the 2022 LOC Financing Cost Line as Part of the Series 2022 General Obligation Note.

**The motion carried the vote 5-1**

**The vote was as follows:**

**Ayes: Banks, Copeland, Johnson, Kaplan, Kitchen**

**Nays: McLemore**



**BUDGET AMENDMENT 2025-11**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA that the 2024-2025 City Budget is hereby amended to:

1. *Move monies from Contingency fund to Series 2022 LOC financing cost to close out Series 2022 LOC.*

		<u>2024-2025</u>		<u>AMENDED</u>		<u>INCREASE</u>
		<u>BUDGET</u>		<u>BUDGET</u>		<u>(DECREASE)</u>
	<b>EXPENDITURES</b>					
100-4-11010-7000	Contingency Fund	\$ 261,907	\$	164,749		<u>(97,158)</u>
						<u>(97,158)</u>
	<b>EXPENDITURES</b>					
401-4-40950-9135	2022 LOC Financing Cost	\$ -	\$	97,158		<u>97,158</u>
						<u>97,158</u>

*Certified copy of resolution adopted by Franklin City Council*

Deputy Clerk to the City Council

Agenda Item #2025-11

A motion was made by Vice-Mayor Copeland and seconded by Councilman Johnson to approve the Resolution Approving and Adopting the Agreement Between the Virginia Department of Health and the Franklin City Council for Funding and Services of the Franklin Health Department.

**The motion carried the vote 6-0**

**The vote was as follows:**

**Ayes: Banks, Copeland, Johnson, Kaplan, Kitchen, McLemore**



**RESOLUTION 2025-4**

**RESOLUTION APPROVING AND ADOPTING THE AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF HEALTH AND THE FRANKLIN CITY COUNCIL FOR FUNDING AND SERVICES OF THE FRANKLIN HEALTH DEPARTMENT**

**WHEREAS**, the City of Franklin (the City) recognizes the need for this agreement to operate the Franklin Health Department; and

**WHEREAS**, the Code of Virginia § 32.1-31 authorizes the agreement;

**WHEREAS**, the City and the Virginia Department of Health (VDH) desire to enter into an agreement to provide assistance and resources to operate the Franklin Health Department; and

**WHEREAS**, the proposed agreement outlines the terms and conditions under which funding shall be distributed, liability, renewal, and operational procedures, and is in the best interest of the City of Franklin and its residents;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Franklin, Virginia:

1. The Agreement Between VDH and the Council for funding and services of the Franklin Health Department, as presented and attached hereto as Exhibit A, is hereby approved and adopted.
2. The City Manager is authorized to execute the agreement on behalf of the City, and to take any actions necessary to implement its provisions.
3. This resolution shall be effective immediately upon adoption.

**VOTE:**

**Ayes:**

**Nays:**

**Abstentions:**

**Absent for vote:**

**ADOPTED:**

**CERTIFIED:**

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**Paul Kaplan, Mayor**

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**Kimberly Turner, Deputy Clerk**



## New Business

### A. Boards & Commissions

No items were presented.

### B. Items Submitted by Council Members (Council Comments)

Councilman Johnson made comments referencing the loss of Mr. William McCarty.

Councilman Kitchen made comments in reference to how well the City Manager communicates with council and stated for her to keep up the good work.

Councilwoman Banks made comments referencing council conduct and procedures set forth as a body.

Vice-Mayor Copeland stated she agreed with Councilman Kitchen and Councilwoman Banks. She also made comments in reference to a citizen requesting a directory for Southview Cemetery, looking into addressing the unhoused population as it is getting overwhelming, changing the due date for utility payments to the 1<sup>st</sup> of the month due to seniors not getting their checks until then.

Councilwoman Banks stated that there will be a meeting at Celebration Church on February 1<sup>st</sup> to address the homeless population and invited all to attend.

Mayor Kaplan echoed what Councilman Kitchen said referencing City Manager communication with council and made comments referencing the homeless situation.

There was further discussion referencing the homeless situation.

Mayor Kaplan noted that SB1404 was included in council's information and wanted feedback as to if members were in favor or an appointed school board or elected school board.

There was discussion on the pros and cons of an appointed school board and an elected school board. The consensus of council was that they were in favor of continuing an appointed school board.

### C. Report on Pending Items

- Freestanding Signs

City Manager Oglesby reported that there is one code enforcer that is working on removing the signs and a part-time code enforcer was hired to assist her. She also stated that we do not govern signs on private property, but any city employee can remove signs on public property.

- Mobile Food Unit Ordinance (Food Trucks)

City Manager Oglesby made council aware that there was a public hearing referencing this matter on August 8, 2023; however, this section was never added to the Ordinance or added to the Comprehensive Update.

- Utilities Billing

City Manager Oglesby providing background information on the process of billing and stated that Code does not give the City Manager any authority to give an extension. She expressed that if council wants to provide for an extension and change the due date, they will have to change Code.

There was a discussion referencing guidance for the City Manager to bring this back to council once she has done her research and whether or not the due date needs to be changed or amend to allow for the City Manager to extend the deadline based on circumstances.

There was a consensus to change the due date to the 1<sup>st</sup>.

### Closed Session

A motion was made by Vice-Mayor Copeland and seconded by Councilwoman Banks to convene a closed session pursuant to Virginia Code Section 2.2-3711-A-3, discussion or consideration of the acquisition of real property for a public purpose, or of 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 and pursuant to Virginia Code Section 2.2-3711 A-1, for the purpose of discussing, considering, or interviewing prospective candidates for employment.

**The motion carried the vote 6-0**

**The vote was as follows:**

**Ayes: Banks, Copeland, Johnson, Kaplan, Kitchen, McLemore**

**Adam Winston, Attorney left the meeting during closed session**

**Councilman McLemore left the meeting during closed session.**

### Reconvene Regular Session

A motion was made by Vice-Mayor Copeland and seconded by Councilwoman Banks to reconvene regular session.

**The motion carried the vote 5-0**

**The vote was as follows:**

**Ayes: Banks, Copeland, Johnson, Kaplan, Kitchen**

### Certification of Closed Meeting

Vice Mayor Copeland moved that each council member certify that, to the best of his or her knowledge: I hereby move that each council member certify that, to the best of his or her knowledge:

- (i) Only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and
- (ii) Only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the closed meeting just concluded.

Any member of the public body who believes that there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of the public body.

**Councilwoman Banks stated that while in closed session, there was a departure from the requirements under which the City Council entered the meeting. Councilwoman Banks noted that a fellow council member [Mr. McLemore] belittled members of the Council. She shared that they were told they were degenerates, ignorant, and many other things by the council member, and he was asked to leave the closed session.**

**City Council certified the meeting after noting the departure.**

**The motion carried the vote 5-0**

**The certification was as follows:**

**Certified: Banks, Copeland, Johnson, Kaplan, Kitchen**

A motion was made by Councilman Johnson and seconded by Councilwoman Banks to amend the agenda to add a vote for censor.

**The motion carried the vote 5-0**

**The vote was as follows:**

**Ayes: Banks, Copeland, Johnson, Kaplan, Kitchen**

A motion was made by Councilman Johnson and seconded by Councilwoman Banks that Councilman McLemore be censored for calling city council out of name, being called degenerate, ignorant, using derogatory language, and defamation of character.

**The motion carried the vote 5-0**

**The vote was as follows:**

**Ayes: Banks, Copeland, Johnson, Kaplan, Kitchen**

### Adjournment


A motion was made by Councilman Kitchen and seconded by Councilman Johnson to adjourn.

**The motion carried the vote 5-0**

**The vote was as follows:**

**Ayes: Banks, Copeland, Johnson, Kaplan, Kitchen**

The meeting adjourned at 8:24 p.m.

  
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Mayor

  
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Deputy Clerk to City Council

