

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky January 17, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on January 17, 2013 at 6:00 P.M. Present were Mayor Jim Gray in the chair presiding, and the following members of the Council: Council Members Akers, Beard, Clarke, Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Mossotti, Myers, Scutchfield, and Stinnett.

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

Resolutions No. 703-2012 thru 745-2012, and Ordinances No. 164-2012 thru 171-2012, inclusive were reported as having been signed and published, and ordered to record.

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The Mayor asked that a moment of silence be observed in lieu of an Invocation.

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Upon motion of Ms. Gorton, seconded by Mr. Beard, the Minutes of the October 25, November 15, 27, and 29, and December 6 and 11, 2012 Council Meetings were approved by unanimous vote.

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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. 30 was given second reading.

Upon motion of Ms. Gorton, and seconded by Mr. Ellinger, the ordinance was approved by the following vote:

Aye: Akers, Beard, Clarke, Ellinger, Farmer,
Ford, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett----15

Nay: -----0

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An Ordinance creating a Neighborhood Design Character Overlay (ND-1) zone for 52.68± net (59.72± gross) acres, to preserve existing neighborhood character for properties located at 1200-1280 Colonial Dr.; 4009-4021 John Alden Ln.; 4004-4025 Mayflower Ln.; 1228-1273 and 1290 Standish Way; and 2492-2516 Versailles Rd. (even addresses only) (Urban County Planning Commission; Council District 11) was given first reading, and ordered placed on file until a Special Council Meeting with a Public Hearing to be held on March 5, 2013, at 6:00 p.m.

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An Ordinance amending Article 17-7(e) of the Zoning Ordinance to modify the requirements for a third wall sign in the Professional Office (P-1) and Mixed Use 1: Neighborhood Node (MU-1) zones (Urban County Council) was given first reading.

Upon motion of Mr. Clarke, seconded by Ms. Gorton, 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: Akers, Beard, Clarke, Ellinger, Farmer,
Ford, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett-----15

Nay: -----0

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Upon motion of Ms. Henson, seconded by Mr. Myers, and approved by unanimous vote, an Ordinance amending Ordinance No. 138-2012 to make the following corrections: adding Sub-section 6 'indoor live entertainment and/or dancing, when accessory to a restaurant or banquet facility, but only when located closer than one hundred (100) feet from a residential zone' to Section 8-16(d), which was inadvertently omitted (Urban County Planning Commission) was placed on the docket and given first reading.

Upon motion of Ms. Henson, seconded by Ms. Gorton, 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: Akers, Beard, Clarke, Ellinger, Farmer,
Ford, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett-----15

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 Articles 1, 8, 11, 12 and 16 of the Zoning Ordinance to define "automobile and refueling stations" and allow for the dispensing of compressed natural gas and any liquefied petroleum in business and industrial zones, either as a principal use or as a conditional use (Urban County Council).

An Ordinance amending Section 22-5(2) of the Code of Ordinances extending the term of the temporary position of Administrative Officer Sr., Grade 120E for a three (3) year term effective December 8, 2012, in the Div. of Water Quality, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Staff Assistant Sr., Grade 108N, in the Div. of Community Corrections and amending Section 22-5(2) of the Code of Ordinances, abolishing one (1) position of Staff Assistant Sr., Grade 108N in the Div. of Community Corrections, and appropriating funds pursuant to Schedule No. 33.

An Ordinance accepting the private streets in Lochmere Estates Subdivision (Lochmere Ln., Lochmere Ct., and Lochmere Loop), as public streets pursuant to the Private Street Acceptance Policy contingent upon the satisfactory completion of the final course of asphalt on the streets or posting of adequate security for the completion of such paving, posting of an adequate warranty surety related to the paving work, removal of gates from the entry to the subdivision, performance and reporting of closed-circuit televising of all storm sewers within the subdivision, and recording a final record plat within one year of passage of this Ordinance dedicating the streets as public rights of way, dedicating a ten (10) foot street maintenance easement adjacent to the right-of-way, and containing a note assigning maintenance of walls, landscaping, and any other items related to the entry features of the subdivision as well as maintenance of common areas outside the public right of way to the homeowners association.

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. 32.

An Ordinance amending Section 14-85(a) of the Code of Ordinances related to towing to amend the definition of operator and create the definitions of drop fee, private impound cost schedule, standard tow, heavy duty tow, and vehicle; creating Section 14-87(3) of the Code of Ordinances related to towing regarding the license holder's responsibility for its employees; amending Section 14-88(1) of the Code of Ordinances related to towing to amend releasing of vehicles to owners; amending Section 14-88(2) of the Code of Ordinances related to towing to require a copy of the private impound cost schedule be provided to owners; creating Section 14-88(3) of the Code of Ordinances related to towing to require all tow drivers to carry copies of the private impound cost schedule; creating Section 14-88(4) of the Code of Ordinances related to towing to prohibit additional fees other than storage fees; creating Section 14-89.1

related to towing regarding notification to the vehicle owner requirements; amending Section 14-90(1) of the Code of Ordinances related to towing regarding a private impound tow truck service's retention of the vehicle owner's vehicle records; amending Section 14-90(2) of the Code of Ordinances related to towing to add the license plate numbers, state of insurance, make, model and color of the vehicle to be added to the receipt; amending Section 14-90(4) of the Code of Ordinances related to towing to amend the rate for the maximum charges for tows and storage; amending Section 14-90(6) of the Code of Ordinances related to towing to amend the persons authorized to redeem the vehicle; creating Section 14-90(7) of the Code of Ordinances related to towing regarding a credit card processing fee: creating Section 14-91(7) of the Code of Ordinances related to towing to prohibit storage of vehicles from counties other than Fayette County; amending Section 14-92(1) of the Code of Ordinances related to towing to define the requirements for a tow truck service's operator's log; creating Section 14-92(3) of the Code of Ordinances related to towing regarding electronic logs; creating Section 14-92(4) of the Code of Ordinances related to towing regarding retention of logs and files; creating Section 14-92(5) of the Code of Ordinances related to towing regarding subcontracting tow services; creating Section 14-93(11) of the Code of Ordinances related to towing to prohibit tow services from operating any vehicle that has been impounded on a public roadway within Fayette County; creating Section 14-93(12) of the Code of Ordinances related to towing regarding required contact for hookup to an occupied vehicle.

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A Resolution accepting the bid of Pro-Tech Security Sales, establishing a price contract for tactical body armor, for the Div. of Police was given first reading.

Mr. Clay Mason, Commissioner of the Dept. of Public Safety, asked that the rules be suspended in order to give second reading to the resolution.

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

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

Aye: Akers, Beard, Clarke, Ellinger, Farmer,
Ford, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett-----15

Nay: -----0

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Stephen Drosick, Engineering Technician, Grade 111N, \$21.437 hourly, in the Div. of Engineering, effective upon passage of Council, Rebecca Warner, Staff Assistant Sr., Grade 108N, \$17.297 hourly, in the Div. of Police, effective upon passage of Council, William Johnson, Equipment Operator Sr., Grade 109N, \$12.921 hourly, in the Div. of Waste Management, effective upon passage of Council, Issac Clayborne, Equipment Operator Sr., Grade 109N, \$13.663 hourly, in the Div. of Waste Management, effective upon passage of Council, Andrew Ferrell, Equipment Operator Sr., Grade 109N, \$14.260 hourly, in the Div. of Waste Management, effective upon passage of Council and Joseph Baker, Equipment Operator Sr., Grade 109N, \$16.033 hourly, in the Div. of Waste Management, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following probationary sworn appointments: Brian Breeze, Michael Smith, Melissa Neale, Shantanna Hunter, Christy Olivio, Christopher Brunswick, Michael Johnson, Jason Brewer, Jeffrey Sprowl, William King, Jr., Jonathan Cole, Steven Madden, Paul Herald, Matthew Cheesman, Brian Wagner, Shawn Lowe, Patrice Bayeba-Ngogo and Morgan Mills, Community Corrections Officer, Grade 110N, \$14.344 hourly, in the Div. of Community Corrections, effective upon passage of Council, Tony Risen, Police Sergeant, Grade 315N, \$28.588 hourly, in the Div. of Police, effective upon passage of Council, James Lowe, Police Lieutenant, Grade 317E, \$3,025.15 bi-weekly, in the Div. of Police, effective upon passage of Council and Kevin Austin, Fire Captain, Grade 316N, \$23.039 hourly, in the Div. of Fire and Emergency Services, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Jane Higgins, Equipment Operator Sr., Grade 109N, \$16.000

hourly, in the Div. of Youth Services, effective upon passage of Council was given first reading.

Ms. Glenda George, Dept. of Law, asked that the rules be suspended in order to give second reading to the resolution.

Upon motion of Ms. Lawless, seconded by Ms. Scutchfield, the rules were suspended by unanimous vote.

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

Aye: Akers, Beard, Clarke, Ellinger, Farmer,
Ford, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett-----15

Nay: -----0

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A Resolution ratifying the probationary civil service appointments of: Gary Newman, Equipment Operator Sr., Grade 109N, \$19.228 hourly, in the Div. of Parks and Recreation, effective January 14, 2013, Tracey McElroy, Administrative Specialist, Grade 110N, \$18.040 hourly, in the Div. of Waste Management, effective December 17, 2012, Stephanie Dooley, Administrative Specialist, Grade 110N, \$19.782 hourly, in the Div. of Building Inspection, effective February 4, 2013 and Amelia Confides, Administrative Specialist, Grade 110N, \$15.492 hourly, in the Div. of Building Inspection, effective February 4, 2013; ratifying the permanent civil service appointments of: Larry Lewis, Engineering Technician, Grade 111N, in the Div. of Engineering, effective January 16, 2013 and Michael Smith, GIS Specialist, Grade 114N, in the Div. of Computer Services, effective January 1, 2013; ratifying the probationary sworn appointments of: Mark Samuelson, Fire Major, Grade 318E, \$3,521.79 bi-weekly, in the Div. of Fire and Emergency Services, effective December 17, 2012 and unclassified civil service appointments of: Sean Wright, Aging Services Program Manager, Grade 116E, \$2,087.04 bi-weekly, in the Dept. of Social Services, effective December 11, 2012, Alexis Edge, Program Supervisor P/T, Grade 106N, \$12.00 hourly, in the Dept. of Social Services, effective January 2, 2013 and Jerry Rhodes, Child Care Program Aide P/T, Grade 107N, \$12.546 hourly, in the Div. of Youth Services, effective January 18, 2013; ratifying the unclassified civil service appointments to the Office of the Urban County Council: Robert Bolson, Aide to Council,

Grade 000E, \$1,923.08 bi-weekly, in the Council Office, effective January 6, 2013 and Amanda LaFontaine, Aide to Council, Grade 000E, \$1,923.08 bi-weekly, in the Council Office, effective January 6, 2013 was given first reading.

Upon motion of Ms. Mossotti, seconded by Mr. Myers, the rules were suspended by unanimous vote.

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

Aye: Akers, Beard, Clarke, Ellinger, Farmer,
Ford, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett-----15

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Certificate approving the transfer of a Landscape Easement to new owners of property at 201 E. Main St. was given first reading.

Upon motion of Mr. Farmer, seconded by Mr. Lane, the rules were suspended by unanimous vote.

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

Aye: Akers, Beard, Clarke, Ellinger, Farmer,
Ford, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett-----15

Nay: -----0

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A Resolution designating the speed limit on Bellefonte Dr. between Malabu Dr. and Albany Rd. as 25 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation was given first reading.

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

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

Aye: Akers, Beard, Clarke, Ellinger, Farmer,
Ford, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett-----15

Nay: -----0

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The following resolutions were given first reading.

Ms. Lawless asked questions of Mr. Clay Mason, Commissioner of the Dept. of Public Safety, regarding the purpose of the resolutions. Mr. Mason responded.

The resolutions were ordered placed on file two weeks for public inspection.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security, for extension of the FY 2012 Metropolitan Medical Response System (MMRS) Project through June 30, 2013, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security, for extension of the FY 2011 Metropolitan Medical Response System (MMRS) Project through June 30, 2013, at no cost to the Urban County Government.

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A Resolution approving and adopting an Amendment to the 2012 Consolidated Plan eliminating Emergency Solutions Grants funding for the Salvation Army, reallocating the funds to the Bluegrass Domestic Violence Program for operation of an emergency shelter for people who are homeless because of domestic violence, and authorizing the Mayor to execute an Agreement with Bluegrass Domestic Violence Program for use of the funds was given first reading.

Ms. Mossotti recused herself from any consideration of the resolution.

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

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Volunteers of America of Ky., Inc., for support of emergency housing for homeless families, at a cost not to exceed \$8,000.

Ms. Akers recused herself from any consideration of the resolution.

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 bid of Paul Miller Ford, in the amount of \$23,280.88, for aluminum prisoner transport van inserts, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Montgomery Tractor Sales, Inc., establishing a price contract for supplemental tractor parts and accessories, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Atlanco of S.C., and 3F Chimica Americas, Inc., establishing price contracts for Polymer Flocculants, for the Div. of Water Quality.

A Resolution accepting the bid of Walter Martin Excavating, Inc., in the amount of \$219,110, for the Cardinal Ln. Stormwater Improvements, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Walter Martin Excavating, Inc., related to the bid.

A Resolution accepting the bid of Riley Oil Co., establishing a price contract for Commercial Fuel - Diesel, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Ky. Uniforms, establishing a price contract for uniforms for the Div. of Waste Management.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Modifications to Agreements with the Ky. Dept. of Military Affairs, Div. of Emergency Management, for extension of the agreements for funds for the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2009 through March 31, 2013, and for FY 2010, FY 2011 and FY 2012 through September 30, 2013, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Claims Payment Agreement with Humana Insurance Co. for health insurance plans for the period of January 1, 2013 through December 31, 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreed Order with the Ky. Environmental & Energy Cabinet to resolve water quality violations at the Haley Pike Landfill and authorizing payment of a \$35,000

civil penalty which includes \$30,000 to be used for a supplemental environmental project at the Police Canine Facility.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement releasing a portion of a sanitary sewer easement on property located on Patchen Wilkes Dr.

A Resolution authorizing an extension to the timeline for completion for the 2012 Sanitary Sewer Cleaning Program by Leak Eliminators, LLC, to March 25, 2013 at no additional cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Rural and Inner City Adopt-A-Spot Program Agreements with Christ United Methodist Church, BSA #220 (\$1,304.12); Bluegrass Chapter Order of Demolay (\$1,332.32); Paul Lawrence Dunbar Cross Country Boosters (\$1,103.60); Christ Centered Church, BSA #59 (\$1,567.20); Immanuel Baptist Church, BSA #41 (\$1,231.68); St. John's Lutheran Church Venture Crew 279 (\$1,265.40); Rosemont Baptist Church, BSA #98 (\$1,157.40); Beaumont Presbyterian, BSA #279 (\$1,038.28); Greater Faith Apostolic Church, BSA #238 (\$522.98); Christian Youth Fellowship (\$1,942.51); Phillips Memorial Church (\$2,191.56); Boy Scout Troop #103 (\$298.85); Boy Scout Troop #100 (\$772.00); El Shaddai Temple House of Yahweh (\$1,992.32); Boy Scout Troop #186 (\$273.95); Boy Scout Troop #382 (\$448.27); Tates Creek Presbyterian Church BS Troop 226 (\$921.44); Alpha Kappa Alpha-Eta Rho (\$636.12); Lexington Swingers Golf Club Inc. (\$1,616.00); and Alpha Kappa (\$1,023.12) for participation in the Adopt-A-Spot Roadway Cleanup Program, at a cost not to exceed \$22,639.12.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Supplemental Agreement No. 3 with the Ky. Transportation Cabinet, for the acceptance of additional funds for the Todds/Liberty Rd. Widening and Reconstruction Project, Section 1, in the amount of \$145,000, the acceptance of which does not obligate the Urban County Government for the expenditure of funds.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Engineering Services Agreements with six (6) prequalified engineering firms: ECSI, LLC, Palmer Engineering Co., Howard K. Bell Consulting Engineers, Inc.,

Integrated Engineering, PLLC, GRW Engineers, Inc., and Stantec Consulting Services, Inc. to provide engineering services for storm water management projects (Category #3 of RFP #33-2012) related to the Consent Decree Remedial Measures Projects.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Engineering Services Agreements with seven (7) prequalified engineering firms: Florence and Hutcheson, Inc., Nesbitt Engineering, Inc., Bell Engineering, Inc., HDR Engineering, Inc., Strand Associates, Inc., GRW Engineers, Inc., and Stantec Consulting Services, Inc. to provide engineering services for pipeline, manhole, inlet, and junction chamber rehabilitation projects (Category #4 of RFP #33-2012) related to the Consent Decree Remedial Measures Projects.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Contract Amendments with Ashland Park Neighborhood Association, Hill-N-Dale Neighborhood Association, and Chilesburg Maintenance Association, for extension of the completion date of the Neighborhood Action Match Projects to June 1, 2013, December 31, 2013, and June 30, 2013, respectively.

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Upon motion of Ms. Gorton, seconded by Mr. Myers, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the reappointment of Ms. Judy K. Worth to the Agricultural Extension District Board, with a term to expire 1-1-2016; (2) Recommending the appointment of Mr. Brian K. Hodge to the Carnegie Literacy Center Board of Directors, with a term to expire 9-1-2015. Mr. Hodge will fill the unexpired term of Mr. David Lord; (3) Recommending the reappointment of Mr. Richard F. Curtis, as Public Safety designee, to the Commission for Citizens with Disabilities, with a term to expire 12-31-2014; (4) Recommending the appointments of Councilmember Shevawn Akers, as 1st, 2nd and 6th District representative, and Councilmember Harry Clarke, as 9th, 10th, and 12th District representative, to the Corridors Commission, with terms to expire 8-1-2015. Councilmember Akers will fill the unexpired term of Councilmember Tom Blues, and Councilmember Clarke will fill the unexpired term of Councilmember Doug Martin; (5) Recommending the appointment of Mr. Luther L. Andal, as business owner within the overlay zoning district representative, to the Courthouse Area Design Review Board, with a term to expire 6-30-2015. Mr. Andal will fill the unexpired term of Mr. Darren

Teodoro; (6) Recommending the reappointment of Dr. T.K. Logan to the Domestic Violence Prevention Board, with a term to expire 1-1-2017; (7) Recommending the appointment of Mr. John L. Gohmann to the Downtown Development Authority Board of Directors, with a term to expire 1-15-2016; (8) Recommending the appointment of Ms. Jacquelyn Y. French, as LFUCG Parks and Recreation representative, to the Dunbar Neighborhood Center Board, with a term to expire 3-20-2016; (9) Recommending the appointments of Mr. William S. Howard, as housing industry representative, and Ms. Anne-Tyler Morgan, as at-large representative, to the Industrial Revenue Bond Review Committee, with terms to expire 3-5-2017 and 9-27-2016, respectively; and (10) Recommending the appointment of Mr. Ronan O'Carra, as Audubon Society representative, to the Raven Run Citizens Advisory Board, with a term to expire 1-13-2014.

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The following Communications from the Mayor were received for information only: (1) Approving the voluntary demotion of Michelle Haynes, from Telecommunicator Sr., Grade 113N, to Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective November 5, 2012; (2) Acting assignment of Edmon Chaney, Parks and Recreation Superintendent, Grade 119E, in the Div. of Parks and Recreation, effective December 1, 2012; (3) Acting assignment of Melissa Leuker, Director Budgeting, Grade 122E, in the Div. of Budgeting, effective December 4, 2012; (4) Resignation of Ryan Barrow, Director Budgeting, Grade 122E, in the Div. of Budgeting, effective November 27, 2012; (5) Resignation of Zachary Driskell, Police Officer, Grade 311N, in the Div. of Police, effective November 29, 2012; (6) Resignation of Teresa Horton, Staff Assistant, Grade 107N, in the Div. of Emergency Management/911, effective November 30, 2012; (7) Resignation of Robert Shouse, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 5, 2012; (8) Resignation of Andre Williams, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 6, 2012; (9) Resignation of Teresa Jones, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 11, 2012; (10) Resignation of Anthony Stout, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 12, 2012; (11) Resignation of Chad Young, Community

Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 12, 2012; (12) Resignation of Patricia Jackson, Custodial Worker, Grade 102N, in the Div. of Facilities and Fleet Management, effective December 12, 2012; (13) Resignation of Darryl Baker, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective December 12, 2012; (14) Resignation of Jeremy Lizer, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 14, 2012; (15) Resignation of Gerald Florence, Microcomputer Support Specialist, Grade 113N, in the Div. of Police, effective December 18, 2012; (16) Resignation of Shala Godfrey, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 20, 2012; and (17) Resignation of Monica Pattison, Staff Assistant Sr., Grade 108N, in the Div. of Police, effective December 28, 2012.

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Commander Doug Pape, Div. of Police, stated that Officer Michael S. Sharp II had committed the offense of Misconduct, in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.02, in that on the 23rd day of September, 2012, he was not on-duty and in the Kroger's parking lot located at 3650 Boston Rd. at 0216 hours with family and friends when Patrol Officers were dispatched to that location in reference to a disorder. Mr. Timothy Jenks was walking past a truck and heard a bottle hit the ground and stated something to the effect of 'not wasting a good beer.' A few moments later, Mr. Jenks was approached by Officer Michael S. Sharp II and Mr. Thompson, who instigated a verbal and physical altercation. A struggle ensued and minor injuries occurred to both Mr. Jenks and Officer Sharp and that the appropriate punishment for this offense is Forty (40) Hours Suspension Without Pay.

Upon motion of Ms. Gorton, seconded by Ms. Henson, the disciplinary action was approved by unanimous vote.

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Commander Doug Pape, Div. of Police, stated that Officer Adam P. Ray had committed the offense of Dissemination of Information in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.15 in that on the 15th day of September, 2012, he accessed information from his MDC for a non-law enforcement purpose and gave this information to a citizen. This person used the information to

identify a car and proceeded to 'key' the car, resulting in criminal mischief, and that the appropriate punishment for this offense is Twenty (20) Hours Suspension Without Pay.

Upon motion of Ms. Henson, seconded by Mr. Beard, the disciplinary action was approved by unanimous vote.

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Commander Doug Pape, Div. of Police, stated that Lieutenant Edward A. Hart had committed the offense of Misconduct and Unsatisfactory Performance in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.02 and Section 1.11, in that on the 4th day of September, 2012, on various dates and times during the last twelve months, has made multiple postings on Facebook. These postings have caused concern with his subordinate officers as well as his supervisors. While these postings have been interpreted as offensive, improper, and/or unprofessional, they have, at the very least, had a direct impact on his ability to effectively supervise personnel under his command. Lieutenant Hart has failed to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Division by compromising his standing in a supervisory position. The public posting of material, pictures, and statements by Lieutenant Hart has reflected poorly upon the Division and has clearly demonstrated an impairment to the operation and efficiency of the Division. In addition, Lieutenant Hart's ability to effectively supervise subordinates has been diminished and his ability to project the Division of Police's image in a positive manner has been compromised, and that the appropriate punishment for this offense is a 30-Day Suspension (240 Hours) Without Pay.

Ms. Henson asked questions of Commander Pape regarding the rank of the Lieutenant Hart. Commander Pape confirmed his rank.

Upon motion of Ms. Gorton, seconded by Ms. Henson, the disciplinary action was approved by unanimous vote.

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Mr. Sean Tibbetts, Hillside Drive, Director of the Bluegrass Food Truck Association, brought several concerns regarding licensing and compliance for food truck operators to the Council and made suggestions to mitigate some of their concerns.

Mr. Farmer asked questions of Mr. Tibbitts.

Ms. Lawless spoke about Mr. Tibbitts' concerns, and about the work of the Itinerant Merchant Task Force.

Ms. Henson stated that this issue is in the Economic Development Committee and is on the list to be addressed at the next meeting.

Mr. Kay spoke to the issue and asked questions of Mr. Bill O'Mara, Acting Commissioner of the Dept. of Finance and Director of the Div. of Revenue, about food truck operators' situation with occupational license fees. Mr. O'Mara responded.

The Mayor spoke to the issue and excused himself from the meeting, turning the chair over to Vice Mayor Gorton at 7:13 p.m.

Mr. Kay continued to speak about the issue and asked questions of Mr. Derek Paulsen, Commissioner of the Dept. of Planning, Preservation and Development. Mr. Paulsen responded.

The Council continued to discuss the issue and to ask questions of Mr. O'Mara, Mr. Paulsen, and Mr. Tibbetts.

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Ms. Ann Hammond, Director of the Lexington Public Library System, distributed a packet of information and a t-shirt to each Council Member and spoke about the programs that the Library is offering. She filed the following exhibit: (1) Information packet.

Ms. Gorton thanked Ms. Hammond, and spoke about the Library's program offerings.

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Mr. Bernard McCarthy, Harry Street, stated his concerns about accessing businesses that no longer stay open after normal work hours. He also spoke about a need for more streets at the edge of the downtown area.

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Mr. Ford announced the special activities in connection with Dr. Martin Luther King Jr. Day, and thanked all those volunteers who make the celebrations special. He noted the Breakfast downtown, the annual March downtown, and the service projects ongoing throughout the weekend. He reminded everyone that the Presidential Inauguration would take place on Monday, January 21, 2013. He announced that Woodsongs was moving to the Lyric Theatre.

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Upon motion of Mr. Ellinger, seconded by Mr. Myers, and approved by unanimous vote, the meeting adjourned at 7:45 p.m.

Clerk of the Urban County Council