



CAPITAL OF KENTUCKY

**Layne Wilkerson, Mayor**

Kelly May, Commissioner

Leesa Unger, Commissioner

Katrisha Waldrige, Commissioner

Anna Marie Rosen, Commissioner

## NOTICE

Per KRS 61.826 the Board of Commissioners Regular Meeting being held on July 25, 2022, is a video teleconference meeting. One Commissioner will participate via GoToMeeting or a similar video teleconferencing system. The primary location will be in the City Hall Council Chamber, 315 West Second Street.

## AGENDA

REGULAR MEETING  
BOARD OF COMMISSIONERS  
315 WEST SECOND STREET  
FRANKFORT, KY 40601  
502/875-8500

[www.frankfort.ky.gov](http://www.frankfort.ky.gov)  
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July 25, 2022  
5:00 PM

### INVOCATION

Rev. J.T Silence, First Presbyterian Church

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### CEREMONIAL & RECOGNITION

**CITIZEN COMMENTS – PLEASE USE THE SIGN IN SHEET- INDIVIDUAL REMARKS ARE LIMITED TO FIVE MINUTES.**

### CONSENT CALENDAR

Items on the Consent Calendar are considered by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.

- 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**

The purpose of this memo is to request approval of 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.

Attachments: Memo, MOA

Suggested Disposition: Receive and File; Approve

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

The Public Works Department is seeking approval to enter into a contract with Roadway Management Technologies (RMT), a sole source provider (see attached letter) 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.

Attachments: Memo, Sole Source Letter, RMT Agreement  
Suggested Disposition: Receive and File; Approve

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

The purpose of this memorandum is to request approval of 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.

Attachments: Memo, Adoption Agreement  
Suggested Disposition: Receive and File; Approve

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

The purpose of this agenda item is to inform 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.

Attachments: Memo, Invoice, Agreement, Resolution, Misc. Documents  
Suggested Disposition: Receive and File; Approve

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

Staff requests the City Commission to authorize 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 to authorize 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.

Attachments: Memo, Memorandum of Understanding (MOU)  
Suggested Disposition: Receive and File; Approve

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

The purpose of this memorandum is to request the Board of Commissioners approval for 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.

Attachments: Memo, Professional Services Agreement  
Suggested Disposition: Receive and File; Approve

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

The purpose of this memo is to recommend an amendment to the Professional Services Agreement with Coyle & Associates for assistance with department projects and to authorize 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.

Attachments: Memo, Letter to Ms. Coyle  
Suggested Disposition: Receive and File; Approve

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

Request for the Board of Commissioners approval to waive the payment in Lieu of Taxes (PILOT) for 2021 for the Housing Authority of Frankfort and authorize 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.

Attachments: Memo, Letter from Housing Authority of Frankfort  
Suggested Disposition: Receive and File; Approve

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

This memo is to request authorization for 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.

Attachments: Memo, Sole Source Justification Form, Quote  
Suggested Disposition: Receive and File; Approve

11.

Personnel Action	Employee	Department	Date	Position
Retirement	Mike Chapman	PW/Garage	7/31/22	Garage Superintendent Authorize payout of accrued leave
Retirement	Gary Gebhart	Fire & EMS	7/31/22	Fire Captain Authorize payout of accrued leave
Retirement	Chuck Thompson	Fire & EMS	7/31/22	Battalion Chief Authorize payout of accrued leave
Retirement	Shaun Caldwell	Fire & EMS	7/31/22	Assistant Fire Chief Authorize payout of accrued leave
Retirement	Richard Frost	Fire & EMS	7/31/22	Fire Training Officer Authorize payout of accrued leave
Retirement	Dale Southworth	Fire & EMS	7/31/22	Fire Sergeant Authorize payout of accrued leave
Retirement	Todd McFarland	Fire & EMS	7/31/22	Firefighter III Authorize payout of accrued leave
Resignation	Justin Stanley	Sewer	7/12/22	Maintenance Tech II Authorize payout of accrued leave
Promotion	Ryan Adams	PW/Streets	7/19/22	Heavy Equipment Operator to Streets Assistant Superintendent

Attachments: Mike Chapman letter of retirement; Dale Southworth letter of retirement; William McFarland letter of retirement; Gary Gebhart letter of retirement; Richard Frost letter of retirement; Shaun Caldwell letter of retirement  
Suggested Disposition: Receive and File; Approve

### BOARDS

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

Attachments: Letter from the Mayor, Appointee information  
Suggested Disposition: Receive and File; Approve

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

Attachments: Letter from the Mayor, Appointee information  
Suggested Disposition: Receive and File; Approve

### ACTION ITEMS

These are items where discussion is held by the City Commission. Items such as Ordinances, Orders and Resolutions are discussed under this section of the agenda. Public comments are not allowed except as authorized by the Mayor.

**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. Summary: 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.

Attachments: Memo, Ordinance  
Suggested Disposition: Receive and File; Adopt Ordinance

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

Attachments: Memorandum of Agreement (MOA)  
Suggested Disposition: Receive and File; Approve

## 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.***

Attachments: Memo, Emergency PO, Emergency Municipal Order, Quote  
Suggested Disposition: Receive and File; Adopt Order

## 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). 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.

Attachments: Memo, Fund Balance Policy, Order  
Suggested Disposition: Receive and File; Adopt Order

**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. Staff recommends approval of all documents.

Attachments: Memo, Special Warranty Deed with Attachments, Deed of Restrictions, Resolution  
Suggested Disposition: Receive and File; Approve and Adopt Resolution

**NEW BUSINESS**

**UNFINISHED BUSINESS**

**EXECUTIVE SESSION**

**EXECUTIVE SESSION PURSUANT TO 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.**

**ADJOURNMENT**