

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky February 12, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on February 12, 2013 at 6:00 P.M. Present were Mayor Jim Gray in the chair presiding, and the following members of the Council: Council Members Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Mossotti, Myers, Scutchfield, Stinnett, Akers, Beard, Clarke and Ellinger.

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

Resolutions No. 6-2013 thru 32-2013, and Ordinances No. 5-2013 thru 10-2013, inclusive were reported as having been signed and published, and ordered to record.

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The Invocation was given by Chaplain Frank Firestine, Div. of Community Corrections.

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The Mayor introduced Boy Scout Troop 111, led by Scoutmaster Dan Thompson, in attendance at the meeting to work on a Citizenship in the Community merit badge.

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Mr. Ford asked that the rules be suspended to take public comment out of order on a resolution for second reading. The Mayor stated he was aware of the situation, and was planning to take the comments just prior to the reading of the resolution. Mr. Ford withdrew his request.

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

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

Nay: -----0

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Skilled Trades Worker Sr., Grade 112N and abolishing one (1) position of Skilled Trades Worker, Grade 111N in the Div. of Community Corrections, appropriating funds pursuant to Schedule No. 35, effective upon passage of Council.

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. 34.

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The following ordinances were given first reading and ordered placed on file until February 28, 2013 for public inspection.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, changing the position title of Social Worker Sr., Grade 113E, to Life Skills Program Specialist, Grade 113E, in the Div. of Family Services, effective upon passage of Council.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) position of Deputy Chief Administrative Officer, Grade 122E, in the Office of the Chief Administrative Officer, appropriating funds pursuant to Schedule No. 37, effective upon passage of Council.

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. 36.

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A Resolution ratifying the probationary civil service appointments of: Cristie Taylor, Police Analyst, Grade 111N, \$22.091 hourly, in the Div. of Police, effective February 11, 2013, Jennifer Hollon, Paralegal, Grade 113N, \$20.277 hourly, in the Dept. of Law, effective January 28, 2013 and Denise Washington, Customer Service Specialist, Grade 110N, \$17.490 hourly, in the Div. of Government Communications, effective February 11, 2013; ratifying the probationary sworn appointments of: Kenneth Raglin, Fire Major, Grade 318E, \$3,521.79 bi-weekly, effective January 5, 2013, Eddie Crews and Michael Farmer, Fire Major, Grade 318E, \$3,521.79 bi-weekly, effective January 11, 2013, Todd Reece, Fire Major, Grade 318E, \$3,521.79 bi-weekly, effective January 12, 2013, Joseph Whitt, Fire Captain, Grade 316N, \$23.039 hourly, effective January 5, 2013, Jeffrey Johnson, Marc Bramlage, and Andrew Short, Fire Captain, Grade 316N, \$23.039 hourly, effective January 11, 2013, Chris Bartley and Chad Traylor, Fire Captain, Grade 316N, \$23.039 hourly, effective January 12, 2013, Robert Hannan, Fire Lieutenant, Grade 315N, \$17.740 hourly, effective January 4, 2013, Christopher Rudd, Fire Lieutenant, Grade 315N, \$17.740 hourly, effective January 5, 2013, Jordan Saas, Adam Sorrell, Matthew Swiderski, and Jeremy Poynter, Fire Lieutenant, Grade 315N, \$17.740 hourly, effective January 11, 2013, Nathan Settles and Derek Roberts, Fire Lieutenant, Grade 315N, \$17.740 hourly, effective January 12, 2013, and Robert Forehand, Fire Lieutenant, Grade 315N, \$17.740 hourly, effective January 13, 2013, all in the Div. of Fire and Emergency Services; ratifying the approved Council Leave for: Tabitha Highley, GIS Specialist, Div. of Computer Services, beginning February 21, 2013 thru March 20, 2013; ratifying the unclassified civil service appointment of: Thomas Blues, Program Specialist, Grade 112E, \$1,628.08 bi-weekly,

in the Office of the Mayor, effective February 4, 2013 was on the docket for second reading.

The Mayor recognized Ms. Therese Warrick, Dept. of Law employee, who spoke about the resolution. She stated she had filed a grievance in response to the filling of the position of Paralegal in the Dept. of Law, listed on the resolution, and explained her issues.

Ms. Janet Graham, Commissioner of the Dept. of Law, spoke about the proposed appointment of Ms. Hollon, and spoke to the issues that had been raised by Ms. Warwick.

Ms. Jennifer Hollon, Dept. of Law employee, spoke in defense of her proposed appointment, and stated nothing had been erroneous on her application.

Ms. Mossotti asked questions of Ms. Graham regarding the goal and time frame for handling the filed grievance. Ms. Graham responded.

Mr. Ford made a motion, seconded by Ms. Mossotti, to separate the resolution from the list of resolutions for second reading, and to table the resolution until after the first reading of resolutions.

The motion **failed** by a vote of 3 – 12 (Farmer, Gorton, Henson, Kay, Lane, Lawless, Myers, Scutchfield, Stinnett, Akers, Beard and Ellinger voted **no**).

The Council continued to ask questions of Ms. Graham regarding the grievance process.

Ms. Lawless made a motion to separate the appointment of Jennifer Hollon, Paralegal, Grade 113N, \$20.277 hourly, in the Dept. of Law, effective January 28, 2013, from the resolution for consideration. The motion **failed** for lack of a second.

The Council continued to ask questions of Ms. Graham regarding the grievance process.

Ms. Graham offered to step out of the grievance process and to direct the grievance to the Chief Administrative Officer.

The Council continued to ask questions of Ms. Graham and to discuss the issue.

Mr. Ford made a motion, seconded by Ms. Gorton, to appoint the Chief Administrative Officer to work with the Div. of Human Resources to work through the grievance, rather than the Commissioner of Law.

Mr. Kay spoke on the issue, and offered a friendly amendment to the motion to ask the Administration to look at the grievance procedure to ensure there is no conflict of interest. Mr. Ford did not accept the amendment.

Mr. Kay made a motion, seconded by Ms. Akers, to amend Mr. Ford's motion to ask the Administration to look at the grievance procedure to ensure there is no conflict of interest.

Mr. Kay's motion to amend **passed** by a majority vote of 13 – 2 (Ford and Henson voted **no**).

Mr. Ford asked additional questions of Ms. Graham. Mr. John Maxwell, Director of the Div. of Human Resources, also responded.

Mr. Ford's amended motion **passed** by a majority vote (Farmer, Ford and Henson abstained when the vote was taken).

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

Aye: Farmer, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett,
Akers, Beard, Clarke, Ellinger-----14

Nay: Ford-----1

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A Resolution ratifying the unclassified civil service appointment of: Richard Moloney, Commissioner of Environmental Quality and Public Works, Grade 211E, \$4,616.00 bi-weekly, effective January 23, 2013 was given second reading.

Upon motion of Mr. Stinnett, and seconded by Mr. Myers, the resolution was approved by the following vote:

Aye: Farmer, Gorton, Henson, Kay, Lane,
Lawless, Myers, Scutchfield, Stinnett, Akers,
Beard, Clarke, Ellinger-----13

Nay: Ford, Mossotti-----2

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A Resolution changing the street names and property address numbers of 1637 Courtney Ave. to 601 Appletree Ln., of 2280 Thunderstick Dr. to 2255 Buena Vista Rd., of 2051 Capstone Dr. to 2031 Georgetown Rd., of 333 Desha Rd. to 1226 Ghent Rd., of 1504 Colesbury Circle to 547 W. New Circle Rd., and of 1676 McGrathiana Parkway to 1000 Tempur Way; and changing the property address number of 604 E. High St. to

602 E. High St., of 324-334 S. Martin Luther King Blvd. to 326 S. Martin Luther King Blvd., of 346-380 S. Martin Luther King Blvd. to 344 S. Martin Luther King Blvd., and of 1104 Stillwell Ave. to 1100 Stillwell Ave., all effective thirty days from passage was given second reading.

Ms. Lawless stated her concern with the address change from Desha Rd. to Ghent Rd. listed in the resolution. Mr. Farmer responded to Ms. Lawless' concerns.

Upon motion of Mr. Stinnett, and seconded by Mr. Myers, the resolution was approved the following vote:

Aye: Farmer, Gorton, Henson, Kay, Lane,
Mossotti, Myers, Scutchfield, Stinnett, Akers,
Beard, Clarke, Ellinger-----13

Nay: Ford-----1
(Ms. Lawless abstained when the vote was taken.)

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A Resolution approving the unclassified civil service appointment of: Sally Hamilton, Chief Administrative Officer, Grade 213E, \$4,039.00 bi-weekly, in the Office of the Chief Administrative Officer, effective January 23, 2013 was given second reading.

Upon motion of Mr. Stinnett, and seconded by Mr. Myers, the resolution was approved the following vote:

Aye: Farmer, Gorton, Henson, Kay, Lane,
Lawless, Myers, Scutchfield, Stinnett, Akers,
Beard, Clarke, Ellinger-----13

Nay: Mossotti-----1
(Mr. Ford abstained when the vote was taken.)

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A Resolution ratifying the unclassified civil service appointment of: Geoffrey Reed, Commissioner of General Services, Grade 210E, \$4,038.48 bi-weekly, effective January 23, 2013 was given second reading.

Upon motion of Mr. Stinnett, and seconded by Mr. Myers, the resolution was approved by the following vote:

Aye: Farmer, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett,
Akers, Beard, Clarke, Ellinger-----14

Nay: -----0
(Mr. Ford abstained when the vote was taken.)

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

Aye: Farmer, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett,
Akers, Beard, Clarke, Ellinger-----14

Nay: Ford-----1

A Resolution accepting the bid of Pace Contracting, LLC, establishing a price contract for Final Clarifier Equipment Replacement, for the Div. of Water Quality.

A Resolution accepting the bid of Intec Property Services, establishing a price contract for Custodial Services - Dr. Samuel Brown Health Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Langley and Taylor Pool Corp., in the amount of \$28,051.05, for ADA Swimming Pool Lifts and Installation, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Miller Transportation, Inc., establishing a price contract for Charter Bus Service, for the Div. of Parks and Recreation.

A Resolution accepting the bid of GRW, in the amount of \$55,854.05, for photogrammetric services, for the Div. of Water Quality.

A Resolution approving the granting of an inducement to KD Analytical Consulting, Inc., pursuant to the Ky. Business Investment Act (KRS Chapter 154.32), whereby the Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees for a term of not longer than ten (10) years from the activation date, subject to the limitations contained in the Act and any agreement KD Analytical Consulting, Inc., has with the Ky. Economic Development Finance Authority related to the project, and taking other related action.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Exchange of Information Agreement with the Dept. of Revenue, Finance and Administration Cabinet, for the Commonwealth of Ky., at no cost to the Urban County Government and further authorizing the Director of Revenue and other personnel to execute any documents related to the confidentiality of such information.

A Resolution authorizing the Div. of Waste Management, on behalf of the Urban County Government, to purchase six (6) custom Sorting Fingers Discs (STARS) for the Materials Recovery Facility from Machinex Technologies, Inc., a sole source provider, at a cost not to exceed \$31,188.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Engineering Services Agreements with twenty-two (22) prequalified engineering firms: HMB Professional Engineers, Inc., Arcadis U.S. Inc., Florence and Hutcheson, Inc., Ky. Engineering Group, PLLC, CMW Inc., O'Brien and Gere Engineers, Inc., R.M. Johnson Engineering, Inc., MSE of Ky., Inc., Vision Engineering, LLC, Nesbitt Engineering, Inc., ECSI, LLC, EA Partners, PLC, Palmer Engineering Co., Howard K. Bell Consulting Engineers, Inc., Kenvirons, Inc., HDR Engineering, Inc., Strand Associates, Inc., CDP Engineers, Inc., GRW Engineers, Inc., Stantec Consulting Services, Inc., Tetra Tech, Inc., and Integrated Engineering, PLLC, to provide engineering services for Dig and Replace Pipeline Projects (Category #2 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 a Release of Easement releasing a portion of a utility easement on property located at 3600 Winthrop Dr.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Commonwealth of Ky. Office of Highway Safety, 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 \$10,000 Federal funds, are for "Click It or Ticket" Safety Belt Enforcement Mobilization, 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 the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Storm Sewer Easement releasing a portion of a storm sewer easement on property located at 1146 Monarch Dr.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Claunch Construction, LLC, for

Meadows/Northland/Arlington Public Improvements Project, Phase 3D, increasing the contract price by the sum of \$26,439.86 from \$809,238.90 to \$835,678.76.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement Granting Additional Responsibility pursuant to KRS 198B.060(5), with the Commonwealth of Ky.'s Dept. of Housing, Buildings and Construction, specifying the enforcement responsibilities within Lexington-Fayette County, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit two (2) Grant Applications to the Ky. Transportation Cabinet, to provide any additional information requested in connection with these Grant Applications, and to accept the Grants if the applications are approved, which Grant funds are in the amount of \$215,000 Federal funds, are for the Traffic Safety Program (\$165,000) and the Speed Enforcement Project (\$50,000), 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 approving the granting of an inducement to Webasto Roof Systems, Inc., pursuant to the Ky. Business Investment Act (KRS Chapter 154.32), whereby the Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees for a term of not longer than ten (10) years from the activation date, subject to the limitations contained in the Act and any Agreement Webasto Roof Systems, Inc., has with the Ky. Economic Development Finance Authority related to the project, and taking other related action.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Michael Galavotti, Municipal Engineer Sr., Grade 119E, \$2,929.44 bi-weekly, in the Div. of Engineering, effective upon passage of Council, Antonio Mack, Public Service Worker, Grade 106N, \$11.245 hourly, in the Div. of Parks and Recreation, effective upon passage of Council, Christopher Toutant, Public Service Worker, Grade 106N, \$12.486 hourly, in the Div. of Parks and Recreation, effective upon passage of Council, Lindsey Luker, Accountant, Grade 113E, \$1,359.44 bi-weekly, in the Div. of Accounting, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the

following probationary sworn appointments: Samuel Murdock, Police Lieutenant, Grade 317E, \$3,025.15 bi-weekly, Christopher Dearing, Brian Peterson, and Allen Culver, Police Sergeant, Grade 315N, \$28.588 hourly, Travis Holt, Brian Baker, William Bellomy, Daniel Kimball, Dilyana Nicolova, Adam Brown, Blake Leathers, Kevin Paddock, Miles Meehan, Logan Smith, Kevin Preston, James Ayres, Glen Wagoner Jr., Charles Farley III, Elizabeth Ruiz, Matthew Laney, Daniel Marino, Jeremy Wilson, Benjamin Helsby, Monika Rozalski, Andrew Thompson, Steven Newton, Milton Ashby, Michael Hagan, Jason Millay, Michelle Patton, James Powell, Delbert Hunter, Matthew Good, McKenzie Willoughby, Cristopher Johnson, Robert Gray, Lance Greene, Antonio Muniz II, Bradley Toadvine, Jordan Truett, Ronald Jones Jr., Brian Cobb, Douglas Weinandy, Jeffrey Horn, Jordan Tyree, and Conner Trumble, Police Officer, Grade 311N, \$17.649 hourly, all in the Div. of Police, all effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointments: William Azevedo, Construction Manager, Grade 122E, \$3,991.84 bi-weekly, in the Dept. of Environmental Quality and Public Works effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Stephen Pracht, Council Staff Specialist, Grade 110N, \$14.500 hourly, in the Office of the Urban County Council, effective upon passage of Council was given first reading.

Upon motion of Ms. Mossotti, seconded by Mr. Farmer, the rules were suspended by majority vote of 14-0 (Mr. Ford was absent when the vote was taken).

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

Aye: Farmer, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett,
Akers, Beard, Clarke, Ellinger-----14

Nay: -----0
(Mr. Ford was absent when the vote was taken.)

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A Resolution ratifying the probationary civil service appointments of: Yvonne Brown, Staff Assistant Sr., Grade 108N, \$14.071 hourly, in the Div. of Human Resources, effective February 25, 2013, Dave Toombs, Fleet System Manager, Grade 116E, \$1,880.32 bi-weekly, in the Div. of Facilities and Fleet Management, effective

February 1, 2013, Richard Boone, Program Manager Sr., Grade 120E, \$2,976.32 bi-weekly, in the Div. of Waste Management, effective February 11, 2013, James McCarty, Public Service Supervisor, Sr., Grade 114E, \$1,699.28 bi-weekly, in the Div. of Waste Management, effective February 11, 2013, Ralishia Howard, Life Skills Program Specialist, Grade 113E, \$1,436.40 bi-weekly, in the Div. of Community Corrections, effective February 11, 2013, ratifying the unclassified civil service appointment of: Leigh Shotton, Probation Officer-Juvenile, Grade 112N, \$19.490 hourly, in the Div. of Youth Services, effective February 25, 2013, ratifying the unclassified civil service salary adjustment of: Jessica Gies, Aide to Council, Grade 000E, from \$2,098.80 bi-weekly to \$2,131.36 bi-weekly, in the Council Office, effective January 28, 2013 was given first reading.

Upon motion of Mr. Stinnett, seconded by Mr. Kay, the rules were suspended by majority vote of 14-0 (Mr. Ford was absent when the vote was taken).

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

Aye: Farmer, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett,
Akers, Beard, Clarke, Ellinger-----14

Nay: -----0
(Mr. Ford was absent when the vote was taken.)

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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 Waste Management and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$15,000 Commonwealth of Ky. funds, under the Ky. Waste Tire Crumb Rubber Grant Program, and are for installation of a bonded rubber surface at Kenwick Playground was given first reading.

Upon motion of Mr. Farmer, seconded by Ms. Lawless, the rules were suspended by majority vote of 14-0 (Mr. Ford was absent when the vote was taken).

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

Aye: Farmer, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett,
Akers, Beard, Clarke, Ellinger-----14

Nay: -----0
(Mr. Ford was absent when the vote was taken.)

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Ky. Community and Technical College System on behalf of Bluegrass Community and Technical College, for lease of the Megowan Building, at a cost not to exceed \$89,239, for FY 2014 subject to appropriation by Council was given first reading.

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

Upon motion of Mr. Stinnett, seconded by Ms. Henson, the rules were suspended by majority vote of 14-0 (Mr. Ford was absent when the vote was taken).

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

Aye: Farmer, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett,
Akers, Beard, Clarke, Ellinger-----14

Nay: -----0
(Mr. Ford was absent when the vote was taken.)

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A Resolution requesting that the Ky. General Assembly consider adopting legislation granting the Lexington-Fayette Urban County Government Ethics Commission authority to issue administrative subpoenas in relation to ethics complaints, hearings, and other matters was given first reading.

Upon motion of Ms. Scutchfield, seconded by Ms. Lawless, the rules were suspended by majority vote of 14-0 (Mr. Ford was absent when the vote was taken).

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

Aye: Farmer, Gorton, Henson, Kay, Lane,
Lawless, Mossotti, Myers, Scutchfield, Stinnett,
Akers, Beard, Clarke, Ellinger-----14

Nay: -----0
(Mr. Ford was absent when the vote was taken.)

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The following resolutions were given first reading and ordered placed on file until February 28, 2013, for public inspection.

A Resolution accepting the bid of E.C. Matthews, in the amount of \$126,060, for the Lexington Downtown Streetscape Phase One, Site Amenities Package - Main St. and Cheapside, for the Dept. of Environmental Quality and Public Works, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with E.C. Matthews, related to the bid.

A Resolution accepting the bid of Landmark Sprinkler, Inc., in the amount of \$31,630, for Fire Suppression System Repair for Kentucky Theatre, for the Dept. of General Services.

A Resolution accepting the bid of Martin's Sanitation Service, Inc., establishing a price contract for portable restrooms, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Churchill McGee, LLC, in the amount of \$1,094,520, for the Carver Community Center Renovation for the Dept. of General Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Churchill McGee, LLC, related to the bid.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. (6) Final to the Contract with Woodall Construction Co., for the Clays Mill Rd. Improvements Project, increasing the contract price by the sum of \$183,901.23 from \$3,750,690.60 to \$3,934,591.83.

A Resolution amending Section 2 of Resolution No. 633-2012, relating to the bid acceptance of Smith Contractors, Inc. for the West Hickman Waste Water Treatment Plant Odor Control Improvements to change the accounting line from 4003-303403-92711 to 4003-303401-92711.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Commonwealth of Ky. Transportation Cabinet, for reimbursement for sanitary sewer improvements on Fourth Street at a cost not to exceed \$793,064.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a temporary construction easement on property located at 233 Ruccio Way.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing two (2) temporary construction easements and a temporary access easement on property located at 225 Ruccio Way.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Consultant Services Agreement with RCC Consultants, Inc., for technical services related to the Public Safety Radio System Project, increasing the contract price by the sum of \$19,406.97 from \$35,820.00 to \$55,226.97.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with March Madness Marching Band (\$625), and Lexington Women's Club (\$650), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with PFM Asset Management, LLC to provide various services for the Dept. of Finance, at a cost not to exceed \$12,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute necessary documents and accept a Deed conveying a permanent easement across the property located at 2000 St. Christopher Dr., for the Idle Hour North Stormwater Improvements Project, at a cost not to exceed \$1,400, plus usual and appropriate closing costs.

A Resolution accepting multiple responses to RFP No. 24-2012 - Comprehensive Commercial Banking Services, for the Dept. of Finance, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute Agreements and

any other necessary documents related to the RFP with J.P. Morgan Chase Bank, N.A.; U.S. Bank National Association; Elavon, Inc., and any related affiliates, at a total estimated cost not to exceed \$110,000 for FY2014.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Omnisource Integrated Supply, LLC, for the WebEOC Coordinator Services, using funds awarded under the Chemical Stockpile Emergency Preparedness Program, at a cost not to exceed \$53,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Benefits Insurance Marketing to provide a review of voluntary insurance for a one year term beginning February 1, 2013, for the Urban County Government.

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Ms. Gorton made a motion, seconded by Mr. Myers, to approve the following Communications from the Mayor: (1) Recommending the appointment of Ms. Sarah H. Tate, property owner within Fayette County, to the Board of Architectural Review, with a term to expire 6-30-2016; (2) Recommending the appointments of Ms. Connie Rayford and Mr. Geoffrey S. Reed to the Charles Young Center Advisory Board, with terms to expire 3-1-2014. Ms. Rayford will fill the unexpired term of Mr. Glenn Brown, LFUCG representative, and Mr. Reed will fill the unexpired term of Ms. Sally Hamilton, LFUCG representative; (3) Recommending the reappointment of Mr. Jerry W. Kersey, Jr., as representative of an organization that represents people with specific disability, to the Commission for Citizens with Disabilities, with a term to expire 1-1-2017; (4) Recommending the appointments of Mr. James K. Millard, as Historic Preservation Community representative, voting, and Ms. Maxine B. Rudder, as Biologist representative, to the Greenspace Commission, with terms to expire 7-18-2015, and 7-18-2013, respectively. Ms. Rudder will fill the unexpired term of Ms. Jonetta Young; (5) Recommending the appointment of Mr. Kenyata R. Johnson, as direct recipient of LHA representative, to the Housing Authority Board, with a term to expire 6-30-2016; (6) Recommending the reappointment of Ms. Sandra N. Canon to the Human Rights Commission, with a term to expire 1-1-2017; (7) Recommending the appointment of Mr. Bernie L. Fields, as builder/developer representative, to the Infrastructure Hearing Board, with a term to expire 2-1-2015; (8) Recommending the reappointment of Ms.

Jennifer F. Burke, as CPA professional, at-large representative, to the Internal Audit Board, with a term to expire 12-1-2016; (9) Recommending the appointment of Ms. Donna M. Campbell, as at-large representative, to the Lyric Theatre and Cultural Arts Center Board of Directors, with a term to expire 12-8-2015. Ms. Campbell will fill the unexpired term of Ms. Freda Meriwether; (10) Recommending the appointments of Councilmember Shevawn Akers, as ex-officio, non-voting member, and Ms. Irma K. Blues, as McConnell's Trace Neighborhood Association representative, to the Masterson Station Park Advisory Board, with terms to expire 00-00-0000, and 5-1-2016, respectively. Ms. Blues will fill the unexpired term of Mr. Robert Russell-Tutty; (11) Recommending the reappointments of Mr. Steve Hupman, as 12th District representative, Mr. Keith B. Jones, as 1st District representative, and Mr. Michael L. Smith, as 3rd District representative, to the Parks and Recreation Advisory Board, with terms to expire 1-14-2017; and (12) Recommending the appointment of Ms. Tammy L. Osborne, as Lexington Herald-Leader representative, to the Picnic with the Pops Commission, with a term to expire 7-1-2014. Ms. Osborne will fill the unexpired term of Mr. Jeff Anderson.

Mr. Beard asked a question regarding the recommended appointment of Ms. Sarah Tate to the Board of Architectural Review. Mr. Derek Paulsen, Commissioner of the Dept. of Planning, Preservation and Development, responded about her residency.

The motion **passed** by a majority vote of 14-0 (Mr. Ford was absent when the vote was taken).

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The following Communications from the Mayor were received for information only: (1) Approving the voluntary demotion of Stephanie Dooley, from Administrative Specialist, Grade 110N to Staff Assistant Sr., Grade 108N, in the Div. of Building Inspection, effective February 4, 2013; (2) Resignation of Pamela Proctor, Accountant, Grade 113E, in the Div. of Accounting, effective January 2, 2013; (3) Resignation of Lori Vanover-Segar, Probation Officer-Juvenile, Grade 112N, in the Div. of Youth Services, effective January 4, 2013; (4) Resignation of Daro Handy, Public Service Worker Sr., Grade 107N, in the Div. of Parks and Recreation, effective January 11, 2013; (5) Resignation of Latrice Campbell, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective January 13, 2013; (6) Resignation of Debra

King, Social Worker Sr., Grade 113E, in the Div. of Youth Services, effective January 13, 2013; (7) Resignation of Jane Driskell, Commissioner of Finance, Grade 211E, in the Dept. of Finance, effective January 15, 2013; (8) Resignation of Myron Edwards, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective January 15, 2013; (9) Resignation of Tron Edwards, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective January 24, 2013; (10) Resignation of Benjamin Peel, Maintenance Mechanic, Grade 113N, in the Div. of Water Quality, effective January 24, 2013; and (11) Resignation of Alex Nesbit, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective January 25, 2013.

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The Reports from the Div. of Building Inspection for the 4th Quarter (October - December) of 2012 and for the Year 2012 were received and filed.

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Commander Ken Armstrong, Div. of Police, stated that Officer Brian Taylor had committed the offense of Violating Any Rules of the Division, in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.35, in that on various days of various months in 2012, he was conducting a private investigation into a criminal case in Jessamine County. This information was reported to the Lexington Division of Police Internal Affairs Section by Mr. Andy Sims, Prosecutor for the Jessamine County Attorney's Office in September 2012. Mr. Sims stated that Officer Taylor was indirectly investigating a criminal case involving Mr. Willie Dale Fain, a convicted felon with a reputation for being involved in criminal activity. Officer Taylor had assisted with the case preparation for the defense attorney, Rebecca Lyttle, regarding the criminal proceeding for Mr. Willie Dale Fain, and that the appropriate punishment for this offense is a Written Reprimand.

Upon motion of Mr. Ellinger, seconded by Ms. Gorton, the disciplinary action was approved by a majority vote of 14-0 (Mr. Ford was absent when the vote was taken).

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Commander Ken Armstrong, 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, he on various dates and

times during the last 12 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 postings 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 160 Hours Suspension Without Pay (Revised on 1-25-2013).

Ms. Henson made a motion, seconded by Ms. Gorton, to approve the disciplinary action.

Ms. Henson asked questions regarding the action for Lieutenant Edward Hart, and whether it was a second occurrence. Commander Armstrong and Assistant Chief Mark Barnard, Div. of Police, responded. The Mayor also responded regarding the process for disciplinary actions.

Mr. Myers asked additional questions of Commander Armstrong, Assistant Chief Barnard and the Mayor.

Ms. Lawless made a motion, seconded by Mr. Farmer, and approved by majority vote of 14-0 (Mr. Ford was absent when the vote was taken), to call the question.

The disciplinary action was approved by a majority vote (Mr. Ford was absent when the vote was taken.)

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Upon motion of Mr. Ellinger, seconded by Ms. Gorton, and approved by a majority vote of 14-0 (Mr. Ford was absent when the vote was taken), the meeting adjourned at 7:28 p.m.

Clerk of the Urban County Council