

PRESENT: Commissioner Tommy Z. Haynes  
Commissioner Scott Tippet  
Commissioner Robert E. Roach  
Commissioner Lynn Bowers  
Mayor William I. May, Jr. (5)

ABSENT: None (0)

Mayor May called the meeting to order. The invocation was given by Reverend Scott Rollins of Highland Christian Church. The Pledge of Allegiance was recited.

It was moved by Commissioner Bowers, seconded by Commissioner Haynes, that the minutes of the December 5, 2016 Special Work Session; December 19, 2016 Special Meeting and December 19, 2016 Special Regular Meeting be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Mayor May and Jeff Abrams, Police Chief, recognized the following promotions: Sergeant Dustin Bowman to Lieutenant and Officer Joel Dunmire to Sergeant.

Michael Bentley retired from the Fire Department with 16 years of service. Mayor May and Chief Eddie Slone offered congratulations and thanked the family for their continued support.

Mayor May called for citizens comments.

#### **Citizens Comments**

Sallie Lanham spoke about the Old Y Building. A petition was presented with 319 signatures requesting a public meeting. Ms. Lanham also discussed the Open Meetings Violation Complaint.

Dustin Scott explained an issue regarding a switch out of a trash cart and is disputing the switch out fee of \$50.00. Following a long discussion, it was moved by Commissioner Bowers, seconded by Commissioner Roach to switch out the trash cart for no charge. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Donna Hecker requested information regarding the City/County Joint Meeting to discuss DFI. The meeting will be held on Thursday, February 2, 2017 at 1:30 pm at the Frankfort Convention Center.

#### **Resolutions**

**% RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO FUND AN ARCHITECTURAL REVIEW AND STUDY OF 315 AND 317 WEST SECOND STREET AND AUTHORIZING THE MAYOR TO EXECUTE ALL GRANT-RELATED DOCUMENTS** was presented and read. It was moved by Commissioner Roach, seconded by Commissioner Tippet, 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 Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The Resolution was thereupon adopted (Resolution No. 1, 2017 Series).

#### **Consent Calendar**

The following miscellaneous and personnel items were presented:

- 7.1** Awarded a Professional Services Agreement to HMB for design, construction administration, and inspection services on the Collins Lane I&I Rehabilitation and Cloverdale/Cougar Lane Stormwater Management project, and authorized the Mayor to sign all documents related to the project. Funding for this project is available in Account No. 300.68.56555. This account has \$9,612,500 budgeted and as of November 30, \$2,952,318 has been expensed and encumbered (Sewer Department).
- 7.2** Authorized the purchase of a 2017 Ford Cut-a-way (24+2) bus and a 2017 Ford Cut-a-way (12+2) bus from Mid-South Bus Center via KPTA #7 for the Transit Division of Public Works and authorized the Mayor to sign all related documents. These vehicles are being purchased via KPTA Bid #7 with funds from the Section 5311 grant ALI code 11.12.15 (Replacement Vehicles). The total cost of the two vehicles is \$135,823 will come from the Transportation Improvement Account which will be refunded 100% by the grant. (Public Works/Transit).
- 7.3** Authorized payment to the Property Valuation Administrator (PVA) for 2016-17 City of Frankfort Property Tax Assessment of \$40,000. There is an annual fee as established by KRS 132.285 for the use of county assessment services for determining the 2016 City ad valorem tax values (Finance).
- 7.4** Authorized the Mayor to sign the Second Addendum to the Agreement to hire Tim Zisoff as the Interim City Manager, and any related documents. There should be no financial impact to the City, as Mr. Zisoff will receive the same benefits while serving as the Interim City Manager as he would have received had he been serving as the permanent City Manager.
- 7.5** Authorized an application for Highway Safety Grant funds and authorized the Mayor to sign all grant-related documents. The Police Department will be reimbursed for manpower overtime and use of equipment while participating in this program. The total grant request for federal FY 2018 will not exceed \$187,000.00. There is no match requirement for this funding (Police Department).
- 7.6** **MOVED TO OLD BUSINESS**
- 7.7** Authorized the award of the \$100,000.00 Downtown Revitalization Grant to the property owners of 245 West Main Street as recommended by the Downtown Revitalization Grant Task Force and authorized the Mayor to sign all related documents. The \$100,000.00 grant is in the current budget. There should be no financial impact (Planning & Grants).
- 7.8** Authorized the filing of a grant application for 2017 Energy Efficiency and Conservation Grant (EECG) Program and authorized the Mayor to sign all grant documents. The project cost will not exceed \$160,000.00. Grant funds may reduce the project amount funded by the City (Public Works/ Grants).
- 7.9** Authorized the Mayor to sign all documents required to apply for accreditation through the Committee on Accreditation of Education Program for the Emergency Medical Services Professions (CoAEMSP). The current range of tuition for the nearest programs is \$9,800-\$30,000 per student. The accreditation cost is approximately \$8,000 over the next three (3) years. Funding for the application will come from the EMS education budget account 100-41-55460(Fire).

**7.10** Authorized the Mayor to sign a contract and any related documents with MCCi for an Electronic Records Management solution for the City of Frankfort. The cost of Laserfiche-Avante records management solution as proposed by MCCi is \$51,103.25. Project cost will come from the general fund. A budget amendment will be done in the next several months (IT Department).

**7.11 The following personnel items were presented:**

- Resignation of Dudley Hudson in the PW/Solid Waste Department as Public Works Tech III, effective 12/27/16 (PW/Solid Waste).
- Promotion of Dustin Bowman in the Police Department to Lieutenant, effective 1/24/17 (Police).
- Promotion of Joel Dunmire in the Police Department to Sergeant, effective 1/24/17 (Police).
- Retirement of Michael Bentley in the Fire/EMS Department as Firefighter III/Paramedic and authorized payment of accrued leave, effective 1/31/17 (Fire).

It was moved by Commissioner Tippet, seconded by Commissioner Haynes 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

**Board Appointments**

**8.1 Housing Authority** . Reappointment of Maria Bush, for a term ending 1-29-2021.

It was moved by Commissioner Bowers, seconded by Commissioner Haynes, to approve the Mayor's recommendation to reappoint Maria Bush to the Housing Authority. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

**8.2 Fairness Officer for Human Rights Commission** . Appointment of Daniel F. Egbers.  
(No term limit set by Ordinance . direct appointment by the Mayor)

**8.3 Nuisance Code Hearing Board** . Appointment of Brenda K. Allen, for a term ending 1-27-20.  
(Replacing Louis McClain)

It was moved by Commissioner Bowers, seconded by Commissioner Haynes, to approve the Mayor's recommendation to appoint Brenda K. Allen to the Nuisance Code Board. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

**8.4 Frankfort Human Rights Commission** . Appointment of Robert B. Padgett, for a term ending 12-1-19.  
(Replacing Victoria Burke)

It was moved by Commissioner Haynes, seconded by Commissioner Tippet, to approve the Mayor's recommendation to appoint Robert B. Padgett to the Frankfort Human Rights Commission. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

**Old Business**

Item 9.1 is to authorize the Mayor to sign a Letter of Commitment for Renaissance on Main in order for Frankfort to continue in their program for 2017. In accordance with provisions under the Renaissance on Main Program, the Downtown Frankfort, Inc. Board of Directors and their Main Street Manager have asked the City of Frankfort to authorize the Mayor to sign a Letter of Commitment which will allow DFI and the City to continue to participate in the Program. Renaissance on Main requires this Letter of Commitment for the City and DFI to be eligible for possible funding (Grants Manager). Following a brief discussion, it was moved by Commissioner Tippet, seconded by Commissioner Haynes to authorize the Mayor to sign the letter. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Commissioner Haynes confirmed the City Manager interview schedule and suggested the Commission meet at 12:30 p.m. and review questions prior to the interviews.

Commissioner Roach questioned the issues with the Frankfort Plant Board property at 317 W. Second Street that will soon be vacated. Rob Moore, City Attorney, will be drafting a letter of the recommended approach to Tim Zisoff, interim City Manager.

Commissioner Roach clarified the Commission is only seeking the RFP regarding the Fire Station and City Hall project. The Commission has not yet voted. Tim Zisoff, interim City Manager, stated the RFP's will return in the next week or so and this item will be discussed at the February Work Session. There is a meeting scheduled for 2/1/17 with the Public Works Department and FIS Staff and parents regarding this project.

Commissioner Bowers asked the Commission to consider having an Assistant City Manager position that could fill in when the City Manager is away or in an emergency situation. This item will be placed on the February Work Session.

**New Business**

10.1 is to authorize the installation of a backflow valve preventer at 351 Holmes Street, reimburse the property owner for the cost installation and authorize the Mayor to sign all documents related to the project. The quotes from plumbers have been received as follows: Next Generation Plumbing - \$2,172.00, Whitehead Hancock - \$2,400.00, Dauenhauer Plumbing - \$2,984.00. The Sewer Department will reimburse the homeowner for the lowest of the three quotes, \$2,172.00. Funds are available in account 400.68.53295. The budget for this account is \$250,000 and as of December 31 this account had \$40,950 expensed and encumbered (Sewer Department). Following a brief discussion, it was moved by Commissioner Haynes, seconded by Commissioner Roach to authorize the Mayor to sign the letter. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

10.2 is a discussion regarding the 2017 EXPO. Stan Salchi, President of the EXPO Committee, spoke about moving the EXPO to downtown Frankfort at the Old Capital lawn and Broadway. Rob Moore, City Attorney, read a letter from Richard Jones regarding EXPO and the letter was entered into the City record. After a brief discussion, this item will be listed on the Joint Meeting agenda on February 2, 2017 as a separate discussion item for public input.

Rob Moore, City Attorney, requested that the Commission give authorization for the Mayor to sign the proposal with Legal Liability Risk Management Institute (LLRMI) Agreement for external investigation of the Police Department. It was moved by Commissioner Roach, seconded by Commissioner Tippet, to authorize the Mayor to sign an agreement with Legal Liability Risk Management Institute (LLRMI) to perform the review of the Frankfort Police Department for the amount of \$35,000 in accordance with the proposal of Legal Liability Risk Management Institute (LLRMI). The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Rob Moore, City Attorney, gave a summary of the Old Y Building including a structural engineering report and Post Mediation Agreement:

1. This matter concerns the Old Y located on Bridge Street in Frankfort, KY.
2. In late July, 2016, the structural engineering firm of Brown & Kubican, PSC, which is a company used by the State to assess the structural condition of a building, conducted an inspection of the exterior of the Old Y building and found, among other things, that there are locations where the brick and stone pieces in the structure have shifted horizontally and vertically, at the rear of the building the roof has partially collapsed, and there are trees growing out of the structure. The engineering firm concluded that the building is moving horizontally and may be settling in some areas. The roof in the gym has at least partially collapsed allowing rain and snow into the structure and numerous other openings in the façade of the building allow water to enter the building. Some of these openings are located such that the public could also enter the building. Water entering the building will continue to damage the structural elements and could lead to further collapses in the structure.  
  
The engineering firm further found that a total or partial collapse of the building is possible. If the building should collapse parts of the structure could fall on to Bridge Street or into the Kentucky River. If the structure should collapse toward the rear of the building the utility lines crossing the river could be impacted. A collapse toward the left face of the structure looking from Bridge Street may impact the next door business which is at present a restaurant. The structural engineering firm found that there is imminent danger of the failure or collapse of the Old Y building structure as defined by the City's Nuisance Code.
3. The City and Old Y LLC are currently involved in several lawsuits due to the deteriorating condition of the Old Y building.
4. The City and Old Y LLC were ordered to participate in mediation to attempt to resolve this litigation, and this mediation took place before an independent professional mediator on November 28, 2016.
5. A Post-Mediation Agreement was entered into on November 28, 2016, resolving the litigation between the Old Y and the City, subject to the approval of the City Commission. Among other things, the Post-Mediation Agreement calls for the City to purchase the Old Y property for the amount of \$60,000. The Post-Mediation Agreement that was signed by the parties also calls for the preparation and signing of a detailed settlement agreement. The detailed settlement agreement has been forwarded to counsel for the Old Y. Several contacts have been made checking the status of the settlement agreement, but the detailed settlement agreement has not been signed and returned to the City.
6. The City Commission, in open session, unanimously approved the Post Mediation Agreement on November 28, 2016.
7. Factors justifying the settlement of the lawsuits involving the Old Y by its purchase for the amount of \$60,000.00 include the following:
  - a) The lawsuits and the status of the building will be resolved at this time rather than in the next 2-4 years that it could take to work through the cases pending before the Franklin District Court and the Franklin Circuit Court, and any appeals from these courts;
  - b) The City will be able to avoid substantial litigation costs, which could exceed \$60,000;
  - c) The Old Y structure could be demolished, avoiding potential personal injury to children on the adjacent playground or to homeless people using the Old Y for shelter and avoiding potential property damage to nearby structures, including Bridge Street and the Singing Bridge;
  - d) The location can be used as a park or redeveloped as access to the river;
  - e) Parts of the building could be sold to raise funds;
  - f) The purchase of the structure will avoid any further claims;
  - g) The removal of the deteriorating Old Y structure will help to stabilize the area; and,
  - h) The demolition of the building will be controlled by the City so there is no damage to the street or nearby structures.
8. The Old Y now claims that the City Commission discussed the Old Y litigation in an improperly called closed session.
9. While the City Commission does not agree that the closed session was improperly called, to avoid any doubt and any claim that it acted improperly in approving the Post Mediation Agreement, I request that a motion be made in open session incorporating this information and approving the Post-Mediation Agreement.

It was moved by Commissioner Roach, seconded by Commissioner Haynes, to approve the Post Mediation Agreement including all information that was stated by Rob Moore, City Attorney. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Haynes, Tippet, Roach, Bowers, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

It was moved by Commissioner Roach, seconded by Commissioner Haynes, that the meeting adjourn. The question was put upon the motion and thereupon adopted by voice vote. The meeting adjourned at 7:02 p.m.

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Mayor

Attest:

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City Clerk