

PRESENT:

Commissioner Katrisha Waldrige  
Commissioner Kelly May  
Commissioner Leesa Unger – Via GoToMeeting  
Commissioner Anna Marie Rosen  
Mayor Layne Wilkerson (5)

ABSENT: None (0)

Mayor Wilkerson called the meeting to order. The Pledge of Allegiance was recited.

**Ceremonial & Recognition**

Commissioner Waldrige congratulated the Leadership Frankfort class of 2022.

Commissioner Rosen stated that there is a Comp Plan meeting this Wednesday at FCHS at 7:30 pm and the survey can be filled out online.

Commissioner Waldrige congratulated KSU Senior, Michael McLeod, who was selected to participate in the TCMF Leadership Institute. Recognized KSU's own Midnight Star who were inducted to the Cincinnati Black Music Hall of Fame. Congratulations to all the Franklin County Fair Queens and Kings. This Saturday from 9 am – 12 noon there will be free shoes for school given out at Bondurant.

Commissioner Unger stated thank you and how much she appreciates all the Fire/EMS retirees.

**Citizen Comments**

Ramon Johnson, KSU Acting Athletic Director along with Lisa Lang, KSU Counsel, Jacqueline Duvall & Christian Flowers of KSU were in attendance. Mr. Johnson stated that he wanted to acknowledge the relationship with the Frankfort community and KSU is Frankfort's University. September 3<sup>rd</sup> is the KSU football game and Frankfort Day.

Richard Rosen requested that the Board of Commissioner put a discussion regarding the Franklin County Humane Society road on the next Work Session for discussion.

Leslie Driskell, Vice President of the Franklin County Humane Society, agreed with Mr. Rosen and stated that the City of Frankfort should build the road.

Patrick Tierney, representing Tierney Storage, has recently been before the Frankfort/Franklin County Planning Commission with a project and requested that the Board of Commissioners not reappoint Tim Luscher to the board.

It was requested by Commissioner Waldrige to move Action Item No. 2 (KSU MOA) prior to the Consent Calendar. The item was moved without objection.

**2. Memorandum of Agreement (MOA) with Kentucky State University for Architectural/ Engineering Study and Report Regarding the Exum Indoor Swimming Facility.**

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

**Consent Calendar**

The following miscellaneous and personnel items were presented:

- 1. Minutes – Special Meeting, June 2, 2022; Special Meeting, June 9, 2022; Work Session, June 13, 2022; Regular Meeting June 27, 2022**
- 2. Memorandum of Agreement (MOA)- 236 Laffoon Drive - Public Works**

Authorized a Memorandum of Agreement with the property owners of 236 Laffoon Drive, and for the Mayor to sign all related documents. The Public Works Department plans to install a new storm sewer system and memorialize an easement on an existing storm sewer between 236 Laffoon Drive and 307 Patricia Street. The property owners at 236 Laffoon Drive have signed an MOA defining how the property will be restored after construction. Public Works recommends approval of the MOA. There is no financial impact to the City as a result of the agreement.

**3. RMT Contract – Road Sensors – Public Works**

Authorized a contract with Roadway Management Technologies (RMT), a sole source provider (see attached letter which is on file with the City Clerk) for the purposes of obtaining real-time pavement performance analysis, asphalt preservation strategies, and increased productivity through monitoring fleet performance. In 2015 the Public Works Department contracted with an outside engineering firm to assess the approximately 115 linear miles of road surface maintained by the city. This resulted in a rating of each segment of road that has been used to inform annual resurfacing schedules. While this was initially very useful, the data has now aged to the point that it requires staff to regularly reevaluate its validity prior to making a final determination. In order to not only update our dataset, but also keep it current, Public Works proposes to use the Real-Time Pavement Performance Analytics (RPPA) offered by RMT. RPPA uses vehicle-mounted sensors to passively collect vibration data that is used to measure the quality of each road. The vibration data measures roughness and also areas in need of repair. The RPPA system includes an online map that enables staff to utilize the data to determine the best course of action.

As outlined in Attachment A of the RMT Agreement, the total cost for this service is \$32,200 per year. This total includes the RPPA sensors and database/output platform, and a fleet tracking system and the associated software. Funding for this project is available in the Municipal Aid account 535.00.51100. This purchase was included in the approved FY2023 budget. Staff recommends approval of the contract with RMT and for the Mayor to sign any related documents. Staff will work with RMT representatives to finalize the contract and install equipment on selected vehicles

**4. 401(a) Retirement Plan with Employer Contribution – Human Resources**

Authorized modifications to our existing 401(a) retirement plan. In August of 2018, the City of Frankfort began a 401(a)-employer match program for employees in Tier III of Kentucky Public Pension Authority's (KPPA) retirement plan. These are full time employees who began participation with KPPA on or after 1/1/2014. The City approved this voluntary program offering a 50% employer match on up to 4% of a Tier III's earnings to supplement the less robust retirement package provided to them through KPPA. Approximately 32% of eligible employees participate. The City currently has 298 full time employees and 164 are Tier III employees. The number of Tier III employees will continue to grow as 95% of our new, full-time hires are Tier III employees.

Per the KPPA employer reporting manual, employers in the County Employees Retirement System (CERS) may designate a period of probation for all employees not to exceed twelve (12) months. Employees classified under this probationary status should not have KPPA contributions submitted. To date, the City has not used the probationary status with KPPA and has begun submitting KPPA contributions immediately upon hire. The revised 401(a) plan proposes to enhance our existing plan by using the probationary period to delay KPPA contributions for 12 months and redirect employer contributions toward the employee's 401(a) plan. The 401(a) provides a selection of mutual funds through Kentucky Deferred Compensation.

Currently, the City is making employer contributions to KPPA of 49.59% of wages for hazardous employees and 26.79% of wages for nonhazardous employees. Of these contributions, Tier III hazardous employees receive a 7.5% employer credit to their KPPA account and Tier III nonhazardous employees receive a 4% employer credit to their KPPA account. In order to provide a richer retirement contribution to new hires, assist with recruitment, and reduce City expenses, we propose employer 401(a) contributions for all new full-time hires during their 12-month probationary period of 24% for hazardous employees and 13% for nonhazardous employees. Following the probationary period, we propose maintaining the existing 50% match on up to 4% of earnings for Tier III employees only.

In order to promote retention, the proposed 401(a) plan has a vesting schedule of:

50% - 3 years of service

75% - 4 years of service

100% - 5 years of service

Lastly, this proposal was previously accepted by the Board on 6-27-22 when the JER Group's classification, compensation, and benefits recommendations were adopted. Based on actual, full time hiring in hazardous and nonhazardous positions over the last three years, the City is expected to receive a cost savings of over \$200,000 per year. Additionally, the City will experience savings in account forfeitures when non-vested employees separate service. Staff recommends Board of Commissioners approval.

#### **5. Broadway Bridge Project – Finance**

Authorized payment to KYTC and informed the Board of Commissioners (BOC) of Resolution 8, 2019 Series approved by a previous Commission and signed by former Mayor May on March 25, 2019, that required a not to exceed payment to the KYTC of \$25,000 for an in-depth bridge inspection and to approve the needed budget amendment to the General Fund. Previously, KYTC and the City of Frankfort agreed to procure an in-depth inspection of the Broadway Bridge and the City provided funding assistance for this inspection of up to \$25,000. In August 2019, a Bridge Conversion Feasibility Study was presented to the City. Additional work, per the attached documents, was completed between March 1, 2021, and May 2, 2021. The City is in receipt of an invoice dated 6/29/22 for \$25,000 requesting payment within 30 days. **Staff recommends the BOC approve the payment established through Resolution 8, 2019 Series and the necessary budget amendment to the General Fund.** Payment will be made upon approval and a budget amendment will be forthcoming.

#### **6. Edward Byrne Memorial Justice Assistance Grant MOU – Grants**

Authorized a Memorandum of Understanding with the Frankfort County Fiscal Court regarding the filing of a 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$10,816.00 for Community Policing and authorized the Mayor to sign all grant documents including an MOA with the County. The City and County have received JAG allocations for the past several years. Both entities have alternated the utilization of the funds every other year. The 2022 allocation of \$10,816.00 is scheduled to be utilized by the Franklin County Sheriff's Department for Community Policing. The City must enter into a Memorandum of Agreement with the County in order for them to move forward with the grant application. There is no additional match required from the City.

#### **7. Professional Services Contract - QK4 Broadway & High Sewer Improvements – Sewer**

Authorized a Professional Services Contract for Broadway and High Street Improvements from QK4, and for the Mayor to sign all related documents. The Project will be divided into two phases as described below:

##### Phase 1 – Broadway between Washington Street and the Kentucky River

The existing 970 feet of rock sewer is of unknown condition with nearby residences having frequent backups. Once permits are obtained, FSD intends to declare an emergency and select a contractor to perform repairs immediately.

##### Phase 2 – Broadway between High Street and Ann Street

Investigate the existing sewer, storm sewer, and combined sewer lines to develop proposed construction plans for approximately 130 feet along High Street and 700 feet along Broadway for sanitary, storm, and combined sewers. Preparing permits for KDOW to construct sanitary sewers and RR encroachment permit for work in the right of way.

FSD has asked QK4 to complete the design of this project and submit for various permits to restore sanitary and stormwater flow along Broadway. Once permits are obtained, FSD intends to declare an emergency for Phase 1 and select a contractor to perform repairs immediately. Phase 2 will be competitively bid to solicit a contractor to perform the work. Staff recommends the Board of Commissioners approve the Professional Services Contract in the amount of \$198,260.00. This project is in the Capitol Improvement Plans and will be budgeted for design in the FY22-23 Budget. Once the Amendment is approved and signed, the Sewer Department will issue a Purchase Requisition in the amount of \$198,260.00 for a Professional Services Agreement with QK4.

#### **8. Amendment #1 – Coyle & Associates Professional Services Agreement -Sewer**

Authorized an amendment to the Professional Services Agreement with Coyle & Associates for assistance with department projects and authorized the Mayor to sign all related documents. The Frankfort Sewer Department entered into an agreement with Coyle & Associates in 2018 to assist with department project due to the lack of on staff engineers. This agreement has been renewed each year to continue this service. Since the first contract, the hourly rate has not changed. Coyle & Associates has requested an hourly increase from \$110 per hour to \$130 per hour. This is the only change requested in this amendment to the contract. The only impact will be the cost is slightly higher and we have budgeted for that. Staff recommends approval of the hourly rate change. The Sewer Department will send the attached letter to Coyle & Associates stating the rate change has been approved.

#### **9. Housing Authority of Frankfort PILOT Waiver for 2021**

Authorized to waive the payment in Lieu of Taxes (PILOT) for 2021 for the Housing Authority of Frankfort and authorized the Mayor to sign any related documents. The Housing Authority of Frankfort is a governmental agency that was established in 1941. Furthermore, the Housing Authority's property is not listed as taxable property in the City's property tax database. The Housing Authority of Frankfort has requested annually by letter from the Executive Director of the Housing Authority a waiver of the payment in Lieu of Taxes (PILOT). Based on the assessed property values per the PVA website, the Housing Authority real property tax due the City would be approximately \$11,500.00 for 2021. The City of Frankfort has received a formal letter requesting a waiver of the payment in Lieu of Taxes (PILOT) for the last several years. In the past, the Housing Authority of Frankfort has never paid property tax to the City. Finance requests the Board of Commissioners approve the payment waiver of the Payment in Lieu of Taxes (PILOT), for the calendar year 2021.

#### **10. Motorola Solutions – Police**

Authorized the Police Department to enter into a five (5) year agreement with Motorola Solutions for unlimited cloud-based video storage via Evidence Library and to allow the Mayor to sign all related documents. Motorola Solutions will upgrade all body worn cameras and hardware accessories to the current model (V300) at no additional cost. The Frankfort Police Department currently uses Motorola Solutions Evidence Library for on-site video storage, and all in-car and body worn cameras are Motorola Solutions products. The Police Department's current body cam technology is outdated, and the hardware is beginning to fail. In order to upgrade the hardware to the latest technology, free of charge, we must upgrade our storage solution to the cloud-based version of Evidence Library. Motorola Solutions is the sole source provider of Evidence Library and the only compatible storage option for our camera systems. The Police Department received quotes from two of Motorola's competitors for a total video/storage solution and

Motorola offered the best price. The Police Department is asking to enter into the five (5) year agreement with Motorola Solutions and authorize the first-year payment of \$47,413.50. The payment would be made using budgeted funds from the capital improvements account 530.90.56551. Staff recommends approval of the request to enter into the five (5) year agreement with Motorola Solutions and direct the Mayor to sign all related documents.

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

- Retirement of Mike Chapman in PW/Garage as Garage Superintendent and to authorize payout of accrued leave, effective 7/31/22 (PW/Garage).
- Retirement of Gary Gebhart in the Fire/EMS Department as Fire Captain and to authorize payout of accrued leave, effective 7/31/22 (Fire/EMS).
- Retirement of Chuck Thompson in the Fire/EMS Department as Battalion Chief and to authorize payout of accrued leave, effective 7/31/22 (Fire/EMS).
- Retirement of Shaun Caldwell in the Fire/EMS Department as Assistant Fire Chief and to authorize payout of accrued leave, effective 7/31/22 (Fire/EMS).
- Retirement of Richard Frost in the Fire/EMS Department as Fire Training Officer and to authorize payout of accrued leave, effective 7/31/22 (Fire/EMS).
- Retirement of Dale Southworth in the Fire/EMS Department as Fire Sergeant and to authorize payout of accrued leave, effective 7/31/22 (Fire/EMS).
- Retirement of Todd McFarland in the Fire/EMS Department as Firefighter III and to authorize payout of accrued leave, effective 7/31/22 (Fire/EMS).
- Resignation of Justin Stanley in the Sewer Department as Maintenance Tech II and to authorize payout of accrued leave, effective 7/12/22 (Sewer).
- Promotion of Ryan Adams in the PW/Streets Department from Heavy Equipment Operator to Streets Assistant Superintendent, effective 7/19/22 (PW/Streets).

It was moved by Commissioner May, seconded by Commissioner Waldrige, that items of the Consent Agenda be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Rosen, Unger, May, Waldrige and Mayor Wilkerson (5). Those voting against the motion were none (0). The motion was thereupon adopted.

**Boards**

**1. Frankfort/Franklin County Planning Commission - Reappointment of Timothy Luscher, expiring 7-01-26.**

It was moved by Commissioner May, seconded by Commissioner Rosen, 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 Rosen, Unger, May, Waldrige and Mayor Wilkerson (5). Those voting against the motion were none (0). The motion was thereupon adopted.

**2. Board of Zoning Adjustment (BZA) - Appointment of Harry Carver (filling vacant term), expiring 7-01-26.**

It was moved by Commissioner Waldrige, seconded by Commissioner May, 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 Rosen, Unger, May, Waldrige and Mayor Wilkerson (5). Those voting against the motion were none (0). The motion was thereupon adopted.

**Action Items**

**1. Second Reading**

**“AN ORDINANCE AMENDING CITY OF FRANKFORT CODE OF ORDINANCES SECTIONS 37.31, 37.32, AND 37.34 RELATED TO OFFICER AND EMPLOYEE PAY STRUCTURE, CLASSIFICATION AND COMPENSATION”.** This ordinance had its First Reading on June 27, 2022. This ordinance amends City of Frankfort Code of Ordinances Section 37.31 and 37.32 to delete references to the previous job classification charts and Salary Schedule Q and replace them with “COF Salary Schedule,” incorporating all full time job classifications, pay ranges and pay grades; amends Section 37.32 to delete the requirement that any monthly or annual salary rates displayed in the previous schedule are computed based upon full time schedule and the requirement that part time and seasonal employee pay rates are set by the HR Director and City Manager; and amends Section 37.34 to remove the midpoint limitation for job offers and to require that an existing regular full-time employees pay rate shall be adjusted to match or exceed the pay of a similarly qualified new hire in the same job classification, rather than to 5% above the pay rate of the new hire.

It was moved by Commissioner Waldrige, seconded by Commissioner May, 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 Rosen, Unger, May, Waldrige and Mayor Wilkerson (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 11, 2022 Series).

**2. MOVED PRIOR TO CONSENT CALENDAR – KSU MOA**

**3. Emergency Purchase Order & Municipal Order for Police Cruiser and Up Fitting**

The purpose of this agenda item is to inform the Board of Commissioners (BOC) of two previously issued Emergency Purchase Orders on July 8, 2022, to purchase one NEW Police Cruiser and equipment up fitting to replace one cruiser damaged beyond repair and to approve the needed budget amendment to Fund 530-Capital Improvements. On May 18, 2022, the Police Department lost one vehicle due to an accident and on June 22, 2022, lost a second vehicle when a tree fell on it. The insurance company paid insurance proceeds of approximately \$23,700 for the first vehicle and equipment and we expect approximately \$25,000 in insurance proceeds for the second vehicle and equipment. Frankfort Ford had a Police Interceptor Utility unit in stock, and due to supply issues, the state contract holder did not have any units available. Frankfort Ford matched state contract pricing and we were able to take immediate possession of the vehicle. L & W Equipment will provide the up-fitting equipment and related service. The funds from the two total-loss vehicles (\$48,700) will cover the cost of the vehicle (\$34,140) and up-fitting (\$13,659). All insurance proceeds will be deposited into Fund 530 to cover the expense. We recommend the BOC approve the necessary budget amendment to Fund 530-Capital Improvements for these purchases and corresponding insurance proceeds deposit. **A budget amendment will be forthcoming once approval is provided.**

It was moved by Commissioner Waldrige, seconded by Commissioner May, 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 Rosen, Unger, May, Waldrige and Mayor Wilkerson (5). Those voting against the motion were none (0). The Order was thereupon adopted (Order No. 13, 2022 Series).

**4. Minimum Unrestricted Fund Balance Policy & Order**

The purpose of this agenda item is to seek Board of Commissioners (BOC) approval to establish a minimum unrestricted fund balance policy. This item has been previously presented to the BOC on July 11, 2022, as a discussion item. The City of Frankfort does not currently have a policy establishing a minimum unrestricted fund balance or rainy-day policy (please see attached policy for additional information which is on file with the City Clerk). Industry guidelines recommend establishing one in the General Fund to mitigate any current or future risk such as unanticipated revenue shortfalls and/or unanticipated expenditures. This policy helps to ensure tax rates on citizens and businesses remain stable and are not subject to extreme fluctuation. It is now more important than ever to establish a policy for minimum unrestricted fund balance. Between the potential for

stagnant revenues, rising costs (including increased payroll) as well as competing outside interests for the City's valuable resources, this policy will allow a level of comfort to the BOC concerning how much the City will be able to commit while leaving enough to allow for a rainy day. This policy contributes to the implementation of our Strategic Plan: Financial Sustainability. In addition, with clarity on our financial needs and available financial resources, this policy will support efforts to implement other parts of the Strategic Plan as well as other plans such as the Parks Master Plan and the Downtown Master Plan. The additional unrestricted funds beyond the minimum amount established not needed to address revenue shortfalls (to cover operating expenditures) can be used on non-recurring, one-time expenditures needed in the areas of beautification and capital improvements while looking ahead to provide for future generations financial security within City government. Staff recommends the BOC approve the minimum unrestricted fund balance policy of three months of operating costs. The Finance Committee has previously discussed the attached policy at their May 18, 2022, meeting and is recommending adoption of the policy through BOC approval.

It was moved by Commissioner Waldrige, seconded by Commissioner Rosen, 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 Rosen, Unger, May, Waldrige and Mayor Wilkerson (5). Those voting against the motion were none (0). The Order was thereupon adopted (Order No. 14, 2022 Series).

**5. Frankfort Transit - Federal Transit Administration (FTA) Grants; Transit Center/Parking Garage Project on Parcel B; Property Transfer - Special Warranty Deed and Deed of Restrictions; Resolution**

On June 29, 2022, the Kentucky Transportation Cabinet (KYTC)/City grant agreement was fully executed. In order for the City to be able to provide a design/build team a Notice to Proceed once that procurement process is completed, the City must verify that the necessary piece of property on Parcel B has been legally transferred to the City. The City Solicitor, Laura Ross, has prepared a Special Warranty Deed for which New Frankfort Development and the City are signatories. A copy of this Special Warranty Deed was provided to KYTC and they have no further comments. KYTC provided us a draft Deed of Restrictions that normally accompanies a Federal Transit Administration project involving property acquisition. KYTC and the City are signatories on the Deed of Restrictions.

The Special Warranty Deed, when approved, will be signed by the Mayor and New Frankfort Development and will be filed with the County Clerk's Office. Once this has been done, the Mayor will sign the Deed of Restrictions and submit it to KYTC for their signature. The Deed of Restrictions will then be filed with the County Clerk's Office.

Attached are a Board of Commissioners Resolution, the Special Warranty Deed, and the Deed of Restrictions for the Mayor to sign, if you approve. The City Solicitor, Laura Ross has already reviewed all three of these documents (which are on file with the City Clerk). Staff recommends approval of all documents.

It was moved by Commissioner Waldrige, seconded by Commissioner Rosen, 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 Rosen, Unger, May, Waldrige and Mayor Wilkerson (5). Those voting against the motion were none (0). The Resolution was thereupon adopted (Resolution No. 21, 2022 Series).

**Unfinished Business/ New Business**

Commissioner May would like to research energy goals, suggested a website that the Board of Commissioners could go to with updates, Q & A, etc. Laura Hagg, City Manager, requested a sit down with BOC members to know what information is wanted for the website.

Commissioner Waldrige spoke about the relationship with KSU and has met with several KSU Alumni. A KSU Breast Cancer Walk & Prostrate Cancer Run will be held on October 14<sup>th</sup>, 2022. This event will be dedicated to Crystal Woodward who lost her fight with Breast Cancer on July 11, 2022.

Blair Hecker, Special Projects spoke about several events with KSU and has also been focusing on an intentional relationship with KSU. KSU Homecoming planning with the City in October is in the works including a walk from Capital Avenue to the Thoroughbred Trail. Also, as Mr. Johnson mentioned, the KSU football game on September 3, 2022 is also Frankfort Day.

Laura Hagg, City Manager, stated that KSU flags will be placed downtown when school starts.

Commissioner Waldrige said there are several streets in the Collins Lane area that are having speeding cars coming through. The Mayor suggested making a list of the streets and sending those by email to the City Manager.

It was moved by Commissioner Waldrige, seconded by Commissioner May, to go into Executive Session per KRS 83a.150(4)(d) "for the purposes of conducting a performance evaluation of the City Manager" and KRS 61.810(1)(g) discussions between a public agency and representative of a business entity and discussions concerning a specific proposal, if open discussion would jeopardize the siting, retention, expansion, or upgrading of the business. this discussion pertains to a new business proposal related to implementation of the downtown master plan. Action may be taken in open session. The motion was adopted by voice vote. The meeting went into closed session at 5:50 p.m.

It was moved by Commissioner May, seconded by Commissioner Rosen, that the meeting return to open session. The motion was adopted by voice vote. The meeting returned to open session at 7:22 p.m.

Commissioner Waldrige would like to ask the Fire Chief to investigate the cost to add a baby box to be installed at the new Fire Station. This was suggested by Pastor John Sutphin. Laura Ross, City Solicitor, said that she has already sent away for packet regarding the baby boxes.

It was moved by Commissioner Rosen, 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 7:25 p.m.

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Mayor

Attest:

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City Clerk