

REGULAR MEETING  
FRANKFORT BOARD OF COMMISSIONERS  
PRESENT: Commissioner Katrisha Waldrige  
Commissioner Scott Tippet  
Commissioner Eric E. Whisman  
Commissioner John R. Sower  
Mayor William I. May, Jr. (5)

September 23, 2019  
5:00 P.M. (EDT)

ABSENT: None (0)

Mayor May called the meeting to order. The invocation was given by Reverend Sandy Lacey of First Presbyterian Church. The Pledge of Allegiance was recited.

Mayor May moved Action Item No. 6 (2019 Downtown Reinvestment Grant Contract) prior to Citizen Comments.

### **2019 Downtown Reinvestment Grant Contract**

Staff requests authorization for the Mayor to sign all grant documents for the \$100,000.00 2019 Downtown Revitalization Grant to the property owners of 311 Saint Clair Street as recommended by the Downtown Revitalization Grant Task Force. The Frankfort City Commission Created a Downtown Reinvestment Grant Task Force to review RFPs for the grant. The Task Force received one proposal to consider for funding. Members of the Task Force were asked to review the proposal based on guidelines set in the Request for Proposals. Task Force members recommended awarding the grant to the project and the Commission. At this time staff would like to request authorization for the Mayor to sign all grant documents including the grant contract. Payment is contingent on sufficient budget appropriation in fiscal year 2020.

It was moved by Commissioner Whisman, seconded by Commissioner Tippet, to approve the contract. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

### **Citizen Comments**

Rich Rosen spoke about several different issues such as donations he has made to the City of Frankfort, FPB positions that should be reappointed and current staff positions at FPB. Three things Mr. Rosen requested from the Board of Commissioners 1) an apology to Anna Marie Pavlik Rosen and Walt Baldwin 2) thank you to Anna Marie Pavlik Rosen and Walt Baldwin 3) unanimous reappointment of both to FPB. Mr. Rosen also suggested a proclamation to Bill Cull for The Grand Theatre's 10<sup>th</sup> anniversary.

Richard Taylor spoke in favor of the reappointment of Rosen and Baldwin.

Anna Marie Pavlik Rosen spoke about the real issues facing FPB and moving forward. Mayor May and Commissioner Whisman said thank you to Ms. Rosen for her service and donations to the community.

Jim Daniel spoke in favor of the reappointment of Rosen and Baldwin.

Andy McDonald spoke in favor of the reappointment of Rosen and Baldwin.

### **Consent Calendar**

The following miscellaneous and personnel items were presented:

**1. Minutes - August 12, 2019 Special Meeting; August 12, 2019 Work Session; August 26, 2019 Regular Meeting; August 29, 2019 Special Meeting**

**2. Tree Maintenance - Parks**

Authorized a contractual agreement with Woodland Tree Care for the maintenance of city right-of-way and park trees and authorized the Mayor to sign any related documents. The Parks Department is responsible for right-of-way and park tree maintenance, planting and beautification. The area this covers is an on-going procedure. Monies requested will continue the maintenance program. Woodland Tree Care is an arborist certified, dependable tree care company. The department only uses Woodland Tree Care when the job is too large for parks staff to safely maintain. Woodland Tree care currently has the state contract ( MA 785 170000493). Approve the use of Woodland Tree Care for tree maintenance work within the city for an amount up to \$40,000.00 on as needed basis. Monies are available in account 100.86.53251 and approve the Mayor to sign any related documents.

**3. Contract Renewal with Medical Compliance Services, Inc. - Fire**

Authorized the renewal of a contract with Medical Compliance Services, Inc. for assistance in the development and maintenance of a compliance program for the Frankfort Fire Department's ground ambulance service and authorized the Mayor to sign all related documents. Since it has been seven years since the last official contract signing, staff suggested seeking a new contract with Medical Compliance Services, Inc. This contract is essentially identical to the original 2013 contract with revised language which reflects current National practice. This service is vital in ensuring compliance with the ever changing Medicare rules and mandates. This contract is for one year and contains an auto renewal clause for an additional twelve (12) month term unless one of the parties notifies the other of their intent to terminate the Agreement in writing at least thirty (30) days prior to the end of the term. There is an annual budget impact of \$7,400 per calendar year, paid in \$1,850 quarterly payments. Funds are budgeted annually to cover this expense in 100.41.53265.

**4. Amendment #1 to the Professional Services Agreement for the Franklin & Meagher Project - Sewer**

Authorized Amendment #1 to the Engineering Agreement with HMB for Engineering Services related to the completion of the Sewer Rehab for the Franklin and Meagher project and authorized the Mayor to sign all related documents. The Frankfort Sewer Department entered into a Professional Services Agreement with HMB in February 2017 for design, construction administration and inspection services for the Franklin & Meagher project. During this project there were several unknowns that have caused delays in the project. One of the biggest issues that was encountered was a sewer line that was running under a house and garage. Staff found an alternate route but was not able to secure an easement through that property. The engineer requested the contractor to provide a cost for this change in service. The additional work has caused delays in the construction of the project and will require a time extension. The final completion date for construction is now November 28th and this amendment will add the additional time needed for the engineer to complete all aspects of the project. This extension will continue the contract until December 31, 2019 to allow HMB to complete the KIA loan documentation and all of the closeout documentation. This is only a time extension to the agreement. All Terms, Conditions and Compensation will remain the same.

**5. Oxygen Contract with Matheson Tri-Gas, Inc.- Sewer**

Authorized a contract with Matheson Tri- Gas, Inc. to provide liquid oxygen for the ozone system and authorized the Mayor to sign all related documents. The Sewer Department took bids on August 13, 2019 for liquid oxygen for the purpose of generating ozone for disinfection of wastewater effluent prior to discharge into the Kentucky River. The alternative is to switch to PAA full time for disinfection. Staff has tested the option of switching to PAA full time and determined that it would cost twice as much to do so. It is recommended that the award be made to Matheson Tri-Gas, Inc. for a period of 1 year with the option to renew annually for a period not to exceed 5 years. The contract may be terminated by the City with 15 days written notice. The annual budget for liquid oxygen is \$125,000.00. This will provide the majority of the disinfection for the entire year. Peracetic Acid is used as a backup disinfectant.

**6. The following personnel items were presented:**

- Appointment of Stephen Morton in the Sewer Department as Plant Operator I, effective 9/3/19 (Sewer).
- Appointment of Eric Temple in the Sewer Department as Plant Operator I, effective 9/17/19 (Sewer).
- Appointment of Jessica Putty in the Finance Department as Accounting Specialist II, effective 10/1/19 (Finance).
- Appointment of Herb Wilson in the Police Department as Patrol Officer III, effective 10/1/19 (Police).
- Resignation of Gregory Loxley in the Fire Department as Firefighter I, effective 8/29/19 (Fire).

Permission to make 4 conditional offers of employment for the position of Patrol Officer. The request to make this conditional offer of employment is contingent upon successful completion of background, medical, psychological, polygraph, and drug screen examinations by the candidate. This will take the department to 62 sworn officers.

It was moved by Commissioner Whisman, seconded by Commissioner Waldrige, that items of the Consent Agenda be adopted. All members being present, the motion to approve the consent agenda was adopted by voice vote without objection.

**Boards**

**1. Removed – Appointed by Planning Commission - Architectural Review Board - Reappointment of Patti Cross expiring 7-1-22.**

**2. Architectural Review Board - Reappointment of Ann Wright expiring 9-12-22.**

It was moved by Commissioner Whisman, seconded by Commissioner Tippet, to approve the reappointment. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Tippet, Whisman and Mayor May (3). Those voting against the motion were Commissioners Waldrige and Sower (2). The motion was thereupon adopted.

**3. Civil Service Board - Appointment of Tanya Monsanto expiring 2-28-20.**

It was moved by Commissioner Waldrige, seconded by Commissioner Whisman, to approve the appointment. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

**4. Code Enforcement Board - Appointment of Timothy J. Mayer expiring 4-24-22.**

It was moved by Commissioner Whisman, seconded by Commissioner Tippet, to approve the appointment. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

**5. Code Enforcement Board - Reappointment of Corey Bellamy expiring 4-24-22.**

It was moved by Commissioner Whisman, seconded by Commissioner Waldrige, to approve the reappointment. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

**6. Planning Commission - Reappointment of Patti Cross expiring 7-1-23.**

It was moved by Commissioner Tippet, seconded by Mayor May, to approve the reappointment. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet and Mayor May (3). Those voting against the motion were Commissioners Whisman and Sower (2). The motion was thereupon adopted.

**7. Planning Commission - Reappointment of David Boggs expiring 7-1-23.**

It was moved by Commissioner Tippet, seconded by Commissioner Sower, to approve the reappointment. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Sower and Mayor May (4). Those voting against the motion were Commissioner Whisman (1). The motion was thereupon adopted.

**Action Items**

**1. Second Reading and Public Hearing**

“AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR OF 2019 ON ALL REAL AND TANGIBLE PERSONAL PROPERTY SUBJECT TO TAX, TRUST AND INSURANCE COMPANIES, PUBLIC SERVICE COMPANIES AND LEVYING SAID TAX FOR ALL CITY PURPOSES”. This Ordinance had its First Reading on September 9, 2019. Summary: That the 2019 City of Frankfort ad valorem tax rate is Nineteen and Eight Tenths Cents (19.8 cents) on each One Hundred Dollars (\$100) valuation of all real and personal property; Nineteen and Eight Tenths Cents (19.8 cents) on each One Hundred Dollars (\$100) valuation on public utilities and public service companies taxable on a franchise basis; Fifteen and no Tenths Cents (15.0 cents) on each One Hundred Dollars (\$100) valuation on taxable capital of insurance companies.

The roll was called and Mayor May opened the Public Hearing at 6:16 p.m. with all members present. It was moved by Commissioner Whisman, seconded by Commissioner Sower, to adopt the Ordinance. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 10, 2019 Series).

It was moved by Commissioner Whisman, seconded by Commissioner Waldrige to close the Public Hearing. All members being present, the motion to close the hearing was adopted by voice vote without objection at 6:29 p.m.

**2. Second Reading**

“AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2020 ON ALL MOTOR VEHICLES AND LEVYING SAID TAX FOR ALL CITY PURPOSES”. This Ordinance had its First Reading on September 9, 2019. Summary: This ordinance fixes the rate of taxation for the year 2020 at the sum of twenty-two and seven tenths cents on each one hundred dollars valuation on all motor vehicles subject to taxation in the City.

It was moved by Commissioner Whisman, seconded by Commissioner Sower, to adopt the Ordinance. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 11, 2019 Series).

### **3. Surplus Vehicles & Order - Police**

The purpose of this memo is to request the surplus of four (4) Ford Crown Victoria (CV) police vehicles and authorize the Mayor to sign all related documents. These vehicles will be traded to L&W Equipment and credit will go towards the purchase of up-fitting for future vehicles. These vehicles have already been approved for surplus through online auction. Immediately following that approval, but before the vehicles could be prepared for auction, L&W Equipment offered to take the vehicles as is and give us credit toward work they would perform in the future. The Police Department was searching for a business to strip these 4 cars of any re-usable equipment and stripping in preparation for the auction. These vehicles usually sell at auction for approximately \$1000 to \$1500 per car. The cost of stripping is around \$250 per vehicle. L&W has offered to give us \$1000 per vehicle as is.

It was moved by Commissioner Tippett, seconded by Commissioner Waldrige, to adopt the Order. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippett, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Order was thereupon adopted (Order No. 17, 2019 Series).

### **4. Frankfort Plant Board - Electric Vehicle Charging Stations**

The Frankfort Plant Board is requesting approval for the deployment of three Electric Vehicle Charging Stations within the City of Frankfort.

Following a presentation given by Vent Foster and Travis McCullar with FPB and discussion with the Board of Commissioners, it was moved by Commissioner Tippett, seconded by Commissioner Whisman to approve the charging station. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippett, Whisman and Mayor May (4). Those voting against the motion were Commissioner Sower (1). The motion was thereupon adopted.

### **5. Approval of a Resolution authorizing reimbursement of funds spent by Frankfort Independent Schools in continued implementation of programs established under a 2017 Memorandum of Agreement between the City of Frankfort and the Kentucky Capital Development Corporation - City Manager**

After a brief discussion, it was moved by Commissioner Tippett, seconded by Mayor May, to adopt the Resolution. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippett, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Resolution was thereupon adopted (Resolution No. 21, 2019 Series).

Commissioner Whisman suggested that the Resolution reflect the full amount spent to date and amend the motion to reimburse up to \$35,000.00.

It was moved by Commissioner Tippett, seconded by Commissioner Waldrige, to reimburse FIS an amount not to exceed \$35,000.00. With all members being present the motion was adopted by voice vote.

### **6. Moved prior to Citizen Comments - 2019 Downtown Reinvestment Grant Contract - Grants**

#### **7. 2018 African American Civil Rights Grant - Grants**

Staff requests authorization for the Mayor to sign all grant documents for the 2018 African American Civil Rights Grant award. In the fall of 2018 the City of Frankfort applied for funding for a 2018 African American Civil Rights Grant in the amount of \$50,000.00. The project, The March on Frankfort: Oral History Project, includes conducting oral interviews of citizens' memories of the 1964 March at Kentucky's Capitol led by Martin Luther King, Jr. Deliverables for the project include development of a Frankfort Civil Rights Website, production of three educational videos targeted at elementary, middle and high school audiences and partnering with KET to broadcast the videos during Black History Month in 2021. The \$50,000.00 grant requires a \$25,000 match, however, the majority of the match will come from staff time as well as partnerships with local high schools, Kentucky State University and the University of Kentucky.

It was moved by Commissioner Whisman, seconded by Commissioner Waldrige, to approve the grant. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippett, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

#### **8. Amended Order for 101 Curator Court - Legal**

Request to update the Surplus Order authorizing sale of the Curator Court property to change the method of disposal from sealed bids to online auction. This Order was approved in May 2019. Staff has since determined that a more efficient and effective sale option would be to utilize an online auction, which avoids the necessity for bid advertisement and invitation documentation. This change is expected to have little to no effect on the amount of purchase offers received.

It was moved by Commissioner Whisman, seconded by Commissioner Waldrige, to adopt the Order. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippett, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Order was thereupon adopted (Order No. 18, 2019 Series).

### **Unfinished Business / New Business**

Commissioner Waldrige requested that staff review the process of signage coming into Frankfort. Katie Beard has spoken to the State and will confirm the process.

Commissioner Sower requested an update on Old Y litigation. Laura Ross, City Solicitor, stated we have filed an answer to damage claims.

Commissioner Sower requested an update on FPB vs Planning Commission. Laura Ross, City Solicitor, stated we are currently in the filing stage.

Commissioner Sower asked when the bids are due for Parcels B and C. Eric Cockley, Director of Planning and Community Development, and Keith Parker, City Manager, stated that City staff will assist with the applications and final action should be taken in October.

Commissioner Whisman requested the status on the Solar Farm proposal. Keith Parker, City Manager, has been working with FPB on the proposal.

Commissioner Whisman would like staff to look at open records and name a second or someone to help with open records.

Keith Parker, City Manager, said thank you to the Police Department regarding the recent hate crime at Kroger. It was taken care of in less than 12 hours.

Commissioner Sower requested an update on the Tiger Grant. Chuck Knowles, Tiger Grant Project Manager, stated that the environmental approval was received today and we are working to negotiate a contract on the right of way utilities. The next step will be a contract for Strand that will require the Board of Commissioners approval.

It was moved by Commissioner Waldrige, seconded by Commissioner Whisman, to go into Executive Session per KRS 61.810 (1)(f) personnel - discussion which might lead to the dismissal of an individual employee and KRS 61.810(1)(b) - discussion on the future acquisition of real property related to the master plan / economic development when publicity would be likely to affect the value of the property. The motion and was adopted by voice vote. The meeting went into closed session at 7:30 p.m.

It was moved by Commissioner Tippet, seconded by Commissioner Whisman, that the meeting return to open session. The motion and was adopted by voice vote. The meeting returned to open session at 7:46 p.m.

It was moved by Commissioner Whisman, seconded by Commissioner Sower, that the meeting adjourn. The motion was adopted by voice vote. The meeting adjourned at 7:46 p.m.

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Mayor

Attest:

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City Clerk