

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky March 21, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on March 21, 2013 at 6:00 P.M. Present were Mayor Jim Gray in the chair presiding, and the following members of the Council: Council Members Lane, Lawless, Mossotti, Myers, Scutchfield, Stinnett, Akers, Beard, Clarke, Ellinger, Farmer, Ford, Gorton, Henson, and Kay.

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

Resolutions No. 83-2013 thru 104-2013, and Ordinances No. 18-2013 thru 29-2013, inclusive were reported as having been signed and published, and ordered to record.

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The Invocation was given by Rev. Tom Grieb, Centenary United Methodist Church.

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Mr. Clarke introduced Mr. Ralph Bright and Mr. Xander Hardy, second-graders at Stonewall Elementary and Wellington Elementary, who were working on their Wolf Badges for the Cub Scouts.

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The Mayor and Council Members Akers, Clarke, Beard, Henson, Lane, Lawless presented awards to the 2012 National Recycle Bowl School winners. The Mayor and Ms. Henson spoke about the program. The competition was held October 15 – November 9, 2012, and was sponsored by Keep America Beautiful and Nestlé Water. Students and teachers from five schools in Fayette County participated: Ashland Elementary, Leestown Middle, Montessori Middle, Dunbar High School, and Russell Cave Elementary.

The winners were announced and given awards.

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The Mayor and Ms. Gorton presented a Henry Clay Ambassadorship to Captain Shannon Ison, recipient of the Silver Star, a member of the Kentucky National Guard, and an employee of the Div. of Fire and Emergency Services. The Mayor spoke about Captain Ison's service and thanked him.

Ms. Gorton stated it was an honor for the Mayor and Council to be able to recognize Captain Ison, and thanked him for his service.

Captain Ison thanked the Mayor and Council for their recognition.

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An Ordinance amending Articles 1, 8, and 12 of the Zoning Ordinance to make various modifications to the B-1 zone, including the addition of several new definitions. (Urban County Planning Commission) was given second reading.

Upon motion of Ms. Henson, seconded by Mr. Farmer, and approved by unanimous vote, the ordinance was removed from the docket in order to be heard in the Council Planning Committee.

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

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

Nay: -----0

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Social Worker Sr., Grade 113E, and amending Section 22-5(2) creating one (1) position of CASA Services Manager, Grade 116E, in the Div. of Youth Services, appropriating funds pursuant to Schedule No. 42, effective upon passage of Council.

An Ordinance repealing Ordinance No. 252-2009, dissolving the Showprop Lexington Development Area and Incremental Tax Special Fund, and cancelling, terminating, or authorizing the Mayor or his designee to request the termination of any Agreements related to Ordinance No. 252-2009.

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. 41.

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An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a Neighborhood Business (B-1) zone, for 0.309 net (0.403 gross) acres, for property located at 708-712 Henry Clay Blvd. (Steve and Cathy Snowden; Council District 5) was on the docket for first reading.

Mr. Farmer spoke about the ordinance in relation to the process by which it had been brought before Council. He stated due to an error in the process there had not been enough time for the Council and the involved parties to review the Planning Commission's recommendation, and therefore those involved had not had time to make their case in favor of having or not having a public hearing.

Mr. Farmer asked that the objectors be allowed to make comments at that time.

The following citizens spoke in favor of a public hearing: (1) Ms. Caren Caton, Henry Clay Boulevard; and (2) Mr. Louis Thomas, Henry Clay Boulevard.

Mr. Kay asked for clarification on whether Mr. Richard Murphy, representing the petitioner, could make comments regarding the scheduling of a hearing. Mr. Bill Sallee, Div. of Planning, and Mr. Keith Horn, Dept. of Law, responded.

Mr. Murphy continued his statement.

The ordinance was given first reading and ordered placed on file until April 11, 2013, for public inspection.

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The following ordinances were given first reading. Upon motion of Ms. Gorton, seconded by Mr. Ellinger, the rules were suspended by unanimous vote.

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

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

Nay: -----0

An Ordinance amending Section 22-5(2) of the Code of Ordinances, abolishing one (1) position of Equipment Operator P/T, Grade 108N, and creating one (1) position of Equipment Operator, Grade 108N, in the Div. of Youth Services, effective upon passage of Council.

An Ordinance creating and establishing for bid a non-exclusive electric franchise and providing for the placement of facilities for the transmission, distribution and sale of electrical energy within the public rights-of-way for an initial period of five years with up to two renewal periods of five years each; in return for payment to the Urban County Government of the sum of at least three percent (3%) of each franchisee's gross annual revenues received from electric service provided within Fayette County, with the ability to be raised to five percent (5%); and further providing for compliance with relevant laws, regulations and standards; a performance bond; indemnification; insurance; access to property and inspections; reporting; audits; notice of filings with the public service commission; cancellation or termination; penalties for violations; and bid requirements; all effective on date of passage.

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An Ordinance creating and establishing for bid a non-exclusive gas franchise for the placement of facilities for the transmission, distribution and sale of gas for heating and other purposes within the public rights-of-way for an initial period of five years with up to two renewal periods of five years each; in return for payment to the Urban County Government of the sum of at least three percent (3%) of each franchisee's gross annual revenues received from the services provided within Fayette County, with the ability to be raised to five percent (5%); and further providing for compliance with relevant laws, regulations and standards; a performance bond; indemnification; insurance; access to property and inspections; reporting; audits; notice of filings with the public service commission; cancellation or termination; penalties for violations; and bid requirements; all effective on date of passage was given first reading.

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, 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: Lawless, Mossotti, Myers, Scutchfield, Stinnett,
Akers, Beard, Clarke, Ellinger, Farmer,
Ford, Gorton, Henson, Kay-----14

Nay: Lane-----1

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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. 43 was on the docket for first reading.

Upon motion of Ms. Mossotti, seconded by Ms. Gorton, and approved by unanimous vote, the ordinance was amended to add to the list of budget items a Budget Amendment in the amount of \$640,000 for overtime in the Div. of Fire and Emergency Services.

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 was given first reading as amended and ordered placed on file until April 11, 2013, for public inspection.

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The following ordinances were given first reading and ordered placed on file until April 11, 2013, for public inspection.

An Ordinance changing the zone from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone, for 0.6138 net (0.9857 gross) acres, for property located at 3270 Richmond Rd. (Kirk and Carol Snyder; Council District 7).

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,430 from Neighborhood Development Funds in the Div. of Traffic Engineering for intersections of Pleasant Ridge, Plaudit and Winchester/Sir Barton, and appropriating and re-appropriating funds, Schedule No. 44.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lifespan Design Studio, for evaluation of two additional sites for a new Lexington Senior Center, at a cost not to exceed \$9,425 was given second reading.

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

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

Nay: Mossotti -----1

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

Nay: -----0

A Resolution accepting the bid of Bluegrass Fire Equipment, establishing a price contract for fire hose, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Texas A&M Engineering Extension Service (TEEX), in the amount of \$40,500, for Advanced Ordnance Recognition Training for the Div. of Police.

A Resolution accepting the bid of Riddell Boiler Service, LLC, in the amount of \$17,418.54, for a Boiler Tube Replacement and Repair for the Div. of Community Corrections.

A Resolution accepting the bid of Red River Cattle Co., establishing a price contract for mowing at Haley Pike Landfill, for the Div. of Waste Management.

A Resolution accepting the bid of DTC Computer Supplies, establishing a price contract for media storage tape cartridges, for the Div. of Police.

A Resolution ratifying the probationary civil service appointments of: Robin Wilkerson, Social Worker Sr., Grade 113E, \$1,852.88 bi-weekly, in the Div. of Adult and Tenant Services, effective March 25, 2013 and Darrell Stevens, Public Service Supervisor Sr., Grade 114E, \$1,753.28 bi-weekly, in the Div. of Waste Management, effective March 4, 2013; ratifying the permanent civil service appointments of: Phillip Stiefel, Information Systems Service Level Manager, Grade 121E, in the Div. of Enterprise Solutions, effective March 4, 2013 and Jennifer Bailey, HCM Manager, Grade 119E, in the Div. of Enterprise Solutions, effective November 25, 2012; ratifying the probationary sworn appointment of: Shannon Ison, Fire Lieutenant, Grade 315N, \$17.740 hourly, in the Div. of Fire and Emergency Services, effective February 14, 2013; ratifying the permanent sworn appointments of: David Richardson, Police Sergeant, Grade 315N, in the Div. of Police, effective March 3, 2013 and Bradley Williams, Police Sergeant, Grade 315N, in the Div. of Police, effective March 3, 2013.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Professional Services Agreements with Victoria Nash, Carrie Barnett, Susan Noel, Brigitte Holleran, Rosemary Dailey, Angela Wallace and Susanna Moberly, as Sexual Assault Nurse Examiners, to provide on-call forensic examinations under the Sexual Assault Nurse Examiner Program, at a cost not to exceed \$40 for each scheduled on-call period, \$230 for each completed forensic examination, \$50 per case for professional testimony in court, and the reasonable cost of medical liability insurance.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Service Agreement with Risk Management Services Co., for

automobile and property damage claims adjusting, including subrogation, at a cost not to exceed \$23,000 for FY 2013.

A Resolution adopting the Hazard Mitigation Plan for Lexington-Fayette County, Kentucky.

A Resolution adopting the Emergency Operations Plan for Lexington-Fayette County, Kentucky.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Addendum No. 1 to the License Application Order Form and Agreement with Rave Wireless, Inc., to provide "SmartPrepare" software, training, and implementation services related to a 911 self-registration portal, at an additional cost not to exceed \$25,000.

A Resolution amending Resolution No. 288-2011 to approve the granting of an inducement to Tempur-Pedic International, Inc., and its affiliates.

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A Resolution accepting the bid of Howell Contractors, Inc., in the amount of \$4,228,435, for the Wolf Run Pump Station Relocation Contract B - Interceptor and Force Main, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Howell Contractors, Inc., related to the bid was given first reading.

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

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

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

Nay: -----0
(Ms. Akers and Mr. Farmer were absent when the vote was taken.)

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Friends for Skateparks (\$800), FoodChain (\$2,205), Southern Heights Neighborhood Association (\$600), Forest Ridge Maintenance Association, Inc. (\$250), Pinnacle Homeowners Association, Inc. (\$350), Lansdowne Neighborhood Association (\$1,150), Foster Care Council of LexKy, Inc. (\$425), Young

Marines Captain Reginald Underwood (\$700), and Chrysalis House, Inc. (\$800) for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading.

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

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by a majority vote of 13-0 (Mr. Farmer and Ms. Akers were absent when the vote was taken), the resolution was amended to change the allotment of FoodChain to \$2,025.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Friends for Skateparks (\$800), FoodChain (\$2,025), Southern Heights Neighborhood Association (\$600), Forest Ridge Maintenance Association, Inc. (\$250), Pinnacle Homeowners Association, Inc. (\$350), Lansdowne Neighborhood Association (\$1,150), Foster Care Council of LexKy, Inc. (\$425), Young Marines Captain Reginald Underwood (\$700), and Chrysalis House, Inc. (\$800) for the Office of the Urban County Council, at a cost not to exceed the sums stated was given new first reading as amended.

Upon motion of Ms. Gorton, seconded by Mr. Kay, the rules were suspended by majority vote of 13-0 (Mr. Farmer and Ms. Akers were absent when the vote was taken).

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

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

Nay: -----0
(Ms. Akers and Mr. Farmer were absent when the vote was taken.)

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The following resolutions were given first reading. Ms. Scutchfield asked questions of Mr. Todd Slatin, Director, Div. of Purchasing, responded about the bid process for price contracts.

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

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

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

Nay: -----0
(Ms. Akers and Mr. Farmer were absent when the vote was taken.)

A Resolution accepting the bids of Rio Grande Fence, Inc.; Herb Geddes Fence Co., Inc.; S & T Fencing, Inc.; and Myers Fence, LLC, establishing price contracts for fencing for the Div. of Parks and Recreation.

A Resolution accepting the bids of All Recreation, Inc.; American Safety Surface and Recreation Co.; Bluegrass Recreational Products, Inc.; Countryside Play Structures, LLC; Kidz Zone Play Systems Mid-America, LLC; Kidz Zone Playsystems, Inc. a/k/a Earthscapes; Landscape Forms, Inc.; Lanier Plans, Inc. d/b/a Korkat; Miracle Recreation of Ky. and Tennessee; Play and Park Structures; BCI Burke Co., LLC d/b/a Playscape Design Group; Recreation Insites, LLC; and David Williams and Associates, Inc., establishing price contracts for outdoor playground equipment, for the Div. of Parks and Recreation.

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The following resolutions were given first reading. Upon motion of Ms. Gorton, seconded by Ms. Henson, the rules were suspended by unanimous vote.

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

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

Nay: -----0
(Ms. Akers and Mr. Farmer were absent when the vote was taken.)

A Resolution accepting the bid of Kalkreuth Roofing and Sheet Metal, in the amount of \$55,989, Roof Repairs for Senior Citizens Center, for the Dept. of General Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Kalkreuth Roofing and Sheet Metal, related to the bid.

A Resolution accepting the bid of Landmark Sprinkler, Inc., in the amount of \$65,500, for Fire Suppression System Upgrade for Phoenix Building, for the Dept. of

General Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Landmark Sprinkler, Inc., related to the bid.

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Kendall Searcy, Equipment Operator Sr., Grade 109N, \$12.709 hourly, in the Div. of Waste Management, effective upon passage of Council, Allen Kerns, Public Service Worker Sr., Grade 107N, \$11.613 hourly, in the Div. of Streets and Roads, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following probationary sworn appointments: Penn Edward, Kelley Harris, Nicholas Stump, Jeremy Miller, Mark Burchfield, Barrett Dorner, Matthew Popp, Craig Quarles, Robert Bruin, Zachary Main, Joshua Kaylor, Jason Moore, Sarah McGill, Kurt Thomas, Wiley Adams, Aaron Watts, Brian Rose, Michael Rath, Mason Howard, William Spalding, Nathan Thayer, Zach Frankenburger, Bruce Lester, Adam Gratsch, Christopher O'Keefe, Paul Grillet, Robert Wagner, Brian Stamper, Tram Rogers, Brandon Griffith, Justin Villanueva, Javier Alvarez, Kenneth Howell, Joshua Tucker, Phillip Sallee, Nicholas Robbins, Peter Ackerman, Andrew White, Joshua Bales, Andrew Stamer, Michael Garrett, Stephen Martin, Joshua Day, Zachery Eskue, Tyler Marshall, Ralph Croyle, Brandon Barker, Colby Reik, Andrew Thompson, Holly Buchenroth, Charles Seaman, Matthew Brown, Kenneth Adkins, Corey Thomas, Jordan Osborn, Daniel Hall, Evan Eckler, Adam Griggs, Jarad McCargo, Richard Grierson, Christopher Millisor, James Flynn, Brandon Ledford, Patrick Sumner, Nathan Moses, Andrew Banks, Spencer Elbert, Avery Johnson, Dustin Music, Phillip Kidwell, Jared McGuffey, Firefighter, Grade 310N, \$14.420 hourly, in the Div. of Fire and Emergency Services, effective upon passage of Council.

A Resolution ratifying the probationary civil service appointments of: Gerald Slatin, Director Purchasing, Grade 121E, \$2,967.52 bi-weekly, in the Div. of Central Purchasing, effective March 4, 2013, Jeanne Humston, Administrative Specialist, Grade 110N, \$19.782 hourly, in the Div. of Building Inspection, effective March 11, 2013; ratifying the permanent civil service appointment of: Jimmy Ross, Public Service Supervisor, Grade 111N, in the Div. of Facilities and Fleet Management, effective March 3, 2013; ratifying the approved Council Leave for: Tara Gentry, Staff Assistant Sr.,

Grade 108N, in the Div. of Building Inspection, ninety-day Council Leave, effective March 6, 2013; and amending Resolution No. 104-2013 to read as follows: William O'Mara, Commissioner of Finance, Grade 211E, \$4,423.08 bi-weekly, in the Dept. of Finance, effective March 7, 2013.

A Resolution approving the extension of the unit price contract with ATS Construction for asphalt resurfacing until July 10, 2014 for the Div. of Streets and Roads.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Plant for the Planet Matching Grant Program, which Grant funds are in the amount of \$4,000, are for a tree removal and replacement program at 1201 Man-O-War Blvd., the acceptance of which obligates the Urban County Government for the expenditure of \$4,000 as a local match, 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 an Ingress and Egress Easement granting Ky.-American Water Co. a permanent easement across the property located at 3316 Buckhorn Dr. for Ky.-American to access its Jacobson Pumping Station.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Citizens Police Academy Alumni Association of a MedReturn Drug Collection Box, for use at the Div. of Police, 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 ChipsRewards to comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), effective upon passage of Council.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Catering Contract with the Hyatt Regency Lexington, for catering services for the Senior Intern Luncheon, at a cost not to exceed \$5,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Cintas Document Management, for

document shredding services, for the Div. of Community Corrections, at a cost not to exceed \$729.50 for FY2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Renewal Maintenance Agreement with Routeware, Inc. for support of the Routing Project for the Div. of Waste Management, at a cost not to exceed \$488,268.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of Ky., for space in the University of Ky. Hospital emergency room for use as a clinical practice area for the Sexual Assault Treatment Program, at a cost not to exceed \$3,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety 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 \$125,000 Commonwealth of Ky. funds from the Law Enforcement Service Fee Program, are for support of the cost of police overtime hours for a Traffic Alcohol Patrol, 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. Justice and Public Safety 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 \$75,000 Federal funds, and are for continuation of the Street Sales Drug Enforcement Project, the acceptance of which obligates the Urban County Government for the expenditure of \$25,000 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 Supplemental Agreement No. 5 with the Ky. Transportation Cabinet, for the acceptance of additional federal funds for the Clays Mill Road Improvements Project in the amount of \$620,000.00, the acceptance of which does not obligate the Urban County Government for the expenditure of funds.

A Resolution authorizing and directing 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 \$24,918.00 Commonwealth of Ky. funds under the Ky. Recycling Grant Program, and are for the purchase of twelve dumpsters to be placed at schools that produce large quantities of recyclable comingled material and three rolloff containers to be placed in public areas that do not have recycling services available, and the acceptance of which obligates the Lexington-Fayette Urban County Government for the expenditure of \$7,587.00 as a local match 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 U.S. Dept. of Justice and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$300,000 Federal funds, and are for a Violent Gang and Gun Crime Reduction (Project Safe Neighborhoods) Program.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Justice, Office on Violence Against Women and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$300,000.00 Federal funds from the grants to encourage Arrest Policies and Enforcement of Protection Orders Program and are for continuation of a project designed to hold offenders of domestic violence accountable for their actions through investigation, arrest and prosecution, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with all community partners of the project, for comprehensive participation required for the project and the Grant application.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Justice, Office on Violence Against Women and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of

\$650,000.00 Federal funds and are for continuation of the Safe Havens Project, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with all other service agencies participating in the project.

A Resolution authorizing the Mayor and Commissioner of Finance, on behalf of the Lexington-Fayette Urban County Government and Dept. of Finance, to execute a Master Development Agreement with the Lexington Trot Breeders Association, Inc., for the development of the Red Mile Development Area (TIF Project).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Lansdowne Elementary School PTA, Inc. (\$600), and Northside Neighborhood Association (\$750) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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Upon motion of Ms. Mossotti, seconded by Ms. Lawless, and approved by unanimous vote, a Resolution accepting the bid of Chester Pool Systems, Inc., in the amount of \$31,730.00, for the Shillito Aquatic Facility Leak Repair, for the Div. of Parks and Recreation was placed on the docket and given first reading.

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

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

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

Nay: -----0
(Ms. Akers and Mr. Farmer were absent when the vote was taken.)

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A Resolution amending Section 4.101 of Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council, correcting clerical errors; providing that the Mayor shall place the following documents on the work session agenda under legislative review: execution of deeds and easements for multi-use trails projects, storm and sanitary sewer projects and roadway construction projects after the projects have received Council approval; execution of easement releases and encroachment agreements; execution of equipment maintenance contracts for which Council has

appropriated funds; extensions of existing grant agreements previously approved by Council which do not involve any additional appropriation of revenue; execution of closing statements for deed and easement acquisitions for which Council has budgeted funds; executing and submitting grant applications except as required; and acceptance of donations of goods or services that do not require a budget amendment; providing that the Urban County Council shall review and discuss the items listed under legislative review and take appropriate action; providing that if no procedural action is taken, the Mayor shall have the authority to execute the documents listed under legislative review; and providing that a list of all executed documents shall appear in the Communications from the Mayor on the Council docket and shall be logged using the legislative management system was given first reading and ordered placed on file until April 11, 2013, for public inspection.

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Upon motion of Mr. Ellinger, seconded by Mr. Beard, and passed by majority vote of 13-0 (Mr. Farmer and Ms. Akers were absent when the vote was taken), the Communications from the Mayor were approved and are as follows: (1) Recommending the appointments of Mr. William V. Alford, Jr. and Mr. James D. Coles to the Airport Board, with terms to expire 1-1-2017; (2) Recommending the appointment of Mr. Todd E. Stephens, as Specific Disability representative, to the Commission for Citizens with Disabilities, with a term to expire 1-1-2015. Mr. Stephens will fill the unexpired term of Mr. Morry LaTour; (3) Recommending the appointment of Mr. Benjamin S. Allen to the Dunbar Neighborhood Center Board, with a term to expire 3-20-2014; (4) Recommending the appointment of Mr. Roy H. Woods to the Human Rights Commission, with a term to expire 1-1-2015. Mr. Woods will fill the unexpired term of Ms. Salvador Rangel; (5) Recommending the appointment of Mr. Nelson M. Maynard, as Lexington Industrial Foundation representative, to the Industrial Revenue Bond Review Committee, with a term to expire 3-5-2017; (6) Recommending the appointments of Mr. John K. Bohart, Mr. Don M. Burke, and Mr. Joshua A. Douglas to the Library Board of Advisors, with terms to expire 1-1-2014. They will fill the unexpired terms of Ms. Paula Setser, Ms. Susan Wright, and Mr. Tom Leppert; (7) Recommending the appointment of Ms. Sharon K. Williams to the Library Board of Trustees, with a term to expire 7-20-2014. Ms. Williams will fill the unexpired term of Mr. Kyle Whalen; (8)

Recommending the reappointment of Ms. Deborah H. Long, as Historic Preservation representative, to the Rural Land Management Board, with a term to expire 4-1-2017; (9) Recommending the appointment of Ms. Amanda E. Soka to the Senior Services Commission, with a term to expire 9-1-2016; and (10) Recommending the reappointment of Ms. Karen W. Angelucci to the Tree Board, with a term to expire 4-19-2017.

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The following Communications from the Mayor were received for information only: (1) Acting assignment of Kent Dornbrock, Golf Course Superintendent Principal, Grade 117E, \$2,569.88 bi-weekly, in the Div. of Parks and Recreation, effective February 11, 2013; (2) Resignation of Preston Thomas, Electrical Instrumentation Tech, Grade 113N, in the Div. of Facilities and Fleet Management, effective January 8, 2013; (3) Resignation of Jeff Harris, Golf Course Superintendent Principal, Grade 117E, in the Div. of Parks and Recreation, effective January 28, 2013; (4) Resignation of George Grayson, Police Officer, Grade 311N, in the Div. of Police, effective January 28, 2013; (5) Resignation of John Wilkinson, Program Specialist, Grade 112E, in the Office of the Mayor, effective February 1, 2013; (6) Resignation of Phillip Preston, Jr., Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective February 4, 2013; (7) Resignation of James Smith, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective February 4, 2013; (8) Resignation of Thomas Thompson, Security Officer, Grade 106N, in the Div. of Facilities and Fleet Management, effective February 7, 2013; (9) Resignation of Jamie Crawford, Community Corrections Sergeant, Grade 112N, in the Div. of Community Corrections, effective February 8, 2013; (10) Resignation of Vincent Davis, Public Service Worker Sr., Grade 107N, in the Div. of Water Quality, effective February 12, 2013; and (11) Resignation of Jeremy Barker, Police Officer, Grade 311N, in the Div. of Police, effective February 22, 2013.

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Ms. Lawless reminded the public that the Council would be on break until April 9, 2013. She also announced that on March 26, 2013, there would be a free shredding day for residents.

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Mr. Lane spoke about a draft resolution he had distributed to the Council regarding the retention of an independent consultant to examine the Div. of Fire and Emergency Services for efficiencies in operations and best practices.

Ms. Gorton asked how Mr. Lane had distributed this information to the Council. Mr. Lane responded that it had come via email from the Dept. of Law.

The Mayor responded to Mr. Lane regarding his suggestions.

The Council discussed the issue.

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Mr. Ford thanked the Council for addressing brown-outs at the Div. of Fire and Emergency Services.

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Mr. Beard made additional comments regarding Mr. Lane's proposed resolution regarding an independent consultant review.

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Ms. Gorton reminded the Chairs about their Council Links meetings.

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Mr. Stinnett thanked his colleagues for addressing the brown-outs. He also reminded everyone about the Police and Fire Pension Agreement to be signed on March 22, 2013, at 10:00 a.m. at the Government Center.

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Ms. Henson continued her comments regarding the Div. of Fire and Emergency Services.

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Mr. Charles Payne, Bal Harbor Court, who filed the following exhibit: (a) Office of the Attorney General Opinion OAG 13-004, and spoke to the Council about the Attorney General's opinion regarding involvement of an area development district with an offender re-entry program and relationship of the districts to local planning units.

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Mr. David Vinson, Niagara Drive, thanked the Council for their involvement with the issue of offender re-entry and area development districts.

Mr. Myers and Ms. Lawless spoke about the issue and thanked their colleagues also.

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Upon motion of Mr. Ellinger, seconded by Mr. Myers, and approved by majority vote of 13-0 (Mr. Farmer and Ms. Akers were absent when the vote was taken), the meeting adjourned at 8:05 p.m.

Clerk of the Urban County Council