

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky May 2, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on May 2, 2013 at 6:00 P.M. Present were Vice-Mayor Linda Gorton in the chair presiding in the absence of Mayor Gray, and the following members of the Council: Council Members Scutchfield, Stinnett, Akers, Beard, Clarke, Ellinger, Farmer, Ford, Henson, Kay, Lane, Lawless, and Myers. Absent was Council Member Mossotti.

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

Resolutions No. 158-2013 thru 188-2013, and Ordinances No. 41-2013 thru 47-2013, inclusive were reported as having been signed and published, and ordered to record.

Lexington-Fayette Urban County Government Council Meeting

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The Invocation was given by Pastor Jonathan Smith.

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An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government for Economic Contingency appropriations as approved at Work Session April 23, 2013, and appropriating and re-appropriating funds, Schedule No. 52 was on the docket for second reading.

Mr. Farmer spoke about the ordinance, and the budget amendment associated with the ordinance.

Mr. Lane spoke about the ordinance, and made a presentation with slides entitled 'Structural Imbalance, LFUCG General Fund,' 'Contingency Reserve Balance - Percentage of LFUCG General Fund', 'Contingency Reserve Balance - Days of Operating Funds, 'General Obligation Bonds - Outstanding Debt,' 'Contingency Reserve Fund, - Rating Agency Guidance,' and 'Contingency Reserve Fund - Withdrawal Policies.'

Mr. Kay responded to Mr. Lane's presentation.

Mr. Beard asked questions of Mr. Lane regarding his presentation.

The Council continued to discuss the ordinance and the presentation.

Mr. Farmer made a motion, seconded by Mr. Kay, to table the ordinance and to place it into the Council Budget and Finance Standing Committee for further discussion.

Mr. Ellinger asked a procedural question as Chair of the Budget and Finance Committee, about when Mr. Farmer expected the ordinance to be on the Committee's agenda. Mr. Farmer clarified that he intended it to be heard at the next meeting in August, 2013.

Ms. Lawless asked a question about whether the motion should actually be two motions. Ms. Gorton responded.

The motion **passed** by a vote of 8-6 (Mr. Myers, Mr. Lane, Ms. Scutchfield, Mr. Ellinger, Ms. Gorton, and Ms. Henson voted **no**).

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government for Economic Contingency appropriations as approved at Work Session April 23, 2013, and appropriating and re-appropriating funds, Schedule No. 52

was tabled until the August, 2013, meeting of the Council Budget and Finance Standing Committee.

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

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

Nay: -----0

An Ordinance changing the zone from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone for 4.09 net and gross acres, for property located at 1060 Cross Keys Rd. (AU Associates, Inc.; Council District 11).

An Ordinance amending Section 16-16.1 of the Code of Ordinances to create Schedule E setting the solid waste-landfill fee for dumpster containers (2CY) at \$12.05 per container per month.

An Ordinance creating and establishing for bid a non-exclusive telecommunications franchise for the placement of facilities for the generation, transmission, distribution and sale of telecommunications services within the public rights-of-way of Fayette County for a twelve (12) month duration, with an additional extension of time not to exceed six (6) months if a long term franchise is not offered prior to expiration; and providing for compliance with other relevant laws, regulations, standards, and ordinances; definitions; work, materials and construction standards; wire moving and tree trimming; performance bonds; indemnification; insurance; access to property and inspections; notice of filings with the Public Service Commission; no vested rights; limited assignment; notice of foreclosure and bankruptcy; cancellation or termination; violations and penalties; permitting and inspection fees; additional permitting and other requirements for substantial new construction; and bid requirements; all effective on date of passage.

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. 50.

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The following ordinances were given first reading and ordered placed on file until May 23, 2013 for public inspection.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 51.

An Ordinance amending Article 5-1(a) of the Zoning Ordinance to provide for right-of-entry and administrative warrants related to zoning enforcement.

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A Resolution adopting the Council's April 23, 2013 Fund Balance Worksheet as the planned basis for the use or expenditure of these funds by the Urban County Government was on the docket for second reading.

Mr. Farmer made a motion, seconded by Mr. Kay, to amend the resolution to remove the additional Economic Contingency appropriations of \$4,072,627 from the adopted Fund Balance Worksheet, and that this was not a material change and did not require a new first reading.

The motion **failed** by a vote of 7-7 (Mr. Myers, Mr. Lane, Ms. Scutchfield, Mr. Beard, Mr. Ellinger, Ms. Gorton, and Ms. Henson voted **no**).

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

Aye: Stinnett, Akers, Beard, Clarke, Farmer,
Ford, Gorton, Kay, Lawless, -----9

Nay: Scutchfield, Ellinger, Henson, Lane, Myers-----5

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

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

Nay: -----0

A Resolution accepting the bids of Disponette Service Co., Inc.; Triton Services, Inc.; Finney Co., Inc; Alpha Mechanical Services, Inc; and Plumbing Systems, Inc., establishing price contracts for plumbing services, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of MCM Demolition, Inc., in the amount of \$26,500, for Secondary Digester Blend Tank Damaged Cover Demolition and Removal, for the Div. of Water Quality.

A Resolution accepting bid of Amteck, establishing a price contract for Maintenance of Outdoor Warning Sirens, for the Div. of Emergency Management/911.

A Resolution accepting the bid of Black Hawk Enterprises, Inc.; and Intelligent Transportation Services, Inc., establishing price contracts for Digital Switch and Camera Equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Bush and Burchett, Inc., in the amount of \$643,172.59, for the Grimes Mill Rd. Bridge Replacement at Boone's Creek, for the Div. of Grants and Special Programs, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bush and Burchett, Inc., related to the bid.

A Resolution accepting the bid of Lexington Motor Group, LLC d/b/a Bluegrass Towing, establishing a price contract for towing services for the Divisions of Police and Code Enforcement, the Dept. of General Services, and the Parking Authority.

A Resolution accepting the bid of Woodford Excavation and Transport, in the amount of \$249,895.18, for Shillito Park Construction of Sports Fields, for the Div. of Parks and Recreation, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Woodford Excavation and Transport, related to the bid.

A Resolution accepting the bid of Wood Connection, LLC, in the amount of \$49,100, for Conversion of Stockroom to Office Space, for the Div. of Waste Management.

A Resolution ratifying the probationary civil service appointments of: Paula Williams, Human Resources Manager, Grade 119E, \$2,500.88 bi-weekly, in the Div. of Human Resources, effective April 8, 2013, Melissa Polley, Information Systems Specialist Sr., Grade 114E, \$1,740.96 bi-weekly, in the Div. of Police, effective April 15, 2013, Edmon Chaney, Parks and Recreation Maintenance Superintendent, Grade 119E, \$3,150.72, in the Div. of Parks and Recreation, effective April 22, 2013; ratifying the permanent civil service appointments of: Roger Wright, Attorney Sr., Grade 121E, in

the Dept. of Law, effective March 17, 2013, Garrett Harper, Computer Analyst, Grade 115E, in the Div. of Computer Services, effective April 8, 2013; ratifying the probationary sworn appointment of: Nathaniel Muller, Police Sergeant, Grade 315N, \$28.588 hourly, in the Div. of Police, effective upon passage of Council; ratifying the approved Council Leave for: Barry Privett, Administrative Specialist, Grade 110N, in the Div. of Police, ninety-day Council Leave, effective April 9, 2013, Donald Langfels, Equipment Operator Sr. Grade 109N, in the Div. of Waste Management, ninety-day Council Leave, effective April 15, 2013; ratifying the unclassified civil service appointment of: Katelyn Kearns, Staff Assistant Sr., Grade 108N, \$11.946 hourly, in the Div. of Parks and Recreation, effective April 22, 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with West Publishing Corp., for Westlaw CLEAR Information Search Services for collection efforts in the Div. of Revenue, at a cost not to exceed \$3,300 in FY2014 subject to appropriation of funds.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Medical Compliance Services for compliance and auditing services related to HIPAA, at a cost not to exceed \$7,200.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Master Service Agreement with Time Warner Cable, for high speed internet service, at a cost not to exceed \$16,706.40.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Mary Beth Moore of a Tobiano paint mare, Sam's Show Girl "Sammy" for the Equestrian Program at Masterson Station Park, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Lexington-Fayette County Health Dept., which Grant funds are in the amount of \$479,952 Federal funds, are for the Home Network Project at the Family Care Center, 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 Facility Usage Agreements with various youth baseball leagues.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B Incentive Grant for Stormwater Quality Projects to the Fountains at Andover Brookfield, LLC, at a cost not to exceed \$203,944.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the National Council on Crime and Delinquency, which Grant funds are in the amount of \$33,134 Federal funds, are for a Prison Rape Elimination Act Project at the Detention Center, 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 accept a donation from the Citizen Police Academy Alumni Association of travel expenses, for use by the Motorcycle Unit to travel to Police Memorial Week in Washington, D.C., at no cost to the Urban County Government.

A Resolution changing the street names of 6291 Jacks Creek Pike to 6291 Old Jacks Creek Rd. and of 3454 Maddox Ln. to 3454 Brilliant Ln.; changing the property address numbers of 5925 Parkers Mill Rd. to 5954 Parkers Mill Rd., of 3316 Buckhorn Dr. to 3318 Buckhorn Dr., of 429 Georgetown St. to 431 Georgetown St., and of 2499 Nicholasville Rd. to 2483 Nicholasville Rd.; and changing the street names and property address numbers of 5708 Versailles Rd. to 5924 Parkers Mill Rd., of 1624 Old Paris Rd. to 139 E. New Circle Rd., of 1799 Battery St. to 2389 Patchen Wilkes Dr., and of 127-129 N. Limestone to 101 W. Short St., all effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept Deeds for property interests needed for the Fourth and Jefferson Signalization Project, at a cost not to exceed \$4,000.

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 December 31, 2013, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a temporary pump station easement on property located at 2108 Stedman Way.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of a drainage easement on property located at 821 Lochmere Place.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Davey Resource Group for an Urban Tree Canopy Survey and Planting Plan, at a cost not to exceed \$42,300.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract Agreement with Red River Ranch, LLC for composting services for yard waste and organics at Haley Pike Composting Facility, at prices not to exceed those submitted in response to RFP 4-2013.

A Resolution amending Resolution No. 288-2011, as previously amended by Resolution No. 117-2013, to change the period of time for the local incentive provided to Tempur-Pedic International, Inc., and its approved affiliates to five (5) years.

A Resolution amending Section 1 of Resolution No. 146-2013 correcting the salary of Vina Taylor, Telecommunicator, Grade 111N, from \$16.438 hourly to \$17.401 hourly, in the Div. of Emergency Management/911, effective April 11, 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B Incentive Grant for Stormwater Quality Projects to J.M. Smucker, LLC, at a cost not to exceed \$350,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B Incentive Grant for Stormwater Quality Projects to Lexington Habitat for Humanity, Inc., at a cost not to exceed \$148,169.

A Resolution initiating various Zoning Ordinance text amendments to allow greater flexibility to the use of mobile food unit vendors as accessory uses in the Wholesale and Warehouse Business (B-4) zone; Industrial (I-1 and I-2) zones; and the Economic Development (ED) zone.

A Resolution authorizing and directing the Division of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of McDonald Avenue and Hiltonia Park.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Jason Burden, Skilled Trades Worker, Grade 111N, \$15.151 hourly, in the Div. of Parks and Recreation, Gregory Colvin, Assistant Director, Community Corrections, Grade 119E, \$2,855.36 bi-weekly, in the Div. of Community Corrections, Mark Caton, Deputy Director, Fleet Services, Grade 120E, \$2,974.16 bi-weekly, in the Div. of Facilities and Fleet Management, all effective upon passage of Council was given first reading.

Mr. Dave Barberie, Dept. of Law, asked that the rules be suspended in order to give second reading to the resolution.

Upon motion of Mr. Ellinger, seconded by Mr. Kay, the rules were suspended by a majority vote (Mr. Stinnett was absent when the vote was taken).

Ms. Lawless made a motion, seconded by Mr. Myers, to amend the resolution to remove the appointment of Gregory Colvin, Assistant Director, Community Corrections, Grade 119E, \$2,855.36 bi-weekly, in the Div. of Community Corrections from the resolution, and not to suspend the rules for that portion of the resolution.

Mr. Clay Mason, Commissioner of Public Safety, spoke to Ms. Lawless's motion.

Mr. Myers asked questions of Ms. Lawless regarding her motion.

The Council continued to discuss the motion, and to ask questions of Ms. Lawless and Mr. Mason.

Ms. Lawless clarified that she intended for the removed portion of the resolution to return for second reading at the May 23, 2013, Council Meeting. Mr. Myers rescinded his second, and Mr. Farmer seconded the motion as amended by Ms. Lawless.

Mr. Ford asked questions of Ms. Janet Graham, Commissioner of the Dept. of Law, regarding the motion.

The Council continued to discuss the motion and to ask questions of Ms. Lawless.

The motion **passed** by a majority vote of 13-0 (Mr. Stinnett was absent when the vote was taken).

A Resolution authorizing the Div. of Human Resources to made a conditional offer to the following probationary civil service appointment: Gregory Colvin, Assistant Director, Community Corrections, Grade 119E, \$2,855.36 bi-weekly, in the Div. of Community Corrections, effective upon passage of Council was ordered placed on file until May 23, 2013, for public inspection.

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Jason Burden, Skilled Trades Worker, Grade 111N, \$15.151 hourly, in the Div. of Parks and Recreation, Mark Caton, Deputy Director, Fleet Services, Grade 120E, \$2,974.16 bi-weekly, in the Div. of Facilities and Fleet Management, all effective upon passage of Council was given second reading as amended.

Upon motion of Mr. Clarke, and seconded by Ms. Henson, the resolution was approved by the following vote:

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

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

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The following resolutions were given first reading. Upon motion of Ms. Akers, seconded by Mr. Farmer, the rules were suspended by majority vote (Mr. Stinnett was absent when the vote was taken).

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

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

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

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Sayre School and Mr. Stephen Manella, of 12 jumps and standards and 24 schooling standards, for use at the Equestrian Program at Masterson Station Park, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements, awarding Neighborhood Community and Sustainability Grants to Blue Grass Christian Camp (\$2,437), Bluegrass Community and Technical College (\$2,500), Crossroad Christian Church (\$820), Dove Creek Townhomes Owners' Association (\$2,500), Fairway Neighborhood Association (\$2,500), Georgetown Neighborhood Association (\$2,500), Glendover Neighborhood Association (\$2,500); Idle Hour Neighbors Alliance (\$2,215), Idle Hour Neighbors Alliance (\$2,338), Lansdowne Elementary School (\$2,500), Maxwell Street Presbyterian Church (\$2,500), North Limestone Neighborhood Association (\$2,500), St. Peter Catholic Church (\$2,458), Tanbark Association of Neighbors (\$2,500), Temple Adath Israel (\$1,914), Transylvania Park Neighborhood Association (\$2,500), Twin Pines Christian Church (\$1,885), Walnut Creek Home Owners' Association (\$2,500), Wellington Elementary School (\$2,500), and William Wells Brown Neighborhood Association (\$1,241), at a cost not to exceed the sums stated.

A Resolution authorizing a purchase order to L-M Asphalt Partners d/b/a ATS Construction in the amount of \$12,400,000 pursuant to the 2013A GO Resurfacing Bond.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Cottages of Liberty Woods Neighborhood Association, Inc. (\$500), Lexington Tigers Youth Football Program, Inc. (\$500), Port Royal Neighborhood Association, Inc. (\$600), William Wells Brown Neighborhood Association, Inc. (\$1,000), FoodChain, Inc. (\$250), Southland Association (\$300), Fayette County Fatherhood Initiative (\$700), Palomar Hills Community Association (\$575), Tweens Coalition (\$1,375), William Wells Brown Neighborhood Association, Inc. (\$525), for the Office of the Urban County Council, at a cost not to exceed the sums stated was on the docket for first reading.

Upon motion of Mr. Ellinger, seconded by Mr. Lane, and approved by unanimous vote, the resolution was amended to remove the allocation to FoodChain, Inc. (\$250) as that allocation had been made on an earlier resolution.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Cottages of Liberty Woods Neighborhood Association,

Inc. (\$500), Lexington Tigers Youth Football Program, Inc. (\$500), Port Royal Neighborhood Association, Inc. (\$600), William Wells Brown Neighborhood Association, Inc. (\$1,000), Southland Association (\$300), Fayette County Fatherhood Initiative (\$700), Palomar Hills Community Association (\$575), Tweens Coalition (\$1,375), William Wells Brown Neighborhood Association, Inc. (\$525), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading as amended.

Upon motion of Ms. Akers, seconded by Mr. Farmer, the rules were suspended by majority vote (Mr. Stinnett was absent when the vote was taken).

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

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

Nay: -----0
(Mr. Stinnett 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 an Agreement with Commonwealth of Ky. Transportation Cabinet, Dept. of Highways, to reimburse the Urban County Government up to \$330,000 for operation and maintenance of traffic signals and electrical traffic control devices on the State Primary Road System was given first reading.

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

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

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

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

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The following resolutions were given first reading and ordered placed on file until May 23, 2013 for public inspection.

A Resolution accepting the bid of Rainbow International of Lexington, in the amount of \$10,866.45, for Mold Remediation - Downtown Arts Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Rio Grande Fence Co., in the amount of \$148,831, for new Chain Link Dugouts - Various Locations, for the Div. of Parks and Recreation, and authorizing the Mayor, on behalf of the Urban County Government, to execute an agreement with Rio Grande Fence Co., related to the bid.

A Resolution accepting the bids of TP Mechanical Contractors (Schedule A) and Alliance Comfort Systems, Inc. (Schedule C), establishing price contracts for HVACR Maintenance and Repair for the Div. of Community Corrections.

A Resolution accepting the bid of Robinson Pipe Cleaning Co., in the amount of \$623,783.80, for the 2013 Sanitary Sewer Cleaning Program, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Robinson Pipe Cleaning Co., related to the bid.

A Resolution accepting the bids of B and H Environmental Services; Leak Eliminators, LLC; and Perdue Environmental Contracting Co. d/b/a PECCO, Inc., establishing price contracts for Pump Station Wet Well Cleaning Services, for the Div. of Water Quality.

A Resolution ratifying the probationary civil service appointment of: Kent Dornbrock, Golf Course Superintendant Principal, Grade 117E, \$2,716.96 bi-weekly, in the Div. of Parks and Recreation, effective May 6, 2013; ratifying the unclassified civil service appointment of: Shauntae Hall, Administrative Officer, Grade 118E, \$1,966.88 bi-weekly, in the Office of the Chief Administrative Officer, effective April 29, 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from WLEX-TV and Downtown Lexington Corp. of \$1,740, for use at the Div. of Police and Div. of Fire and Emergency Services as the designated beneficiaries of the Urban Mountain Challenge, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation

Cabinet, for extension of the Lexington Traffic Movement and Revitalization Study through June 30, 2014, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute any necessary documents and accept a Deed conveying a permanent easement across the property located at 2349 Richmond Rd., for a sanitary sewer line, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Health Information Exchange Participation Agreement with the Governor's Office of Electronic Health Information, for participation in the Electronic Health Information Exchange, for the Div. of Community Corrections, 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 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 \$65,503 Federal funds under the State Criminal Alien Assistance Program (SCAAP), and are for reimbursement of costs related to the incarceration of undocumented criminal aliens.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B Incentive Grant for Stormwater Quality Projects to Embrace Church, Inc., at a cost not to exceed \$215,745.

A Resolution authorizing the Div. of Emergency Management /911, on behalf of the Urban County Government, to purchase Integrated Damage Assessment Model Software and authorizing the Mayor to execute a Software License Agreement from qPUBLIC, LLC, a sole source provider, at a cost not to exceed \$3,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Grant Award Agreement awarding a Class A Incentive Grant for a Stormwater Quality Project to Brighton Woods Association, Inc., in the amount of \$63,828.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Deeds of Easement and other necessary documents, and to accept Deeds

for property interests needed for the Rose St. Bike Lane Project, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Juvenile Justice, 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 \$217,660 Commonwealth of Ky. funds, are for operation of the Day Treatment Program, for the Div. of Youth Services, 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 two (2) Releases of Easements, releasing portions of a sanitary sewer easement and a portion of a drainage easement on property located at 2349 Richmond Rd.

A Resolution approving the FY 2014 Budget of the Transit Authority of the Lexington-Fayette Urban County Government (LexTran) pursuant to KRS 96A.360 and requesting that the Commissioner of Finance authorize the Fayette County Sheriff's Office to disburse the funds to LexTran collected from the ad valorem tax approved by voters on November 9, 2004.

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Upon motion of Mr. Beard, seconded by Ms. Lawless, and approved by majority vote (Mr. Stinnett was absent when the vote was taken), a Resolution of the Lexington-Fayette Urban County Government authorizing and acknowledging the execution and delivery of (1) a first Amended and Restated Loan Agreement among the Lexington-Fayette Urban County Government, Republic Bank and Trust Co., a Ky. Banking Corporation, and The Lexington School, Inc., and (2) any and all other related documents necessary thereto was placed on the docket, given first reading, and ordered placed on file until May 23, 2013 for public inspection.

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Upon motion of Mr. Ellinger, seconded by Mr. Lane, and passed by a majority vote of 13-0 (Mr. Stinnett was absent when the vote was taken), the Communication from the Mayor was approved and is as follows: (1) Recommending the appointment of

Mr. Barry L. Hays, as Meadowthorpe Neighborhood Association representative, to the Masterson Station Park Advisory Board, with a term to expire 5-1-2017. Mr. Hays will replace Ms. Marilyn Machara.

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Battalion Commander Chris Sweat, Div. of Fire and Emergency Services, stated that Lieutenant George Lusby had committed the offense of Violation of UDG 2.01 Conduct Unbecoming, Violation of UDG 1.03 Use of Divisional Equipment, Irresponsible Leadership – Conduct Unbecoming of a Company Officer, in violation of KRS 95.450 (inefficiency, misconduct, insubordination or violation of law or rules and the LFUCG Uniform Disciplinary Code) in that on the 19th day of January, 2013, he allegedly committed offenses outlined in IA Case 2013-FC-0002, reviewed by the Pre-Disciplinary Review Board on March 25, 2013 and the Fire Chief on April 2, 2013, and that the appropriate punishment for this conduct is Written Reprimand.

Mr. Lane asked questions of Commander Sweat about the misconduct which precipitated the disciplinary action. Commander Sweat responded.

Upon motion of Mr. Ellinger, seconded by Ms. Akers, the disciplinary action was approved by a majority vote of 13-0 (Mr. Stinnett was absent when the vote was taken).

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Mr. Beard made a motion, seconded by Mr. Ford, and approved by a majority vote of 13-0 (Mr. Stinnett was absent when the vote was taken), to go into closed session pursuant to KRS 61.810(f), for a discussion which might lead to the appointment, discipline or dismissal of an individual employee.

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Upon motion of Mr. Clarke, seconded by Mr. Myers, and approved by a majority vote of 13-0 (Mr. Stinnett was absent when the vote was taken), the Council returned to open session with the same members present.

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Mr. Myers spoke about his concerns regarding the tenant relocation process at Pinnacle Apartments, and said he would be bringing the issue to Council. He asked to speak with Ms. Beth Mills, Commissioner of the Dept. of Social Services, regarding the issue.

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Upon motion of Ms. Scutchfield, seconded by Mr. Myers, and approved by a majority vote of 13-0 (Mr. Stinnett was absent when the vote was taken), the meeting adjourned at 7:37 p.m.

Deputy Clerk of the Urban County Council