

## SPECIAL MEETING CALL

I, William I. May, Jr. hereby call a Special Meeting of the Frankfort Board of Commissioners for Monday, April 15, 2019, at 5:00 p.m., in the Council Chamber of the Municipal Building, 315 West Second Street. This meeting will be in lieu of the Regular Meeting scheduled for Monday, April 22, 2019. All items on the agenda will be considered and action will be taken.

S/William I. May, Jr.  
T/Mayor

SPECIAL REGULAR MEETING  
FRANKFORT BOARD OF COMMISSIONERS

April 15, 2019  
5:00 P.M. (EDT)

PRESENT: Commissioner Katrisha Waldrige  
Commissioner Scott Tippet  
Commissioner Eric E. Whisman  
Commissioner John R. Sower  
Mayor William I. May, Jr. (5)

ABSENT: None (0)

Mayor May called the meeting to order. The invocation was given by Dr. John Opsata of the First Christian Church. The Pledge of Allegiance was recited.

There was a moment of silence for Notre Dame.

### Citizen Comments

Jim Daniel spoke about the Frankfort Plant Board reservoir project and asked why the Board of Commissioners continues to interfere with the Frankfort Plant Board mission.

Michael Bradley spoke about the mural ordinance and his disappointment in the breach of constitutional rights.

Toby Bradley stated the mural regulations are an overreach of rights and property values are taking precedence over rights of citizens. She is opposed to the mural moratorium and any mural guidelines and regulations.

Tessa Harris along with daughters Xoe and Xia spoke in support of the murals.

Laurel Dailey thanked the Board of Commissioners and stated there is a lot of misinformation in the community.

Richard Rosen praised the Board of Commissioners on the murals and trying to determine the best course of action. There should be no censorship on content.

### Presentations

Mayor May recognized the month of May as National Preservation Month.

### Consent Calendar

The following miscellaneous and personnel items were presented:

#### 1. Minutes - March 11, 2019 Work Session; March 11, 2019 Special Meeting; March 25, 2019 Regular Meeting

#### 2. CT Mitchell Contract - Legal

Authorized the Mayor to sign a one-year extension with CT Mitchell to perform the City audit. This extension is requested due to the need for consistency during the transition period in the Finance Department. The contract can be extended rather than bid because it qualifies as a professional service which is exempt from bidding requirements.

#### 3. Buffalo Trace Boat Ramp - Legal

Authorized the Mayor to sign an Amendment to Lease Agreement for the Buffalo Trace Boat Ramp. This time extension is necessary due to ongoing challenges with the contractor and the river.

#### 4. MOVED TO ACTION ITEMS - Towing Contract – Police

#### 5. Vehicle Purchase - Police

Authorized the award of a bid to Bob Allen Chrysler Dodge Jeep of Frankfort for the purchase of one (1) new unmarked vehicle and authorized the Mayor to sign any related documents. The Frankfort Police Department assigns an officer to the D.E.A. Task Force to assist in drug investigations that affect Frankfort, Franklin County, and this region of the country. This task force officer (TFO) is assigned an unmarked vehicle that will help him fulfill his duties. The task force tries to maintain a diverse fleet for use during their investigations. Multiple price bids were received from dealerships in the area for similar vehicles and bids were opened on April 9, 2019. The two bidders were Bob Allen Chrysler Dodge Jeep of Frankfort {\$30,667.00} and Chrysler of Lawrenceburg {\$30,774.00}. With approval, the Police Department will purchase a 2019 Chrysler Pacifica from Bob Allen of Frankfort for \$30,667.00, which will be assigned to the TFO. The purchase of this vehicle will be paid from the Asset Forfeiture account 645.00.51100.

#### 6. TIGER Grant Memo of Agreement with FEWPB for Reimbursement- City Manager

Authorized the Mayor to sign a Memorandum of Agreement (MOA) between the City of Frankfort and Frankfort Electric and Water Plant Board regarding reimbursement for utility relocation and replacement work on the Second Street Tiger Grant Project.

#### 7. Request for approval to waive the Payment in Lieu of Taxes (PILOT) for 2018 for the Housing Authority of Frankfort - Finance

Authorized the waiver of the Payment in Lieu of Taxes (PILOT) for 2018 for the Housing Authority of Frankfort. 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 data base. 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). Approximate impact of \$8,500.00.

#### 8. Fort Boone Construction Contract - Sewer

Authorized the award of a construction contract for the Ft. Boone Pump Station Rehabilitation Project to Todd Johnson Contracting, Inc. and for the Mayor to sign all related documents. Todd Johnson Contracting, Inc. was determined to be the lowest qualified responsible bidder at \$476,889.53 and the 5-year Budget Total for this project is \$550,000.00. The Ft. Boone Pump Station is located across from the Buffalo Trace Distillery.

**9. Amendment #3 for AECOM for the Poplar Creek/Home Depot Pump Station Project - Sewer**

Authorized Amendment #3 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 #3 for \$ 308,340.00 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.

**10. MOVED TO ACTION ITEMS - Professional Service Agreement with Strand Associates - Sewer**

**11. 2018 Phase II Annual Report - Public Works**

Authorized the Mayor to sign the 2018 Phase II Annual Report for the City of Frankfort and Franklin County on behalf of the City of Frankfort. Every year the City of Frankfort is required to submit a report to the Kentucky Division of Water summarizing the City's Phase II program and its activities. The City of Frankfort, due to its size, is considered a Phase II City with regards to stormwater and, because of this designation, is required to have a program in place to perform tasks associated with preventing the storm runoff from becoming polluted. These tasks include education of the staff and public, preventative measures, and maintenance activities. Since Frankfort and Franklin County are co-permittees, a shared consultant assists in preparing the Annual Report each year and the report is required, by law, to be signed by the highest elected official in the governing body. The Mayor's is the required signature for the City and the Judge-Executive will sign on behalf of Franklin County.

**12. Panasonic CF-33 Mobile Data Computers - IT Department**

Authorized the purchase of 60 Panasonic CF-33 Mobile Data Computers to replace and upgrade the current mobile devices and authorized the Mayor to sign all related documents. The City of Frankfort Police and Fire departments are currently operating on dated and out of warranty mobile data computers in their emergency vehicles. The current devices are running various operating systems as well. The replacement and upgrade of existing equipment will ensure little to no downtime and improve the efficiency of data retrieval for officers and fire fighters in the field. This project was made public for sealed bids and the lowest bidder, DataSource Mobility was chosen. The total cost for all 60 MDCs (50 police, 10 Fire) is \$294,021.00 and is set to be paid annually for (5) years as follows: The Police Dept. annual payment will be \$52,276.92 for 50 MDCs. The Fire Dept. annual payment will be \$10,455.36 for 10 MDCs. The Fire Dept will use account #100-42-53285 for \$5,227.70 and account #100-41-56550 for \$5,227.70 annually for five years. The Police Dept. will use account #645-00-51100 for \$52,276.92 for 1st year payment and then account #100.43.56550 for \$52,276.92 for years 2 thru 5.

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

- Appointment of Sara Anderson in the Public Works Department as Deputy Director of Public Works, effective 4/30/19 (Public Works).

It was moved by Commissioner Whisman, seconded by Commissioner Sower, 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. *Note: The Mayor submitted a vote modification form for Consent Item No. 7.*

**Action Items**

**1. Second Reading**

**%N ORDINANCE AMENDING THE CITY OF FRANKFORT CODE OF ORDINANCES, SECTION 37.41(A)(1) RELATING TO THE EDUCATION COMPENSATION/ ASSISTANCE PLAN+** This Ordinance had its First Reading on March 25, 2019. Summary: This ordinance amends Section 37.41(A)(1) of the City of Frankfort Code of Ordinances which establishes an Education Compensation/Assistance Plan through which each full time, regular, confirmed employee may receive reimbursement of tuition, allow the program to operate on a fiscal year instead of a calendar year. It was moved by Commissioner Tippet, seconded by Commissioner Waldrige, 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 Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 6, 2019 Series).

**2. Second Reading**

**%N ORDINANCE ADOPTING A NEW CHAPTER 101, SECTION 101.01 OF THE CITY OF FRANKFORT CODE OF ORDINANCES REGARDING REGULATION OF MURALS+** This Ordinance had its First Reading on April 10, 2019. Summary: This ordinance adopts a new Chapter 101, Section 101.01 of the City of Frankfort Code of Ordinances establishing a temporary moratorium on all new murals within the City Historic Districts, which shall terminate within each area or district upon the effective date of regulations adopted that apply to the particular area or district, or on May 31, 2019, whichever occurs first. It was moved by Commissioner Sower, seconded by Commissioner Tippet, that the Ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Ordinance was thereupon adopted (Ordinance No. 7, 2019 Series).

**3. 2019 Transportation Alternative Program Grant & Resolution - Grants**

Authorized the submittal of an application for 2019 Transportation Alternative Program (**TAP**) Grants that was recently opened by the Transportation Cabinet's Office of Local Programs. TAP funding focuses on non-vehicular or alternative transportation such as pedestrian crossings, bicycle lanes and other safety issues. Staff would like to request authorization to apply for TAP funding for the implementation of a trail connecting the Wilkinson River Walk Trail and Cove Spring Park. Representatives from Walk/Bike Frankfort approached the City in December, 2018 to inquire about installing a trail across Lewis Ferry to connect the existing Wilkinson River Walk Trail to Cove Spring Park. At the time there were no funds available to implement this trail plan. The Transportation Cabinet has now opened a limited TAP funding round and staff would like to apply for this project for an amount not to exceed \$300,000.00. The City is required to provide a 20% match which would be \$60,000.00. The match can be made up of cash or in-kind services. It was moved by Commissioner Tippet, seconded by Commissioner Waldrige, 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 Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Resolution was thereupon adopted (Resolution No. 9, 2019 Series).

**4. Meeting & Agenda Procedures Order - Legal**

"AN ORDER REPEALING ORDER NO 3, 2005 SERIES, RELATING TO PROCEDURES FOR MEETINGS OF THE FRANKFORT BOARD OF COMMISSIONERS, AND ADOPTING ORDER NO.11, 2019 SERIES, RELATING TO PROCEDURES FOR MEETINGS OF THE FRANKFORT BOARD OF COMMISSIONERS". It was moved by Commissioner Tippet, seconded by Commissioner Sower, 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 Waldrige, Tippet, Whisman, Sower and Mayor May (5). Those voting against the motion were none (0). The Order was thereupon adopted (Order No. 11, 2019 Series).

**5. Discussion of joining the International Town & Gown Association**

Following a brief discussion, it was moved by Commissioner Tippet, seconded by Commissioner Whisman to become a member of the International Town & Gown Association. 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.

**6. Discussion of Tanglewood Neighborhood Association's request for a Special Meeting with the Board of Commissioners**

Nate Van Sickel, President of Tanglewood Neighborhood Association (TNAi), requested a public meeting where TNAi could make a formal presentation.

Anna Marie Rosen, Chair of Frankfort Plant Board, stated she was not clear on the purpose of the meeting. FPB staff and consultants still support the 7 mg tank.

The meeting was discussed by the Board of Commissioners. It was moved by Commissioner Waldrige, seconded by Commissioner Tippet, to grant an open public meeting with TNAi and the Frankfort Plant Board. Staff should move forward to coordinate with TNAi and the Frankfort Plant Board. Staff and TNAi will evaluate the timing of or the need for the meeting if circumstances change. 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.

**7. Towing Contract - Police**

Authorized a towing contract to Carey's Towing, further known as Carey's, for towing needs of the Police Department specifically and other city departments as needed and authorized the Mayor to sign all related documents. The Police Department maintains a contract with a tow company to be on call. The company tows civilian vehicles from accident scenes and police vehicles when necessary. They aid in the recovery of stolen vehicles and storage for evidential purposes. Also, the tow company provides service to the other city departments for their large trucks and other vehicles. Bid specifications were made available and the proposal received from Carey's was the lowest. Carey's holds the current contract with the City for the Police Department. They maintain a holdover lot, storage lot, and secure building at 320 Rouse Avenue. Overall, they have been a reliable tow company. It was moved by Commissioner Sower, seconded by Commissioner Tippet, to authorize the contract. 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.

**8. Professional Service Agreement with Strand Associates - Sewer**

Authorized a Professional Services Agreement with Strand Associates to complete a study for the cost of sewer service and authorized the Mayor to sign all related documents. This study will be used to provide the Farmdale Sanitation District a price for service and help with the Interlocal Agreement. The total cost is not to exceed \$24,000.00. It was moved by Commissioner Whisman, seconded by Commissioner Waldrige, to authorize the Professional Services Agreement. 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 Whisman, seconded by Commissioner Waldrige, to go into closed session per KRS 61.810 (1)(c)litigation -to discuss the Old Y litigation and KRS 61.810(1)(b) property- discussion on the future acquisition of real property related to economic development and property located at 231 East Main Street when publicity would be likely to affect the value of the property. The meeting went into closed session at 6:28 p.m.

It was moved by Commissioner Tippet, seconded by Commissioner Waldrige, that the meeting return to open session. The motion was adopted by voice vote. The meeting returned to open session at 8:43 p.m.

It was moved by Commissioners Sower, seconded by Commissioner Tippet, to proceed with termination of the contract to purchase 231 East Main Street 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 Sower, that the meeting adjourn. The question was put upon the motion and was adopted by voice vote. The meeting adjourned at 8:45 p.m.

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Mayor

Attest:

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City Clerk