

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky September 12, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on September 12, 2013, at 6:00 P.M. Present were Mayor Jim Gray in the chair presiding, and the following members of the Council: Council Members Lane, Lawless, Mossotti, Myers, Scutchfield, Stinnett, Akers, Beard, Clarke, Ellinger, Farmer, Ford, Henson, and Kay. Absent was Council Member Gorton.

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

Resolutions No. 428-2013 through 470-2013, and Ordinances No. 90-2013 through 102-2013, inclusive, were reported as having been signed and published, and ordered to record.

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The Mayor stated Rev. Greg McClelland, Trinity Baptist Church, had been invited to give the Invocation at the Council Meeting, but that he had been called up for military service as a member of the U.S. Navy Reserves. The Mayor asked that a moment of silence be observed in honor of his service.

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Upon motion of Mr. Ellinger, seconded by Ms. Henson, and approved by unanimous vote, the Council went into Closed Session at 6:05 p.m. pursuant to KRS 61.810(1)(f) for the purpose of discussion which may lead to the discipline or dismissal of an individual employee.

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Upon motion of Mr. Ellinger, seconded by Mr. Myers, and approved by unanimous vote, the Council returned to Open Session at 7:12 p.m. with the same members present.

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Upon motion of Mr. Ellinger, seconded by Mr. Kay, the Minutes of the August 13 and 29, 2013 Council Meetings were approved by unanimous vote.

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An Ordinance creating Section 15-12 of the Code of Ordinances, Lexington-Fayette Urban County Government pertaining to the general regulation of itinerant merchants, peddlers, and door-to-door sales and providing for general conduct, public safety, transient merchant registration, parking restrictions, maintenance, garbage and recycling requirements, noise and lighting restrictions; hours of operation from 7 a.m. to 11 p.m. or later and from 9 a.m. to 8 p.m. for door-to-door sales; location restrictions for peddlers and itinerant merchants with additional restrictions for itinerant merchants; no sales by itinerant merchants on public property; creating Section 15-13 of the Code of Ordinances providing for exceptions for mobile food unit vendors, wholesalers, bazaars, malls, yard and garage sales, and not-for-profits; and creating Section 15-14 of the Code of Ordinances providing for a penalty in an amount not to exceed \$250.00; all effective thirty (30) days from passage was on the docket for second reading.

Upon motion of Ms. Henson, seconded by Mr. Ellinger, and approved by unanimous vote, the ordinance was amended to remove Subsection 15-12(b)(2), which placed hours restrictions on door-to-door sales. Ms. Henson stated this was not a material change, and the ordinance did not require a new first reading.

An Ordinance creating Section 15-12 of the Code of Ordinances, Lexington-Fayette Urban County Government pertaining to the general regulation of itinerant merchants and peddlers, and providing for general conduct, public safety, transient merchant registration, parking restrictions, maintenance, garbage and recycling requirements, noise and lighting restrictions; hours of operation from 7 a.m. to 11 p.m. or later; location restrictions for peddlers and itinerant merchants with additional restrictions for itinerant merchants; no sales by itinerant merchants on public property; creating Section 15-13 of the Code of Ordinances providing for exceptions for mobile food unit vendors, wholesalers, bazaars, malls, yard and garage sales, and not-for-profits; and creating Section 15-14 of the Code of Ordinances providing for a penalty in an amount not to exceed \$250.00; all effective thirty (30) days from passage was given second reading as amended.

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

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

Nay: -----0

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An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$3,750,000 in the Office of the Urban County Council for capital projects from the fund balance of the General Services District Fund, and appropriating and re-appropriating funds, Schedule No. 13 was on the docket for second reading.

Mr. Ford made a motion, seconded by Ms. Akers, to amend the ordinance to reduce the reallocation from \$3,750,000 to \$2,250,000, and to reassign the reallocation of funds from respective Council Members' offices to a budget account assigned to the General Council Office. Mr. Ford explained his motion, and also stated these amendments would constitute a material change and would require a new first reading.

Mr. Beard asked questions of Mr. Ford regarding his motion.

The motion **passed** by a majority vote of 10-4 (Mr. Lane, Ms. Scutchfield, Mr. Ellinger, and Mr. Farmer voted **no**).

Mr. Ford made a motion, seconded by Ms. Mossotti, to place on the docket a resolution repealing Resolution No. 177-2006, adopting the Council Capital Expenditure Policy, and also repealing Resolution No. 368-2006, amending same.

Mr. Ellinger asked questions of Mr. Ford regarding his motion. Mr. Ford explained his motion.

Mr. Kay spoke about the motion.

The motion **failed** to pass by a majority vote of 6-7 (Mr. Lane, Mr. Myers, Ms. Scutchfield, Mr. Stinnett, Mr. Ellinger, Mr. Farmer, and Mr. Kay voted **no**, and Ms. Akers **abstained** when the vote was taken.).

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$2,250,000 in the Office of the Urban County Council for capital projects from the fund balance of the General Services District Fund, and appropriating and re-appropriating funds, Schedule No. 13 was given first reading and ordered placed on file two weeks for public inspection.

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

Nay: -----0

An Ordinance amending Articles 1, 3 and 8 of the Zoning Ordinance to clarify regulations related to vehicle repair accessory to residential uses (Urban County Planning Commission).

An Ordinance amending Articles 1, 3 and 8 of the Zoning Ordinance to regulate the parking and storage of business vehicles, trailers, equipment and associated materials in residential zones (Urban County Planning Commission).

An Ordinance amending Article 5 of the Zoning Ordinance to provide clarification about the Government's ability to abate a violation of the Zoning Ordinance (Urban County Planning Commission).

An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of Various Purpose General Obligation Bonds, Series 2013C in the aggregate principal amount not to exceed \$18,250,000; approving the form of the Series 2013C Bonds; authorizing designated officers to execute and deliver the Series 2013C Bonds; authorizing and directing the filing of notice with the State Local Debt Officer; providing for the payment and security of the Series 2013C Bonds; creating Bond Payment Funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the Bid of the Bond Purchaser for the purchase of the Series 2013C Bonds; and repealing inconsistent ordinances.

An Ordinance of Lexington-Fayette Urban County Government authorizing the issuance of Lexington-Fayette Urban County Government Various Purpose General Obligation Refunding Bonds, Series 2013D, in one or more subseries, in an aggregate principal amount not to exceed \$80,000,000, for the purpose of refunding (I) All or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government Taxable General Obligation Public Project Bonds, Series 2010A (Build America Bonds - Direct Pay) dated February 17, 2010; (II) All or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government Various Purpose General Obligation Public Projects Bonds, Series 2010F (Federally Taxable - Build America Bonds - Direct Payment to the Issuer), dated December 28, 2010; and (III) All or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government Various Purpose General Obligation Public Projects Bonds, Series 2010G (Federally Taxable-Recovery Zone Economic Development Bonds-Direct Payment to the Issuer), dated December 28, 2010; approving a form of Bond; authorizing designated officers to execute and deliver the Bonds; providing for the payment and security of the Bonds; creating a Bond Payment Fund and Escrow Funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the Bid of the Bond Purchaser for the purchase of the Series

2013D Refunding Bonds; authorizing an Escrow Trust Agreement; and repealing inconsistent ordinances.

Ordinance of the Lexington-Fayette Urban County Government authorizing and providing for the issuance of Sewer System Refunding Revenue Bonds, Series 2013E, in one or more subseries, in an aggregate principal amount not to exceed \$35,000,000, dated the date of delivery, for the purpose of refunding all or a portion of the outstanding principal amount of its Taxable Sewer System Revenue Bonds, Series 2009 (Build America Bonds - Direct Pay); setting forth the terms and conditions upon which said Series 2013E Bonds are to be issued and outstanding; approving a form of Bond; authorizing designated officers to execute and deliver the Series 2013E Bonds; creating an Escrow Fund; authorizing a Certificate of Award for the acceptance of the Bid of the Purchaser for the purchase of the Series 2013E Bonds; authorizing an Escrow Trust Agreement; and taking other related actions.

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. 11.

An Ordinance creating a Pedestrian Oriented Business District for properties located at 303, 304, 315, 319, 325, 327, 329-333, 341, 345, 357, 371, 377, 385, and 395 S. Limestone St.

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

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Associate Traffic Engineer, Grade 115E, and creating one (1) position of Traffic Engineer, Grade 117E, and reclassifying the incumbent, (due to Engineering Licensure obtainment) in the Div. of Traffic Engineering, and appropriating funds pursuant to Schedule No. 14, effective retroactive to June 17, 2013.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Staff Assistant Sr., Grade 108N, and creating one (1) position of Information Systems Specialist, Grade 111N, both in the Div. of Parks and Recreation, and appropriating funds pursuant to Schedule No. 15, effective upon passage of Council.

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. 12.

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

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

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

A Resolution accepting the bid of Perdue Environmental Contracting Co., Inc. d/b/a PECCO, LLC, establishing a price contract for Hazardous Material Spill Clean Up, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of ZKB Services, LLC, establishing a price contract for Clearing and Grubbing Services for Sanitary Sewer Manholes for the Div. of Water Quality.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Central Indiana Truck Equipment Corp., a sole source provider, for purchase of Heil Python Multipack Refuse Truck Bodies for the Div. of Waste Management, at a cost not to exceed \$211,769 each.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Multi-Year Agreements with Time Warner Cable, for connectivity for the EDACS Radio System and NetMotion internet access, for the Div. of Fire and Emergency Services, at a cost not to exceed \$14,280 for Fiscal Year 2014.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Energy and Environment Cabinet, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$145,326.91 Commonwealth of Ky. funds, are for continuation of the Litter Abatement Program, 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 an Agreement with Murphy + Graves Architects, for design and engineering services for renovation of the Emergency Operations Center at 115 Cisco Rd., at a cost not to exceed \$427,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Columbia Gas of Ky., for relocation of utilities for the Clays Mill Rd. Improvements Project - Section 2C, at a cost not to exceed \$38,281.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Services Agreement with the University of Ky. and the UK Arboretum for stormwater education and outreach workshops for the Div. of Environmental Policy, at a cost not to exceed \$50,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Bluegrass Chapter of American Red Cross, for assistance to families affected by disasters.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Donation Agreement with Wells Fargo Bank, N.A., accepting donation of the property located at 471 N. Upper St., and authorizing the Mayor, on behalf of the Urban County Government, to execute a Deed, and any other documents necessary, to transfer the property to the Fayette County Local Development Corporation for construction of affordable housing for low-income households.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit an Application to the Ky. Infrastructure Authority (KIA), and to provide any additional information requested in connection with the Application, for a Low Interest State Revolving Fund Loan in the amount of \$9,837,063 for the Lower Cane Run Wet Weather Storage Project.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (2) to the Contract with Churchill McGee, LLC, for the Carver Community Center Renovation for the Newtown Pike Extension Project,

increasing the contract price by the sum of \$2,405.56 from \$1,098,175.85 to \$1,100,581.41.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Addendum to the Agreement with PowerPhone, Inc., to provide training and materials related to Emergency Medical Dispatch Certification for E911 personnel, at an estimated cost not to exceed \$9,176.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Services Agreement with Rave Wireless, Inc. d/b/a Rave Mobile Safety, to provide software, training, and implementation services related to the E911 System, for a period of up to five years, subject to sufficient funds being appropriated in future fiscal years, at a cost not to exceed \$107,000 in FY 2014.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Division of Forestry, and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$15,000 Federal funds, and are for Lexington's Tree Canopy Assessment and Planting Plan.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Bluegrass Area Development District, and 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 \$27,979.72 Commonwealth of Ky. funds, are for capital improvements to 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.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Tamar Tompkins, Staff Assistant Sr., Grade 108N, \$13.283 hourly in the Div. of Water Quality, effective September 16, 2013, Debra Phelps, Code Enforcement Officer, Grade 113N, \$16.624 hourly in the Div. of Code Enforcement, Shelly Ross, Child Care Program Aide, Grade 107N, \$11.790 hourly, in the Div. of Family Services, Eldrico Clay, Public Service Worker, Grade 106N, \$11.775 hourly in the Div. of Water Quality, all effective upon

passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Evan Woolums, Staff Assistant Sr., Grade 108N, \$12.185 hourly in the Div. of Parks and Recreation, effective September 16, 2013; authorizing the Div. of Human Resources to make a conditional offer to the following probationary Community Corrections Officer appointments: Justin Clark, Jesus Contreras, Cyлина Daniels, Vickie Dickerson, Misty Ellis, Kara Francis, Andrew Ginn, Jackie Glass, Leila Goodpaster, George Grayson, Anne Greis, Jeffrey Johnston, Hannah Joyner, Alyssa Lawrence, Jennifer Lynch, Vance Meighan, Justin Clark, Makeshia Mullins-Bolli, Jesse Neace, Cassandra Reynolds, Matthew Ritchey, Loreal Russell, Christopher Tune, Wayne Wilson, and Zachary Yeary, Community Corrections Officer, Grade 110N, \$14.34 hourly in the Div. of Community Corrections, all effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following probationary sworn appointments: Michael Allgeier, Corey Barron, Anthany Beatty, Johnathan Brown, Keisha Compton, Byron Creekmore, Joseph Danielson, Jennifer Day, John Finley, Brandon Gibbs, Dusty Gigandet, Donovan Grider, Ethan Jennings, Phillip Johnson, Michael Jones, Elizabeth Kanis, Cory Lane, Matthew Lee, Cody McMillen, Ryan Scott, Andrew Strong, Alexander White, Steven Wiggins, Ryan Wilson, and Joshua Woodward, Police Officer, Grade 311N, \$17.649 hourly in the Div. of Police, all effective upon passage of Council was given first reading.

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

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

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

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

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

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bluegrass Youth Ballet (\$300), for the Office of the Urban County Council, at a cost not to exceed the sum stated was given first reading.

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

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

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

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

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Mr. Clarke 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 Code for America Labs, Inc., for participation in the Code for America 2014 Fellowship Program, at a cost not to exceed \$180,000.

Mr. Myers asked questions of Mr. Jamie Emmons, Office of the Mayor, regarding the motion. Mr. Emmons responded.

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

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Code for America Labs, Inc., for participation in the Code for America 2014 Fellowship Program, at a cost not to exceed \$180,000 was given first reading.

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

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

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

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

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A Resolution authorizing a change in use for a portion of the property located at 1050 Delaware Ave., declaring that portion of the property as surplus, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute a Deed, and any other documents necessary, for the sale and transfer of the property, the proceeds from which shall be returned to the Community Development Block Grant Program was on the docket for first reading with a public hearing being held.

The Mayor explained the need for the public hearing, and opened the public hearing.

There being no citizens to speak, the Mayor closed the public hearing.

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

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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 U.S. Dept. of Housing and Urban Development, amending the Housing Opportunities for Persons with AIDS Grant to permit use of the Grant funds for operation of a Tenant Based Rental Assistance Program, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Amendment to Agreement with AIDS Volunteers, Inc., for operation of the program, at no cost to the Urban County Government was given first reading.

Ms. Lawless asked whether the resolution needed to be given second reading and voted on during the meeting that evening. Ms. Sally Hamilton, Chief Administrative Officer, responded that it did not.

The resolution was 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 bid of Bluegrass Contracting Corp., establishing a price contract for Emergency Pump Connections, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Bluegrass Contracting Corp. related to the bid.

A Resolution accepting the bid of Kiesler Police Supply, establishing a price contract for ammunition, for the Div. of Police.

A Resolution accepting the bid of OmniSource Integrated Supply, LLC d/b/a OmniSource Staffing, establishing a price contract for Temporary Labor, for the Div. of Facilities and Fleet Management, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with OmniSource Staffing, related to the bid.

A Resolution accepting the bid of Windstream Communications, Inc., establishing a price contract for Telephone Maintenance, for the Div. of Computer Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Windstream Communications, Inc., related to the bid.

A Resolution ratifying the probationary civil service appointments of: Brooke Gray, Program Specialist, Grade 112E, \$1,517.20 bi-weekly in the Div. of Water Quality, effective October 21, 2013, Michael Thomas, Trades Worker Sr., Grade 109N, \$17.620 hourly in the Div. of Streets and Roads, Johnesia Harris, Telecommunicator, Grade 111N, \$18.603 hourly in the Div. of Police, Thad Scott, Code Enforcement Supervisor, Grade 116E, \$2,253.84 bi-weekly in the Div. of Code Enforcement, all effective upon passage of Council; ratifying the permanent civil service appointment of: Yvonne Brown, Staff Assistant Sr., Grade 108N, \$14.352 hourly in the Div. of Human Resources, effective August 25, 2013; ratifying the Approved Council Leave for: Thomas Keller, Public Service Supervisor, Grade 111N, in the Div. of Streets and Roads, beginning September 4, 2013 to December 4, 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with Fayette County Board of Education, for Parks and Recreation ESP and REAL Programs, at a cost not to exceed \$70,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Windstream Communications for relocation of utilities for the Clays Mill Rd. Improvements Project Section 2C, at a total cost of \$401,088.62 of which an amount not to exceed \$16,743.76 is the responsibility of the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Utilities for relocation of utilities for the Clays Mill Rd. Improvements Project Section 2C, at a total cost of \$42,694.77 of which an amount not to exceed \$35,009.71 is the responsibility of the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Oracle Elevator, for the Phoenix/Police Headquarters Elevator Renovation Project, increasing the contract price by the sum of \$2,297.31 from \$568,775.00 to \$571,072.31.

A Resolution authorizing the Whitney Young Park Neighborhood Building to be renamed the Charles H. Quillings Neighborhood Building.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, Office of Highway Safety Programs, which Grant funds are in the amount of \$20,000 Federal funds, are for the provision of Distracted Driving Related Services, the acceptance of which does not obligate the Lexington-Fayette Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution amending Resolution No. 364-2013 accepting the bid of DMH Construction, Inc., to provide for payment from the correct account.

A Resolution authorizing and directing the Dept. of Law to institute condemnation proceedings in Fayette Circuit Court to obtain permanent sanitary sewer and temporary construction easements at 4250 Athens Boonesboro Rd. for the Blue Sky Pump Station and Force Main Project.

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Upon motion of Mr. Kay, seconded by Mr. Beard, and passed by majority vote (Mr. Farmer and Mr. Ford were absent when the vote was taken), the Communications from the Mayor were approved, and are as follows: (1) Recommending the reappointment of Ms. Rashmi Adi-Brown to the Domestic Violence Prevention Board, with a term to expire 1-1-2017; (2) Recommending the reappointment of Mr. Douglas Applier, as At-Large representative, to the Greenspace Commission, with a term to expire 7-18-2017; (3) Recommending the reappointment of Ms. Kyna Koch to the Housing Authority Board of Directors, with a term to expire 6-30-2017; (4)

Recommending the reappointment of Mr. Wayne Masterman to the Parking Authority Board, with a term to expire 6-1-2017; and (5) Recommending the reappointment of Ms. Marian Guinn to the Social Services Advisory Board, with a term to expire 9-1-2017.

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Commander Shawn Coleman, Div. of Police, stated that Officer Steven E. McCane had committed the offense of At-Fault Collisions in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.40 in that on multiple days of 2012 to 2013, he has been involved in 3 vehicle collisions during the last 12 months in which he has been at-fault. The details of the collisions are listed [below]: 1) November 25, 2012 - Officer McCane was on a dispatched call and struck a utility pole with his Division vehicle as he was exiting a parking lot. Officer McCane was determined to be at fault by his supervisor and the Collision Review Board. A Letter of Counseling was issued; (2) December 23, 2012 - Officer McCane responded to a 'shots fired' call. As he exited his vehicle, he neglected to put the parking gear in 'park', which then caused the vehicle to roll into a nearby telephone pole. The Collision Review Board concurred with the employee being at fault in the collision. A Letter of Counseling was issued; and (3) June 4, 2013 - Officer McCane made a u-turn on Sir Barton Way after being dispatched to a non-emergency call. He failed to yield right of way by pulling out in front of a non-employee vehicle, causing that vehicle to strike the Division vehicle. Officer McCane's view had been obstructed due to construction equipment located in the median and hillcrest prior to the collision site. The Collision Review Board concurred with the employee being at fault in the collision. An Alert was forwarded and a Letter of Counseling was issued. Commander Coleman stated Officer McCane has not operated his Division-issued vehicle in a manner so as not to be at-fault in collisions, resulting in three at-fault collisions within a twelve-month period, and that the appropriate punishment for this offense is an Eighty (80) Hour Suspension of Home Fleet Privileges and a Written Reprimand.

Upon motion of Ms. Henson, seconded by Mr. Ellinger, the disciplinary action was approved by majority vote (Mr. Farmer and Mr. Ford were absent when the vote was taken).

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Mr. Dave Stubblefield, Cedar Street, spoke as a member of the Center Court Condo Association. He stated his concerns with the ordinance creating a new Pedestrian Oriented Business District on South Limestone Street. He asked that the ordinance be rescinded due to lack of notice to residents and owners in the area.

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Mr. Nathan Dickerson, East Main Street, read a statement on behalf of Progress Lex regarding the use of public resources.

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Mr. Bernard McCarthy, Harry Street, spoke about traffic in the downtown area, and also suggested that the City purchase land for a bike lane near the new CentrePointe project.

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Mr. Robert Dalton, Nicholas Avenue, spoke about the recent issues with the Bluegrass Area Development District. He thanked Mr. Ford for being a good steward of public monies.

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Upon motion of Mr. Ellinger, seconded by Mr. Lane, and approved by majority vote (Mr. Farmer was absent when the vote was taken), the meeting adjourned at 8:04 p.m.

Clerk of the Urban County Council