

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky November 17, 2011

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 17, 2011 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, and Blues. Absent was Council Member Crosbie.

The reading of the Minutes of the previous meeting was waived.

Resolutions No. 490-2011 thru 514-2011, and Ordinances No. 137-2011 thru 143-2011, inclusive were reported as having been signed and published, and ordered to record.

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The Invocation was given by Rev. Bill McDonald, Disciples of Christ.

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Mr. Martin welcomed Boy Scout Troop #279, from the Southside of Lexington, which included Mr. Martin's son.

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The Mayor recognized Ms. Lee Kiefer, senior at Paul Lawrence Dunbar High School, and ranked #1 in the United States in the sport of fencing. He spoke about her accomplishments, including a gold medal at the North America Cup at the beginning of November. He proclaimed November 17, 2011 to be Lee Keifer Day, and presented her with a Proclamation.

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The following ordinances were given second reading. Upon motion of Mr. Ellinger, and seconded by Ms. Gorton, the ordinances were approved by the following vote:

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues-----14

Nay: -----0

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 43.

An Ordinance approving the Dept. of General Services' Policies and Procedures for usage of all facility space owned by the Lexington-Fayette Urban County Government; expressing the Urban County Council's authority to review and approval all leases and subleases and authorizing the Dept. of General Services to manage the leased facilities; providing that all tenants shall pay rent and enter into a standard lease for use of facilities owned by Lexington-Fayette Urban County Government; providing that the stated rental amount for all facilities shall be fair market value; providing that all tenants shall pay their operating expenses including, but not limited to, utilities, insurance, maintenance, janitorial services and repairs; providing that the Urban County

Council shall consider grants and subsidies to tenants in the annual budgeting process and providing that all leases expire on the same date.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Safety Specialist, Grade 115E, and creating one (1) position of Administrative Specialist Sr., Grade 112N, in the Div. of Waste Management.

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An Ordinance declaring portions of sidewalks in Hamburg Place Community Phase 1 and Phase 2 of Shetland Subdivision that have been dedicated to LFUCG as public right of ways and accepting the dedication was given first reading.

Upon motion of Mr. Stinnett, seconded by Mr. Beard, the rules were suspended by unanimous vote.

The ordinance was given second reading. Upon motion of Mr. Ellinger, and seconded by Mr. Myers, the ordinance was approved by the following vote:

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues-----14

Nay: -----0

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The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 45.

An Ordinance closing the right-of-way located between the properties at 444 Fayette Park and 503 Willy St.; determining that all property owners abutting the portion of the walk way to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed transferring the former right-of-way to the abutting owner, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Director of Litigation, Grade 123E, and amending Section 22-5(2) of

the Code of Ordinances, creating two (2) positions of Attorney, Grade 117E, from date of passage to December 31, 2015, all in the Dept. of Law.

An Ordinance expanding and extending the Full Urban Services District #1 to provide street lighting, street cleaning and garbage and refuse collection, to include the area defined as certain properties on the following streets: Calypso Breeze Dr., Carducci St., Coroneo Ln., Falling Leaves Ln., Firethorn Place, Golden Bell Place, Greenville Terrace, Grey Lag Way, Hardwood Rd., Kiawah Dr., Magnolia Gardens Place, Polo Club Blvd., Sandhurst Cove, Seneca Park, Sir Barton Way, Sperling Dr., Sunflower St., Tea Olive Way, and Towne Square Park.

An Ordinance expanding and extending Partial Urban Services District #3 for the Urban County Government for the provision of garbage and refuse collection, to include the area defined as certain properties on the following streets: Blue Bonnet Ct., Blue Bonnet Dr., Golden Trophy Trail, Waveland Museum Ln., and Winthrop Dr.

An Ordinance expanding and extending Partial Urban Services District #5 for the Urban County Government for the provision of garbage and refuse collection and street lighting, to include the areas defined as certain properties on the following streets: Albany Rd., Albemarle Rd., and Halifax Ct.

An Ordinance amending Ordinance No. 218-2010 expanding and extending Partial Urban Services District #5 to remove certain properties on Springhill Dr. and changing the Urban Service Districts on said properties back to Urban Services District #2 and Urban Services District #4 respectively to correct a clerical error.

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The following resolutions were given second reading. Upon motion of Mr. Beard, and seconded by Ms. Gorton, the resolutions were approved by the following vote:

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues-----14

Nay: -----0

A Resolution accepting the bid of Staples Contract & Commercial, Inc., operating as Staples Advantage, establishing a price contract for office supplies, for all Departments and Divisions of Lexington-Fayette Urban County Government.

A Resolution accepting the bid of Advanced Mulching Technologies, Inc., d/b/a Eco Gro, in the amount of \$90,827.80, for the McConnell's Trace Greenways

Restoration Project, for the Div. of Engineering, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Advanced Mulching Technologies, Inc., d/b/a Eco Gro, related to the bid.

A Resolution accepting the bids of Municipal Equipment, Inc., Central Indiana Truck Equipment Corp., Refuse Parts Depot, LLC, E-Z Pack Manufacturing, LLC, establishing price contracts for refuse collection truck parts, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Republic Services of Ky., LLC, establishing a price contract for transportation of leaf and yard waste, for the Div. of Waste Management.

A Resolution ratifying the probationary civil service appointment of: Gerald Parker, Trades Supervisor, Grade 113N, \$25.013 hourly, in the Div. of Parks and Recreation, effective November 7, 2011; ratifying the probationary sworn appointments of: Clayton Roberts, Police Lieutenant, Grade 317E, \$3,025.14 bi-weekly, Matthew Greathouse, Police Sergeant, Grade 315N, \$28.588 hourly, Todd Phillips, Police Sergeant, Grade 315N, \$28.588 hourly, in the Div. of Police, effective upon passage of Council.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bluegrass Community Action Partnership, Inc. (\$925), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution expressing the intent of the Urban County Government to accept Derby Landing into public right-of-way upon return of the amended subdivision plan with signatures of property owners and recording of the plan.

A Resolution authorizing the Mayor, on behalf of the Urban county Government, to execute Change Order No. Two to the Contract with Marrillia Design and Construction, for the Lexington Streetscape Phase One, Vine St. Project, increasing the contract price by the sum of \$14,771.75 from \$1,764,083.82 to \$1,778,855.57.

A Resolution authorizing the Mayor, on behalf of the Urban county Government, to execute and submit a Grant Application to the Ky. Energy and Environment Cabinet, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds

are in the amount of \$138,921.33 Commonwealth of Ky. funds, are for continuation of the Litter Abatement Program, the acceptance of which does not obligate the Urban county Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which Grant funds are in the amount of \$119,108.21 Federal funds, are for the support of emergency preparedness activities in Lexington-Fayette County, the acceptance of which obligates the Urban County Government for the expenditure of \$119,108.21 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Group Sales Agreement with Hyatt Regency Lexington, for 2012 Bluegrass Invitational Tournament, at a cost not to exceed \$2,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Facility Usage Agreements with various youth fall baseball leagues, for youth baseball.

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The following resolutions were given first reading. Mr. David Barberie, Attorney in the Dept. of Law, requested on behalf of the Administration that the rules be suspended in order to give second reading to the resolutions.

Upon motion of Mr. McChord, seconded by Mr. Ellinger, the rules were suspended by unanimous vote.

The resolutions were given second reading. Upon motion of Mr. Ellinger, and seconded by Mr. Myers, the resolutions were approved by the following vote:

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues-----14

Nay: -----0

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following: Michelle Long, Records Management Analyst, Grade 111N, \$17.500 hourly, in the Council Clerk's Office, effective upon passage of Council.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Contract with Woodall Construction Co., Inc., for the construction of Clays Mill Rd. Improvements Project, Section 2A, increasing the contract price by the sum of \$23,405.43 from \$3,611,285.52 to \$3,634,690.95.

A Resolution ratifying the Dept. of Law's execution of a settlement agreement stipulation and recommendation in Public Service Commission Case No. 2011-00161 pertaining to approval of KU environmental surcharge recovery.

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A Resolution accepting the response of Denham-Blythe Co., Inc., to Bid No. 100-2011, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute a Lease Agreement with Denham-Blythe Co., Inc., for a period of three (3) years for space located at 100 Trade St., Lexington, Ky., to be used as a Wellness Center, for an amount not to exceed \$7,877.40 per month plus utilities was given first reading.

Upon motion of Ms. Henson, seconded by Mr. McChord, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Mr. Ellinger, and seconded by Mr. Myers, the resolution was approved by the following vote:

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues-----14

Nay: -----0

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A Resolution of the Lexington-Fayette Urban County Council, simultaneously and jointly with the Louisville Metro Council, endorsing and supporting the Bluegrass Economic Advancement Movement (BEAM), and urging members of the Lexington-Fayette County and Jefferson County communities to fully participate in the project and to use this as an opportunity to further the collective goals of both cities as economic engines for all of Kentucky and to provide economic and educational opportunities to its citizens was on the docket for first reading.

Ms. Gorton made a statement about the resolution, and read a statement from Louisville Metro Council President Jim King regarding the joint resolution.

The resolution was given first reading. Upon motion of Ms. Gorton, seconded by Mr. Blues, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Mr. Ellinger, and seconded by Mr. Myers, the resolution was approved by the following vote:

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues-----14

Nay: -----0

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A Resolution accepting the bid of Lagco, Inc., in the amount of \$426,040, for the Black & Williams Center Energy Efficiency Improvements, for the Div. of Environmental Policy, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Lagco, Inc., related to the bid was given first reading.

Mr. Lane asked a question of Mr. Jamshid Baradaran, Director of the Div. of Facilities and Fleet Management, regarding the scope of the work and the source of the funding in the resolution. Mr. Baradaran responded.

The resolution was ordered placed on file two weeks for public inspection.

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A Resolution authorizing the Mayor, the Fire Chief, and the Director, Div. of Emergency Management/911, on behalf of the Urban County Government and pursuant to KRS Chapter 39F, to execute a Statement of Affiliation pertaining to the establishment and designation of the Urban County Government's Div. of Fire and Emergency Services' Special Operations Technical Rescue Team as the recognized Rescue Squad for Fayette County, at no cost to the Urban County Government was given first reading.

Ms. Lawless asked clarification questions about the resolution of Mr. David Barberie, Attorney in the Dept. of Law, and Mr. Clay Mason, Commissioner of the Dept. of Public Safety.

The resolution was ordered placed on file two weeks for public inspection.

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The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bids of Rhythm Engineering, LLC; Iron Armour, LLC; Signal Control Products, Inc.; and Path Master, Inc., establishing price contracts for adaptive traffic signal and control equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of LexPress, establishing a price contract for Waste Management Newsletters, for the Div. of Waste Management.

A Resolution ratifying the probationary civil service appointments of: Winona Embry, Payroll Manager, Grade 119E, \$2,586.96 bi-weekly, in the Div. of Accounting, effective December 7, 2011, and Karen Beatty, Administrative Specialist Sr., Grade 112N, \$22.213 hourly, in the Div. of Traffic Engineering, effective November 21, 2011; ratifying the permanent civil service appointment of: Connie Hayes, Staff Assistant Sr., in the Div. of Purchasing, effective July 17, 2011.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Humanitarium (\$475) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Contract with Woodall Construction Co., Inc., for the Lexington Streetscape Phase One Improvements, E. Main St. Streetscape Project, increasing the contract price by the sum of \$60,601.05 from \$2,646,542.45 to \$2,707,143.50.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Three to the Contract with Woodall Construction Co., Inc., for the Lexington Streetscape Phase One Improvements, E. Main St. Streetscape Project, increasing the contract price by the sum of \$55,938.35 from \$2,707,143.50 to \$2,763,081.85.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two, to the Contract with Charles Deweese Construction, for the Lexington Streetscape Phase One W. Main St. Project, decreasing the contract price by the sum of \$3,272.25 from \$1,930,561.75 to \$1,927,289.50.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Regulator Easement and Right of Way Agreement with Columbia Gas of Ky., Inc., granting a pipeline easement.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Paramedic Training Program Agreement, with Jessamine County Emergency Medical Service, for paramedic training, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ad-Success, for the Mobility Office Marketing Campaign for FY 2012, at a cost not to exceed \$44,400.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with AMEC Environment and Infrastructure, Inc. (formerly known as AMEC Earth & Environmental, Inc.), for additional Brownfield Site Assessment Services, at a cost not to exceed an additional \$246,430.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 (Final) to the Contract with Marrillia Design & Construction, for the Maxwell St. Sidewalk and Bike Lane Project, increasing the contract price by the sum of \$52,480.53 from \$308,438.21 to \$360,918.74.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of \$267,609 Federal funds, are for the continuation of the Metropolitan Medical Response System (MMRS), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. of Emergency Management, Dept. of Military Affairs, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$8,000 Commonwealth of Ky. funds, and are for the purchase of equipment for the Dive/Water Rescue Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept four (4) Grants from the Ky. Office of Homeland Security, which Grant funds are in the amount of \$360,800 Federal funds under the 2011 State Homeland Security Grant Program, are for the purchase of Special Operations, Hazardous Materials and Technical Rescue Equipment (\$121,000); a specialized training class for HazMat units (\$23,800); the purchase of equipment for the Hazardous Devices Unit (\$161,000); and training in dynamic entry for the Ky. Explosive Incident Response Task Force (\$55,000), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Board of Emergency Medical Services, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$11,000 Commonwealth of Ky. funds, and are for the purchase of EMS equipment, the acceptance of which does not obligate the Lexington-Fayette Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Statement of Work and Master Services Agreement with Global Compliance Services, Inc., for installation and administration of the Fraud Tip Line, at a cost not to exceed \$5,175.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for use of Winburn Middle School Gymnasium, at a cost not to exceed \$285.05.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Pilgrim Baptist Church, for parking, at a cost not to exceed \$1,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a National Safety Council DDC Private Sub-Agency Training Agreement with the Tennessee Regional Safety Council, Inc., establishing the Div. of Risk Management

as an authorized agent to teach training programs to employees, at an annual cost not to exceed \$55.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Xavus Solutions, LLC, for the purchase and maintenance of a data collection program for the Senior Center, at a cost not to exceed \$7,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Hazen & Sawyer, P.S.C., to provide for Sanitary Sewer Capacity, Management, Operations and Maintenance Program (CMOM) deliverables for Consent Decree Implementation, at a cost not to exceed \$287,500.

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The following Communications from the Mayor were received for information only: (1) Resignation of James Smith, Community Corrections Officer, Div. of Community Corrections, effective October 27, 2011; (2) Resignation of Adrienne M. Jones, Community Corrections Officer, Div. of Community Corrections, effective October 3, 2011; (3) Resignation of Melody Spriggs, Community Corrections Officer, Div. of Community Corrections, effective October 20, 2011; (4) Resignation of Bryan C. Richardson, Community Corrections officer, Div. of Community Corrections, effective October 14, 2011; (5) Resignation of Mackenzie Montgomery, Community Corrections Officer, Div. of Community Corrections, effective September 26, 2011; (6) Resignation of Charles A. Bradburn, Community Corrections Officer, Div. of Community Corrections, effective October 26, 2011; and (7) Resignation of Adam Tuska, Community Corrections Officer, Div. of Community Corrections, effective November 3, 2011.

Mr. Ellinger asked Mr. Ray Sabbatine, Interim Director of the Div. of Community Corrections, to speak to the number of resignations listed in the Communications from the Mayor. Mr. Sabbatine responded with information about current conditions at the Div. of Community Corrections.

The Mayor added comments about the resignations in the Div. of Community Corrections.

The Council discussed the issue and asked questions of Mr. Sabbatine and the Mayor.

Mr. Myers asked Ms. Lawless when the Council Public Safety Committee would be hearing the issue on the Div. of Community Corrections. Ms. Lawless responded.

Ms. Janet Graham, Commissioner of the Dept. of Law, also spoke to Mr. Myers question.

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Mr. Blues congratulated Ms. Nikki Finney, Professor in the University of Kentucky Dept. of English, on having won the 2011 National Book Award in Poetry for her book Head Off and Split.

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Mr. Stinnett asked that an update be given regarding public safety staffing issues during a Council Work Session before the December Council break.

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Mr. Martin asked Mr. Bill O'Mara, Director of the Div. of Revenue, to bring forward a budget reduction plan to the Council to review.

He also thanked the Boy Scout Troop in attendance for sitting patiently during the meeting.

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Mr. Farmer spoke about the Div. of Community Corrections issue that had just been discussed, and also asked the Mayor about an email that was received late on a Friday afternoon from the Chief of the Div. of Police. The Mayor responded regarding the email.

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Ms. Henson thanked the Div. of Fire and Emergency Services for the workshop that they held for the council members and their aides.

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Mr. McChord spoke about the ribbon cutting that he had attended at Wellington Elementary School for their new playground, and congratulated the parents, teachers, and principal for their hard work in getting the playground completed.

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Mr. Martin also thanked the Div. of Fire and Emergency Services for the workshop that they held for the council members.

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Ms. Lawless stated that one of her constituents suggested the Urban County Government provide a service wherein text-message alerts could be sent to alert people

of traffic tie-ups. She also spoke about a new state law that affects regulations for selling precious metals.

Ms. Lawless reminded the public that the new downtown ice rink was opening, the tree lighting ceremony was happening soon, and that the Morris Book Shop was having their grand opening on November 19, 2011. She also announced that Gallery Hop would take place on November 18, 2011.

She congratulated Ms. Nikki Finney on the National Book Award.

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Mayor Gray announced that November was National Alzheimer's Month. He stated that Ms. Isabel Yates, former Vice-Mayor, had received a Proclamation to that affect.

He also recognized Ms. Susan Lamb, Council Clerk, for achieving the rank of Master Municipal Clerk through the International Institute of Municipal Clerks.

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Mr. Barry Marshall, American Postal Workers Union in Lexington, Ky., spoke about the plan to potentially shut down postal facilities in Lexington. He stated that a public hearing would be held on November 28, 2011, at the Fayette County School Board building on Main St. in Lexington.

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Mr. Bernard McCarthy, Harry Street, spoke about giving away public right-of-ways, and stated his concerns with changing the traffic from one-way to two-way streets downtown.

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Upon motion of Mr. Ellinger, seconded by Mr. Martin, and approved by unanimous vote, the meeting adjourned at 7:31 p.m.

Clerk of the Urban County Council