

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky August 15, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on August 15, 2013, at 6:00 P.M. Present were Mayor Jim Gray in the chair presiding, and the following members of the Council: Council Members Henson, Kay, Lane, Lawless, Mossotti, Myers, Scutchfield, Stinnett, Akers, Beard, Clarke, Ellinger, Farmer, Ford, and Gorton.

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

Resolutions No. 358-2013 through 418-2013, and Ordinances No. 76-2013 through 86-2013, inclusive, were reported as having been signed and published, and ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky August 15, 2013

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

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Upon motion of Mr. Ellinger, seconded by Mr. Myers, the Minutes of the June 20, July 2 and 9, 2013, Council Meetings were approved by unanimous vote.

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

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

Nay: -----0

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Computer Analyst, Grade 115E, and creating one (1) position of Associate Traffic Engineer, Grade 115E, both in the Div. of Traffic Engineering and appropriating funds pursuant to Schedule No. 6.

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. 7.

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An Ordinance amending Articles 8 and 23A of the Zoning Ordinance to permit mobile food unit vendors as accessory uses in the Wholesale and Warehouse Business (B-4), Light Industrial and Heavy Industrial (I-1 and I-2), and Economic Development (ED) zones (Urban County Council) was given first reading.

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

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

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

Nay: -----0

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An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Mixed-Use Community (MU-3) zone, for 49.17 net (54.73 gross) acres; and from a Single Family Residential (R-1D) zone to a Mixed-Use Community (MU-3) zone, for 0.65 net (0.82 gross) acres; for property located at 4100 Nicholasville Rd. and 104, 108 and 112 E. Tiverton Way, including dimensional variances (Bayer Properties, LLC; Council District 9) was on the docket for first reading.

The Mayor recognized Mr. Hank Graddy, Attorney for Opponents of the Lexington Summit Development (Bayer Properties, LLC), who requested that a public hearing be set for the ordinance prior to second reading. Mr. Graddy explained to the Mayor and Council why he had not been able to attend the August 13, 2013, Council Work Session in order to request a hearing at that time.

Mr. Beard spoke about the request for a hearing, and clarified his involvement in the process. Mr. Ellinger also spoke about the hearing process. Mr. David Barberie, Dept. of Law, explained the time frames for a possible hearing.

Mr. Beard made a motion, seconded by Mr. Ellinger, to schedule a Public Hearing on September 17, 2013, at 5:00 p.m.

The Mayor polled the Council for a quorum on that date. The Mayor and the Council discussed possible alternate dates.

Mr. Lane stated that he was required to recuse himself from the matter because of his involvement with the property.

Mr. Kay and the Mayor asked Mr. Barberie to clarify the deadline for Council action to be taken on the Planning Commission Recommendation. Mr. Barberie responded.

The Council continued to discuss alternate dates.

Mr. Beard's motion to hold a public hearing on September 17, 2013, at 5:00 p.m. **passed** by majority voice vote (Mr. Lane recused himself when the vote was taken.).

Mr. Ford made a motion, seconded by Ms. Gorton, to cancel the Council Work Session scheduled for September 17, 2013, at 3:00 p.m. in order to start the hearing earlier.

Mr. Graddy objected to the change in time due to it being during the work day.

Mr. Farmer and Ms. Akers stated their concerns with moving the public hearing to 3:00 p.m.

Mr. Ford's motion **failed** by majority voice vote (Mr. Lane recused himself when the vote was taken.).

The ordinance was given first reading and ordered placed on file until September 17, 2013, for public inspection.

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An Ordinance changing the zone from a Light Industrial (I-1) zone to a Heavy Industrial (I-2) zone (with zoning restrictions), for 20.0 net (22.71 gross) acres, for property located at 1100 Alexandria Dr. (a portion of) including a request for a conditional use permit (MMA Management, LLC; Council District 12) was on the docket for first reading.

Upon motion of Mr. Lane, seconded by Mr. Ellinger, and approved by unanimous vote, the ordinance was removed from the docket due to the applicant's having withdrawn their application.

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An Ordinance levying ad valorem taxes for municipal purposes for the Fiscal Year July 1, 2013 through June 30, 2014, on the assessed value of all taxable property within the taxing jurisdictions of the Lexington-Fayette Urban County Government (all taxes on each \$100.00 of assessed valuation as of the January 1, 2013 assessment date), as follows: General Services District, \$.0800 on real property, including real property of public service companies, \$.0990 on personal property, including personal property of public service companies, noncommercial aircraft, and noncommercial watercraft, \$.1500 on insurance capital, \$.0150 on tobacco in storage, and \$.0450 on agricultural products in storage; Full Urban or Partial Urban Services Districts based on urban services available on real property, including real property of public service companies, \$.1431 for refuse collection, \$.0210 for street lights, \$.0097 for street cleaning, \$.0920 on insurance capital, \$.0150 on tobacco in storage, \$.0450 on agricultural products in storage; and levying an ad valorem tax for municipal purposes at the rate of \$.0880 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County

Government as of the January 1, 2014 assessment date was on the docket for first reading.

Mr. Farmer spoke about the ordinance, and about the issue of funding street lights.

Mr. Farmer made a motion, seconded by Ms. Gorton, to change the rate for street lights from \$.0210 to \$.0000.

Upon request from the Mayor, Mr. Bill O'Mara, Commissioner of the Dept. of Finance, came forward to speak about the motion.

Mr. Farmer made additional comments regarding the motion, and asked questions of Mr. O'Mara.

The Council discussed the motion, and asked questions of Mr. O'Mara.

Mr. David Barberie, Dept. of Law, explained that the rate in the motion would need to be \$.0001 rather than \$.0000, and explained the procedures for adopting ad valorem tax rates.

The Council continued to discuss the motion, and to ask questions of Mr. O'Mara.

Ms. Gorton asked questions of Mr. Derek Paulsen, Commissioner of the Dept. of Planning, Preservation and Development, regarding street light placement in developments.

The Council continued to discuss the motion, and to ask questions of Mr. O'Mara and Mr. Barberie.

Mr. Farmer corrected the rate in his motion from \$.0000 to \$.0001.

The Council continued to discuss the motion and to ask questions of Mr. O'Mara.

Mr. Farmer's motion **failed** to pass by a vote of 4-11 (Henson, Kay, Lane, Lawless, Mossotti, Myers, Scutchfield, Beard, Ellinger, Ford and Gorton voted **no**).

The Mayor recognized Mr. William Wheeler, Jesselin Drive, who spoke about the LFUCG Charter and the Charter's goals, and filed the following exhibit: (1) Letter Regarding Mayor's Proposed Budget for Fiscal Year 2007. He also spoke about the proposed franchise fee increases intended to fund street lights.

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

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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 High Density Apartment (R-4) zone to a Lexington Center Business (B-2B) zone, for 0.137 net (0.205 gross) acres, for property located at 562 W. Short St. (562 Short Street, LLC; Council District 3).

An Ordinance amending Articles 1 and 23A of the Zoning Ordinance to define hospice and add hospice facilities as a principal use; and regulate parking for such uses in the Economic Development (ED) zone (Urban County Council).

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Program Coordinator, Grade 109N, and creating one (1) position of Public Service Supervisor, Grade 111N, both in the Div. of Family Services, and appropriating funds pursuant to Schedule No. 9, effective upon passage of Council.

An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Program Supervisor P/T, Grade 106N and one (1) position of Custodial Worker P/T, Grade 102N, both in the Dept. of Social Services, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Police Analyst, Grade 111N, and creating one (1) position of Property and Evidence Technician, Grade 111N, both in the Div. of Police, and appropriating funds pursuant to Schedule No. 10, effective upon passage of Council.

An Ordinance of the Lexington-Fayette Urban County Government making certain findings concerning and establishing a Development Area for economic development purposes within of the Lexington-Fayette Urban County to be known as The Summit Lexington Development Area; approving a Local Participation Agreement among Lexington-Fayette Urban County Government, the Dept. of Finance of the Lexington-Fayette Urban County Government, and Bayer Properties, LLC (the "Developer"); establishing an Incremental Tax Special Fund for payment of approved public infrastructure costs and land preparation costs; designating the Lexington-Fayette Urban County Government's Dept. of Finance as the agency responsible for oversight, administration, and implementation of the Development Area; and authorizing

the Mayor and other officials to take such other appropriate actions as are necessary or required in connection with the establishment of the Development Area.

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. 59 Fiscal Year 2013.

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. 8.

An Ordinance levying ad valorem taxes for purposes of support of the Soil and Water Conservation District for the Fiscal Year July 1, 2013 through June 30, 2014, on the assessed value of all taxable real property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including real property of public service companies, at a rate of \$.0005 on each one hundred dollars (\$100.00) of assessed valuation as of the January 1, 2013, assessment date.

An Ordinance adopting the request of the Lexington-Fayette County Health Dept. under KRS 212.755 and levying a special ad valorem public health tax for the Fiscal Year July 1, 2013 through June 30, 2014, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including real and personal property of public service companies, noncommercial aircraft, noncommercial watercraft, and inventory in transit, and excluding insurance capital, tobacco in storage, and agricultural products in storage, at the rate of \$.028 on each \$100.00 of assessed value as of the January 1, 2013 assessment date; and levying a special ad valorem public health tax at the rate of \$.028 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government, as of the January 1, 2014 assessment date.

An Ordinance levying ad valorem taxes for purposes of support of the Agricultural Extension Office for the Fiscal Year July 1, 2013 through June 30, 2014, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government (all taxes on each \$100.00 of assessed valuation as of the January 1, 2013 assessment date), as follows: \$.0034 on

all taxable real property, including real property of public service companies, \$.0038 on taxable personal property, including personal property of public service companies, noncommercial aircraft, and noncommercial watercraft, and excluding inventory in transit, insurance capital, tobacco in storage, and agricultural products in storage; and levying an ad valorem tax for purposes of support of the Agricultural Extension Office at the rate of \$.0032 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2014 assessment date.

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

An Ordinance amending Ordinance No. 34-2013 and the Franchise Agreements with 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 October 1, 2013.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Raifari Cooper, Equipment Operator Sr., Grade 109N, \$12.770 hourly in the Div. of Waste Management, Melissa Bowman, Equipment Operator Sr., Grade 109N, \$13.025 hourly in the Div. of Waste Management, Keith Thomas, Equipment Operator Sr., Grade 109N, \$16.354 hourly in the Div. of Waste Management, Rhodney Harris, Electrical Instrumentation Technician, Grade 113N, \$25.672 hourly in the Div. of Facilities and Fleet Management, Robert Nichols, Electrical Instrumentation Technician, Grade 113N, \$22.239 hourly in the Div. of Facilities and Fleet Management, Lindsey Wright, Telecommunicator Sr., Grade 113N, \$16.767 hourly in the Div. of Police, Margaret Walsh, Telecommunicator Sr., Grade 113N, \$16.767 hourly in the Div. of Police, Brian Monkelbaan, Environmental Inspector, Grade 113N, \$21.482 hourly in the Div. of Water Quality, all effective upon passage of Council; Brian McLaughlin, Project Manager, Grade 114E, \$1,820.64 bi-weekly in the Div. of Water Quality, effective August 19, 2013; Alan Morgan, Safety Specialist, Grade 115E, \$1,772.08 bi-weekly in the Div. of Waste Management,

effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointments: Lori Henry, Staff Assistant Senior, Grade 108N, \$17.500 hourly in the Div. of Water Quality; Lauren Bennett, Administrative Officer P/T, Grade 118E, \$932.40 bi-weekly in the Div. of Waste Management, all 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 Mr. Ellinger, seconded by Ms. Gorton, the rules were suspended by unanimous vote.

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

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

Nay: -----0

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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 Share the Road Media Campaign Project through June 30, 2014, at no cost to the Urban County Government was given first reading.

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

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

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

Nay: -----0

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A Resolution amending Resolution No. 334-2013, accepting the bid of Leak Eliminators, LLC, and establishing a price contract for Sanitary Sewer Rehabilitation, to authorize the Mayor to sign an Agreement related to the bid on behalf of the Government was given first reading.

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

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

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

Nay: -----0

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

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

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

Nay: -----0

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Services Agreement with Roots and Heritage Festival, Inc., for the 2013 Roots and Heritage Festival, at a cost not to exceed \$35,415 and additional in-kind services.

A Resolution establishing a Residential Parking Permit Program for the 200 block of the south side of Miller St. from address 220 to 240, 24 hours a day, seven days a week; and waiving the provisions relating to the mechanics of designating Residential Parking Permit Areas adopted by Resolution No. 168-90 and amended by Resolution Nos. 450-91 and 433-2006.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Martin Luther King Neighborhood Association, Inc. (\$250) and East End Reunion c/o Inner Youth Development, Inc. (\$250), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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A Resolution of the Lexington-Fayette Urban County Council requesting that the Ky. Economic Development Finance Authority issue Revenue Bonds in an amount of up to \$158,195,000, the proceeds of which will be loaned to Catholic Health Initiatives, Inc.,

to provide financing for all or a part of the costs of the acquisition, construction, installation and equipping of capital projects for health care facilities and related improvements and expenditures was given first reading.

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

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

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

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed, and any other documents necessary, transferring a portion of non-utilized right-of-way located at 1324 Camden Ave., to the abutting property owner was given first reading.

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

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

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

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lazy Eight Stock Farm, to provide fresh produce, meat, and other related items at the Government Center as part of a pilot program was given first reading.

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

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

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

Nay: -----0

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A Resolution ratifying the probationary civil service appointments of: Robert Thomas, Public Service Worker Sr., Grade 107N, \$13.441 hourly in the Div. of Facilities and Fleet Management, effective August 12, 2013; Ernest Clark, Public Service Supervisor Sr., Grade 114E, \$1,788.96 bi-weekly in the Div. of Streets and Roads, effective upon passage of Council; Tamara McMullen, Administrative Specialist, Grade 110N, \$17.457 hourly in the Div. of Planning, effective August 5, 2013; Carl Lilly, Public Service Supervisor, Grade 111N, \$21.313 hourly in the Div. of Facilities and Fleet Management, effective August 12, 2013; Rickie Hall, Project Manager, Grade 114E, \$1,778.64 bi-weekly in the Div. of Water Quality, effective August 19, 2013; Kelly Lykes, Skilled Trades Worker, Grade 111N, \$15.818 hourly in the Div. of Community Corrections, effective August 26, 2013; John Saylor, Arborist Sr., Grade 115E, \$1,877.20 bi-weekly in the Div. of Environmental Policy, effective August 29, 2013; ratifying the permanent civil service appointments of: Alecia Smith, Administrative Specialist Sr., Grade 112N, in the Div. of Human Resources, effective December 18, 2012; Mary Lyle, Human Resources Manager, Grade 119E, in the Div. of Human Resources, effective October 16, 2012; Ashley Case, Human Resources Manager, Grade 119E, in the Div. of Human Resources, effective January 2, 2013; John Maxwell, Director Human Resources, Grade 123E, in the Div. of Human Resources, effective January 9, 2013; Tamara Walters, Deputy Director Human Resources, Grade 122E, in the Div. of Human Resources, effective February 13, 2013; Kina Suarez, Administrative Specialist Sr., Grade 112N, in the Div. of Human Resources, effective March 3, 2013; Margaret Nesbitt, Human Resources Generalist, Grade 118E, in the Div. of Human Resources, effective May 29, 2013; Darrell Doty, Police Analyst, Grade 111N, in the Div. of Police, effective June 3, 2013, Stephen Drosick, Engineering Technician, Grade 111N, in the Div. of Engineering, effective August 4, 2013; Joy Thomas, Custodial Worker, Grade 102N, in the Div. of Facilities and Fleet Management, effective August

19, 2013; ratifying the probationary sworn appointments of: Lisa Farmer and Hunter Hershey, Community Corrections Lieutenant, Grade 114E, \$2,143.21 bi-weekly, in the Div. of Community Corrections, effective July 15, 2013; ratifying the permanent sworn appointments of: Rahsaan Berry, Police Sergeant, Grade 315N, in the Div. of Police, effective June 10, 2013; Chase Allen, Jeffrey Brangers, Kendall Buford, Weslee Farley, Benjamin Fielder, Nicole Gibson, Cliff Godbold, Robert Holland, Stephanie McClain, Jason Mitchell, Meredith Myers, Benjamin Riggs, Mary Shofner, Kelly Shortridge, Robert Sinnott, Roman Sorrell, Anthony Sullivan, Phillip Toms, Brian Weir, Ryan White, Ronald Willis, and Alejandro Zaglul, Police Officer, Grade 311N, in the Div. of Police, effective July 3, 2013; ratifying the Approved Council Leave for: William Duncan, Vehicle and Equipment Technician, Grade 112N, in the Div. of Facilities and Fleet Management, beginning July 30, 2013 thru October 30, 2013 was on the docket for first reading.

Ms. Mossotti asked questions regarding the positions in the resolution housed in the Div. of Human Resources of Ms. Glenda George, Dept. of Law. Ms. George responded.

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

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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 bids of Kalkreuth Roofing and Sheet Metal, Inc., and Pearce-Blackburn Roofing, LLC, establishing price contracts for roof repairs and maintenance, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of ZKB Services, LLC, establishing a price contract for Sidewalk Ramp Installation for the Div. of Engineering, and authorizing the Mayor to execute any related Agreement.

A Resolution accepting the bid of Gall's, LLC, establishing a price contract for Soft Body Armor, for the Div. of Police.

A Resolution accepting the bid of Bluegrass Contracting Corporation, in the amount of \$3,310,582.35, for the Clays Mill Rd. Improvement Project Section 2B, for the Div. of Engineering, and authorizing the Mayor, on behalf of the Urban County

Government, to execute an Agreement with Bluegrass Contracting Corporation, related to the bid.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Alarm Agreement and Addendum with Sonitrol of Lexington, Inc., for installation and activation of alarm system at 1795 Old Frankfort Pike, at a cost not to exceed \$1,508.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Board of Education, for use of Henry Clay High School Track for the Hershey Track Meet, at a cost not to exceed \$174.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Cabinet for Health and Family Services; Dept. for Public Health, Office of Vital Statistics, for the exchange of information contained in vital records.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Lexington Fayette County Health Dept. of two televisions, for use at the William Wells Brown Community Center on behalf of the Bluegrass Aspendale Teen Center, at no cost to the Urban County Government.

A Resolution changing the property address numbers of 207-209 E. Seventh St. to 207 E. Seventh St., of 1391 W. Main St. to 1389 W. Main St., and of 6784 Old Richmond Rd. to 6398 Old Richmond Rd.; and changing the street name and property address number of 2200 Inglewood Circle to 3929 Peppertree Dr., all effective thirty days from passage.

A Resolution declaring as surplus and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute Deeds and any other necessary documents for the sale and transfer of property located at 426 and 430 Smith St.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Kalkreuth Roofing and Sheet Metal, for roof repair for the Senior Citizens' Center, decreasing the contract price by the sum of \$3,945 from \$55,989 to \$52,044.

A Resolution authorizing and directing the Div. of Parks and Recreation on behalf of the Urban County Government, to negotiate the possible purchase of a 14 acre parcel of land surrounded by Raven Run Sanctuary.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. of Waste Management, 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 \$3,000 Commonwealth of Ky. funds, and are for disposal or recycling of waste tires, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Commonwealth Attorney's Office, for a "Fast Track" Prosecutor for the Street Sales Drug Enforcement Project, at a cost not to exceed \$59,920.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 6 to the Agreement to manage the Ky. Theater with Ky. Theater Management Group, Inc., extending the term for one year through October 31, 2014.

A Resolution authorizing the Div. of Emergency Management/911 to obtain support services for its Emergency Notification System from Dialogic Communications Corp. (DCC) d/b/a Cassidian Communications, a sole source provider, at a cost not to exceed \$31,330, and authorizing the Mayor to execute any necessary documents.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with NeuStar, Inc., to provide access to the Number Portability Administration Center in support of Enhanced 911 services, for an additional period of up to three (3) years, at a cost not to exceed \$3,200 in FY 2014.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Ky. Community and Technical College Systems, Bluegrass Community and Technical College, for internship with the Div. of Police.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Contract with Todd Johnson Contracting for the Roland Ave. Stream Bank Stabilization Project, increasing the contract price by the sum of \$26,428.96 from \$184,631.05 to \$211,060.01.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Lease Agreement with WINMAR Corp., for additional office space at 125 Lisle Industrial Rd., for the Div. of Water Quality, at a cost not to exceed \$371,505.21 for the entire lease for FY14.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement and a Lease Agreement with Lexington-Fayette Animal Care and Control, LLC, for animal control services, at a cost not to exceed \$1,105,980.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Group CJ, LLC, for the Mobility Office Marketing Campaign for FY 2014, at a cost not to exceed \$44,400.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Energy and Environment Cabinet, which Grant funds are in the amount of \$300,000 Federal funds, are for implementation of the Wolf Run Watershed Based Plan, the acceptance of which obligates the Urban County Government for the expenditure of \$200,000 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 Certificates of Consideration and any other necessary documents, and to accept Deeds for property interests needed for the Walhampton Stormwater Improvements Project, at a cost not to exceed \$410,000.

A Resolution rescinding Resolution No. 190-2013 which accepted the bid of MCM Demolition, Inc., and accepting the bid of Pace Contracting for Secondary Digester Blend Tank Damaged Cover Demolition and Removal in the amount of \$30,000, for the Div. of Water Quality.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Four (4) to the Contract with Triton Services, Inc., for

HVAC and Piping Repair for the Phoenix Building, increasing the contract price by the sum of \$6,801 from \$234,570 to \$241,371.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Engineering Services Agreement with Hazen and Sawyer, P.S.C. for Sanitary Sewer Assessment Reports and Sanitary Sewer and WWTP Remedial Measures Plans for Consent Decree Implementation, increasing the contract price by the sum of \$1,444,145.95 from \$3,500,000 to \$4,944,145.95.

Declaration of Official Intent with respect to reimbursement of temporary advances made for capital expenditures to be made from subsequent borrowings.

A Resolution approving the Fayette County Sheriff's Settlement - 2012 Taxes, for taxes collected as of April 15, 2013, and granting the Sheriff a Quietus.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of Clearwater Way and Ridgeway Rd.

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Upon motion of Ms. Gorton, seconded by Mr. Farmer, and passed by unanimous vote, the Communications from the Mayor were approved, and are as follows: (1) 1. Recommending the reappointment of Ms. Jane Graham to the Administrative Hearing Board, with a term to expire 7-1-2017; (2) Recommending the appointment of Dr. Eric Headley, as Veterinarian representative, to the Animal Care and Control Oversight Committee, with a term to expire 1-1-2016. The term of Dr. Kimberly Sears has expired; (3) Recommending the appointment of Ms. Paula Anderson, as At-Large representative, to the Board of Health. The term of Dr. John Roth has expired; (4) Recommending the appointments of Mr. Eric Case, Ms. Pamela Perlman, and Mr. William Stewart to the Carnegie Literacy Center Board of Directors, with terms to expire 9-1-2017. The terms of Ms. Bonnie Adkisson, Ms. Phyllis MacAdam, and Ms. Carolyn Hackworth will expire 9-1-2013; (5) Recommending the appointments of Ms. Bryanna Carroll and Ms. Amy Pollock, and the reappointments of Ms. Morgan Hall and Mr. Joseph Schuler to the CASA Board, with terms to expire 6-11-2015, 6-11-2015, 6-11-2017, and 6-11-2017, respectively. Ms. Carroll and Ms. Pollack will fill the unexpired terms of Ms. Jane Bennington and Ms. Dana Walton-Macaulay; (6) Recommending the appointment of Mr.

Brad Stone, as Designee, non-voting representative, Commissioner of Environmental Quality and Public Works, and the reappointments of Mr. William DiOrio, as Utility Industry representative, non-voting, Mr. Tim Queary, as Urban Forester representative, non-voting, Ms. Maxine Rudder, as Bluegrass Greensource representative, and Ms. Paula Singer, as At-Large, Fayette County Neighborhood Council representative, to the Corridors Commission, with terms to expire 8-1-2017. The term of Ms. Susan Bush has expired; (7) Recommending the appointment of Mr. Graham C. Pohl to the Courthouse Area Design Review Board, with a term to expire 6-30-2015. Mr. Pohl will fill the unexpired term of Mr. Michael Speaks; (8) For information only: Per the Code of Ordinances § 18C-13, the following citizens have been designated 'Emergency Medical Advisory Board representative' by their respective organization, with terms to expire July 1, 2017. Council confirmation is not required. Dr. Hollis Hilty, Central Baptist Hospital, ER representative, Dr. Michael Lally, Lexington Medical Society representative, Dr. Julia Martin, University of Ky. Healthcare, ER representative, and Dr. Steven Stack, St. Joseph East Hospital, ER representative; (9) Recommending the appointment of Mr. Paul Swoveland to the Environmental Commission, with a term to expire 10-1-2014. Mr. Swoveland will fill the unexpired term of Ms. Helen Weissinger, 9th District representative; (10) Recommending the appointment of Councilmember Jennifer Mossotti and the reappointments of Mr. Kenneth Cooke, as Conservationist representative, Mr. Wayne Hipsley, as Farmer representative, and Ms. Maxine Rudder, as Biologist representative, to the Greenspace Commission, with terms to expire 12-31-2014, 7-18-2017, 7-18-2017, and 7-18-2017, respectively. Councilmember Tom Blues is no longer serving; (11) Recommending the reappointments of Ms. Lauren Campbell, as CVB representative, Ms. Karen Deprey, as LBAR representative, and Mr. William Sallee, as Div. of Planning representative, to the Historic Preservation Commission, with terms to expire 6-30-2017; (12) Recommending the appointment of Ms. Meredith Nelson to the Library Board of Advisors, with a term to expire 1-1-2017. The term of Mr. Jeff Huber has expired; (13) Recommending the appointments of Ms. Timi Goodman and Mr. Jordan Parker to the Library Board of Trustees, with terms to expire 7-20-2017. The terms of Ms. Miko Pattie and Mr. Kevin Weaver have expired; (14) Recommending the appointment of Commissioner William O'Mara, as Mayor's Designee, to the Internal

Audit Board, with a term to expire 12-31-2014; (15) Recommending the appointment of Ms. Sharmy Carr, as At-Large representative, to the Lyric Theatre and Cultural Arts Center Corporation, with a term to expire 12-8-2015. Ms. Carr will fill the unexpired term of Ms. Donna Campbell; (16) Recommending the reappointment of Ms. Bettye Burns to the Paris Pike Corridor Commission, with a term to expire 7-1-2017; (17) Recommending the appointment of Mr. Todd Rounsaville, as Botanist representative, to the Raven Run Citizens Advisory Board, with a term to expire 1-13-2016. The term of Ms. Mary Carol Cooper has expired; and (18) Recommending the appointments of Mr. Kurt Gohde, as Transylvania College of Fine Arts representative, and Ms. Georgia Henkel, as Painter representative, to the Urban County Arts Review Board, with terms to expire 3-1-2017 and 6-1-2015, respectively. The terms of Ms. Nancy Wolsk and Mr. Frank Close have expired.

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The following Communications from the Mayor were received for information only: (1) Reinstatement of William Evans, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective August 12, 2013; (2) Resignation of Joseph Dulsky, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective June 29, 2013; (3) Resignation of Ashley Adams, Telecommunicator Sr., Grade 113N, in the Div. of Police, effective July 9, 2013; (4) Resignation of Chadwick D. Hundley, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective July 10, 2013; (5) Resignation of Melissa Ann Caudill, Staff Assistant Sr., Grade 108N, in the Office of the Coroner, effective July 11, 2013; (6) Resignation of Kendall Searcy, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective July 14, 2013; (7) Resignation of Gregory Taylor, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective July 15, 2013; (8) Resignation of William King, Jr., Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective July 18, 2013; (9) Resignation of Thomas O. Blues, Program Specialist, Grade 112E, in the Office of the Mayor, effective July 19, 2013; (10) Resignation of Robert Dwayne Rice, Recreation Supervisor, Grade 110E, in the Div. of Parks and Recreation, effective July 19, 2013; and (11) Resignation of Lindsey A. Burns, Victim's Advocate, Grade 112N, in the Div. of Police, effective July 19, 2013.

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Commander Lawrence Weathers, Div. of Police, stated that Officer Ricky J. Lynn had committed the offense of Use of Force, in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.23, in that on the 20th day of March, 2013, he allegedly responded to a call, along with Sergeant Robert, Officer A. Terry and Officer S. McCane, in reference to the possibility of a person hiding within the ceiling of Rose's Department Store in Eastland Shopping Center. During a search of this location, the subject was found hiding in the ceiling area, but continued to flee from the officers by walking and crawling through the ceiling area and stepping on ceiling tiles which would not support his weight. On one occasion, while portions of the subject's lower torso were dangling from a broken ceiling tile, Sergeant Roberts deployed his Taser at the subject, resulting in him being struck in the shin area by one of the probes. In response, the suspect pulled his leg back up through the ceiling tile and began to move away, at which time Officer Lynn deployed his Taser. Officer Lynn reports that the Taser contacted the suspect and was effective. Shortly after the Taser deployments, the subject informed the officers he wished to surrender and he subsequently dropped from the ceiling and landed on store shelving which caused minor injury. The described deployment of the Taser against an individual who was in an elevated position is not consistent with the X26 Taser Training Division employees receive and is, therefore, contrary to established Division procedures, and that the appropriate punishment for this offense is Forty (40) Hours Suspension Without Pay (One Work Week).

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, the disciplinary action was approved by unanimous vote.

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Commander Lawrence Weathers, Div. of Police, stated that Officer Michael J. Jackson had committed the offense of Processing Property in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.17, in that on the 28th day of April, 2013, he responded to a disorder call, along with Officer Ryan T. Mays, at the Lexington Public Library located at 1733 Russell Cave Road. Upon arrival at the scene, the responding officers were advised by library personnel that several juveniles had been fighting inside the library and they had been escorted outside. It is alleged that, once outside, the disorder continued and one of the juveniles had brandished a large

knife, which was taken from him by library staff. Shortly thereafter, all involved juveniles left the scene. During the investigation of this incident, Officer Jackson took possession of the involved knife from the library employee. Officer Jackson has advised via memo that he did not book the knife into Property and Evidence as required by the Operational Rules but, instead, disposed of it by other means, and that the appropriate punishment for this offense is a Written Reprimand.

Upon motion of Ms. Gorton, seconded by Ms. Akers, the disciplinary action was approved by unanimous vote.

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Mr. Steven Overstreet, Waverly Drive, on behalf of the West End Community and Neighborhood Association, spoke about the lack of positive park experiences in the area. He encouraged the Council to work to deter the sale and use of drugs in the area.

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Ms. Diane Marshall, President of Georgetown Street Area Neighborhood Association, expressed her concern about crime in her area. She requested meetings with the Administration and the Chief of Police to discuss their issues.

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Mr. Henry Kenyon, Douglass Avenue, Vice-President of the Georgetown Street Area Neighborhood Association, who spoke about negative issues regarding safety in their neighborhood.

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The Mayor spoke to the citizens' concerns.

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Mr. Ford addressed the citizens' concerns. He thanked the Mayor and Chief Ronnie Bastin, Div. of Police, for their responsiveness. He also spoke about the history of Douglass Park.

Ms. Akers also spoke to the citizens' concerns, and thanked everyone involved.

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Mr. Ellinger made a motion, seconded by Ms. Scutchfield, and approved by majority voice vote, to go into Closed Session at 8:15 p.m. pursuant to KRS 61.810(1)(c) for a discussion relating to potential litigation, and pursuant to KRS 61.810(1)(f) for a discussion relating to individual employees.

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Ms. Lawless made a motion, seconded by Mr. Beard, and approved by unanimous vote, to return to Open Session at 9:05 p.m. with the same members present, and with Ms. Gorton in the chair presiding in the absence of Mayor Gray.

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Upon motion of Mr. Ellinger, seconded by Ms. Henson, and approved by unanimous vote, the meeting adjourned at 9:06 p.m.

Clerk of the Urban County Council