

**NOTICE
SPECIAL MEETING VIA VIDEO TELECONFERENCE**

As a result of the state of emergency declared by the President of the United States, Governor of Kentucky, and Mayor of the City of Frankfort due to the global COVID-19 pandemic, and in accordance with recommended and mandated precautions related thereto and Kentucky Opinion of the Attorney General 20-05, the following Meeting Notice is issued:

I, Layne Wilkerson, hereby call a Special Meeting of the Frankfort Board of Commissioners for Monday, May 24, 2021, at 5:00 p.m., in the Frankfort/Franklin County Emergency Operations Center, 300 West Second Street. This meeting will be in lieu of the Regular Meeting scheduled for Monday, May 24, 2021. All items on the agenda will be considered and action will be taken.

Per KRS 61.826, this meeting is a video teleconference meeting. One or more members of the Board of Commissioners will participate via Skype or a similar video conferencing system. The primary location will be in the Frankfort/Franklin County Emergency Operations Center, 300 West Second Street.

Per KY Attorney General Opinion 20-05, **public attendance will not be permitted** at this meeting because, due to the highly contagious nature of COVID-19, it is not feasible for the City to provide a central physical location for public viewing. Public comments on **agenda items only** will still be accepted for the meeting, by emailing comments to **bhecker@frankfort.ky.gov** by Monday, May 24 at 4:00 PM.

The meeting will be broadcast via Frankfort Plant Board Cable 10 Live and Facebook Live: Frankfort, Kentucky - City Hall **www.facebook.com/CityofFrankfortKY/**.

Please see **www.frankfortema.org** for additional information.

S/Layne Wilkerson
T/Mayor

SPECIAL REGULAR MEETING
FRANKFORT BOARD OF COMMISSIONERS

May 24, 2021
5:00 P.M. (EDT)

PRESENT: Commissioner Katrisha Waldrige
 Commissioner Kyle Thompson
 Commissioner Kelly May
 Commissioner Leesa Unger
 Mayor Layne Wilkerson (5)

ABSENT: None (0)

Following roll call, Mayor Wilkerson called the meeting to order.

Presentation

John Carlton gave a presentation regarding the City's Official Song Proposal - Dave Shelton arrangement.

It was moved by Commissioner Unger, seconded by Commissioner Thompson, to remove Consent Item Nos. 6, 11 & 14 to address at a later date. Motion was adopted by voice vote.

Consent Calendar

The following miscellaneous and personnel items were presented:

1. Minutes – April 12, 2021 Special Work Session; April 15-April 16, 2021 Special Meeting; April 26, 2021 Special Regular Meeting

2. Silver Lake Survey – Public Works

Authorized a survey contract with Jared D. Stevens for the Silver Lake/Furlong & Winners Circle Survey in the amount of \$14,300.00, and authorized the Mayor to sign all related documents. The Public Works Department has been approached by the residents at 106 Furlong Court and 411 Winners Circle regarding stormwater runoff concerns. At 106 Furlong Court, stormwater ponds significantly in the back yard rather than draining to the pond. At 411 Winners Circle there is a large outfall that conveys significant flow during rainfall events. Both of these issues are considered safety concerns by the residents. The City of Frankfort Public Works Department plans to complete a topographic survey of these areas in order to make recommendations for improvements if necessary. The survey RFP was sent to several local surveyors and Jared D. Stevens was the only response received. The Public Works Department has funds available in the stormwater account to cover the cost of the survey, \$14,300.00.

3. Road Salt Contract 2021-2022 – Public Works

Authorized a unit price contract for road salt with Morton Salt, Inc. for up to 2400 tons of salt, as needed at \$93.00 per ton, and authorized the Mayor to sign all related documents. In April, 2021 the City participated in the Reverse Auction for Road Salt, bid out through the Kentucky Association of Counties. The City received 5 bids with the lowest being Morton Salt at \$93.00 per ton. We requested pricing for 2000 tons. There is no minimum purchase when we accept this bid price, and we may purchase up to 120% or 2400 tons. The funds are proposed in the 2021-2022 budget year and if approved, the request for spending will be brought back before the Commission.

4. Managed Care Organization(MCO) Directed Payment Agreements - Fire

Authorized Managed Care Organization (MCO) Directed Payment Agreement(s) with the following MCO providers – Aetna, Anthem, Humana, Kentucky Association of Health Plans (KAHP), Molina Passport, United, and Wellcare – and authorized the Mayor to sign all related documents. Kentucky House Bill 8 (HB 8), passed in the 2020 legislative session, authorizes enhanced payment programs for Medicaid fee-for-service (FFS) and MCO ground ambulance services providers defined as Classes I –III by KRS 142.301. As a result of HB 8, Kentucky emergency medical services providers will benefit from enhanced federal Medicaid payments for ground ambulance services through the establishment of a provider tax assessment. This tax assessment is 5.5% of cash collections for emergency ground transports from all payors and will result in payment enhancements on eligible (FFS) and (MCO) transports. To accomplish these enhanced federal dollars, the Fire Department must submit annual revenue to calculate the tax assessments that will be paid monthly. In turn, the Fire Department will qualify for enhancement add-on payments for services rendered. These payments will be received monthly interim lump sum payments in addition to current Medicaid reimbursement (FFS and MCO payments). While there is still some uncertainty in total budget impact, based on revenue data submitted the following are best estimates:

For FY 19 Provider Fee of 5.5% of net revenue – \$67,000.00. Enhancement add-on payments for services rendered for FY 19 – \$145,348 for a net ambulance billing revenue of \$78,348.00. For FY 20 Provider Fee of 5.5% of net revenue – \$72,600.00. Enhancement add-on payments for services rendered for FY 19 – \$108,500 for a net ambulance billing revenue of \$35,900.00.

5. Annual LRC MOU – Fire

Authorized the continuation of the Memorandum of Understanding (MOU) with the Legislative Research Commission (LRC) and authorized the Mayor to sign all related documents documentation. The Fire Department has provided a first responder during the Kentucky legislature regular session for the last eight years. During the convening of the Kentucky Legislature it is not uncommon to see significant increases in both staff and visitors. All benefits and wages are covered by the City of Frankfort; however, the City will be reimbursed by the Legislative Research Commission at a rate of \$47.00 per hour and will be working under the authority and direction of the City of Frankfort. The rate reimbursement remains sufficient to cover all salary and pension without negatively impacting the overall budget. The Agreement does include a cancellation clause that allows either party to withdraw from the Agreement after thirty (30) days' notice or sooner with mutual agreement. 2020 impacts were \$13,900.00 in expense with \$15,300.00 in revenue for a net revenue of \$ 1,400.00.

6. REMOVED - Unmanned Aerial Vehicle Purchase – Police

7. Public Safety Software Upgrade – Police & E-911

Authorized the purchase of replacement software for Police Department and E-911 accounting, case management, and equipment inventory and tracking. This software will replace existing programs that are outdated and no longer working due to the recent server issues with the City of Frankfort. The new software will allow staff to accurately track expenditures, criminal case files and all issued police equipment inventory. The new software will be developed by SITETEK. Staff is requesting the Mayor be authorized to sign all related documents. The software will be paid for by the Police and E-911 Departments. The total cost of the project is estimated to be \$40,860.00. The accounting portion is \$18,792.00 to be paid from the E-911 fund account number 590.00.51100. The remainder of the costs, case management and inventory software, \$22,068.00 will be paid by the Police Department from the State Asset Forfeiture account number 660.00.51100.

8. 911 Phone System Upgrade – E-911

Authorized the purchase of five (5) Windows 10 Workstations (computers) utilizing funds from the 911 account, and authorized the Mayor to sign all related documents. These computers will be purchased through RCS Communications in the total amount of \$25,664.00. Frankfort/Franklin County E911 currently utilizes the Zetron Call Taking Console in conjunction with the 911 phone system. Frankfort/Franklin County E911 purchased the Zetron system in 2014 from RCS Communications along with a service agreement through November 30, 2021. The current workstation computers utilize Windows 7 and are in need of an upgrade to Windows 10 to be fully supported. Frankfort/Franklin County E911 is asking that five (5) Windows 10 Workstations be purchased at this time in the amount of \$25,664.00. The price also includes five (5) 23" wide screen monitors, RCS Communications system set-up and implementation to the 911 network, and RCS 1st year on-site service response. The purchase is required prior to a new service agreement renewal in FY 2021-2022. The workstations will be purchased through the E911 account, 590.00.51100.

9. Sewer Extension Contract with KSU Campus Housing, LLC – Sewer

Authorized a sewer extension contract with KSU Campus Housing, LLC and for the Mayor to sign all related documents. Kentucky State University and CRM Companies have partnered together to construct three new dormitory buildings on the campus of KSU. As part of this construction project sewer infrastructure will be moved so that the buildings can be constructed. This contract is the FSD standard sewer extension so that we may request permission from the State Division of Water for the extension. KSU Campus Housing, LLC is planning on constructing six new 4 foot diameter manholes and 631 feet of 8-inch SDR 35 PVC pipe. Once these sewer mains and manholes are completed, then construction can begin on the new buildings.

10. Modeling Contract Amendment #1 – Sewer

Authorized a contract amendment with Arcadis in the amount of \$11,540.00 and authorized the Mayor to sign all related documents. During this contract, Arcadis has identified many areas of FSD's system that was not correct in the GIS software which has led to additional work that is needed to complete the final model. The results that we have already seen are very promising and these final items will complete the system-wide model. Initial Contract Amount: \$276,400.00 / Amendment #1: \$ 11,540.00. The total impact will be \$11,540.00. This will complete the model for our LTCP.

11. REMOVED - Construction Contract with Buchanan Contracting for Walmart Sanitary Sewer Replacement – Sewer

12. Construction Contract with Herrick Company for Headworks Project – Sewer

Authorized a construction contract with Herrick Company in the amount of \$1,393,000.00 for the E.C. McManis WWTP Headworks Project and for the Mayor to sign all related documents. The E.C. McManis WWTP was constructed in 1979. Since then there have been few upgrades to the plant. In 2019 FSD completed an Asset Management Plan (AMP) to find needed projects to upgrade the plant for hydraulic capacity, loading and to replace aging equipment. The Headworks project was the first priority item that was identified on the AMP. This project will replace the bar screens that clean the trash out of the influent flow that the plant receives. This has been a long standing maintenance issue and mechanical issue for the plant. The Frankfort Sewer Department advertised for bids in April and bids were opened on April 22, 2021. We received a total of three bids and Herrick Company was determined to be the lowest qualified bidder. Below is a list of bidders and the amounts:

Herrick Company	\$1,393,000.00
Pace Contracting	\$1,595,400.00
E-Z Construction Company	\$1,825,550.00
Engineer's Estimate	\$1,500,000.00

Recommend the City Commission approve the construction contract with Herrick Company in the amount of \$1,393,000.00.

13. REMOVED - Construction Contract with Structured Solutions, LLC for Manhole Rehab Project – Sewer

14. REMOVED - Construction Contract with Buchanan Contracting for Wilkinson & Olive St. Sanitary Sewer Replacement – Sewer

15. Second Street TIGER Project City/FEWPB Reimbursement Agreement Amendment #2

Authorized the agreement which defines the scope of FEWPB services on the subject project and the amount of TIGER funds that will be reimbursed to FEWPB for these services. We have prepared Amendment #2 to the April 15, 2019 agreement to effectively revise the scope and associated costs. In particular, we have better information concerning the scope and cost of installing street lights on the subject project. We have revised the scope language for this activity and reduced the reimbursement amount from \$302,500 to \$202,500. The FEWPB Board considered and approved this amendment at its May 18th meeting.

16. The following personnel items were presented:

- Resignation of Todd Wolfe in the Sewer Department as Sewer Tech II and to authorize payout of accrued leave, effective 5/24/21(Sewer).
- Retirement of Grant Grider in Parks and Recreation as Parks Maintenance Specialist II and to authorize payout of accrued leave, effective 5/31/21(Parks).
- Resignation of Varita Griffin in Police/E911 as E911 Telecommunicator II and to authorize payout of accrued leave, effective 5/31/21(Police/E911).
- Promotion of William Niederbrach in Police/E911 from Telecommunicator I Asst. TAC to Telecommunicator I TAC, effective 5/4/21(Police/E911).
- Promotion of Chasity Spencer in Police/E911 from Telecommunicator I to Telecommunicator I Asst. TAC, effective 5/4/21(Police/E911).
- Appointment of Kyler Campbell in the Police Department as Patrol Officer I, effective 5/25/21 (Police).
- Appointment of Joseph Williams in the Police Department as Patrol Officer I, effective 5/25/21 (Police).
- Appointment of Maurice Bird in the Police Department as Patrol Officer I, effective 5/25/21(Police).

It was moved by Commissioner Thompson, 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. Board of Zoning Adjustment (BZA)** – Appointment of Barry Holder Jr., expiring 7-1-22 (filling vacant term).

It was moved by Commissioner Thompson, seconded by Commissioner Waldrige, to accept the Mayor's recommendation. The motion was adopted by voice vote.

- 2. Board of Parks Commissioners** – Reappointment of David Cammack, expiring 5-1-25.

It was moved by Commissioner Waldrige, seconded by Commissioner Unger, to accept the Mayor's recommendation. The motion was adopted by voice vote.

- 3. Board of Parks Commissioners** – Reappointment of Polly Coblin, expiring 5-1-25.

It was moved by Commissioner Waldrige, seconded by Commissioner Thompson, to table the reappointment of Polly Coblin and discuss a new appointment. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Thompson, May and Unger (4). Voting against the motion was Mayor Wilkerson (1). The motion was thereupon adopted.

Action Items

- 1. Second Reading**

"AN ORDINANCE AMENDING ORDINANCE NO. 12, 2020 SERIES APPROPRIATING THE REVENUE TO BE RECEIVED BY THE CITY OF FRANKFORT FOR THE FISCAL YEAR 2020-2021". This ordinance had its First Reading on April 26, 2021. Summary: This ordinance amends Ordinance No. 12, 2020 Series, appropriating the revenue to be received by the City for the Fiscal Year 2020-2021 by adding the following expenditures as noted above:

- 1) General Fund-\$1,309,648 (aggregate total)
- 2) Capital Improvements-\$317,147 (aggregate total)

And by adding the following revenue:

- 1) General Fund -\$1,114,246 (aggregate total)

It was moved by Commissioner Thompson, seconded by Commissioner May 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, Thompson, May, Unger and Mayor Wilkerson (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 8, 2021 Series).

2. First Reading

“AN ORDINANCE AMENDING SECTION 110.05 OF THE CITY OF FRANKFORT CODE OF ORDINANCES RELATING TO APPORTIONMENT OF NET PROFITS OR GROSS RECEIPTS OF BUSINESS ENTITIES” was presented, read and sponsored by Commissioner Unger. Summary: This ordinance amends Section 110.05(H) of the City of Frankfort Code of Ordinances regarding apportionment of net profits or gross receipts of business entities to change the \$35 annual new business license fee to the correct amount of \$60, which shall be credited in full to the account of the license payer and applied against the annual net business profit fee on the first occasion it becomes due thereafter.

3. First Reading

“AN ORDINANCE TO AMEND THE CITY OF FRANKFORT’S CODE OF ORDINANCES – CHAPTER 152 – BY AMENDING THE CITY OF FRANKFORT’S ZONING REGULATIONS; ARTICLES 6.11” was presented, read and sponsored by Commissioner Thompson. Summary: This ordinance amends the City’s Zoning Ordinance, Article 6.11 to amend the City’s Zoning Ordinance to include Small Cell Tower Regulations.

4. First Reading

“AN ORDINANCE ESTABLISHING THE REQUIREMENTS FOR OPERATION OF GOLF CARTS ON CERTAIN CITY STREETS” was presented, read and sponsored by Commissioner May. Summary: This ordinance adopts a new Chapter 73 of the City of Frankfort Code of Ordinances authorizing the operation of golf carts on certain specifically designated public roadways within the City for which the posted speed limit is 35 miles per hour or less, and establishing standards for operation and penalties for violations of this Chapter.

5. Bourbon on the Banks Memorandum of Understanding (MOU)

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

6. Waiver of Penalties and Interest for Certain Business Regulatory Fees/Licenses

The purpose of this agenda item is to seek Commission approval to waive penalties and interest on Business Regulatory Fees/Licenses that were/are due April 30, 2021 and May 31, 2021 through June 30, 2021. And to authorize the Mayor to sign any related documents, if applicable. As a result of recent information technology issues, the Finance Department was unable to send out the notices for renewal of business regulatory fees/licenses in a timely manner for those due on April 30, 2021 and May 31, 2021. The Finance Department is seeking to waive the penalties and interest through June 30, 2021 when the next group of licenses/fees is due. The impact to revenue will be negligible.

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

7. Proclamation Authority & Order

Laura Ross, City Solicitor, spoke about several options regarding proclamation authority and resolutions. Commissioner Waldrige stated that the goal is communication, timelines and application process for proclamations. There was much discussion on this item; however, no action was taken.

8. Update on Special Events and Gift Card Program

Blair Hecker, Project Manager, Community Engagement, spoke about Special Events and the permits were opened back up at the beginning of April. Ms. Hecker will send a monthly list of all events to the Board of Commissioners. Citizens can now apply online and in advance for special events.

Blair Hecker, Project Manager, Community Engagement, spoke about the gift card program which is going well. \$100,000.00 spent on 4,000 gift cards of \$25.00 each. \$36,900.00 has been spent from 1,500 gift cards. There are bi-weekly reminders sent to the gift card holders via email until June 30th. The Board of Commissioners requested another update at the June Regular Meeting.

9. Update on Thorobred Trail & Dolly Graham Park

Rebecca Hall, Community Relations/Grants Manager, stated that Colston Paving is currently waiting on materials for Thorobred Trail and we are checking in with them daily.

Shawn Pickens, Director of Parks and Recreation, stated things are moving along nicely with Dolly Graham Park. The new playground is up and completed. Still some touch up work to be done such as fencing, basketball court and restrooms being renovated.

It was moved by Commissioner Thompson, seconded by Commissioner Waldrige, to go into Executive Session per KRS 61.810(1)(b), deliberations on future acquisition of real property related to the Sewer Department, where publicity would likely affect the value of the property and per KRS 61.810 (1)(f), personnel, discussions which may lead to the appointment of a new City Manager. Action may be taken in open session. The motion was adopted by voice vote. The meeting went into closed session at 6:31 p.m.

It was moved by Commissioner Thompson, seconded by Commissioner May, that the meeting return to open session. The motion was adopted by voice vote. The meeting returned to open session at 7:48 p.m.

10. Discussion of Current City Manager Contract

Laura Ross, City Solicitor, advised the Board of Commissioners that Tommy Russell's current contract for City Manager ends on May 31, 2021. Following brief discussion it was moved by Commissioner Thompson, seconded by Commissioner Waldrige, to terminate the contract and allow Laura Ross to take on role until a new City Manager is in place. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige and Thompson (2). Voting against the motion were Commissioners Unger, May and Mayor Wilkerson (3). Therefore the motion failed.

It was moved by Commissioner Waldrige, seconded by Commissioner Thompson, to allow the Assistant City Manager to take duties and allow Eric Cockley to be a Co-Interim City Manager in the next 30 days. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige and Thompson (2). Voting against the motion were Commissioners Unger, May and Mayor Wilkerson (3). Therefore the motion failed.

It was moved by Commissioner May, seconded by Commissioner Unger, to extend the current City Manager contract to conclude before or on July 31, 2021. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners May, Unger and Mayor Wilkerson (3). Voting against the motion were Commissioners Waldrige and Thompson (2). The motion was thereupon adopted.

It was moved by Commissioner Unger, seconded by Commissioner May, that the meeting adjourn. The question was put upon the motion and was adopted by voice vote. The meeting adjourned at 8:25 p.m.

Mayor

Attest:

City Clerk