

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky June 20, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on June 20, 2013, at 6:00 P.M. Present were Mayor Jim Gray in the chair presiding, and the following members of the Council: Council Members Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Mossotti, Myers, Scutchfield, Stinnett, Akers, Beard, and Clarke.

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

No resolutions or ordinances were reported as having been signed and published, and ordered to record.

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A moment of silence was observed in lieu of an Invocation.

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The Mayor introduced the Kentuckians Chorus and presented them with a proclamation in honor of the 75<sup>th</sup> Anniversary of the Barbershop Harmony Society, and Barbershop Harmony Week. The Mayor proclaimed June 20, 2013, Kentuckians Chorus Day. The Mayor congratulated Mr. Jim Lyon, Chorus President.

The Chorus presented songs to the Council and audience. The Chorus also sang 'Happy Birthday' to Ms. Henson and Ms. Gorton

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The Mayor recognized Ms. Beverly Fortune for her years of service at the Lexington Herald-Leader newspaper, presented her with a commemoration in honor of her accomplishments, and declared June 20, 2013, to be Beverly Fortune Day.

The Kentuckians Chorus sang a song to Ms. Fortune.

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Ms. Gorton recognized Ms. Janet Cowen, President, Ms. Shannon Hutchinson, Treasurer, and Ms. Sally Dodd, Vice-President, Friends of the Dog Park, who presented the Mayor and Council with a donation check of \$23,202.

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The Mayor, Ms. Mossotti and Mr. Clarke recognized Ms. Leia Wedlund, 2013 Paul Laurence Dunbar graduate, for being named a Siemens Foundation Scholarship winner, and presented her with a Henry Clay Ambassadorship.

Ms. Wedlund thanked the Mayor and Council for the recognition and she thanked her parents, teachers and counselors for all their support.

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An Ordinance appropriating the Revenues, Expenditures/Expenses and Interfund Transfers for the General Services District Fund, the Tenant Relocation Fund, the Full Urban Services Districts Fund, the Police Confiscated Federal Fund, the Police Confiscated State Fund, the Public Safety Fund, the Municipal Aid Program Fund, the County Aid Program Fund, the Mineral Severance Fund, the Coal Severance Fund, the Miscellaneous Special Revenue Fund, the Police Confiscated - Treasury Fund, the FY 2014 Bond Projects Funds, the Sanitary Sewer Revenue and Operating Fund, the Sanitary Sewer Construction Fund, the Lexington-Fayette Urban County Government

Public Facilities Corporation General Fund, the Lexington-Fayette Urban County Government Public Facilities Corporation Parks Projects Fund, the Water Quality Management Fund, the Landfill Fund, the Right of Way Program Fund, the Extended School Program Fund, the Prisoners' Account Fund, the Enhanced 911 Fund, the Lexington-Fayette Urban County Government Public Library Corporation Fund, the City Employees' Pension Fund, the Police and Fire Retirement Fund of the Lexington-Fayette Urban County Government, the Medical Insurance Fund, the Property and Casualty Claims Fund, and the reallocation of Bond Project Funds, on a divisional level by four (4) control levels, for the Fiscal Year ending June 30, 2014, for the Lexington-Fayette Urban County Government and its agencies and instrumentalities; approving and adopting the Capital Improvement Program for Fiscal Years (FY) 2014 through (FY) 2019, as a portion of the Fiscal Year (FY) 2014 Annual Capital Improvements Budget; and approving funding for the Lexington-Fayette Urban County Tourist and Convention Commission from the Transient Room Tax, said funding to equal 99 1/2% of the revenue from the tax was on the docket for second reading.

Upon motion of Ms. Gorton, seconded by Mr. Farmer, and approved by unanimous vote, the ordinance was separated from the list of ordinances for second reading for consideration.

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

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

Nay: -----0

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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 second reading.

Ms. Akers made a motion, seconded by Ms. Henson, and approved by unanimous vote, to amend the ordinance as follows: (1) Amend Subsection 3(c)(1) to

remove approval of the zones by the Lexington Fayette County Parking Authority; (2) Amend Subsection 3(c)(1) to allow for lawful operation within the on-street food vending zones at metered parking spaces from 7 am to 5 pm Monday through Friday, (3) Amend Subsection 3(c)(1) to replace the on-street food vending zones with the 6 zones adopted by the Lexington Fayette County Parking Authority: the 100 block of E. High St between the intersections of S. Limestone and S. MLK Jr. Blvd., the 200 block of W. High St. between the intersections of S. Upper St. and S. Mill St., the 300 block of N. MLK Jr. Blvd. between Constitution St. and Wickliffe St., the 200 block of E. Corral St. between MLK Jr. Blvd. and Spruce St., the 200 block of W. Vine St. between the intersections of S. Broadway and S. Mill St., and the 100 block of W. Vine St. between the intersections of S. Mill St. and S. Upper St.; (4) to amend subsection 3(c)(2) to allow for the lawful operation between the hours of 5 pm and 3 am Monday through Friday in on-street parking areas where it is otherwise legal to park; (5) to amend subsection 3(c) to add a new subsection 3 to allow for the lawful operation between the hours of 7 am and 3 am Saturdays and Sundays in on-street parking areas where it is otherwise legal to park; (6) to renumber the portion of subsection 3(c)(2) dealing with location restrictions to subsection 3(c)(4) and to remove the phrase 'unless separated by a public street or roadway'; (7) to amend subsection 3(g) to provide for a fine not to exceed \$250. Ms. Akers stated that this was a material change and required a new first reading.

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 not to exceed \$250 for each violation; all effective upon date of passage was given new first reading as amended.

Ms. Akers stated that she would prefer to ask for suspension of the rules for second reading of the ordinance at the end of the list of resolutions for first reading in order to have all Council Members present. The Mayor agreed.

Additional actions on the ordinance may be found following actions taken on resolutions for first reading.

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An Ordinance amending Subsection 6-53(b)(2) of the Code of Ordinances relating to the City Employees' Pension Fund to increase annual cost-of-living increases from 3% to 5% effective July 1, 2013 was on the docket for second reading.

Mr. Lane made a motion, seconded by Mr. Ellinger, to table the ordinance to the August 27, 2013 meeting of the Budget and Finance Committee.

The motion **failed** to pass by a vote of 4-8 (Mr. Ford, Ms. Henson, Mr. Kay, Ms. Lawless, Ms. Scutchfield, Mr. Stinnett, Ms. Akers and Mr. Clarke voted no; Mr. Farmer, Ms. Gorton, and Ms. Mossotti were absent when the vote was taken.).

The Mayor spoke about the ordinance and his concerns with the ordinance.

Ms. Henson spoke to Mayor Gray's concerns

Mr. Myers made a motion, seconded by Mr. Ellinger, and approved by majority vote (Mr. Farmer, Ms. Gorton, and Ms. Mossotti were absent when the vote was taken) to separate the ordinance from the list of ordinances for second reading for voting purposes.

The ordinance was given second reading. Upon motion of Ms. Henson, and seconded by Ms. Akers, the ordinance **failed to pass** by the following vote:

Aye: Ford, Henson, Kay, Lawless, Akers,  
Clarke-----6

Nay: Ellinger, Lane, Myers, Scutchfield, Stinnett,  
Beard-----6  
(Mr. Farmer, Ms. Gorton, and Ms. Mossotti were absent when the vote was taken.)

Mr. Ford asked questions of Mr. David Barberie, Dept. of Law, about the procedure for reconsidering the ordinance later in the meeting. Mr. Barberie responded.

Additional actions on the ordinance may be found following actions taken on resolutions for first reading.

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

Aye: Ellinger, Ford, Henson, Kay, Lane,  
Lawless, Myers, Scutchfield, Stinnett, Akers,  
Beard, Clarke-----12

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

An Ordinance amending Article 5 of the Zoning Ordinance and Articles 4 and 6 of the Land Subdivision Regulations to account for changes required by the new Lexington-Fayette Urban County Government Capacity Assurance Program (Urban County Planning Commission).

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. 55.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$3,200,000 for the Police and Fire Pension Fund based on the rate approved at the June 2013 Police and Fire Pension Board Meeting and appropriating and re-appropriating funds, Schedule No. 57.

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An Ordinance changing the zone from a Neighborhood Business (B-1), Professional Office (P-1), Single Family Residential (R-1E) and High Density Apartment (R-4) zone to a Planned Shopping Center (B-6P) zone, for 3.1462 net (3.6588 gross) acres, for properties located at 704 Euclid Ave.; and 408, 412, 416 and 420 Marquis Ave. including dimensional variances (Kroger Limited Partnership 1; Council District 3) was given first reading and ordered placed on file until a Special Council Meeting for a Public Hearing to be held on August 13, 2013, at 5:00 p.m.

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An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to accept a donation of water fountains and dog bowls from the Friends of the Dog Park, Inc. for Coldstream and Masterson Station Park Dog Parks was given first reading.

Mr. David Barberie, Dept. of Law, stated it had been his understanding that Ms. Gorton wished to request a suspension of the rules for second reading of the ordinance.

Upon motion of Mr. Ellinger, seconded by Mr. Lane, the rules were suspended by majority vote (Mr. Farmer, Ms. Gorton, and Ms. Mossotti were absent when the vote was taken).

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

Aye: Ellinger, Ford, Henson, Kay, Lane,  
Lawless, Myers, Scutchfield, Stinnett, Akers,  
Beard, Clarke-----12

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

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Ms. Lawless made a motion, seconded by Mr. Kay, to place on the docket for first reading an Ordinance amending Subsection 16-13(a) of the Code of Ordinances relating to garbage and trash collection in the Downtown area.

Mr. Stinnett asked a question of Ms. Lawless and Mr. Richard Moloney, Commissioner of the Dept. of Environmental Quality and Public Works regarding taxes. Mr. Moloney responded.

Mr. Ellinger asked questions of Ms. Lawless regarding the motion.

The motion **passed** by majority vote (Mr. Farmer, Ms. Gorton, and Ms. Mossotti were absent when the vote was taken.)

An Ordinance amending Subsection 16-13(a) of the Code of Ordinances relating to garbage and trash collection in the Downtown area was given first reading.

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

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

Aye: Ellinger, Ford, Henson, Kay, Lane,  
Lawless, Myers, Scutchfield, Stinnett, Akers,  
Beard, Clarke-----12

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

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The following ordinances were given first reading and ordered placed on file until July 2, 2013, for public inspection.

An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone to a Townhouse Residential (R-1T) zone, for 1.57 net (1.64 gross) acres, for

property located at 835, 836, 848, 849 and 856 DeRoode St.; and a former railroad parcel with no address including dimensional variances (Urban County Planning Commission; Council District 3).

An Ordinance amending Subsection 12-5(c) of the Code of Ordinances relating to nuisances to prohibit vegetation interfering with vehicular traffic within the public right-of-way.

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. 1.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Food Services Agreement with Trinity Services I, LLC, for food services for the Div. of Community Corrections, at a cost not to exceed \$1,648,420 for the Fiscal Year 2014 was on the docket for second reading.

Ms. Henson made a motion, seconded by Ms. Akers, to remove the resolution from the docket.

Mr. Lane asked questions of Ms. Henson about the necessity of the motion. Ms. Henson responded, as did Mr. Todd Slatin, Director of the Div. of Purchasing.

The motion **passed** by majority vote (Mr. Farmer, Ms. Gorton, and Ms. Mossotti were absent when the vote was taken.)

The resolution was removed from the docket.

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

Aye: Ellinger, Ford, Henson, Kay, Lane,  
Lawless, Myers, Scutchfield, Stinnett, Akers,  
Beard, Clarke-----12

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

A Resolution accepting the bid of Bradley Hook It Up Mobile, LLC, establishing a price contract for Vehicle Steam Cleaning, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Worldwide Equipment, Batteries Plus, and KOI Auto Parts, establishing price contracts for truck and automotive batteries, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Siemens Healthcare Diagnostics, establishing a price contract for drug testing for the Div. of Community Corrections.

A Resolution accepting the bid of Aramsco, Inc., establishing a price contract for hospital PPE kits, for the Div. of Emergency Management/911.

A Resolution accepting the bids of Comtronics, Inc.; Owens Communications, Inc.; and Southern Communications and Consultants, Inc., establishing price contracts for the installation of Public Safety Mobile Radios, for the Div. of Police.

A Resolution accepting the bid of QX Networks and Design, Inc., establishing a price contract for Internet Access Service Provider for the Div. of Computer Services.

A Resolution accepting the bid of B and H Environmental Services, establishing a price contract for Sanitary Sewer Overflow (SSO) Cleanup Services, for the Div. of Water Quality.

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. 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 \$16,183 Federal funds under the Juvenile Accountability Block Grant Program, are for continuation of the Juvenile Surveillance Program, professional services, professional development, drug testing services and supplies, and educational materials, the acceptance of which obligates the Urban County Government for the expenditure of \$1,798 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 a Lease with Metro Employees Credit Union, for lease of space at the Versailles Rd. Campus.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Vision Internet Providers, Inc. as the sole-source

provider, for the Lexington-Fayette Urban County Government Website VisionCMS Upgrade, at a cost not to exceed \$26,100.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease with Metro Employees Credit Union, for lease of space at the Phoenix Building.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease with Employment Solutions, Inc., for East Sector Roll Call located at 1165 Centre Pkwy., at a cost not to exceed \$33,744.

A Resolution declaring as surplus and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute Quit-Claim Deeds and any other necessary documents for the transfer of .093 acres of property located at 946 Whitney Ave. and .093 acres of property located at 948 Whitney Ave. to the purchaser of an adjacent parcel which should have been included in the original purchase.

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. of Education, Div. of School and Community Nutrition, 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 \$79,000 Federal funds, and are for participation in the Child Care Food Program 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, pursuant to Code of Ordinances Section 18-66, designating the speed limit on Montavesta Rd. between Mount Dr. and Pepperhill Rd. as 25 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 3 to the Contract with HDR/Quest Engineering, Inc., for design of Citation Blvd. Phase II, increasing the contract price by the sum of \$114,715 from \$979,807 to \$1,094,522.

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

Investment Board, 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 \$135,000 Federal funds, and are for a Workforce Preparation Project 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 and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of \$460,000 Federal funds, are for the FY 2014 ITS/CMS (Intelligent Transportation System/Congestion Management System) Traffic Improvements Project, the acceptance of which obligates the Urban County Government for the expenditure of \$115,000 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 Change Order No. One to the Contract with Todd Johnson Construction Co., for construction of Meadows/Northland/Arlington Public Improvements Project, Phase 5A, increasing the contract price by the sum of \$9,659.41 from \$1,476,330.16 to \$1,485,989.57.

A Resolution accepting the Div. of Water Quality's Standard Operating Procedure for Point Repairs and Sewer Line Maintenance.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of Ky., for the provision of school nursing services for students of the Day Treatment Center and Family Care Center, at a cost not to exceed \$5,000 (FY2014).

A Resolution approving the Second Renewal of the Engineering Services Agreement with Tetra Tech, Inc., to provide annual program management services for Consent Decree Implementation and MS4 Permit Compliance, at a cost not to exceed \$887,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendment #3 to the Agreement with Bluegrass Area

Development District, to provide additional Federal funds in the amount of \$11,503, for operation of the Lexington Senior Citizens Center.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a HOME Agreement with Davis Park View, LLLP, for use of Federal HOME Investment Partnerships Program funds for the development of rental housing for the households displaced by the Newtown Pike Extension Project, at a cost not to exceed \$627,138.

A Resolution accepting the response of Kraus Associates, Inc. d/b/a AK Associates, to RFP No. 11-2013, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Multi-Year Agreement with Kraus Associates, Inc. d/b/a AK Associates, to provide on-site and remote maintenance services for LFUCG's 9-1-1- system, at a cost not to exceed \$247,000 (FY 2014).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for the Gainsway Trail Project, extending performance period through June 30, 2014, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Illuminated Street Sign Project, extending performance period through June 30, 2014, 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 Risk Management Services Co., for workers' compensation, general liability and automobile liability claims administration services, at a cost not to exceed \$214,700 for FY 2014.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. 1 to the Engineering Services Agreement with CDP Engineers, Inc., for design of Southland Drive Bike Lane Project, increasing the contract amount by the sum of \$15,669 from \$49,886 to \$65,555.

A Resolution authorizing and approving the purchase of the following insurances: excess property insurance through Alliant from PEPIP (\$317,403.78), excess workers' compensation through Alliant from New York Marine and General Insurance Co.

(\$326,989.00), excess aviation liability through Powell Walton Milward from Old Republic Insurance Co. (\$4,581.00), excess liability (general, automobile and public official's) through Powell Walton Milward from Munich Re (\$561,396.00), and self-insured auto no-fault bond through Powell Walton Milward from International Fidelity Insurance Co. (\$2,500.00), for FY 2014, at a total cost not to exceed \$1,212,869.78, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute all necessary documents to accomplish the same.

A Resolution amending Sections 1 and 2 of Resolution No. 255-2013 which authorized the Mayor, on behalf of the Urban County Government, to execute Agreements for various public projects for the Office of the Urban County Council, to correct the name of an entity from Dellavalle Management, Inc. to Lakes Edge Condominium Association, Inc.

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A Resolution accepting the bid of E.T. Landscape, establishing a price contract for Landscape Maintenance, for the Office of the Urban County Council (Corridors Commission) was given first reading.

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

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

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

Nay: -----0

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Roger Mulvaney, Associate Traffic Engineer, Grade 115E, \$1,693.20 bi-weekly, in the Div. of Traffic Engineering, Roger Land, Electrical Instrumentation Technician Sr., Grade 114E, \$2,196.16 bi-weekly, in the Div. of Facilities and Fleet Management, Tamarah Gross, Administrative Specialist, Grade 110N, \$16.289 hourly, in the Div. of Revenue, Daniel King, Skilled Trades Worker, Grade 111N, \$14.450 hourly, in the Div. of Parks and Recreation, Robert Morgan, Vehicle and Equipment Mechanic Apprentice, Grade 107N,

\$11.777 hourly, in the Div. of Facilities and Fleet Management, Tyler Jett, Heavy Equipment Technician, Grade 113N, \$16.298 hourly, in the Div. of Facilities and Fleet Management, Brenda McFaddin, Staff Assistant, Grade 107N, \$15.125 hourly, in the Div. of Police, Georgetta Gill, Staff Assistant, Grade 107N, \$15.125 hourly, in the Div. of Police; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Coleman Slone, Environmental Inspector, Grade 113N, \$16.031 hourly, in the Div. of Water Quality, all effective upon passage of Council was given first reading.

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

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

Nay: -----0

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

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

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

Nay: -----0

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Copperfield Neighborhood Association, Inc. (\$500), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Psi Tau Chapter of Omega Psi Phi Fraternity, Inc. (\$400), Palomar Hills Community Association (\$500), Dogwood Trace Neighborhood

Association, Inc. (\$1,500) and Rabbit Run Homeowners Association, Inc. (\$1,500), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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

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

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

Nay: -----0

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 Town Branch Trail Phase III Project 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 an Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Old Frankfort Pike/Alexandria Drive Stone Fence Project through June 30, 2014, at no cost to the Urban County Government.

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Mr. Kay made a motion, seconded by Ms. Lawless, to place on the docket a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lexington History Museum, Inc., for a Pocket Museum.

Mr. Kay gave background information on the purpose of a 'pocket museum.'

The motion **passed** by unanimous vote.

The resolution was given first reading.

Mr. Kay made a motion, seconded by Ms. Lawless, to suspend the rules for second reading.

Mr. Beard asked questions regarding the infrastructure of the Lexington History Museum. Mr. Kay responded, as well as Mr. Jamshid Baradaran, Director of the Div. of Facilities and Fleet Management. The Mayor also spoke about the Pocket Museum project.

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

Nay: -----0

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The following resolutions were given first reading and ordered placed on file until July 2, 2013, for public inspection.

A Resolution accepting the bid of Leak Eliminators, LLC, establishing a price contract for Sanitary Sewer System Rehabilitation, for the Div. of Water Quality.

A Resolution accepting the bid of Xylem Dewatering Solutions, Inc. d/b/a Godwin Pumps of America, establishing a price contract for Emergency Pumps and Accessories, for the Div. of Water Quality.

A Resolution accepting the bids of Paul Miller Ford; Alton Blakley Ford; Lexington Truck Sales, Inc.; Bluegrass International; National Coatings and Supplies; Republic Diesel; General Parts Distribution, LLC d/b/a Carquest Auto Parts; Truck Pro; KOI Auto Parts (Ky. Motors Service); NAPA Auto Parts (Midwest Auto Parts); Fleet Pride; Lexington Auto Spring Co.; Nandino Industrial Electric, Inc.; Worldwide Equipment; and Power Train of Ky., establishing price contracts for automotive and truck parts, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of JGB Enterprises, Inc., and Xylem Dewatering Solutions d/b/a Godwin Pumps, establishing price contracts for Pump Station Hose, Fittings and Motor Controller, for the Div. of Water Quality.

A Resolution ratifying the probationary civil service appointments of: Kenneth Robinson, Custodial Worker, Grade 102N, \$11.150 hourly, in the Div. of Facilities and Fleet Management, effective June 17, 2013, Garland Martin, Trades Supervisor, Grade 113N, \$22.659 hourly, in the Div. of Facilities and Fleet Management, effective June 17, 2013, Thomas Thompson, Security Officer, Grade 106N, \$15.130 hourly, in the Div. of Facilities and Fleet Management, effective June 20, 2013, Laurie Jackson, Administrative Specialist, Grade 110N, \$17.328 hourly, in the Div. of Planning, effective June 17, 2013, Christopher Cummins, Solids Processing Supervisor, Grade 115E, \$1,869.84, in the Div. of Water Quality, effective June 17, 2013, Shaun Gatewood,

Equipment Operator Sr., Grade 109N, \$15.067 hourly, in the Div. of Water Quality, effective June 17, 2013, and Stephen Pracht, Deputy Council Clerk, Grade 116E, \$1,706.48 bi-weekly, in the Council Clerk's Office, effective July 1, 2013; ratifying the unclassified civil service appointments of: Courtney Thacher, Administrative Specialist Principal, Grade 114E, \$1,483.52 bi-weekly, in the Div. of Water Quality, effective June 17, 2013, Harry Montgomery, Public Service Worker, Grade 106N, \$15.00 hourly, in the Div. of Waste Management, effective June 3, 2013.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Statement of Compliance with the Commonwealth of Ky., Transportation Cabinet, for bridge posting requirements.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Right of Entry Agreement with Time Warner Cable, for installation of high speed internet at Police locations.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to cancel the Rural and Inner City Adopt-a-Spot Agreement with the St. John's Lutheran Church Venture Crew 279 and execute Rural and Inner City Adopt-a-Spot Program Agreements with the Bryan Station High School Wrestling and Boy's Soccer Teams for participation in the Adopt-a-Spot Roadway Cleanup Program, at a cost not to exceed \$1,265.40.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Lexington-Fayette County NAACP Branch, for lease of space at the Black and Williams Neighborhood Center located at 498 Georgetown St.

A Resolution accepting the Proposal of Aramark Correctional Services RFP #9-2013, in the amount of \$135,360 (FY2014), for laundry services for the Div. of Community Corrections.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Fayette County Commonwealth Attorney's Office, the Kenton County Commonwealth Attorney's Office and the Commonwealth Attorney, 28th Judicial Circuit, for services under the 2011 Project Safe Neighborhood Program, at a cost not to exceed \$10,000 for the Fayette County

Commonwealth Attorney's Office, \$7,500 for the Kenton County Commonwealth Attorney's Office and \$6,500 for the Commonwealth Attorney, 28th Judicial Circuit.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Dept. for Local Government, for extension of the Coolavin Rail Trail Project 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 an Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Tates Creek Rd. Sidewalk Improvements Project through June 30, 2014, at no cost to the Urban County Government.

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

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

A Resolution approving the granting of an inducement to Total Quality Logistics, LLC, pursuant to the Ky. Business Investment Act (KRS Chapter 154.32), whereby the Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees for a term of not longer than ten (10) years from the activation date, subject to the limitations contained in the Act and any

Agreement Total Quality Logistics, LLC, has with the Ky. Economic Development Finance Authority and/or the Urban County Government related to the Project, and taking other related action.

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

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with URS Corp. for a traffic signal timing project for the FY 2014 ITS/CMS (Intelligent Transportation System/Congestion Management System) Traffic Improvements Project, at a cost not to exceed \$349,599.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Triton Services, Inc., for HVAC and Piping Repair for the Phoenix Building, increasing the contract price by the sum of \$5,695 from \$226,800 to \$232,495.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a First Amendment to the Purchase Agreement with Cassidian Communications, Inc., and the Lexington-Fayette Urban County Airport Corp., for the 800 MHz Digital Simulcast Radio Network, to allow for additional equipment to be purchased by the Airport and for other governmental entities to procure equipment under the Agreement, 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, 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 \$229,909 Federal funds under the Edward Byrne Memorial Justice

Assistance Grant Program, are for the purchase of equipment and training for the Div. of Police, 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 Change Order No. 1 to the Contract with Smith Contractors, Inc., for the Town Branch and West Hickman Wastewater Treatment Plant Electrical, SCADA, Blower/Aeration and Pump Station Improvements Project, increasing the contract price by the sum of \$478,000 from \$13,442,723 to \$13,920,723.

\* \* \*  
Mr. Ellinger made a motion, seconded by Ms. Gorton, to reconsider an Ordinance amending Subsection 6-53(b)(2) of the Code of Ordinances relating to the City Employees' Pension Fund to increase annual cost-of-living increases from 3% to 5% effective July 1, 2013.

Mr. Lane and Mr. Beard spoke to the motion to reconsider.

Mr. Kay made a point of order that a motion was on the floor to reconsider the ordinance, and that discussion on the ordinance should follow after the motion was approved. The Mayor accepted the point of order.

Mr. Farmer spoke about the motion.

The motion **passed** by unanimous vote.

Mr. Farmer asked questions about the ordinance and the Mayor responded.

The Council continued to discuss the ordinance.

Mr. Ford asked a question regarding the Pension Fund and Ms. Susan Lamb, Clerk of the Urban County Council and Secretary to the City Employees' Pension Fund, responded.

Mr. Beard asked questions of the Mayor regarding the ordinance. The Mayor asked Mr. Jamie Emmons, Mayor's Office, to respond also.

Ms. Lawless asked questions regarding the ordinance, and the Mayor responded.

The Council continued to discuss the issue.

Mr. Stinnett made a motion, seconded by Ms. Gorton, and approved by unanimous vote to call the question.

Upon motion of Ms. Gorton, and seconded by Mr. Chuck Ellinger II, the ordinance **failed to pass** by the following vote:

Aye: Ford, Gorton, Henson, Kay, Lawless,  
Mossotti, Clarke-----7

Nay: Ellinger, Farmer, Lane, Myers, Scutchfield,  
Stinnett, Akers, Beard-----8

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The Mayor recognized Mr. Sean Tibbetts, Hillside Drive, who spoke in favor of Mobile Food Vendors and the ordinance establishing a Pilot Program for Mobile Food Vendors.

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Ms. Akers made a motion, seconded by Mr. Lane, to suspend the rules for second reading of 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 not to exceed \$250 for each violation; all effective upon date of passage.

The motion **passed** by a majority vote of 11-4 (Mr. Ellinger, Ms. Gorton, Ms. Lawless, and Mr. Myers voted **no**).

The ordinance was given second reading.

Mr. Lane made a motion, seconded by Ms. Akers, to approve the ordinance.

Mr. Kay made a motion, seconded by Ms. Akers, to change Corral Street for Constitution Street in Subsection 3(c) of the ordinance. He stated this was not a substantive change and would not require a new first reading.

Mr. David Barberie, Dept. of Law, clarified the language of the motion.

The motion **passed** by unanimous vote.

Mr. Farmer asked questions of Ms. Akers regarding the portion of the ordinance dealing with the Lexington-Fayette County Parking Authority. Ms. Akers responded.

Ms. Lawless asked questions regarding the ordinance. Mr. Barberie responded.

Mr. Myers asked questions of Ms. Akers regarding the ordinance.

Mr. Lane made a motion, seconded by Ms. Akers, and passed by majority vote, to call the question.

The ordinance was approved by the following vote:

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

Nay: -----0

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Upon motion of Mr. Ellinger, seconded by Ms. Gorton, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the reappointments of Ms. Kacy T. Allen-Bryant, as nurse representative, Ms. Sandra N. Canon and Dr. Robert C. Lynch, as at-large representatives, Dr. Jacqueline R. Matar, Dr. John P. Riley and Dr. Gary Wallace as physician representatives, and Dr. Pamela A. Stein, as dentist representative, to the Board of Health, with terms to expire 6-30-2015; (2) Recommending the appointments of Councilmembers Julian Beard and Harry Clarke to the City Employees' Pension Fund Board, with terms to expire 12-31-2014. Councilmembers David Stevens and Tom Blues are no longer serving; (3) Recommending the appointment of Ms. Kelly R. Duffy to the Community Action Council Board, with a term to expire 12-31-2014. Ms. Cheryl Talbert is no longer serving; (4) Recommending the reappointment of Mr. Gregory B. Ladd to the Environmental Hearing Commission, with a term to expire 6-1-2016; (5) Recommending the appointment of Ms. Lori Houlihan, as LFUCG Administration representative, to the Town and Gown Commission, with a term to expire 2-1-2017. Ms. Melissa Lueker is no longer serving; (6) Recommending the appointment of Mr. Joseph D. Svec, as citizen representative, to the Tree Board, with a term to expire 4-19-2015. Mr. Svec will fill the unexpired term of Mr. Michael Slagle; and (7) Recommending the appointment of Mr. William M. Johnston, as Elected Officer, Neighborhood Association representative, to the Vacant Property Review Commission, with a term to expire 1-1-2016.

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The following Communications from the Mayor were received for information only (1) Resignation of Miles Meehan, Police Officer, Grade 311N, in the Div. of Police, effective March 31, 2013; (2) Resignation of William Fields, Firefighter, Grade 311N, in the Div. of Fire and Emergency Services, effective April 1, 2013; (3) Resignation of

Allison Diggins, Environmental Inspector, Grade 113N, in the Div. of Water Quality, effective April 1, 2013; (4) Resignation of Michael Kirkland, Public Service Worker Sr., Grade 107N, in the Div. of Facilities and Fleet Management, effective April 3, 2013; (5) Resignation of Jessica Herbel, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 5, 2013; (6) Resignation of Christopher Brunswick, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 8, 2013; (7) Resignation of Glenn Vanzant, Public Service Worker, Grade 106N, in the Div. of Waste Management, effective April 13, 2013; (8) Resignation of Brandon Logan, Firefighter, Grade 311N, in the Div. of Fire and Emergency Services, effective April 13, 2013; (9) Resignation of Jay West, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective April 14, 2013; (10) Resignation of Eric Scruggs, Public Service Worker Sr., Grade 107N, in the Div. of Streets and Roads, effective April 15, 2013; (11) Resignation of Carolyn Wetherington, Program Specialist, Grade 112E, in the Div. of Water Quality, effective April 20, 2013; (12) Resignation of Andrew Butler, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 26, 2013; (13) Resignation of Anthony Wilder, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 28, 2013; (14) Resignation of Russell Parrish, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 2, 2013; (15) Resignation of Jeffrey May, Police Officer, Grade 311N, in the Div. of Police, effective May 3, 2013; (16) Resignation of Matthew Good, Police Officer, Grade 311N, in the Div. of Police, effective May 5, 2013; (17) Resignation of Jason Eason, Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective May 6, 2013; (18) Resignation of Milan Gomez, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective May 7, 2013; (19) Resignation of Javier Alvarez, Firefighter, Grade 311N, in the Div. of Fire and Emergency Services, effective May 8, 2013; (20) Resignation of Elizabeth Ruiz, Police Officer, Grade 311N, in the Div. of Police, effective May 9, 2013; (21) Resignation of Carrie Taylor, Firefighter, Grade 311N, in the Div. of Fire and Emergency Services, effective May 10, 2013; (22) Resignation of Tiffany Hempel, Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective May 12, 2013; (23) Resignation of Melissa

Neale, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 13, 2013; (24) Resignation of William Thomason, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 15, 2013; (25) Resignation of Jennetha Murphy, Staff Assistant Sr., Grade 108N, in the Div. of Waste Management, effective May 16, 2013; (26) Resignation of Gionni McDaniels, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 20, 2013; (27) Resignation of Milton Ashby, Police Officer, Grade 311N, in the Div. of Police, effective May 20, 2013; (28) Resignation of Aaron Watts, Firefighter, Grade 311N, in the Div. of Fire and Emergency Services, effective May 22, 2013; (29) Resignation of Dustin Bruursema, Police Officer, Grade 311N, in the Div. of Police, effective May 31, 2013; and (30) Reinstatement of Richard Draper, Jr., Treatment Plant Operator, Grade 113N, in the Div. of Water Quality, effective June 17, 2013.

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The Mayor stated that the 1999 Urban County Council had been recognized with an award that evening by the Human Rights Commission for their work in the passage of the Fairness Ordinance.

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Ms. Akers thanked all the Mobile Food Vendor Task Force members and colleagues for their work on the Mobile Food Vendor Pilot Program.

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Ms. Carol Rickwald, Winfield Place, spoke about plans for a new Senior Citizens Center.

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Ms. Linda Sutherland, East Short Street, spoke in favor of a new Senior Citizens Center.

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Ms. Gorton thanked Ms. Connie Underwood for her assistance to the Council during the FY14 budget process.

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Upon motion of Ms. Akers, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 8:44 p.m.

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Clerk of the Urban County Council