**Kay, Chair**
Scutchfield, Vice Chair
Gorton
Ford
Akers
Lawless
Beard
Myers
Clarke
Lane

# A G E N D A
# General Government Committee
# August 12, 2014
# 11:00 A.M.

1. **Committee Summary** ( 1-6 )

2. **Wireless Device Policies (Cell Phone Procurement) Update**
   - Links/Gorton (7-17)

3. **Coroner's Office Salary & Classification – Update** - Henson (18-19)

4. **Alcohol Sales on Election Day** - Gorton (20-27)

5. **Items Referred** (28)

**"The General Government Committee, to which shall be referred matters relating to the general administration of government: The Department of Law; the Department of General Services; each department's respective divisions; an any related partner agencies."**

**-**Council Rules & Procedures, Section 2.102(3)

2014 Meeting Schedule

| | | |
|---|---|---|
| January 14 | May 6 | October 7 |
| February 11 | June 10 | Nov 11 |
| March 4 | August 12 | Dec 9 |
| April 8 | September 9 | |

# General Government Committee

May 6, 2014

Summary and Motions

Chair Kay called the meeting to order at 11:00 AM. All Committee members were present except Akers and Lawless. Henson also attended but was not part of the quorum.

**1. Approval of Summary for the March 4, 2014**

Motion by Clarke to approve the summary. Seconded by Scutchfield. Motion passed without dissent.

**2. Neighborhood Parks Task Force**

Henson introduced the issue. Chris Cooperrider and Sergeant Andrew Daugherty presented the recommendations of the Neighborhood Parks Task Force report. Cooperrider stated that the goal of the task force was to develop strategies to make Lexington's neighborhood parks safe while improving the quality of life. Cooperrider and Daugherty discussed the proposed Barring Policy; the plan for Opportunity Parks; a new position to establish the SAFE Parks program; and the SAFE pilot program.

Daugherty stated that the concept of the Barring Policy is to allow police officers to bar individuals for persistent inappropriate behavior or illegal activities. Cooperrider stated it was similar to the barring policy used by the Lexington Housing Authority and the Public Library.

Daugherty discussed the logistics of the barring policy. He stated that the policy was approved by the Division of Police, Department of Law, the CAO, the Parks Advisory Board and the Fayette County Attorney's Office. Cooperrider started that the Task Force requested that the Council adopt a resolution establishing and implementing the barring policy.

Myers questioned the implementation and need for the barring policy. Myers stated that the Housing Authority barring policy was substantially different than the barring policy being considered for Parks.

Cooperrider stated that signage would be erected in each park informing the public about the barring policy.

In response to a question from Myers, Daugherty described the procedures that Police will use to enforce the Barring Policy. In response to a question from Myers, Cooperrider stated that if an individual is barred they are barred from all parks.

In response to questions from Myers, Cooperrider described the appeals process component of the Barring Policy and described the Parks "Physical and Verbal Altercation Policy" presently being used.

In response to a question from Lane, Evelyn Bologna stated that 8 cases from the Physical and Verbal Altercation Policy had come to her office this year.

Lane suggested that Police should concentrate their efforts where crime has occurred. He also suggested that Parks erect the signs in just a few parks initially.

Beard stated that he didn't think the barring policy could be implemented effectively. In response to a question from Beard, Daugherty described how Police will investigate complaints

Henson stated that she was supportive of the barring policy because a few people can disrupt use of the parks for others.

In response to a question from Ford, Daugherty discussed the Library barring policy.

Clarke stated that he was supportive of the barring policy.

Myers discussed the difference between the barring policies at the Library and in Parks. He stated that this should be handled by Police as criminal offenses. In response to a question from Myers, Evelyn Bologna discussed the current Parks altercation policy.

Cooperrider stated that they want to bring this before Council to get input before they move forward with implementation.

Myers asked how other cities handle similar problems. He requested that staff research this question before it is implemented.

Gorton stated that the Parks Advisory Board vetted this policy. She stated that the overall intent is to deal with persistent violations of rules. She stated that it is the consequence of bad behavior. She stated that this will give Parks & Police one more tool to make the parks safer.

Kay stated some people may already feel barred from their neighborhood parks because they don't feel safe there now. He stated that this tool has the potential to make parks safer and more attractive to citizens.

Myers stated that an active park will make the park safe.

<u>Motion to approve the barring policy. Moved by Scutchfield, seconded by Lane. Motion passed on a 6-2 vote (Kay, Scutchfield, Gorton, Ford, Clarke & Lane-Yes; Beard & Myers-No).</u>

Cooperrider discussed the Opportunity Parks proposal. He stated that an opportunity park is one with a void or need that experienced criminal behavior or perceived as being unsafe and presents an opportunity to enhance more positive activity and strengthen the surrounding community. He stated that the process involves communication, infrastructure and usage. He stated that working with Councilmembers and neighborhood leaders Parks will help identify opportunity parks, existing, proposed amenities, potential solutions and facilitate partnerships with service providers to increase programming within opportunity parks.

In response to a question from Myers, Cooperrider stated that facilities/amenities in Opportunity Parks will be identified in the annual budget proposal to assist Parks in prioritizing their budget requests.

Reed Small discussed the SAFE Parks proposal. He stated that SAFE Parks is a program to create more family friendly parks by increasing leisure service programming opportunities in underutilized neighborhood and community parks.

Small stated that the implementation of SAFE involves a new service delivery model which uses a 3rd party service party and partnering with community leaders. It uses scholarships in lieu of rental fees and targets neighborhood programming needs.

Small stated that Fit 4 Mom is an example of a 3rd party offering a new mom and baby exercise program in Veterans Park. He stated that Green Acres and Wolf Run are examples of potential Opportunity Parks.

Henson stated that she was in favor of funding the new proposed position to support the Opportunity Park programs. It would allow Parks to work with neighborhoods to improve programming in parks.

In response to a question from Lane, Cooperrider stated that Parks has $ 1.3 million budgeted for infrastructure needs in the FY 15 Mayor's Proposed Budget.

Myers complimented Parks about the Opportunity Parks program. He discussed how Parks could work with neighborhoods throughout the community to improve Parks programming.

In response to a question from Myers, Cooperrider discussed the park improvement facility plans. He stated that input includes observation from Parks staff, and comments from constituents and Councilmembers.

Gorton stated that the program offers a great opportunity to improve parks programming. She discussed the need for a parks capital plan and a Parks Foundation to support facility needs.

Scutchfield stated that she was supportive of the program as it would include neighborhoods in improving parks programming and facilities.

Kay stated that it was a positive step using parks to improve neighborhoods.

**3. Wireless Devices Policies**

Aldona Valicenti presented the wireless devices policy. She stated that the purpose of the policy is to promote the responsible use of wireless communication devices and to provide guidance for procurement, security and use of such devices.

She stated that once a user requests a wireless device, Computer Services will make a recommendation of appropriate plan and will work with the employee to choose a carrier. The device will be shipped to Computer Service and inventoried. The appropriate division will be billed for the cost of the device and plan. That division will also be responsible for monitoring usage.

She stated that Lexington utilizes five (5) providers, including: AT&T, Verizon, Sprint, T-Mobile and Cricket. She stated that Cricket was recently acquired by AT&T.

Valicenti stated that the employee will sign a user agreement; complex passwords will be mandatory; losses will be reported to Computer Services immediately so the device can be wiped; employees will use discretion with types of information they access; and employees will return the device to Computer Services if it is no longer required to carry out their duties or if they leave LFUCG.

Valicenti commented on the Bring Your Own Devices (BYOD) Policy. She stated that it should protect both the user and LFUCG; it will allow employees to be connected anywhere; it will increase employee productivity; potentially generate savings for LFUCG; and will clearly define what Computer Services will support and how it will support BYOD.

Valicenti stated that the employee will sign a user agreement; complex passwords will be required; losses will be reported to Computer Services immediately so the device can be wiped; employees will use discretion with types of information they access on the devices; and LFUCG will only request access to the device to implement security controls for LFUCG data.

She stated that the draft should be completed by June; meetings with stakeholders will commence in June; and the policy will be published and implemented by the IT Governance Committee starting August 2014.

In response to a question from Myers, Todd Slatin stated that he anticipated that LFUCG will still use multiple users because some of the user groups have unique needs. Slatin also stated that the user of State price contracts have made the pricing very comparable.

Valicenti stated that all of the providers offer very competitive price and use structures.

**4. Branding Update**

Scott Shapiro discussed the Blue Horse branding concept. He stated that because we have too many unique logos their use is inefficient and confusing. He said there are no consistent rules regarding the logos. In addition, he said that citizens don't have a clear idea what the City is doing. He stated that the use of one consistent logo will raise the production values of LFUCG's materials. He stated that the blue horse logo has proven to be very successful for VisitLex. He stated that the seal is not eliminated just subordinated.

Shapiro stated that he and Stacey Dimon have met with Councilmembers and have held meetings with 22 division/departments. He stated Bullhorn has prepared draft blue horse ideas. In addition he has begun negotiations with VisitLex on the blue horse use. Shapiro stated that they will continue meeting with divisions/departments as well as with Councilmembers as well as finalizing an agreement with VisitLex.

Shapiro stated that LFUCG will share in the legal expenses of defending the blue horse trademark. Shapiro stated that the plan will be rolled out at little new expense once Council adopts its use.

Shapiro stated that the designer will provide brand design guidelines and templates for power points, newsletters and brochures; letterhead/envelopes/business cards/signage; email signatures; and web site. He also stated the brand support and monitoring will be provided by Government Communications. Dimon will also develop a style guideline book.

Beard questioned the use of the blue horse. He said it wasn't a good representation for Lexington. He suggested that a thoroughbred be used instead.

In response to a question from Beard, Shapiro stated that the use of the blue horse signified creative thinking. He also said that it reflected Lexington's appreciation for the arts & culture.

Ford discussed what the Charter stated about the seal. He stated that he was opposed to subordinating the seal for the blue horse.

Scutchfield stated that she was concerned about the overall cost of the brands campaign. She stated that there will be a lot more expenses involved that has been indicated. She also discussed the value of the logos that Lexington will discard if the plan is adopted.

Gorton stated that she likes the blue horse but asked if the seal could be subordinated rather than the seal being subordinated. She also asked about the use and availability of color copiers because the logo is blue.

In response Shapiro stated that VisitLex uses the blue horse and in an effort to be consistent we should be using the same. He stated that the blue horse says a lot about Lexington. Shapiro also stated that the deliverables will include a black/white version of the blue horse.

Gorton questioned the appropriateness of a black/white version of a blue horse.

In response to a question from Gorton, Shapiro stated that Lexington has paid Bullhorn $ 17,000 to date on the design and other deliverables.

Kay suggested that Shapiro communicate with the Committee and curtail individual meetings with Councilmembers. Shapiro agreed.

**5. Items Referred**

<u>On a motion by Gorton, second Scutchfield the “Neighborhood Parks Task Force” item was removed. Motion passed unanimously.</u>

The meeting was adjourned at 1:04 PM

PAS 2014-05-13

# Wireless Device Procurement
# CAO Policy 10R

Urban County Council

General Government Committee

August 12, 2014

# CAO Policy 10R Wireless Device Policy–

(Previously Cellular Telephone Procurement Policy)

- Purpose
  - To promote the responsible use of wireless communication devices.
  - To provide guidance for procurement, security, and the use of such devices.

# CAO Policy 10R - Revision Timeline

- Working Group of Stakeholders from Across Government Formed to Revise Policy – January 2014
- Working Group Meetings – February – June 2014
- Update on Policy Revision Presented to Urban County Council General Government Committee – May 6, 2014
- Draft Delivered to The Department of Law for Review – July 2014
- Update on Policy Revision Presented to Urban County Council General Government Committee – August 12, 2014
- CAO Policy 10R Published – September 2014

# Requirements

- All employees who require a device(s) must discuss potential procurement with management.
  - Determination of need
  - Determination of appropriate device(s)
  - Determination of appropriate data plan

# General Responsibilities

- Chief Administrative Officer (CAO), Purchasing, and Computer Services have the responsibility to develop, monitor, and maintain all policies and procedures to establish and monitor all contracts relating to wireless devices.
- Mayor or CAO can make exceptions to the provisions in the event of a disaster, emergency situation, or other extenuating circumstance.

# Procedure

- All employees who request a wireless device must fill out the Wireless Request Form.
  - Management must approve need for device(s).
  - Form must be submitted to Computer Services.
    - Computer Services will assist employee with choice of phone and carrier.
  - Wireless Devices will be shipped to Computer Services and will be inventoried.
  - Employees will be required to sign an Acceptable Usage Agreement.

# Procurement

- Employees will be able to choose from carriers available via State Contract.
  - AT&T
  - Sprint
  - T-Mobile
  - Verizon

# Billing and Monitoring

- All Divisions and Departments who require a wireless device(s) shall request funds in their appropriate budget for BOTH the device and data plan (when applicable).
- Each Division and Department is responsible for monitoring the usage and billing of their wireless device(s).

# User Responsibilities

- Employees shall protect their device(s) with a complex password.
- Complex password
  - Changed every 90 days
- Employees who exceed the data plan shall pay for overages.
- All application purchases must be approved by the Division Director and Commissioner.
- Employee shall notify Computer Services immediately if the device(s) is lost or stolen.

# Bring Your Own Device (BYOD) Update

- Working group also considered and discussed this policy.
- Reviewed policies from other cities and states.
- Currently waiting for Commonwealth of Kentucky policy.
    - Under review in Governor's Office

# Questions?

Lexington-Fayette Urban County Government
DIVISION OF HUMAN RESOURCES

Jim Gray
Mayor

Sally Hamilton
Chief Administrative Officer

TO: General Government Committee Members

FROM: John Maxwell, Director, Division of Human Resources

DATE: August 6, 2014

RE: Coroner's Staff Salaries and Hazardous Duty Pay

As requested, this memo outlines proposals regarding the Coroner's Office as related to their salaries and hazardous duty pay.

Salary Study

The Management Advisory Group International, Inc. (MAG) has conducted a comprehensive classification and compensation study whereby the final report was released on July 24, 2014 and is posted online on both the intranet and internet.

Below is a brief summary of the data,

| | | Min | Max |
|---|---|---|---|
| Assistant Coroner pay range increased | From: | \$53,267 | \$87,491 |
| | To: | \$60,014 | \$90,021 |
| Chief Deputy Coroner pay range increased | From: | \$34,692 | \$55,209 |
| | To: | \$40,620 | \$60,929 |
| Deputy Coroner pay range increased | From: | \$32,448 | \$51,347 |
| | To: | \$36,843 | \$55,265 |

This represents an increase in the minimum pay for Assistant Coroner of 12.6%, 17.1% for Chief Deputy Coroner, and 13.5% for Deputy Coroner. Maximum pay in all categories rose significantly as well.

The Coroner was not included in the final study report as he is an elected official and his pay is set by the State.

Hazardous Duty Pay

An analysis was completed by the Division of Human Resources pursuant to the request of this committee to determine if those employees in the Coroner's office would qualify for Hazardous Duty Pay. The Coroner's office provided information as to the percentage of time spent performing duties considered as hazardous. Those meeting the criteria for hazardous pay receive an additional $50 per month. This supplement does not relate to hazardous duty retirement eligibility. The analysis determined that the following jobs would meet the criteria for hazardous pay based solely on the hazard pay measurements:

Assistant Coroner, Chief Deputy Coroner, Deputy Coroner.

However, while these positions would otherwise meet the criteria, they are not eligible under current ordinances since hazardous duty pay is limited to positions in classifications covered under Chapter 21 of the Code. Accordingly, some positions covered under Chapter 22 which are unclassified Civil Service employees are not covered.

It is the Division of Human Resources recommendation that the code of ordinances be amended to allow for Hazardous Duty Pay for unclassified Civil Service employees as well. Upon passage of such amendment, it is further recommended that the Assistant Coroner, Chief Deputy Coroner and Deputy Coroner receive such pay.

John Maxwell

John Maxwell, Director of Human Resources

# Lexington-Fayette Urban County Council

TO: Vice Mayor Linda Gorton

FROM: Paul Schoninger
Research Analyst

DATE: July 30, 2014

SUBJECT: Alcohol Sales on Election Day

This is in response to your recent request for information pertaining to the issue of alcohol sales on election days. You also referred this issue to the General Government Committee.

During its 2013 session, the Kentucky General Assembly passed and the Governor signed legislation that removed the state-wide ban on Election Day alcohol sales during polling hours and made this matter an entirely local decision.

In a May 27, 2014 memo you requested the following information:

- Steps the Council would need to take to repeal the ordinance;
- A copy of the current LFUCG ordinance;
- Other cities that have repealed their respective ordinances; and
- Rational used by the Governor's Alcohol Beverage Control Task Force which recommended repeal of the state statute which prohibited retail alcohol sales on election days.

In addition to responding the to above four points I've also attached a summary of SB 13 which allows local governments to make election day alcohol sales permissive. This legislation was passed by the General Assembly in 2013 and was effective July 1, 2013. Further I've attached a draft ordinance which repeals the prohibition on Election Day alcohol sales for your consideration.

1. Steps the Council would need to take to repeal the ordinance;

On May 15 David Barberie prepared a memo for the Council explaining the steps necessary to allow alcohol sales on Election Day. He indicated that Council would simply need to repeal the current ordinance prohibiting alcohol sales while the polls are opened. His response is below.

> "The Kentucky legislature removed the state-wide ban on election day alcohol sales during polling hours in 2013 and made this an entirely local decision. Section 3-21(e) of the Code of Ordinances, which was adopted under the old state law, currently retains the ban on sales in Fayette County. Should the Council wish to allow sales in Fayette County going forward it would simply need to adopt legislation

repealing the above section."

Vice Mayor Linda Gorton
July 30, 2014
Alcohol Sales on Election Day
Page Two

2. A copy of the current LFUCG ordinance;

UCG Code of Ordinances 3-21(e) is inserted below. 3-21 in its entirety is attached.

"**Sec. 3-21(e). Business hours.**

No premises shall sell, give away or deliver alcoholic beverages of any kind on any primary or regular election day during the hours that the polls are open. "

3. What other cities have repealed their respective ordinances; and

A few Kentucky local governments have adopted ordinances that repealed the Election Day prohibition since the 2013 General Assembly action. They include at least Ashland; Bowling Green; Covington; Danville; Florence; Fort Mitchell; Lancaster; Louisville; Manchester; and Paducah.

Conversely several local governments have not repealed or modified local ordinances to allow Election Day sales. These include at least Calvert City; Eddyville; Elsmere; Frankfort; Glasgow; Hickman; Hopkinsville; Horse Cave; Junction City; LaGrange; Leitchfield; Lexington; Mt. Sterling; Paris; Prospect; Richmond; Russellville; Salyersville; and Springfield. It is my understanding only Hopkinsville has officially considered repealing their local ordinance, voting down the repeal. Richmond is considering such a repeal. The issue, to my knowledge has not been considered by the other local governments.

4. Rational used by the Governor's Alcohol Beverage Control Task Force which recommended repeal of the state statute which prohibited retail alcohol sales on election days.

In July 2012 Gov Beshear appointed the Beverage Control Laws Task Force. The Task Force was charged with identifying statutory problems, debating necessary policies and formulating statutory solutions with government, public and industry input.

In January 2013 the Task Force presented the Governor with 73 recommendations. One of its recommendations was to repeal the State prohibition on Election Day alcohol sales. The Task Force stated that it outdated and an ineffectual means to control voter fraud and abuse. They also stated that the repeal would improve the State's revenue stream.

Section 3-21(e) of the Code of Ordinances, which was adopted under the old state law, currently retains the ban on sales in Fayette County. Should the Council wish to allow sales in Fayette

County going forward it would simply need to adopt legislation repealing the above section.

If, after reviewing this memo and attached materials, you have any questions, comments or need clarification, please don't hesitate to contact me.

Paul Schoninger
Research Analyst

c Councilmember Steve Kay, Chair Council General Government Committee
Tyler Scott, Aide to Vice Mayor Gorton
Craig Bencz, Research Analyst

Attachments:
Draft Ord ___-2014 repealing 3-21(e)
Bill Summary SB 13 2013 Regular Session General Assembly
UCC Ordinance 3-21

DRAFT 05-19-14

ORDINANCE NO. _____-2014

AN ORDINANCE REPEALING SUBSECTION 3-21(e) OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT PERTAINING TO PROHIBITING THE SALE, GIVING AWAY OR DELIVERY OF ALCOHOLIC BEVERAGES OF ANY KIND ON ANY PRIMARY OR REGULAR ELECTION DAY DURING THE HOURS THAT THE POLLS ARE OPEN, AND RENUMBERING SUBSECTIONS 3-21(f) THROUGH (i) OF THE CODE OF ORDINANCES TO SUBSECTIONS 3-21(e) THROUGH (h); ALL EFFECTIVE ON DATE OF PASSAGE.

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BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That subsection 3-21(e) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is repealed in its entirety.

Section 2 - That the subsections 3-21 (f) through (i) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby are renumbered to subsections 3-21 (e) through (h).

Section 3 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

_______________________________
MAYOR

ATTEST:

_______________________________
CLERK OF URBAN COUNTY COUNCIL
PUBLISHED:
00440599

# Kentucky Legislature

## SB13

13RS

WWW Version

The hyperlink to a bill draft that precedes a summary contains the most recent version (Introduced/GA/Enacted) of the bill. If the session has ended, the hyperlink contains the latest version of the bill at the time of sine die adjournment. Note that the summary pertains to the bill as introduced, which is often different from the most recent version.

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SB 13 (BR 84) - J. Schickel, W. Blevins Jr., D. Harper Angel, P. Hornback, K. Stein

AN ACT relating to the sale of alcoholic beverages on election days.

Amend KRS 244.290 to permit the sale of distilled spirits and wine on any primary, or regular, local option, or special election day; authorize the legislative body or fiscal court of a first through fourth class city or the legislative body of any form of county government to adopt an ordinance to prohibit or limit the hours and times of distilled spirits and wine sales within its boundaries on any primary, or regular, local option, or special election day; limit the changes regarding election day sales to territories that already allow some form of alcohol sales; forbid the fiscal court of a county containing a first through fourth class city from changing an election day sales decision made by a first through fourth class city within that county; preclude the county from imposing an action on a first through fourth class city if that city has taken no formal action regarding election day sales; amend KRS 244.295 to remove the prohibition against the sale of distilled spirits and wine on a primary or election day in an urban-county government; amend KRS 244.480 to permit the sale of malt beverages on any primary, or regular, local option, or special election day; authorize the legislative body or fiscal court of a first through fourth class city or the legislative body of any form of county government to adopt an ordinance to prohibit or limit the hours and times of malt beverage sales within its boundaries on any primary, or regular, local option, or special election day; establish malt beverage territorial limitations and county government restrictions identical to those for distilled spirits and wine; make technical changes; amend KRS 119.215 to conform; repeal KRS 242.100.

SB 13 - AMENDMENTS

HFA (1, M. Marzian) - Retain original provisions; amend KRS 244.050 to authorize the holder of a wine drink license to acquire a sampling license for tour or multi-site events directly associated with a downtown management district; limit sampling to events held in a city of the first class, a county containing a city of the first class, or a consolidated local government; allow only wine sampling licensees with licensed premises in that locality to conduct sampling; restrict sampling to free samples made available at licensed or unlicensed premises; require the premises to be a designated location along a specified, pre-announced route on the tour or multi-site event; direct licensees and their employees to prevent any person under 21 from consuming samples; permit only 1 sampling licensee at each location, with different licensees able to offer samples at different locations; restrict sample size to 1 ounce of wine; require the downtown management district to ensure that sampling licensees limit each customer to 6 wine samples per day; allow downtown management district sampling events to be held for 6 consecutive hours between noon and 11 p.m.

HFA (2/Title, M. Marzian) - Make title amendment.

HFA (3/P, D. Keene) - Retain original provisions; amend KRS 241.010 to define "qualified historic site" and other terms; replace references to prohibition or its discontinuance with the terms wet, dry, and moist throughout KRS Chapters 241 to 243; amend KRS 241.065 and 241.075 to clarify quota retail drink and package licenses in cities of the first class and consolidated local governments; create new sections of KRS Chapter 242 to move jurisdiction over local option elections relating to racing associations and small farm wineries to that chapter; create a new section of KRS Chapter 242 to state that territory that becomes moist after a special limited local option election remains dry in every respect except for the specific type of sales authorized by the election proposition; permit the territory to hold another election on the same question to return to dry status; amend KRS 242.020 to add petition language, create a "micro out-of-state distilled spirits and wine supplier's license"; allow micro licensees to import less than 2,000 gallons of distilled spirits and wine into Kentucky each year; delete the Social Security number requirement for each voter who signs a petition for a local option election; validate petition wording that substantially complies with the statutory petition wording; repeal and reenact KRS 242.070 to allow the committees favoring or opposing the local option proposition to certify challengers; repeal and reenact KRS 242.090 to make the regular precinct officers serve as local option precinct officers; amend KRS 242.120 to create a recanvass procedure for local option elections consistent with the recanvass procedure used for primaries and regular and special elections; amend KRS 242.123 to establish the petition language for a golf course local option election; move golf course licensing language to KRS Chapter 243; repeal and reenact KRS 242.1232 as a new section of KRS Chapter 243 to require compliance with KRS Chapter 344 by local option golf courses; amend KRS 242.1242 to establish the petition language for a qualified historic site local option election; move qualified historic site licensing language to KRS Chapter 243; repeal and reenact KRS 242.1244 to establish the petition language for a limited 50 seat or 100 seat restaurant local option election; move limited 50 seat and 100 seat restaurant licensing language to KRS Chapter 243; repeal and reenact KRS 242.125 to clarify and modernize language; amend KRS 242.127, 242.1292, 242.1297, 242.190, 242.200, 242.220, 242.300, 242.430, and 243.075 to conform with new wet, dry, and moist nomenclature; establish the petition language for a city of the second class local option election to become fully wet; remove the 5 year waiting period between city of the second class or city of the third class wet/dry local option elections to revert to the default waiting period of 3 years; repeal, reenact, and amend KRS 242.1295 as a new section of KRS Chapter 243 to maintain the requirement that a restaurant or dining facility in a hotel, motel, or inn receive at least 50% of its gross receipts from the sale of food; amend KRS 242.230, 242.250, 242.260, 242.270, 242.280, and 242.290 to make the listed dry territory restrictions apply to moist territory unless the alcoholic beverage is authorized under a moist election in that territory; create a new section of KRS Chapter 243 to move economic hardship determinations for regulatory ordinances by a city of the fourth class from KRS Chapter 242; create new sections of KRS Chapter 243 to establish licenses for malt beverage storage, distilled spirits and wine storage, malt beverage supplier and transporters; create new sections of KRS Chapter 243 to set out licensing requirements for a limited restaurant, golf course, or air transporter license; create new sections of

KRS Chapter 243 to establish new nonquota type 1, 2, 3, and 4 licenses; amend KRS 243.020 to restrict the licenses issued in special local option territory to those that directly correspond with the types of sales approved by the voters of the territory; amend KRS 243.030, 243.040, 243.060, and 243.070 to add, remove, or modify license types and fees; amend KRS 243.0305 to merge the "souvenir retail liquor license" into the distiller's license and limit local fee increases on designated licenses; add NQ4 malt beverage retail drink licenses to the local fee statutes; clarify limitations on an NQ2 license issued to a 50 seat restaurant; amend KRS 243.033, 243.230, 243.240, 243.250, 244.290, 244.295, and 244.300 to designate quota retail package licenses, quota retail drink licenses, or both; allow a caterer licensee to cater a fundraising event that has a special temporary distilled spirits and wine auction license; amend KRS 243.035, 243.036, 243.110, 243.120, 243.130, 243.170, 243.200, 243.260, 243.280, 243.360, 243.480, 243.540, 244.030, 244.090, 244.167, 244.240, 244.250, 244.260, 244.440, 244.450, 244.590, and 244.600 to conform with license merging and renaming; amend KRS 243.037 to update service bar and supplemental bar restrictions; repeal and reenact KRS 243.050 to list requirements for extended hours supplemental licenses and Sunday retail distilled spirits and wine drink licenses; list details of city regulatory license fees; amend KRS 243.090 to authorize producers, wholesalers, or distributors to obtain licenses for either 1 year or 2 years; amend KRS 243.155 to remove local option election language transferred to KRS Chapter 242; repeal and reenact KRS 243.160 to allow a wholesaler to sell his or her products to the holder of special nonbeverage alcohol license; amend KRS 243.180 to allow a distributor to sell his or her products to the holder of special nonbeverage alcohol license; list additional requirements for a special temporary license; amend KRS 243.320 to establish a special nonbeverage alcohol license; amend KRS 243.340 to grant a special agent's or solicitor's license to nonresidents; amend KRS 243.380 to allow business entities that own more than 2 licensed premises to obtain a single master file; amend KRS 243.730 to remove surety bond requirements; create a new section of KRS Chapter 244 to establish medical amnesty for minors reporting an alcohol overdose; amend KRS 244.120 to forbid licensees, patrons, or employees from causing or allowing a disorderly premises; add public nuisance, criminal activity, or failing to meet health and safety codes to acts constituting a disorderly premises; amend KRS 119.215, 230.361, 243.042, 243.154, 243.720, 243.990, 244.050, 244.210, and 413.241 to conform; repeal and reenact KRS 230.350 and 230.352 to conform; amend KRS 243.157 to allow microbreweries to sell malt beverages produced on the premises for on-premises purposes, to sell malt beverages produced on the premises without having to transfer physical possession to a distributor if the microbrewery has a retail drink license and meets reporting requirements, and to sell malt beverages produced on the premises for off-premises purposes without having to transfer physical possession to a distributor if the microbrewery has a retail package license and meets reporting requirements, require the microbrewery to collect taxes due when selling malt beverages; repeal KRS 242.080, 242.100, 242.130, 242.140, 242.150, 242.160, 242.170, 242.180, 242.185, 243.032, 243.140, 243.210, 243.270, 243.290, 243.300, 243.310, 243.330, 243.350, 243.400, 243.410, 243.420, and 244.330.

HFA (4/Title, D. Keene) - Make title amendment.

(Prefiled by the sponsor(s).)

Sep 5-To: Interim Joint Committee on Licensing and Occupations
Jan 8-introduced in Senate
Jan 10-to Licensing, Occupations, & Administrative Regulations (S)
Feb 7-reported favorably, 1st reading, to Consent Calendar
Feb 8-2nd reading, to Rules
Feb 11-posted for passage in the Regular Orders of the Day for Tuesday, February 12, 2013
Feb 12-3rd reading, passed 29-8
Feb 13-received in House
Feb 14-to Licensing & Occupations (H)
Feb 15-posted in committee
Feb 27-reported favorably, 1st reading, to Calendar
Feb 28-2nd reading, to Rules
Mar 4-posted for passage in the Regular Orders of the Day for Tuesday, March 5, 2013
Mar 7-floor amendments (1) and (2-title) filed
Mar 26-floor amendments (3) and (4-title) filed ; 3rd reading, passed 50-46 with floor amendments (3) and (4-title) ; received in Senate; posted for passage for concurrence in House floor amendments (3) and (4-title) ; Senate concurred in House floor amendments (3) and (4-title) ; passed 27-11; enrolled, signed by each presiding officer; delivered to Governor
Apr 4-signed by Governor (Acts Chapter 121)

Vote History

Legislature Home Page | Record Front Page

## Sec. 3-21. Business hours

(a) *Distilled spirits and wine by the drink.* Unless otherwise provided herein, the selling, giving away, or delivering of distilled spirits or wine by the drink shall not be permitted during the following hours:

(1) Between the hours of 2:30 a.m. and 11:00 a.m. on a Sunday;

(2) Between the hours of 2:30 a.m. and 6:00 a.m. on a Monday; and

(3) Between the hours of 2:30 a.m. and 6:00 a.m. on any day from Tuesday through Saturday.

(b) *Malt beverages.* Unless otherwise provided herein, the selling, giving away, or delivering of malt beverages shall not be permitted during the following hours:

(1) Between the hours of 2:30 a.m. and 11:00 a.m. on a Sunday;

(2) Between the hours of 2:30 a.m. and 6:00 a.m. on a Monday; and

(3) Between the hours of 2:30 a.m. and 6:00 a.m. on any day from Tuesday through Saturday.

(c) *Retail package distilled spirits and wine.* The selling, giving away, or delivering of packaged distilled spirits or wine shall not be permitted during the following hours:

(1) Between the hours of 2:30 a.m. and 1:00 p.m. on a Sunday;

(2) Between the hours of 9:00 p.m. on a Sunday and 6:00 a.m. on a Monday; and

(3) Between the hours of 2:30 a.m. and 6:00 a.m. on any day from Tuesday through Saturday.

(d) Any commercial airport may apply for a special extended hours license, which if granted, shall extend the hours of (a) and (b) above through 4:00 a.m. on any day of the week.

**(e) No premises shall sell, give away or deliver alcoholic beverages of any kind on any primary or regular election day during the hours that the polls are open.**

(f) A premises must obtain the appropriate type(s) of license(s) prior to being able to lawfully sell, give away, or deliver alcohol of any kind pursuant to the relevant licensing provisions of this chapter.

(g) If a licensee provides a separate locked department within its licensed remises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and such department is kept locked during the applicable times mentioned above, it shall be deemed to have complied with this section.

(h) The term "locked department" shall include all display windows, show cases, shelves, and counters. In no event shall the shelves and counters be left open, but shall have a door affixed thereto, and the storeroom, display windows, show cases, shelves and counters shall be under lock and key. The "door" may be sliding or affixed with hinges and may be glass, wood, or wire netting of not more than one (1) inch mesh.

A separate locked department will be deemed to exist if the licensee uses a register or computerized check-out system that prohibits the sale of alcoholic beverages and the licensee physically conceals or covers all stocks of alcoholic beverages during the times the licensee is not permitted to remain open.

(i) A licensee shall not sell, give away, or deliver any alcoholic beverage or permit any alcoholic beverage to be sold, given away, or delivered on the licensed premises during the hours specified above. A licensee shall not permit the consumption of alcoholic beverages on the licensed premises for a period of more than thirty (30) minutes after the hour it is to close for business or to stop selling and delivering alcoholic beverages.

*(Ord. No. 105-68, § 1, 5-2-86; Ord. No. 127-86, § 5, 7-17-86; Ord. No. 4-87, § 1, 1-8-87; Ord. No. 5-87, § 1, 1-8-87; Ord. No. 66-2000, § 11, 4-13-00; Ord. No. 314-2001, § 1, 12-13-01; Ord. No. 13-2002, § 1, 1-24-02; Ord. No. 95-2004, § 1, 5-13-04; Ord. No. 200-2007, § 2, 9-13-07)*

| **Item** | **Referred By** | **Date Referred** | **Status** |
|---|---|---|---|
| Relationship with the BGADD | Myers | 04/12/12 | Update After Summer Break |
| Procedure for Underwriting or Sponsoring one of our Facilities or Parks | Gorton | 03/06/13 | New Parks Director |
| Moving Human Resources from the Department of Law to the Office of the CAO | Gorton/Link | 06/20/13 | Update After Summer Break |
| Building Security, 200 East Main Street | Gorton | 8/29/2013 | Update After Summer Break |
| Grant Review Process | Scutchfield | 9/10/2013 | Update After Summer Break |
| Restructuring to Remove the Division of Budgeting from the Department of Finance | Gorton | 12/3/2013 | After Summer Break |
| Impact of Vacant Positions on Parks, Maintenance & Programming | Gorton | 12/3/2013 | New Parks Director |
| Explore Sharing of Artistic Direction, Box Office & Technical Services with Downtown Arts Center (DAC) | Gorton | 12/3/2013 | New LexArts Director |
| **Establishment of Standardized Cell Phone Procurement Process** | Gorton | 12/3/2013 | Follow Up After Break |
| **Coroner's Staff Salaries & Classification** | Henson | 1/28/2014 | Class Comp Study |
| *Downtown Arts Center Utilization* | *Farmer* | *2/11/2014* | After May |
| *Corporate Branding:  Using the Name "Lexington"* | *Clarke* | *2/11/2014* | *Maybe May* |
| *Neighborhood Parks Task Force* | *Henson* | *4/29/2014* | *5.6/14* |
| ***Alcohol Sales on Election Day*** | *Gorton* | *5/14/2014* | *August Meeting* |
| *DAC Pilot Project* | *Services Link* | *7/10/2014* | |
| *Parks Foundation* | *Services Link* | *7/10/2014* | |
| *SAFE Parks Position* | *Services Link* | *7/10/2014* | |
| *Lyric Theater Strategic Plan* | *Services Link* | *7/10/2014* | |
| PAS 7.25.14 | | | |