

January 27, 2016

A Special Board meeting of the Electric and Water Plant Board of the City of Frankfort, Kentucky, was held at Farmers Bank and Capital Trust, located at 125 W. Main Street, Frankfort, Kentucky, on Tuesday, January 27, 2016 at 2:00 p.m.

ATTENDANCE:

Ralph Ludwig, Board Chair
Rick Pogrotsky, Vice Chair
Anna Marie Pavlik Rosen, Board Member
Walt Baldwin, Board Member
Herbbie Bannister, General Manager
Harvey Couch, Marketing and Video Content Coordinator
David Denton, Finance Director
Vent Foster, Chief Electrical Engineer/Asst. GM Operations
John Higginbotham, Asst. GM Cable/Telecommunications
Karl Pitzer, IT Director
Kathy Poe, Executive Assistant
Hance Price, Staff Attorney/ Asst. GM Administration
Glenn Waldrop, Public Information Coordinator
Zach Hubbard, Cable 10 Videographer
David Columbia, Cable 10 Videographer
Seth Littrell, State Journal Reporter

AGENDA

The Agenda for the Board Meeting was received and entered into the Minute Book as follows:

JANUARY 19, 2016 BOARD MEETING AGENDA

1. **Action Item:** Consider Approving Minutes for the December 15, 2015 Board Meeting.
2. **Action Item:** Consider Adding Work Session Public Meeting to Monthly Meeting Cycle.
3. **Action Item:** Consider Alternate Venue for Work Session and Regular Meeting.
4. **Request Permission to have Chair call for a Closed Session** pursuant to KRS 61.810 (1)(c) for the discussion of proposed or pending litigation against or on behalf of FPB; KRS 61.810 (1)(f) for discussions which might lead to the appointment, discipline, or dismissal of an individual employee; and KRS 61.810(1)(b) for the discussion of the future acquisition or sale of real property.
5. **Closed Door Session:**

BOARD ACTION

Mr. Ludwig called the meeting to order. Ms. Poe called the roll. She noted four (4) Board members present and Dr. Green absent.

Mr. Ludwig noted that this was a Special Board Meeting and that the meeting was limited to the posted Agenda.

1. **Action Item: Consider Strengthening the Partnership Between the Community and FPB by Enhancing Transparency and Encouraging Community Involvement.**

1. Video Recording of all public hearings and special sessions. Broadcast date will be announced at public meeting and noted on printed announcement.
2. Creation of web based form for submission of public comments. URL or QR code prominently place on any notice or rebroadcast of public meeting. Aggregate report on public comments will be provided at next regular meeting.
3. In addition to the required 24 hour notice of public meetings another notice will be made as far in advance of the scheduled meeting as is practical.
4. Posters shall be made for public hearings and placed conspicuous places around the community as far in advance of scheduled meeting as practical.
5. Press releases will be issued for all public meeting in order to educate the public and foster a constructive dialog.
6. Extend electronic comment period. The comment period shall be open past the hearing date and remain open until the regular meeting where action will be taken on hearing issue.
7. Addition of public comment period to all public meetings.

Mr. Baldwin reiterated the items as written above and suggested that the Board go through each item individually.

Item 1 – Video recording of all public hearings and special sessions. Broadcast date will be announced at public meeting and noted on printed announcement.

The Board and Staff discussed Item 1 including the cost of recording and the scheduling of the playback on FPB TV as well as YouTube. Mr. Higginbotham stated that he felt that FPB Cable customers should have access to the recording prior to uploading to YouTube, but that it was reasonable to upload it to YouTube after airing on FPB TV.

After additional discussion, Mr. Pogrotsky requested that Mr. Baldwin withdraw his motion and allow a properly worded motion to be made. Mr. Ludwig noted that no motion had been made just yet.

Mr. Ludwig stated that he would like to have Staff work on a public comment period to the Board meetings and would like Staff to propose a system that will accommodate everyone. Mr. Bannister stated that a public comment period would be beneficial to both Board and Staff with some guidelines imposed. Mr. Ludwig stated that he wanted the structure of the public comment period to come from Staff and be presented to the Board.

Mr. Pogrotsky moved to direct Staff to develop a procedure and an implementation plan for the strengthening of the FPB communication outreach to our customers and general public within our service delivery area. At a minimum this procedure will include items for improvement of the website to enable public comments; notice of meetings; ability to view agendas and minutes of meetings; procedures for addressing issues to the Board of Directors; ability of the public to make comments on items of discussion at public hearings, electronically, and orally if needed; methods to encourage customers and the general public to utilize the existing FPB informational sources such as Facebook, Twitter, and the FPB webpage and Cable 10; and to create a standing and published calendar of regularly scheduled meetings to include date, time and location of such meetings. Mr. Ludwig seconded.

After additional discussion Ms. Poe called the vote by member and the motion failed with 2 "Yes" votes and 2 "No" votes.

Mr. Baldwin move to accept video recordings of all public hearings and special meetings. Broadcast date to be announced for regular hearings during the regular hearing; special session to be scheduled, re-broadcast to be announced as available

on the website and post broadcast of regular and special meetings the video recording will be uploaded to YouTube for public on-demand viewing. Ms. Rosen seconded. To clarify, Mr. Baldwin specified that announcement of rebroadcast for special meeting would be announced as best Staff can accommodate at that special meeting. Mr. Ludwig noted his reluctance to the restriction that all meetings must be recorded. Mr. Pogrotsky suggested adding that there be no requirement that all meetings be recorded and instead state that the Board would make a determination depending on the importance of the items to be discussed. Mr. Baldwin stated that the Board could make that determination at the time a special meeting was scheduled. He further noted that he did not intend to amend his motion. Ms. Poe called the vote by member and the motion passed unanimously.

[Item 2 - Creation of web based form for submission of public comments. URL or QR code prominently place on any notice or rebroadcast of public meeting. Aggregate report on public comments will be provided at next regular meeting.](#)

Mr. Baldwin reiterated previous discussions and stated that the only additional requirements would be the URL or QR code. Mr. Couch discussed the current form on the website and stated that the URL or QR code could be generated. Mr. Couch further discussed collecting comments and the redacting of personal account information.

After additional discussion, Mr. Baldwin stated that it would be best to leave up to Staff how to implement this item and that the Board would come back and review feedback. In response to Mr. Ludwig, Mr. Baldwin stated that Staff could provide an aggregate report to the Board on comments and supply the Board with the specific comments for review. Mr. Ludwig stated that these could be presented under departmental reports.

Mr. Baldwin moved to adopt item 2 creation of a web based form for submission of public comments. URL or QR code prominently place on any notice or rebroadcast of public meeting. Aggregate report on public comments will be provided at next regular meeting, with cutoff for to be at the agenda item cut-off date. Mr. Ludwig seconded. Ms. Poe called the vote by member and the motion passed unanimously.

[Item 3 - In addition to the required 24 hour notice of public meetings another notice will be made as far in advance of the scheduled meeting as is practical.](#)

Mr. Baldwin stated that the goal on this item is to make a best effort to supply more notice to the public. Mr. Pogrotsky stated that it would be beneficial to publish dates of meetings on FPB website and with the State Journal a year in advance. Mr. Baldwin stated that this would include all meetings and the goal is to get in front of the public more often. Mr. Pogrotsky suggested an addition to the motion that FPB officially establish regular meeting dates, times and locations in advance, put in hard copy and publish in advance so there is no question when/where regular meetings are held. Mr. Baldwin agreed to amend the item to include language to add language for a fixed calendar on the website with all scheduled meetings listed. Mr. Couch stated that all 2016 regular meetings are already on the website and that special meetings are added as they are scheduled.

Mr. Baldwin moved that in addition to the required 24 hour notice of public meetings another notice will be made as far in advance of the scheduled meeting as is practical and will continue to maintain a fixed list of all currently schedule meetings on the website. Ms. Rosen seconded. Ms. Poe called the vote by member and the motion passed unanimously.

[Item 4 - Posters shall be made for public hearings and placed conspicuous places around the community as far in advance of scheduled meeting as practical.](#)

Mr. Waldrop noted Staff's concerns regarding creation and distribution of posters due to the size of the service area which includes 5 counties. He noted that the signs would have to be specific and consistent.

Mr. Waldrop discussed avenues already utilized by Staff to push information out to the public at this time. He stated that the public could print out anything that FPB generates for external communication.

Mr. Baldwin noted that it may be best to table this item to work with Staff to work through and discuss in more detail. Ms. Rosen suggested meeting with web design employees and develop ways to streamline electronic information on the website so the public could download and print.

Mr. Baldwin moved to direct Staff to present the Board with an option that meets the intent of making a poster type device available to the public electronically and present a feasible means of doing that. Ms. Rosen seconded. Ms. Poe called the vote by member and the motion passed unanimously.

Item 5 - Press releases will be issued for all public meeting in order to educate the public and foster a constructive dialog.

Mr. Baldwin stated that the goal was to make more than just the Agenda available to the public with natural language around the individual Agenda item. He noted that he would like that available electronically and published in The State Journal. Mr. Pogrotsky acknowledged his agreement with the item. Ms. Rosen noted that the press release could also make note to the availability of the full agenda on the website.

Mr. Baldwin moved that press releases will be issued for all public meetings in order to educate the public and foster a constructive dialog. Mr. Pogrotsky seconded. Ms. Poe called the vote by member and the motion passed unanimously.

Item 6 - Extend electronic comment period. The comment period shall be open past the hearing date and remain open until the public meeting where action will be taken on hearing issue.

Mr. Baldwin reiterated Staff's concern regarding the cut-off date for comments by the agenda deadline for the public meeting where action will be taken. He further stated that it was reasonable to set that deadline for regular meetings. He further stated that comment period would be extended as is practical for special public meetings.

Mr. Baldwin moved to extend the electronic comment period. The comment period shall be open past the hearing dates and remain open until the agenda cut-off date for regular meetings, and for all other public meetings as is practical. Ms. Rosen seconded. Mr. Baldwin amended the motion to say that the comment period will remain open until the meeting where the action is taken. Ms. Rosen seconded the amended motion. Ms. Poe called the vote by member and the motion passed unanimously.

Item 7 - Addition of public comment period to all public meetings.

Mr. Baldwin discussed applying some structure to the public comment period so that it does not turn in to a free for all with personal attacks. He noted the following potential constraints:

1. Limit the public comment period to specific time.
2. Comments to be limited to statements, i.e. no questioning or interrogations.
3. Comments to be submitted in writing to the Board at or prior to the meeting.
4. No personal attacks will be allowed; talk about roles and not individual names.
5. If response from Staff or the Board is warranted, it will be provided prior to the next regular meeting. Consensus is that responses will be provided by Staff and the Board.

Mr. Baldwin suggested that these constraints be crafted into a Preamble to be disseminated to the public prior to the beginning of the public comment period.

Ms. Rosen noted that this format is based on the guidelines the City utilized in their meetings. Mayor May discussed the City's written rules, specifically with regard to time limits. Mr. Pogrotsky requested a copy of the guidelines utilized by the City.

Mr. Ludwig moved to request the City to supply FPB with a copy of their format or rules for public comments at their public meetings and sessions and FPB's Board to consider that as a subject in a future board meeting. Mr. Baldwin seconded. Mr. Pogrotsky stated that was great and if it is a tried and true method FPB does not need to spend time creating a new one. Mr. Baldwin stated that the Board could start with the City guidelines and revise as necessary. Ms. Rosen stated that the Board should have it in the February Board meeting. Mr. Baldwin agreed. Mr. Ludwig stated that it could be on the February Agenda for discussion but would not commit to approval. Ms. Poe called the vote by member and the motion passed unanimously.

2. **Action Item: Consider Adding Work Session Public Meeting to Monthly Meeting Cycle.**

[We often have too little time to absorb and seek additional information on the items presented in the regular meeting. In an effort to address this I would suggest we discuss the addition of a work session to our monthly meeting schedule. This would provide a less formal venue for discussion and allow an appropriate venue for consensus.](#)

Mr. Ludwig noted his concerns and stated that he would prefer the flexibility to have special meetings only as needed. Mr. Price explained the meetings law applicable to FPB. Mr. Baldwin stated that the goal was to change the structure to have one regular meeting review and discuss items and then a second regular meeting to take action on those items.

In discussion, Mr. Pogrotsky stated that it was unfair to act without the full Board present and the item should be tabled in order to get the opinion of the full Board. Mr. Ludwig agreed.

At the request of Mr. Baldwin, Mayor May discussed how their meeting set-up worked.

After additional discussion, Mr. Baldwin moved to table the item to the March regular meeting. Mr. Pogrotsky seconded. Ms. Poe called the vote by member and the motion passed unanimously.

3. **Action Item: Consider Alternate Venue for Work Session and Regular Meeting.**

[Consider moving our regular meetings to city chambers to facilitate better communication and lower costs of recording.](#)

Mr. Baldwin noted that the thought is to utilize the City chambers due to set-up with audio/video equipment and its more natural meeting set-up. He further noted that the motion was not meant to limit the Board to City chambers. He noted a decision did not need to be made now but simply compile a list of other options to be considered in order to facilitate better communications and lower the costs of recording the meetings.

After discussion, Mr. Baldwin moved to consider an alternate venue and compile a list of potential candidates available and place the item on the Agenda for the March regular meeting. Ms. Rosen seconded. Ms. Poe called the vote by member and the motion passed with 3 "Yes" votes and 1 "No" vote. Mr. Baldwin, Mr. Pogrotsky, and Ms. Rosen voted "yes" and Mr. Ludwig voted "No".

4. **Request Permission to have Chair call for a Closed Session** pursuant to KRS 61.810 (1)(c) for the discussion of proposed or pending litigation against or on behalf of FPB; KRS 61.810(1)(f) for discussions which might lead to the appointment, discipline, or dismissal of an individual employee; and KRS 61.810 (1)(b) for the discussions of the future acquisition or sale of real property.

No Closed Session necessary.

5. **Closed Door Session:**

With no further business to discuss, Mr. Ludwig moved to adjourn. Mr. Pogrotsky seconded. The motion passed unanimously and the meeting adjourned.





ATTEST: