

**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, William I. May, Jr. hereby call a Special Meeting of the Frankfort Board of Commissioners for Monday, March 23, 2020, 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, March 23, 2020. 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 teleconferencing 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, March 23 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/William I. May, Jr.
T/Mayor

SPECIAL REGULAR MEETING
FRANKFORT BOARD OF COMMISSIONERS

March 23, 2020
5:00 P.M. (EDT)

PRESENT: Commissioner Katrisha Waldrige
Commissioner Scott Tippet – Via Skype @ 5:05 P.M.
Commissioner Eric E. Whisman
Commissioner John R. Sower
Mayor William I. May, Jr. – Via Skype (5)

ABSENT: None (0)

Mayor May called the meeting to order.

Consent Calendar

The following miscellaneous and personnel items were presented:

1. Minutes – February 3, 2020 Special Meeting; February 10, 2020 Joint Meeting; February 10, 2020 Work Session; February 24, 2020 Regular Meeting

2. 2020 Recycling Grant Application – Grants

Authorized the submission of a 2020 - 2021 Kentucky Recycling Grant Application to the Kentucky Division of Waste Management-Recycling Assistance Section for costs related to recycling such as equipment, advertising and educational materials and authorized the Mayor to sign all grant documents. The City offers recycling services to the community and the quantity is continually increasing due to greater public awareness. The state has a Recycling Grant Program that can aid in recycling costs. The Solid Waste Department would like to apply for funds for equipment including a Caterpillar Skid-Steer Loader, recycle containers (dumpsters) as well as Advertising and Educational materials which total costs will not exceed \$86,500.00. The city is required to have a 25% match for the grant; however, this match can be in-kind, and Personnel costs are eligible activities. Personnel costs for recycling exceeds \$180,000.00, which more than meets the 25% match requirement. Personnel costs exceed the 25% match requirement for the grant, there would be no additional cash match required.

3. Request for approval to waive the Payment in Lieu of Taxes (PILOT) for 2019 for the Housing Authority of Frankfort – Finance

Authorized the waiver of the payment in Lieu of Taxes (PILOT) for 2019 for the Frankfort Housing Authority and authorized the Mayor to sign any related documents. The Frankfort Housing Authority 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 Frankfort Housing Authority 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 property tax due the City would be approximately \$8,500.00 for 2019. We have received a formal letter requesting a waiver of the payment in Lieu of Taxes (PILOT) for the last several years. It is my understanding that the Frankfort Housing Authority has never paid property tax to the City.

4. Recollect App Contract Approval – Public Works

Authorized a three (3) year contract with Recollect Systems for use of their Waste Wizard tool bar and app and for the Mayor to sign all related documents. Solid Waste is requesting approval to enter a three (3) year contract with Recollect Systems for the use of their Waste Wizard app for smartphones and website toolbar. The use of the app and toolbar would allow residents of the city to search for the proper way to dispose of or recycle household items. The residents will also be able to search for their collection day and service provider, sign up for notifications due to changes in schedule for any reason whether it's a holiday or weather-related delay, and other waste-related information. The app and toolbar will be available to residents 24 hours per day, relieving the need for an employee to search for answers and return phone calls. The website toolbar would be placed on the City's website and the app would be available for iPhone and Android smartphone users free of charge. The tentative name for the app is Frankfort Solid Waste and Recycle. The contract will be a cost of \$7,775 yearly with funding available in the Solid Waste Other Services account (100.65.53295).

5. Contract Modification with H&A Resources for Biosolids Disposal – Sewer

Authorized a contract modification of the Biosolids Disposal contract with H & A Resources and authorized the Mayor to sign all related documents. The Sewer Department must dispose of approximately 7,300 wet tons or 8,500 cubic yards of dewatered bio-solids annually from the Wastewater Treatment Plant. With the limitations that the Benson Valley Landfill has put on the Wastewater Treatment Plant the decision was made to rebid the bio-solids contract with both landfill and landfarm options. The contract was originally for a unit cost of \$35.48 per wet ton sent to the landfill and \$22.46 per cubic yard to be landfarmed. The material will be landfilled and landfarmed in conformance with all applicable state and federal regulations. H&A Resources informed the Sewer Department in January that the cost of sludge disposal at the Benson Valley Landfill was going up in cost significantly. H&A was informed that the cost of disposal would be \$89.00 plus additional fees. This is 150% price increase on top of what the Sewer Department is already paying. Staff worked with H&A to discuss options and they were able to find alternate locations to haul the sludge to but the distance will cause additional fees to be added to the existing contract.

The additional sites are listed below with the cost for each location.

Outer Loop Louisville	\$41.00 / ton
Rumpke Mt. Sterling	\$48.00 / ton
Bavarian Walton	\$52.00 / ton
Advanced Irvine	\$57.00 / ton
Advance Morehead	\$59.00 / ton
Republic Frankfort	\$89.00 / ton plus fees

There are no alternatives at this point due to sludge disposal has to continue while all options are considered. Funds are available in Account No. 300.68.53295. This account has \$200,000 budgeted for FY 19/20.

6. Balancing Change Order #1 East Main Interceptor – Basham Construction - Sewer

Authorized Balancing Change Order #1 for Basham Construction to finalize the East Main Interceptor Project and authorized the Mayor to sign all related documents. This project replaced approximately 2,495 linear feet of 10" sanitary sewer along East Main Street and the reconnection of 38 property service connections. On February 15, 2019 four bids were received for this project. The bids are listed below:

Basham Construction Inc.	\$1,141,000.00
Todd Johnson	\$1,450,955.70
Tribute	\$2,180,100.00
Smith Contractors	\$2,742,900.00.

During this project there were several factors that have caused changes in the project. The biggest issue that the contractor encountered was AT&T fiber lines that were not located and they took up a much wider area than what was originally planned for. Staff worked with the contractor and engineer and found an alternate route but it caused some additions to be made to the system. After all of the changes that were made due to the issues that were found the final cost of the project will be \$1,232,104. This is an added cost of \$91,104.00 from the original bid price. This change order is for a total of \$91,104.00 for the project. The total cost budgeted for this project is \$1,400,000.00 and the total cost of the project will now be \$1,232,104.00.

7. PSA Bell Engineering – Headworks Project – Sewer

Authorized a Professional Services Agreement with Bell Engineering for design and bidding services and authorized the Mayor to sign all related documents. The Sewer Department completed a Plant Asset Management Plan to assess the conditions of the existing WWTP and to identify the needs of the facility. After the plan was completed there were several upgrades that need to be completed so that the plant can run at a maximum efficiency. The top priority project identified was the replacement of the bar screens in the headworks of the plant. The bar screens have well outlived their useful service life and are in desperate need of being replaced. This would only be a phase 1 of the upgrades to the headworks as this project will only replace the existing bar screens. With this being identified at top priority, the Sewer Department would like to complete this project as soon as possible. Bell Engineering completed the initial study and they were chosen to complete the first project as well. The only alternative is to trust that the equipment will hold up and not fail. Funds are available in account # 300.68.56555. This amount of \$1,000,000.00 has been budgeted for the completion of this project.

8. Barry Williams Sewer Extension – Sewer

Authorized the extension of the City's existing sewer system to make service available to the properties on Old Lawrenceburg Road and authorized the Mayor to sign all documents. This Sewer Extension will provide sanitary sewer service to approximately six properties that do not have existing sewer service. The collection system will be installed to the standard specifications of the Sewer Department and will not be accepted until the system has been tested and approved. The developer will be responsible for all cost associated with the sewer extension. This has no impact on the budget.

9. Amendment #4 for AECOM for the Poplar Creek/Home Depot Pump Station Project – Sewer

Authorized Amendment #4 to an Engineering Agreement with AECOM for the Poplar Creek Pump Station Project and authorized the Mayor to sign all documents related to the project. Amendment #4 for \$131,048.00 is to bring both the Poplar Creek Pump Station and the Home Depot Pump Station projects to Final Design, and covers Construction Services and Resident Project Representation through construction completion. The Poplar Creek Pump Station and Home Depot Pump Station will be consolidated into a single pump station eliminating the indefinite O&M costs of one pump station. The 5-year Budget Total for both pump stations is \$1,300,000.00. Poplar Creek and Home Depot Pump Stations have surpassed their design life and both are at full capacity. Through the course of previous design it was determined that these two pump stations can be consolidated into a single station and the Poplar Creek pump station can be removed from the parking lot of O'Charley's Restaurant. In addition, the remaining pump station will be sized for remaining future development in the area. The last change to the design is to redirect the force main to go to the West Frankfort Pump Station. This is to allow the flow from that area to stay in the sewer separated area and not continue to flow through the combined sewer area of South Frankfort. Amendment #4 is to cover all remaining engineering services needed through the end of construction for both pump stations.

5-year Budget Total	\$ 1,300,000.00		
Home Depot PS		Poplar Creek PS	
Base Contract	\$ 31,533.00	Base Contract	\$ 21,701.00
Amendment #1	\$ 99,220.00	Amendment #1	\$ 61,840.00
Amendment #2	\$ 90,050.00	Amendment #2	\$ 13,450.00
		Amendment #3 (Design)	\$ 49,985.00
		Amendment #3 (Construction)	\$ 258,355.00
		Amendment #4 (Final Design)	\$ 131,048.00
Total	\$ 220,803.00	Total	\$ 536,379.00

10. The following personnel items were presented:

- Termination of Stephen Morton in the Sewer Department as Plant Operator I, effective 2/26/20 (Sewer).
- Resignation of Chris O'Brien in the Sewer Department as Sewer Tech I, effective 3/4/20 (Sewer).

It was moved by Commissioner Sower, 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.

Action Items

1. First Reading

“AN ORDINANCE AMENDING CHAPTER 74, SCHEDULE I, ONE-WAY STREETS OF THE CITY OF FRANKFORT CODE OF ORDINANCES” was presented and read. Summary: This ordinance amends Chapter 74, Section I of the City of Frankfort Code of Ordinances and provides that West Main Street between Ann Street to Wilkinson Blvd. going west between Ann Street and Wilkinson Blvd will no longer be a one-way street.

2. First Reading

“AN ORDINANCE REZONING PROPERTY located near the intersection of East Main Street and Aspen Avenue with the addresses of 702 and 706 East Main Street, more specifically described as PVA map numbers 074-41-08-011.00, 074-41-08-010.00 and 074-41-08-009.00, from Professional Office District (PO) to General Commercial District (CG)” was presented and read. Summary: This ordinance approves a zone map amendment for the property located at the intersection of East Main Street and Aspen Avenue with the addresses of 702 and 706 East Main Street more specifically described as PVA map Numbers 074-41-08-011.00, 074-41-08-010.00 and 074-41-08-009.00, from Professional Office District (PO) to General Commercial District (CG).

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; ARTICLE 19, SUBSECTION , 19.07- HOME OCCUPATIONS” was presented and read. Summary: This ordinance amends the City’s Zoning Ordinance, Article 19.07-to amend the City’s regulations on Home Occupations.

4. 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; ARTICLE 3, AND ARTICLES 4.114, 4.124, 4.134 AND 4.144 TO INCLUDE STREET SIDE SETBACKS” was presented and read. Summary: This ordinance amends the City’s Zoning Ordinance, Article 3 and Articles 4.114, 4.124, 4.134 and 4.144-to amend the City’s Zoning Ordinance to include Street Side Setbacks.

5. Second Reading

“AN ORDINANCE REPEALING AND REPLACING THE CITY OF FRANKFORT CODE OF ORDINANCES SECTIONS 71.50, 71.51, 71.52, 71.53, 71.56, 71.57, 71.58, 71.59, 71.60, 71.61, AND 71.62 RELATED TO PARADES AND SPECIAL EVENTS”. This ordinance has its First Reading on March 9, 2020. Summary: Sections 71.50 to 71.62 replace “special event/parade” and “special event/parade permit” with “Special Event” and “Special Event Permit” throughout. Section 71.50 is amended to add sub definitions of special events. Section 71.52 is amended to change the filing deadline from 45 days to 30; to add a \$500 late filing fee excluding first time events; to allow applications to be filed beginning January 1 for the calendar year; to remove the “Special Events Committee” and replace with community partners and regulatory entities, and to change permit fees to \$100 for all Special Events Permits and \$50 for Barricaded Side Street Closures. Section 71.53 is amended to designate one Capital Avenue Parade Route, and one Downtown Race Route with 3K and 5K options. Section 71.56 is amended to designate the Office of Emergency Management as the contact for security plans and to add ranks of police officers who may provide event security. Sections 71.57 and 71.58 are amended to allow social media as an acceptable means of public notification of the event. Section 71.59 is amended to require a refundable damage deposit of \$250.00 for all Special Events and to clarify that one deposit may be retained for multiple events. Section 71.61 is amended to require the City Manager or designee to respond to a permit within 30 days.

It was moved by Commissioner Sower, seconded by Commissioner Waldrige, to adopt the Ordinance. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 4, 2020 Series).

6. Surplus of Vehicles & Order – Police

The purpose of this memo is to request the surplus of three (3) Ford Crown Victoria (CV) police vehicles and to authorize the Mayor to sign any related documents. These vehicles will be traded to L&W Equipment and credit will go towards the purchase of up-fitting for future vehicles. The three (3) vehicles in question have reached their limits where it is not worth continuing the maintenance and upkeep. The 2007 Ford CV (219) was transferred to the Police Department from the Sewer Department where it sat for an extended amount of time. The repairs that this vehicle needs will total approximately \$2500. The first 2011 Ford CV (153) has damage from the time that it just sits. It needs new engine pulleys, a battery, and new tires. Cost for repair will run over \$1500. The second 2011 Ford CV (149) also has damage from not being used. The Police Department has searched for a business to strip cars of any re-usable equipment and striping in preparation for auction in the past without much success. These vehicles usually sell at auction for approximately \$1000 to \$1500 per car. The cost of stripping is around \$300 per vehicle. L&W has offered to give us \$1000 per vehicle as is.

It was moved by Commissioner Sower, seconded by Commissioner Whisman, to approve the surplus and adopt the Order. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Order was thereupon adopted (Order No. 3, 2020 Series).

7. Surplus of (4) Transit Buses & Order – Transit

Transit requests permission to surplus (4) four 24 +2 Cut-A-Way Buses. These buses will be transferred to Emergency Management, or for economic development purposes, upon State approval or sold by electronic auction (GOVDEALS.COM). Transit received grant funding to replace the aging vehicles in 2019. The grant funds were requested due to the age, condition and increasing maintenance costs of the current bus. Transit requests to surplus the buses due to the arrival of the replacement buses. The buses available for surplus are as follows:

#	Make/Model	Year	Mileage	VIN #	EMARS #	Purchase Date
82	Chevy/ 5500 Kodiak	2009	247,883	1GBE5V1949F403866	G928F2Z	11/7/08
90	Chevy/ 5500 Kodiak	2009	206,227	1GBE5V1969F407255	G30F209Z	6/1/11
76	Ford/ F-550	2012	158,299	1FDGF5FT8CEC97600	G30F209Z	1/14/13
79	Ford/ F-550	2012	164,351	1FDGF5GTXC97601	G30F209Z	1/14/13

Transit requests to surplus the buses and allocate the revenue into the Transportation Improvement Account (530-00- 46300). This revenue can be used to purchase new transit vehicles in the future. Approve the surplus of these vehicles transferred to Emergency Management, or for economic development purposes, upon State approval or sold by electronic auction (GOVDEALS.COM).

It was moved by Commissioner Tippet, seconded by Commissioner Waldrige, to approve the surplus and adopt the Order. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Order was thereupon adopted (Order No. 4, 2020 Series).

8. Proposed Reciprocal Easement between the City of Frankfort and WTZ Properties, LLC – Holmes Street – Legal

The purpose of this memorandum is to provide information regarding the City of Frankfort entering into a Reciprocal Easement with WTZ Properties, LLC for property located on Holmes Street. The City of Frankfort fire station located at 129 Holmes Street and the property owned by WTZ Properties, LLC located at 133 and 133 ½ Holmes Street share a common access road between the two properties onto Holmes Street. The parties desire to enter into a Reciprocal Easement to clarify that both parties have use of this common access. The Fire Department needs this access to move their vehicles from Holmes Street to the back of the fire station. The Fire Chief has met with counsel for WTZ Properties, LLC and has approved for the City to enter into a Reciprocal Easement with WTZ Properties, LLC pertaining to a common access road between the two properties onto Holmes Street and for the Mayor to sign all related documents.

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

9. TIGER Grant Project – Amendment No. 1 East Main Street Curb Box Inlet Replacement Project & Resolution for Vaughn & Melton – City Manager

Authorization for the Mayor to sign Amendment No. 1 & Resolution

It was moved by Commissioner Sower, seconded by Commissioner Whisman, to approve the amendment and adopt the Resolution. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Resolution was thereupon adopted (Resolution No. 4, 2020 Series).

10. TIGER Grant Project – Amendment No. 2 & Resolution for Strand Associates – City Manager

Authorization for the Mayor to sign Amendment No. 2 & Resolution

It was moved by Commissioner Waldrige, seconded by Commissioner Whisman, to approve the amendment and adopt the Resolution. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Resolution was thereupon adopted (Resolution No. 5, 2020 Series).

11. Farmdale Resolution – Sewer

It was moved by Commissioner Waldrige, seconded by Commissioner Sower, to adopt the Resolution. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Resolution was thereupon adopted (Resolution No. 6, 2020 Series).

12. Emergency Repair to Gravity Main & Order –Sewer

The purpose of this memo is to request approval of a purchase order for the replacement of the 30" gravity main from manhole 7-91 to manhole 7-1618 and for the Mayor to sign all related documents. The Sewer Department discovered the line at the end of the West Frankfort Pump Station force main was collapsing and causing blockage of the flow through the line. After conducting a CCTV investigation on the line, staff found the line to be completely compromised in several areas. After showing the video to the engineers it was recommended to dig and replace the entire line section. The total length to be replaced is around 420' of 30" concrete pipe. Joda International is currently working on the project at the Boone National Guard Center and has agreed to complete the work for \$110 per linear foot. The cost is similar to what the Sewer Department is paying for the work that is being done at the Center. The other alternative is to have the engineer complete a set of bid documents and bid the project out. This would take at least a full month and would put the line at risk of a full collapse and blockage of the line. This would cause a horrible environmental impact and add cost to the repairs. The total cost of this project is expected to cost less than \$50,000 and the Sewer Department has the funds available in reserve to complete this project.

It was moved by Commissioner Waldrige, seconded by Commissioner Sower, to approve the emergency repairs and adopt the Order. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Order was thereupon adopted (Order No. 5, 2020 Series).

13. A Municipal Order providing for leave under the Families First Coronavirus Response Act – City Manager

Following a brief discussion, it was moved by Commissioner Tippet, seconded by Commissioner Whisman, to amend the Order to 3 (three) weeks. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman and Mayor May (4). Those voting against the motion were Commissioner Sower (1). The amendment was thereupon adopted.

It was moved by Commissioner Tippet, seconded by Commissioner Sower, to adopt the Order. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Order was thereupon adopted (Order No. 6, 2020 Series).

14. Local government emergency response, actions, policies and procedures regarding COVID-19 – City Manager

Several items were discussed by the Board of Commissioners including small business owners, providers, local workers, local economy, community needs, food, shelters and being proactive as we are one community right now. Tommy Russell, Director of Emergency Management, stated that everything is under control and gave a few items such as important phone number and websites regarding first responders and the public.

Keith Parker, City Manager, spoke about a future budget amendment and we plan to extend the net profit deadline to July 15th. Mr. Parker will research and find a lead agency to take donations that will go directly into the community and their specific needs.

It was moved by Commissioner Whisman, seconded by Commissioner Tippet, to go into Executive Session per KRS 61.810 (1)(c)litigation-to discuss litigation strategy and settlement terms regarding current litigation brought against the City and Planning Commission by FPB regarding the reservoir project (FPB v. Planning Commission et al.). Action may be taken. The motion was adopted by voice vote. The meeting went into closed session at 6:27 p.m.

It was moved by Commissioner Tippet, seconded by Commissioner Whisman, that the meeting return to open session. The motion was adopted by voice vote. The meeting returned to open session at 6:48 p.m.

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

It was moved by Commissioner Tippet, seconded by Commissioner Whisman, that the meeting adjourn. The question was put upon the motion and was adopted by voice vote. The meeting adjourned at 6:49 p.m.

Mayor

Attest:

City Clerk