

PRESENT: Commissioner Tommy Z. Haynes
Commissioner Scott Tippet
Commissioner Robert E. Roach
Commissioner Lynn Bowers
Mayor William I. May, Jr. (5)

ABSENT: None (0)

Mayor May called the meeting to order. The invocation was given by Commissioner Bowers. The Pledge of Allegiance was recited.

Ceremonial Items

Mayor May and Shaun Caldwell, Assistant Fire Chief, recognized and congratulated Elizabeth Walker who was promoted from Firefighter III to Sergeant and Patrick Sword who was promoted from Firefighter II to Sergeant.

Citizens Comments

Kathy Warren, a citizen of Frankfort, spoke against the raise in property taxes.

Corey Councill, founder of Family Against Deadly Drugs, spoke about his families loss due to substance abuse and September is National Recovery Month.

Richard Rosen, a citizen of Frankfort, expressed the need for the new Franklin County Humane Society facility.

Consent Calendar

The following miscellaneous and personnel items were presented:

1. **Minutes** – August 6, 2018 Special Meeting; August 6, 2018 Special Work Session; August 27, 2018 Regular Meeting.

2. **2018-2019 Neighborhood Reinvestment Grant Program (Moved to Old Business)**

3. **Sewer Extension Foxley Lane**

Authorized a sewer extension to serve 1 house on Foxley Lane in Franklin County Kentucky and authorized the Mayor to sign all documents related to the contract. The Sewer Department has received application for plan review with plans to provide service for Foxley Lane. The developer is New Rope, LLC 2031 Cardwell Lane Frankfort, KY 40601. The extension will provide service for 1 single family residence. The sewer plans have gone through the first review and sewer personnel are working with the contractor to make changes for the final plan. The proposed extension would consist of 2 new manholes and 132 linear feet of 8-inch PVC gravity sewer main. This will serve 1 single family residence that is proposed to be built on the property. The developer will cover the cost of the sewer installation and then dedicate the line and manholes to the sewer department at no cost to the city. Additional customers added by this sewer extension will increase revenue.

4. **Sewer Department Award Construction Contract for Rolling Acres Phase II Sanitary Sewer I&I Reduction Project**

Authorized a construction contract with Grant's Excavating, Inc. for the Rolling Acres Phase 2 Sanitary Sewer I&I Reduction project and authorized the Mayor to sign all related documents. The Rolling Acres Neighborhood has been targeted for I/I elimination through rehabilitation. Due to the size of the neighborhood and the severity of the defects in the sanitary sewers, this project has been broken down into two phases. Phase 1 was completed last year and Phase 2 will begin this fall and have a 9 month construction period. The Sewer Department opened bids on August 29th and received 1 bid. **Grant's Excavating, Inc. was the sole bidder in the amount of \$1,870,830.00.** This was a rebid due to errors in the bids when the project was last advertised. Since this bid came in below the engineer's estimate as well as below the two bids received at the last bid opening, we recommend award of this project to Grant's Excavating, Inc. This project was budgeted for in the sewer construction account. The budget for the Capital Projects account is \$9,085,000 and has \$30,728 expensed and encumbered as of July 31, 2018. The original contract was \$1,870,830.00.

5. **Memorandum of Agreement with KYTC for Drainage Improvement Design along a portion of East Main Street - Public Works**

In May 2018 the City Commission approved this MOA with KYTC regarding the design of storm water improvements along a portion of East Main Street. KYTC's legal team requested an amendment to the language. City Solicitor Laura Ross has reviewed the changes to the language. Authorized the amended MOA and authorized for the Mayor to sign all related documents. In order to expedite the repair of thirteen drainage inlets along East Main (state-maintained roadway) between Capital Avenue and Glenss Creek Road, KYTC would like to enter a MOA to reimburse the City for hiring an engineering firm to design the project. KYTC has tentatively scheduled the resurfacing of East Main in the fall of 2019 or possibly 2020. The City will also be performing TIGER related utility work in a portion of this area as soon as the TIGER agreement is signed. The City would like the TIGER utility work and KYTC drainage repairs to be bid around the same time to minimize the disturbance window and possibly receive a better bid. Once the design is complete, we will hold off on bidding the KYTC work until the TIGER utility work is allowed to be bid. This KYTC drainage work can be used for match on the TIGER grant. The actual installation of the new drainage inlets will be paid for by KYTC. The MOA is reimbursement of design work in the amount of \$11,700 for engineering contract work. Vaughn and Melton has been selected to perform the design and once the MOA is approved we will submit a PO for Vaughn and Melton.

6. **Public Works Pavement Restoration Unit Price Contract**

Authorized the renewal of the Unit Price Contract for Roadway Restoration one additional year with Randle Davies including an increase of 3% per item as allowed in the 2017 UPC Contract for Roadway Restoration and authorized the Mayor to sign all related documents. This Roadway Restoration Contract is used to perform work related to the City of Frankfort Right-of-Way Standard and permitting process. The City requires all utility companies to repair roads with concrete and the City contractor will perform the final asphalt repair. The utility companies reimburse the City for these costs plus a 10% administrative fee. The 2017 UPC for Pavement Repair contained language that allows for a one-year extension to the Contract with up to a 3% increase in unit costs provided both parties agree. The original 2017 contract had language in Section II Item #3 allowing for a mutually agreed extension for up to a 3% increase in price.

7. **Removed**

8. Capital View Park Lease Agreement

Authorized the automatic renewal of the City's ongoing lease with the Finance and Administration Cabinet for Capital View Park. In 1983, the City leased a tract of unoccupied state-owned land known as the Capital View Park Property for the purpose of constructing a public recreation area. The original lease provided for twenty year renewals. In 2003, the lease was amended to provide for four five-year automatic renewals instead of the twenty-year renewal term. On August 22, 2018, Wendell Harris of the Finance and Administration Cabinet contacted the City to inform us that the current lease term for Capital View Park will expire October 12, 2018. Unless the City notifies Mr. Harris of our intention not to renew the lease by October 11, 2018, the lease will automatically renew for the next five year term beginning October 13, 2018 through October 12, 2023. Capital View Park continues to be utilized by the city for a variety of parks and recreation activities. Staff has no current recommendation to alter or terminate the lease for the park property within the next five years. There is no monetary lease payment associated with the lease.

9. Sewer Department Backflow Preventer for 203 Paul Sawyer

Authorized a backflow preventer valve to be installed at 203 Paul Sawyer Drive. The Sewer Department has a backflow preventer valve program that allows customers to be reimbursed for a backflow valve based on the lowest bid. To qualify for this program, residents in the separate sanitary sewer system must have experienced a sewer backup at least once in the last five years and in the combined sewer system they automatically qualify. The customer requesting the valve must obtain 3 quotes from plumbers and will be reimbursed for the lowest bid

10. Removed

11. 100 MB Internet Upgrade-IT Department

Authorized an upgrade in the current Network Services Contract with Frankfort Plant Board to add a 100 MB internet link to replace the current Windstream 20 mb service. The City of Frankfort currently has two 20 MB internet connections. These connections are from Windstream and Frankfort Plant Board. The Windstream 20 MB service has undergone many price increases over the 3 year contract period and has proven unreliable. The Plant Board costs have remained the same and service has proven reliable over the course of the contract. A new Plant Board 100 MB link would be a redundant connection and also a more affordable option than the Windstream 20 MB link. The current cost for Windstream 20 MB link is \$1100.00 per month. The 100 MB Plant Board connection will cost \$950.00 per month. There is currently a budget for this solution in account #100-25-53285

12. The following personnel items were presented:

- Promotion of Elizabeth Walker in the Fire/EMS Department from Firefighter III to Sergeant, effective 9/18/18 (Fire).
- Promotion of Patrick Sword in the Fire/EMS Department from Firefighter II to Sergeant, effective 9/18/18 (Fire).
- Resignation of Matt Hammond in the Sewer Department as Maintenance Tech I, effective 9/7/18 and authorize payment of accrued leave (Sewer).
- Resignation of Nathan Bardeen in the Fire/EMS Department as Firefighter II, effective 8/26/18 and authorize payment of accrued leave (Fire).
- Resignation of Drew Stevenson in the Fire/EMS Department as Firefighter, effective 9/13/18 and authorize payment of accrued leave (Fire).
- Resignation of Bob Peterson in the Sewer Department as Deputy Director Collections, effective 10/4/18 and authorize payment of accrued leave (Sewer).

It was moved by Commissioner Haynes, seconded by Commissioner Tippet, 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

Mayor May thanked Bob Peterson for his years of service with the Sewer Department.

Boards

1. **Code Enforcement Board** - Appointment of Karen Powell (replacing Tom Midkiff) expiring 1-27-19.

It was moved by Commissioner Bowers, seconded by Commissioner Haynes, to accept the Mayor's recommendation. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Action Items

1. Second Reading

A NEW ORDINANCE REPEALING CITY OF FRANKFORT CODE OF ORDINANCES SECTION 52.45 THROUGH 52.49, INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM, AND ADOPTING A NEW SECTION 52.45, INDUSTRIAL PRETREATMENT ORDINANCE was presented and read. This Ordinance had its First Reading on August 27, 2018. Summary: This ordinance repeals City of Frankfort Code of Ordinances Section 52.45 through 52.49, Industrial Wastewater Pretreatment Program, because it is outdated and being replaced by City of Frankfort Code of Ordinances Section 52.45, and further adopts a new Section 52.45, which:

- Changes all pretreatment standards and formatting to fit EPA's model Pretreatment Ordinance;
- Allows for general permits to cover groups of Significant Industrial Users (SIUs) that are substantially similar;
- Allows FSD to authorize a categorical industrial user to reduce sampling of a pollutant if the user demonstrates that a given pollutant is neither present nor expected to be present in the discharge;
- Allows an Industrial User to request that the City convert the limits to equivalent mass limits;
- Allows for development of Best Management Practices (BMPs) to implement Local Limits and Prohibited Discharge Standards;
- Expands the Significant Noncompliance (SNC) definition to include additional types of Pretreatment Standards and Requirements, and applies SNC to reports overdue by more than 45 days now, instead of 30 days;
- Clarifies sampling collection techniques;
- Requires permitted Industrial Users to provide representative samples in their periodic monitoring reports;
- Provides that the City performs the sampling and analysis in lieu of the Industrial User, and the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis; and
- Establishes enforcement remedies including injunctive relief, civil penalties of up to \$25,000 per violation per day, and criminal misdemeanor penalties for willful or negligent violations.

It was moved by Commissioner Roach, seconded by Commissioner Haynes, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 18, 2018 Series).

2. Second Reading

AN ORDINANCE TO AMEND THE CITY OF FRANKFORT'S CODE OF ORDINANCES . CHAPTER 152 . BY AMENDING THE CITY OF FRANKFORT'S ZONING REGULATIONS; ARTICLE 3, DEFINITIONS, ARTICLE 4, SUBSECTION 4.05, CHART OF PERMITTED USES, ARTICLE 4, SUBSECTION 4.06, NOTED SPECIAL CONDITIONS AND ARTICLE 19, CONDITIONAL USES+ was presented and read. This Ordinance had its First Reading on August 27, 2018. Summary: This ordinance amends the City's Zoning Ordinance, Articles 3, Definitions, Article 4, Subsection 4.05, Chart of Permitted Uses, Article 4, Subsection 4.06, Noted Special Conditions and Article 19, Conditional Uses, to add Short-Term Rental units within the City of Frankfort's Zoning Ordinance. It was moved by Commissioner Haynes, seconded by Commissioner Roach, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 19, 2018 Series).

3. Second Reading

AN ORDINANCE TO AMEND THE CITY OF FRANKFORT'S CODE OF ORDINANCES . CHAPTER 152 . BY AMENDING THE CITY OF FRANKFORT'S ZONING REGULATIONS; ARTICLE 4, SUBSECTION 4.05, CHART OF PERMITTED USES+ was presented and read. This Ordinance had its First Reading on August 27, 2018. Summary: This ordinance amends the City's Zoning Ordinance, Article 4, Subsection 4.05, Chart of Permitted Uses by adding the Microbrewery Land Use within the Limited Commercial and General Commercial zone districts, as a Conditional Use. It was moved by Commissioner Haynes, seconded by Commissioner Tippet, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 20, 2018 Series).

4. Second Reading

AN ORDINANCE TO AMEND THE CITY OF FRANKFORT'S CODE OF ORDINANCES . CHAPTER 152 . BY AMENDING THE CITY OF FRANKFORT'S ZONING REGULATIONS; ARTICLE 4, SUBSECTION 4.40, SPECIAL HISTORIC DISTRICT+ was presented and read. This Ordinance had its First Reading on August 27, 2018. Summary: This ordinance amends the City of Frankfort's Zoning Ordinance, Article 4, Subsection 4.40 . Special Historic District . by adding the Hotel land use as a Conditional Use within the Special Historic Zone district. It was moved by Commissioner Roach, seconded by Commissioner Haynes, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 21, 2018 Series).

5. Second Reading

AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2019 ON ALL MOTOR VEHICLES AND LEVYING SAID TAX FOR ALL CITY PURPOSES+ was presented and read. This Ordinance had its First Reading on August 27, 2018. Summary: This ordinance fixes the rate of taxation for the year 2019 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 Haynes, seconded by Commissioner Roach, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 22, 2018 Series).

6. Second Reading

AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR OF 2018 ON ALL TANGIBLE PROPERTY SUBJECT TO TAX, TRUST AND INSURANCE COMPANIES, PUBLIC SERVICE COMPANIES AND LEVYING SAID TAX FOR ALL CITY PURPOSES+ was presented and read. This Ordinance had its First Reading on August 27, 2018. Summary: That the 2018 City of Frankfort ad valorem tax rate is Nineteen and Five Tenths Cents (19.5 cents) on each One Hundred Dollars (\$100) valuation of all real and personal property; Nineteen and Five Tenths Cents (19.5 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. It was moved by Commissioner Roach, seconded by Commissioner Bowers, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 23, 2018 Series).

RESOLUTION ADOPTING A DECLARATION OF DEDICATION OF THE CITY OF FRANKFORT PROPERTY FOR USE AS PINSLY TRAIL+ was presented and read. It was moved by Commissioner Bowers, seconded by Commissioner Roach, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The Resolution was thereupon adopted (Resolution No.11, 2018 Series).

JOINT RESOLUTION CREATING CITY OF FRANKFORT/FRANKLIN COUNTY DEVELOPMENT ADVISORY COMMITTEE FOR SOLICITATION PROCESS RECOMMENDATION REGARDING REDEVELOPMENT OF THE CAPITAL PLAZA AND ASSOCIATED AREAS+ was presented and read. It was moved by Commissioner Bowers, seconded by Commissioner Haynes, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The Resolution was thereupon adopted (Resolution No.12, 2018 Series).

JOINT RESOLUTION APPROVING AN AMENDMENT TO THE CAPITAL PLAZA AREA REDEVELOPMENT DISTRICT MEMORANDUM OF AGREEMENT+ was presented and read. It was moved by Commissioner Tippet, seconded by Commissioner Haynes, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The Resolution was thereupon adopted (Resolution No.13, 2018 Series).

10. Naming of Cove Spring Trail & Order - Parks

Authorized the Parks Department to name the newest trail at Cove Spring Park the HG Mays Trail. The property is an extension of the HG Mays property and Mr. Mays is very supportive and involved in all nature additions at the park, because of his positive influence at Cove Spring, staff feels the most appropriate name for the trail is the HG Mays Trail at Cove Spring Park. It was moved by Commissioner Haynes, seconded by Commissioner Tippet, that the Order be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The Order was thereupon adopted (Order No.13, 2018 Series).

Old Business/New Business

1. 2018-2019 Neighborhood Reinvestment Grant Program (moved from Consent Item No. 2)

Authorized the 2018 . 2019 Neighborhood Reinvestment Grant Program with recommended changes. Changes include moving \$20,000.00 in funding to aid with Repair Affair for elderly citizens in need of housing repairs to be recommended by the City Planning and Community Development Department and approved by the Repair Affair Committee. (See attached request letter) Additional changes include dividing remaining funds evenly between the four existing areas (South Frankfort, Central Business, Holmes Street Corridor and Bellepoint/Buttimer Hill) which would result in \$50,000.00 per area and limiting applications to one per household/business at a time. Following a few brief questions from Commissioner Roach, it was moved by Commissioner Haynes, seconded by Commissioner Tippett, that the grant program be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippett, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Commissioner Tippett showed a video of drainage issues on Crestwood Drive and suggested with all of the drainage issues that the City creates a priority list of areas. Tom Bradley, Director of Public Works, will speak to the City Manager.

Commissioner Roach urged the Board of Commissioners to follow policies that are in place. Tackle the worst issues and work your way down.

Commissioner Roach commented that the new Fire Station is a number of years away and requested that the Board of Commissioners be cost conscious, there is no need to overspend.

Commissioner Roach requested an update on body cams for the Police Department. Travis Ellis, Chief of Police, stated the City is several years away from having body cams, but they may become a federal mandate.

Commissioner Roach inquired about the new Frankfort Plant Board appointment and encouraged the Mayor to make the appointment soon.

It was moved by Commissioner Bowers, seconded by Commissioner Haynes to go into closed session per KRS 61.810(1)(c) discussion of current litigation against the City of Frankfort brought by Frankfort Plant Board. The motion was adopted by voice vote. The meeting went into closed session at 6:03 p.m.

It was moved by Commissioner Tippett, seconded by Commissioner Bowers, that the meeting return to open session. The motion was adopted by voice vote. The meeting returned to open session at 6:40 p.m.

It was moved by Commissioner Tippett, seconded by Commissioner Bowers, that the meeting adjourn. The question was put upon the motion and was adopted by voice vote. The meeting adjourned at 6:40 p.m.

Mayor

Attest:

City Clerk