

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky May 23, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on May 23, 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 Stinnett, Akers, Beard, Clarke, Ellinger, Farmer, Ford, Henson, Kay, Lane, Lawless, Mossotti, Myers, and Scutchfield.

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

Resolutions No. 189-2013 thru 226-2013, and Ordinances No. 48-2013 thru 51-2013, inclusive were reported as having been signed and published, and ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky May 23, 2013

The Invocation was given by Pastor Andy Roudreau, Faith Lutheran Church.

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Upon motion of Ms. Gorton, seconded by Mr. Ellinger, the Minutes of the April 9 (3 P.M.), 11, and 25, 2013 Council Meetings were approved by unanimous vote.

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The Mayor made a proclamation in honor of Mental Health Awareness Month, and invited Ms. Marcy Timmerman, Director of Development, National Alliance on Mental Illness (NAMI) in Lexington to join him at the podium. The Mayor spoke about NAMI and their work.

The Mayor read the proclamation and declared May 2013 as Mental Health Awareness Month. Ms. Timmerman thanked the Mayor and Council for the recognition, and spoke about the goals of NAMI.

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

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

Nay: -----0

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 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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An Ordinance, pursuant to Code of Ordinances Section 18-83 and Section 18-109, designating Lewis St. as a one-way street with angle parking and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs and markings in accordance with the designation was given first reading.

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

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

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

Nay: -----0

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

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone for 0.95 net (1.28 gross) acres, for property located at 4145 Harrodsburg Rd. (Patricia Donoghue; Council District 10).

An Ordinance changing the zone from a Two Family Residential (R-2) zone to a Planned Neighborhood Residential (R-3) zone, for 0.253 net and gross acres, for property located at 1165 Jones Trail (Arnold Properties, LLC; Council District 8).

An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.9798 net and (1.0774 gross) acres, for property located at 417 East Maxwell St. including dimensional variances (Michler Florist, Inc.; Council District 3).

An Ordinance pursuant to Sections 3.02(24) and 6.12 of the Charter of the Lexington-Fayette Urban County Government transferring the Div. of Building Inspection and the Div. of Code Enforcement and the incumbents in all authorized positions as well as all vacant positions from the Dept. of Public Safety to the Dept. of Planning, Preservation and Development at their current job classification, pay grade and salary.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Probation Unit Supervisor, Grade 113E, and five (5) positions of Probation Officer, Grade 110N, all in the Div. of Community Corrections, and amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Probation Unit Supervisor, Grade 113E, and five (5) positions of Probation Officer, Grade 110N, all in the Div. of Community Corrections, effective upon passage of Council.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,200

from Neighborhood Development Funds in the Commissioner of Social Services for the Senior Intern Program, and appropriating and re-appropriating funds, Schedule No. 54.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, transferring one (1) position of Network Security Engineer, Grade 119E, from the Div. of Computer Services to the Div. of Enterprise Solutions.

An Ordinance amending Ordinance No. 34-2013 and Ordinance No. 35-2013 and the Franchise Agreements with Ky. Utilities Co., Inc.; Blue Grass Energy Cooperative Corp.; Clark Energy Cooperative, Inc.; Columbia Gas of Ky., Inc; and Delta Natural Gas Co., Inc., to increase the franchise fees for each utility from three percent (3%) to four percent (4%) of gross revenues effective July 1, 2013.

An Ordinance creating Article XIII of Chapter 16 of the Code of Ordinances to implement a Sanitary Sewer Capacity Assurance Program (CAP) to assure that the Sanitary Sewer System ("System") is adequate for future connections; defining terms; requiring that a Sanitary Sewer Capacity Permit ("permit") must be obtained prior to any future connection to the System and providing that permits shall be granted for properties with a sewer use of record, properties with certain approved plans or plats, and properties in Expansion Area 2; providing that remodeling projects shall not require a permit; providing for Staged Capacity Allocation for properties with certain approved plans with a maximum annual threshold as determined by a negotiated agreement; providing that an essential service project may be granted a permit without adequate capacity upon a finding that such action is justified and will not detrimentally impact the CAP; providing that a project with a significant economic impact may qualify for an Administrative Capacity Approval if such action will not delay Remedial Measure Plan Projects; providing that all applications and requests shall be made by the property owner or duly authorized representative; providing that a non-refundable administrative fee of \$450 shall be paid to request a Capacity Allocation, Capacity Permit, or Capacity Reservation; providing that sewer capacity may be reserved upon payment of a deposit to be credited to tap-on fees or exaction fees; providing that reservations of capacity will expire in one (1) year unless extended and providing that a non-refundable administrative fee of \$225 shall be paid for an extension; providing that a reservation shall become a permanent allocation upon certification of certain plans or amendments;

providing that all fees shall be adjustable based on the Consumer Price Index; providing exceptions for payment of administrative fees for certain properties; providing that determinations on applications and requests shall be made within ten (10) days if possible; providing an appeal process for applicants who disagree with determinations; providing that all actions and requirements under Article XIII are subject to the provisions of the Consent Decree and approved CAP; and providing that a formal review and audit of the CAP and collected fees shall be performed every two (2) years; and amending Section 5-30 of the Code of Ordinances to require that adequate sanitary sewer capacity exists prior to issuance of any building permit for a property that will connect to the Sanitary Sewer System.

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. 53.

An Ordinance creating Sections 15-11.5 and 15-11.6 of the Code of Ordinances, Lexington-Fayette Urban County Government, pertaining to the general regulation of Mobile Food Unit Vendors and providing public safety; permit requirements; location restrictions; trash pickup; lighting restrictions; and other requirements; and establishing a fine of not less than \$250 nor more than \$500 for each violation; all effective upon date of passage.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,500 for the Div. of Parks and Recreation from Neighborhood Development Funds for the purchase of new benches and television for the Kenwick Community Center, and appropriating and re-appropriating funds, Schedule No. 56.

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An Ordinance establishing a six month limited Pilot Program for certain Mobile Food Unit Vendors to lawfully operate in designated street parking areas and providing for licensing; compliance with ordinance and program requirements; Food Vending Zones; hours of operation; insurance; and a fine of not less than \$250 nor more than \$500 for each violation; all effective upon date of passage was on the docket for first reading.

Ms. Lawless made a motion, seconded by Mr. Kay, to amend the ordinance to add the following provision: (c) (2) d. A mobile food vendor shall not locate or operate within two hundred feet (200') of the boundaries of a designated Pedestrian Oriented Business District.

Ms. Gorton and Mr. Farmer asked questions of Ms. Lawless regarding the motion. Ms. Lawless and Mr. David Barberie, Dept. of Law, responded.

The Council continued to discuss the motion, and to asked questions of Ms. Lawless and Mr. Barberie.

Mr. Beard asked a question regarding measuring dimensions and enforcement of those dimensions of Ms. Lawless. Ms. Lawless responded and also asked Mr. Derek Paulsen, Commissioner of the Dept. of Planning, Preservation and Development, to answer Mr. Beard's question. Mr. Paulsen responded to the question.

Ms. Henson asked if the Parking Authority has been involved in this discussion. Ms. Lawless responded.

The motion **failed** to pass by a vote of 1-14 (Stinnett, Akers, Beard, Clarke, Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Mossotti, Myers and Scutchfield voted **no**).

The ordinance was given first reading and ordered placed on file two weeks for public inspection.

The Council continued to discuss the issue of mobile food vendors and criteria for permitting.

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Mr. Beard made a motion, seconded by Mr. Lane, to move \$2,700,000 out of the LFUCG Fund Balance and into the Economic Contingency Fund.

Mr. Farmer asked questions of Mr. Beard regarding his motion. Mr. Beard responded as to the motivation behind the motion. Mr. Farmer made additional comments on the motion.

Mr. Kay spoke to the motion.

Mr. Stinnett asked a question of Mr. David Barberie, Dept. of Law, about the motion. Mr. Barberie responded.

Mr. Lane and Ms. Lawless spoke to motion.

Ms. Gorton asked a question of Mr. Barberie about the previous vote on this issue and if there was a budget amendment. Mr. Barberie responded.

The motion **failed** to pass by a vote of 7-8 (Stinnett, Akers, Clarke, Farmer, Ford, Henson, Kay, and Lawless **no**).

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointment: Gregory Colvin, Assistant Director, Community Corrections, Grade 119E, \$2,855.36 bi-weekly, effective upon passage of Council was on the docket for second reading.

Mr. Farmer made a motion, seconded by Mr. Stinnett, to table the resolution until the June 6, 2013 Council Meeting.

The motion **passed** by a majority vote of 10-4 (Akers, Beard, Ellinger, and Mossotti voted **no**).

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

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

Nay: -----0

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&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.

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.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Eileen O'Donnell, Administrative Specialist Sr., Grade 112N, \$16.805 hourly, in the Dept. of Law, Rickie Butcher, Maintenance Mechanic, Grade 113N, \$21.164 hourly, in the Div. of Water Quality, Robert Pulcini, Skilled Trades Worker, Grade 111N, \$15.508 hourly, in the Div. of Facilities and Fleet Management, Jeffery Marshall, Security Officer, Grade 106N, \$15.130 hourly, in the Div. of Facilities and Fleet Management, James Ratliff, Skilled Trades Worker, Grade 111N, \$21.046 hourly, in the Div. of Facilities and Fleet Management, Brittany Watson, Telecommunicator Sr., Grade 113N, \$16.438 hourly, in the Div. of Emergency Management/911, Philip Thompson, Planner Sr., Grade 117E, \$1,782.96 bi-weekly, in the Div. of Planning, Suzanne Combs, Child Care Program Aide, Grade 107N, \$15.586 hourly, in the Div. of Family Services, Candice Euarl, Child Care Program Aide, Grade 107N, \$12.588 Hourly, in the Div. of Family Services, Beth Beldon, Human Resources Analyst, Grade 115E, \$1,693.20 bi-weekly, in the Div. of Human Resources, James Heard, Equipment Operator Sr., Grade 109N, \$12.339 hourly, in the Div. of Waste Management, Tim Burton, Equipment Operator Sr., Grade 109N, \$18.750 hourly, in the Div. of Waste Management, Amy Baker, Program Administrator, Grade 117E, \$2,224.48 bi-weekly, in the Dept. of Social Services, and Garret Krall, Treatment Plant Operator, Grade 113N, \$17.474 hourly, in the Div. of Water Quality, all effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following probationary sworn

appointments: Sharon Salomon, Alejandro Dodds, Timothy Jury, Brandon Howard, Jacob Agee, Luke Hamlin, Joshua Preston, Joseph Hall, Melvin Trent, Adam Essex, Earl Leach, Leonard Miller, Evan Partin, Lindsey Wright, Derek Miracle, Robert Hisel, Justin Edwards, Justin Feck, Robert Sykes, Roger Meadows, Sean Velez, Jeffrey Marshall, Robert McNeil, Frank Gibson, John Rogers, Joseph Murphy, Jarrod Haden, Bryce Bowie, Keziah Israel, Stanley Browning, Isaac Rodriguez, Bryant Bowels, Scott Harding, Randall Miller and Patrick Miller, Community Corrections Officer, Grade 110N, \$14.340 hourly, in the Div. of Community Corrections, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Brenna Angel, Program Specialist, Grade 112E, \$1,628.08 bi-weekly, in the Office of the Mayor, effective upon passage of Council was given first reading.

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

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

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

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

Nay: -----0

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

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

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

Nay: -----0

A Resolution ratifying the probationary civil service appointments of: Frank White, Body and Paint Mechanic-Certified, Grade 111N, \$22.091 hourly, in the Div. of Facilities and Fleet Management, effective May 20, 2013, Theresa Maynard, Buyer Sr., Grade

116E, \$2,069.92 bi-weekly, in the Div. of Central Purchasing, effective April 22, 2013, Gregory Sheffer, Maintenance Mechanic, Grade 113N, \$17.077 hourly, in the Div. of Water Quality, effective June 3, 2013, and Blaine Wolf, Maintenance Mechanic, Grade 113N, \$18.233 hourly, in the Div. of Water Quality, effective June 3, 2013; ratifying the permanent civil service appointments of: Barbie Tapp, Staff Assistant, Grade 107N, in the Div. of Police, effective April 1, 2013, Tabitha Highley, GIS Specialist, Grade 114N, in the Div. of Computer Services, effective April 22, 2013, Brad Mecham, Building Inspector, Grade 113N, in the Div. of Building Inspection, effective May 6, 2013, and Christopher Phillips, Administrative Specialist, Grade 110N, in the Div. of Waste Management, effective May 2, 2013; ratifying the approved Council Leave for: Ilir Aliu, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, thirty-five days beginning July 4, 2013; ratifying the unclassified civil service appointments of: Melynda Jamison, C.A.S.A. Services Manager, Grade 116E, \$2,131.36 bi-weekly, in the Div. of Youth Services, effective May 27, 2013, and India Thomason, Equipment Operator, Grade 108N, \$15.594 hourly, in the Div. of Youth Services, effective June 3, 2013; ratifying the unclassified civil service appointments in the Office of the Urban County Council: James Waddell, Aide to Council, Grade 000E, \$1,923.08 bi-weekly, in the Office of the Urban County Council, effective May 13, 2013, and Hilary Angelucci, Aide to Council, Grade 000E, \$2,131.36 bi-weekly, in the Office of the Urban County Council, effective May 28, 2013.

A Resolution retaining Dean Dorton Allen Ford PLLC, to conduct the audit of the Lexington-Fayette Urban County Government Water Quality Management Fund for the purpose of ensuring certain compliance requirements included in Ordinance No. 73-2009, and authorizing the Mayor or the Commissioner of Finance, on behalf of the Lexington-Fayette Urban County Government, to execute a Letter Agreement and any other necessary documents related to the audit, with Dean Dorton Allen Ford PLLC, at a cost not to exceed \$12,000.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Ky. PTA - Athens Chilesburg Elementary (\$1,625), Meadowthorpe Neighborhood Association (\$318), Seedleaf, Inc. (\$2,400), Seedleaf, Inc. (\$1,225), CASA of Lexington, Inc. (\$2,600), Bluegrass Domestic Violence Program

(\$1,750) and Stonewall Community Association (\$600), 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. Scutchfield, seconded by Ms. Henson, the rules were suspended by unanimous vote.

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

Aye: Stinnett, Akers, Beard, Clarke, Ellinger,
Farmer, Ford, Gorton, Henson, Kay,
Lane, Lawless, Mossotti, Myers, Scutchfield-----15
Nay: -----0

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

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

Aye: Stinnett, Akers, Beard, Clarke, Ellinger,
Farmer, Ford, Gorton, Henson, Kay,
Lane, Lawless, Mossotti, Myers, Scutchfield-----15
Nay: -----0

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Service Agreement with Harshaw Trane to provide scheduled annual preventative maintenance services for HVAC equipment at the Government Center, Police Headquarters, and Downtown Arts Center for up to three (3) years, with the cost in FY2013 estimated not to exceed \$8,600.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Triton Services, Inc., for HVAC and Piping Repair for the Phoenix Building Contract, increasing the contract price by the sum of \$8,360 from \$218,440 to \$226,800.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the donation of a military surplus ARFF apparatus, valued at \$165,000, from the Ky. Fire Commission, for use by the Div. of Fire and Emergency Services was given first reading.

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

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

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

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Memorandum of Agreement with the Lexington Library and Harmony HB, LLC, a division of Anderson Communities, Inc., for maintenance improvements to Phoenix Park, at a cost not to exceed \$19,141 was given first reading.

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

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

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

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Downtown Lexington Corp. (\$1,500), Moveable Feast (\$2,000), Broke Spoke (\$1,175), Transylvania Park Neighborhood Association (\$1,000), Historic Woodward Heights Neighborhood Association (\$500), Mentelle Neighborhood Association (\$1,500), Lexington Blazin' Cats Track and Field Club, LLC (\$3,325), African American Forum, Inc. (\$1,175), The Headley-Whitney Museum (\$1,250), Eight Five Nine Nuggets AAU Program, Inc. (\$400), Infant Nurture (\$450), Victory Christian Church (\$1,500), Idle Hour Neighbors Alliance (\$450), Idle Hour Neighbors Alliance (\$2,500), East Cooper Neighborhood Association (\$3,000), Dellavalle Management, Inc. (\$750), The Ky. Civil War Round Table, Inc. (\$450), Central Ky. Radio Eye (\$50) and American Lung Association of Ky., Inc. (\$1,000), 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 Ms. Lawless, seconded by Ms. Gorton, and approved by unanimous vote, the resolution was amended to change the allocation to Moveable Feast from \$2,000 to \$1,505 due to a clerical error.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Downtown Lexington Corp. (\$1,500), Moveable Feast (\$1,505), Broke Spoke (\$1,175), Transylvania Park Neighborhood Association (\$1,000), Historic Woodward Heights Neighborhood Association (\$500), Mentelle Neighborhood Association (\$1,500), Lexington Blazin' Cats Track and Field Club, LLC (\$3,325), African American Forum, Inc. (\$1,175), The Headley-Whitney Museum (\$1,250), Eight Five Nine Nuggets AAU Program, Inc. (\$400), Infant Nurture (\$450), Victory Christian Church (\$1,500), Idle Hour Neighbors Alliance (\$450), Idle Hour Neighbors Alliance (\$2,500), East Cooper Neighborhood Association (\$3,000), Dellavalle Management, Inc. (\$750), The Ky. Civil War Round Table, Inc. (\$450), Central Ky. Radio Eye (\$50) and American Lung Association of Ky., Inc. (\$1,000), 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. Lawless, seconded by Mr. Myers, the rules were suspended by unanimous vote.

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

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

Nay: -----0

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

A Resolution accepting the bid of Quality Cleaning Services, Inc., establishing a price contract for Cleaning Services for Flooding, for the Div. of Water Quality.

A Resolution accepting the bids of Woodall Construction Co., Inc.; Tom Chesnut Excavation and Construction, LLC; and Perdue Environmental Contracting Co., Inc. d/b/a Pelco, Inc., establishing price contracts for equipment rental with operator, for the Div. of Streets and Roads.

A Resolution accepting the bid of James A. Wade, establishing a price contract for Land for Lease - Cardinal Run (Mowing Rights), and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with James A. Wade, related to the bid.

A Resolution accepting the bid of Worldwide Equipment, establishing a price contract for CNG Cab and Chassis for Refuse Vehicles, for the Div. of Facilities and Fleet Management.

A Resolution authorizing the Div. of Waste Management, on behalf of the Urban County Government, to renew the Contract with Verizon Wireless, a sole source provider, for communication of GPS and route collection data and access to Routeware System for four (4) years at a cost not to exceed \$180,000 (FY 2013).

A Resolution accepting the responses of AIC; Leverage Partners; Metaformers; Pomeroy; Signature Technology Group; SIS; and Zannett, to provide Information Technology and Consulting Services pursuant to RFP No. 2-2013 and establishing price contracts, and authorizing the Mayor, on behalf of the Urban County Government, to execute any additional necessary Agreements with the vendors related to the RFP.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Office of Homeland Security and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$13,633 Commonwealth of Ky. funds from the Law Enforcement Protection Program, and are for the purchase of a Throwbot XT, for the Div. of Police.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Smart Systems, for chemicals for use in the dishwashing machine at the Family Care Center, at a cost not to exceed \$2400.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Bluegrass Area Development District, to accept additional funding in the amount of \$10,040 for operation of the Senior Citizens Center.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Bluegrass Area

Development District, 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 \$83,101 Federal funds, are for operation of the Senior Citizens Center in FY 2014, the acceptance of which obligates the Urban County Government for the expenditure of \$166,566 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 Change Order No. One (1) to the Contract with R. B. Jergens Contractors, Inc., for the Haley Pike Landfill Closure, for the Dept. of Environmental Quality and Public Works, increasing the contract price by the sum of \$484,075.29 from \$2,250,895.35 to \$2,734,970.64.

A Resolution authorizing the Div. of Engineering, on behalf of the Urban County Government, to purchase design services for the Northland Meadows Arlington Phase 5C Project from ECSI, LLC, a sole source provider, at a cost not to exceed \$22,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Interlocal Cooperative Agreement with the Ky. Counties of Anderson, Bourbon, Boyle, Clark, Estill, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott and Woodford, for the continued operation of and participation in the Bluegrass Workforce Investment Board.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Friends for Skateparks, Lexington, Ky., Inc. (\$140) and Dress for Success Lexington, Inc. (\$1,625), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Homeland Security, Federal Emergency Management Agency, which Grant funds are in the amount of \$18,128 Federal funds, are for a fire prevention program targeted toward the elderly, disabled, and/or limited English proficient, the acceptance of which obligates the Urban County Government for the expenditure of \$4,531 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution of the Urban County Council directing the Mayor to immediately fill vacant positions within the Div. of Code Enforcement, effective upon passage of Council.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to a 1957 Agreement with CSX Transportation, Inc. to allow relocation of a sanitary sewer trunk line onto the Eastern State Hospital/BCTC Campus for the Div. of Water Quality.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with U.S. Geological Survey, for the continuing and ongoing maintenance and operation of existing stream flow and precipitation gauges, at a cost not to exceed \$108,480 (FY 2014).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Lease Agreement with MailFinance Inc., Neopost USA Inc., and Central Business Systems as the sole-source provider, for lease and maintenance of mailing equipment, at a cost not to exceed \$9,065.04 for the first year of a five year lease, future years subject to appropriations by Council.

A Resolution authorizing the Mayor or the Commissioner of Finance, on behalf of the Urban County Government, to execute a Letter Agreement with Dean Dorton Allen Ford PLLC, for preparation of the Sheriff's Settlement for the 2012 Property Tax Year, at a cost not to exceed \$12,000 in FY2014.

A Resolution authorizing Dean Dorton Allen Ford, PLLC, to conduct a financial audit of all Lexington-Fayette Urban County Government funds for Fiscal Year 2013 for an amount not to exceed \$149,000 (FY2014), and authorizing the Mayor, on behalf of the Urban County Government, to execute a Letter Agreement and any other necessary documents with Dean Dorton Allen Ford, PLLC related to the audit.

A Resolution accepting the bid of TW Telecom of Ky. LLC, in accordance with the provisions of Ordinance No. 50-2013, creating and offering for sale a short term franchise for the operation of a non-exclusive telecommunications system in Fayette County, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with TW Telecom of Ky. LLC, incorporating the terms and conditions of Ordinance No. 50-2013.

A Resolution accepting the bid of Windstream Ky. East LLC, in accordance with the provisions of Ordinance No. 50-2013, creating and offering for sale a short term franchise for the operation of a non-exclusive telecommunications system in Fayette County, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with Windstream Ky. East LLC, incorporating the terms and conditions of Ordinance No. 50-2013.

A Resolution accepting the bid of Wild Telecommunications, Inc., in accordance with the provisions of Ordinance No. 50-2013, creating and offering for sale a short term franchise for the operation of a non-exclusive telecommunications system in Fayette County, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with Wild Telecommunications, Inc., incorporating the terms and conditions of Ordinance No. 50-2013.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. for Local Government and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$100,000 Commonwealth of Ky. funds, and are for support of an Energy Savings Performance Contract at the Detention Center, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Ky. Department for Local Government, to outline the procedures for hiring an Energy Service Company (ESCO) to identify and implement cost effective solutions to reduce utility consumption at the Detention Center.

A Resolution rescinding Resolution No. 154-2011, authorizing a Change Order to Gershman, Brickner and Bratton, Inc. to complete work on the Div. of Waste Management Routeware Program, to allow final clerical documentation.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Fayette County Public Schools, for transportation services for the Family Care Center's students and their children for the 2013-2014 school year, at a cost not to exceed \$83,000.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Metro Employees Credit Union, Inc., for

the general provision of mutual services, at no cost to the Urban County Government was given first reading.

Mr. Ford made a motion, seconded by Mr. Farmer, to suspend the rules for second reading.

Mr. Myers stated that he had additional questions of the Director of Human Resources, and asked that the motion be withdrawn in order to give time to get answers to those questions.

Mr. Ford asked questions of Mr. Myers. Mr. Myers responded.

Mr. Kay asked that the resolution stay on the agenda to address pending questions.

Mr. Ford withdrew his motion, and Mr. Farmer withdrew his second. The resolution was ordered placed on file two weeks for public inspection.

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A Resolution authorizing and directing the Div. of Traffic Engineering to install a crosswalk at the intersection of Fiddler Creek Way and Clearwater Way was given first reading.

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

Due to a clerical error, the resolution was not given second reading, and was ordered placed on file two weeks for public inspection.

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Upon motion of Ms. Gorton, seconded by Ms. Henson, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Mr. David Wickstrom, as At-Large representative, to the Commission for Citizens with Disabilities, with a term to expire 1-1-2015. Mr. Wickstrom will fill the unexpired term of Ms. Sandra Cowan; (2) Recommending the reappointment of Ms. Zina R. Merkin, as Greenways Community representative, to the Masterson Station Park Advisory Board, with a term to expire 5-1-2017; (3) Recommending the appointment of Mr. Brooks D. Downing, as 7th District representative, to the Parks and Recreation Advisory Board, with a term to expire 1-14-2017; (4) Recommending the appointment of Ms. Stacie Williams, as At-Large representative, to the Picnic with the Pops Commission, with a term to expire 7-1-2014.

Ms. Williams will fill the unexpired term of Ms. Soreyda Begley; and (5) Recommending the appointment of Councilmember Jennifer Scutchfield, as Ex-Officio member, to the Senior Services Commission.

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The Div. of Building Inspection Report for the 1st Quarter (January - March) of 2013 was received and ordered filed.

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Mr. Dick Owen, Wyatt Parkway, retired Div. of Police Captain, stated his concerns with the permitting of mobile food vendors.

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Mr. Sean Tibbetts, Hillside Drive, spoke about the mobile food vendor issue on behalf of the Bluegrass Food Truck Association and thanked everyone involved in the work group.

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Mr. Bernard McCarthy, Harry Street, stated his concerns with the proposed renovation of the Rupp Arena area.

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Ms. Lillie Miller-Johnson, Supervisor of the Soil and Water Conservation District of Fayette County, spoke about the activities of the District, and their need for support.

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Mr. Ilias Pappas, Ashland Avenue, stated his support of opportunities for mobile food vendors.

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Mr. Frank Harris, Kingston Road, asked for consideration to change the Council Chamber public display screen, stated concerns with his voting precinct boundaries, and with the Government's open records/open meetings law.

Ms. Gorton stated Mr. Harris could find a map of the Districts in the lobby of the Government Center.

Ms. Lawless directed Mr. Harris to the Fayette County Clerk's website to check his voting precinct.

* * *

Mr. Farmer made a motion, seconded by Mr. Kay, and approved by majority vote, to go into Closed Session at 8:20 p.m. pursuant to KRS 61.810(l)(f) for discussions that may lead to the appointment of an employee.

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Upon motion of Ms. Mossotti, seconded by Ms. Scutchfield, and approved by unanimous vote, the Council returned to Open Session at 9:30 p.m. with the same members present.

Upon motion of Mr. Farmer, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointment: Gregory Colvin, Assistant Director, Community Corrections, Grade 119E, \$2,855.36 bi-weekly, effective upon passage of Council was removed from the table for reconsideration, and placed on the docket for second reading.

The resolution was given second reading.

Ms. Lawless asked a question of Ms. Janet Graham, Commissioner of the Dept. of Law, regarding polygraph testing. Ms. Graham responded.

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

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

Nay: Lawless-----1

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Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by unanimous vote, the meeting adjourned at 9:35 p.m.

Clerk of the Urban County Council