Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky September 24, 2015

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on September 24, 2015 at 6:00 p.m. Present were Mayor Gray in the chair presiding, and the following members of the council: Henson, Lamb, Moloney, Scutchfield, Stinnett, Bledsoe, F. Brown, J. Brown, Evans, Farmer, Gibbs, Hensley. Absent were Kay, Mossotti, and Akers.

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

Resolutions No. 536-2015 through 567-2015, inclusive, and Ordinances No. 97-2015 through 106-2015, inclusive, were reported as having been signed and published and ordered to record.

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The invocation was given by Pastor Mike Powers, First United Methodist Church.

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Ms. Akers arrived at 6:04 p.m.

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The Mayor spoke about Mr. Chris King, Div. of Planning. He spoke about his history of work for the city and how he started working for the city before it was a merged government. He spoke about Mr. King's contribution to the city and his vast experience and knowledge. He invited Mr. King to the podium. He read a Proclamation honoring Mr. King.

Mr. King expressed his gratitude to Mayor Gray, the Council and his colleagues. He spoke about his career and his experiences with this government. He encouraged everyone to take care of the City for future generations.

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Ms. Mossotti arrived at 6:09 p.m.

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The Mayor invited Mr. Gary Anderson to the podium to speak about the Lexington Chamber Chorale.

Mr. Anderson spoke about the Chorale. The Mayor read the Proclamation honoring the Lexington Chamber Chorale and proclaimed September 24, 2015 as Lexington Chamber Chorale day in Lexington.

Mr. Anderson thanked the Council and Mayor. He invited Council to the Chorale opener on October 17, 2015. He spoke about other performances that the Chorale will be putting on and invited everyone to come out.

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The Mayor spoke about Ms. Yvonne Giles and her contribution to the culture and history of this city. The Mayor read the Proclamation honoring Ms. Giles and awarding her the Spirit of Lexington Award.

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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 was on the docket for second reading.

Upon motion of Ms. Lamb, seconded by Mr. Farmer and approved by unanimous vote, the ordinance was amended to replace Schedule No. 7 with a revised Schedule No. 7 that removes budget journal 89574-75 for the Pedestrian Safety Enforcement and Education Grant that is not being accepted by the Government. This is not a material change and does not require a new first reading.

The ordinance was given second reading as amended. Upon motion of Ms. Scutchfield, seconded by Ms. Henson, the ordinance was approved by the following vote:

Aye:	Henson, Hensley, Lamb, Moloney, Mossotti, Scutchfield, Stinnett, Akers, F. Brown, J. Brown, Evans, Farmer, Gibbs, Hensley	---------14
Nay:		-----------0

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

Aye:	Henson, Hensley, Lamb, Moloney, Mossotti, Scutchfield, Stinnett, Akers, F. Brown, J. Brown, Evans, Farmer, Gibbs, Hensley	---------14
Nay:		-----------0

An Ordinance amending the authorized strength by abolishing two (2) Classified Civil Service Positions of Technical Specialist, Grade 515N, and creating two (2) Classified Civil Service Positions of Computer Analyst, Grade 520E; reclassifying the incumbents in the Div. of Computer Services, effective upon passage of Council.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements in the Div. of Environmental Services for funds in the amount of $325 from Neighborhood Development Funds for mulch for Scully Property Tree Planning Project, and appropriating and re-appropriating funds, Schedule No. 9.

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Upon motion of Ms. Henson, seconded by Mr. Farmer, and approved by unanimous vote, public comment on the agenda was moved so that comment could be heard earlier in the meeting.

The Mayor spoke about the dedication of city employees. He spoke about taking employee concerns seriously.

Mr. Raymond, Woods Pointe Way, stated he will yield his time to Ms. Shay Turley. Ms. Emma Shae Turley, Willow Lane, stated she is a retired employee of the Div. of Waste Management. She spoke about safety concerns, staffing shortage and agreement violations. She spoke about an increase in injuries in the Div. of Waste Management and the effects of injuries on other employees. She asked Council to examine the safety program and procedures in the Div. of Waste Management.

Mr. Larry Green, Hollow Creek Road, yielded his time to Ms. Turley. Ms. Turley spoke about a document circulated concerning treatment of workers. She spoke about employees resigning and grievances being filed.

Mr. Jeffrey Clay, Astaire Drive, yielded his time to Mr. Dion Henry.

Mr. Dennis McGovern, Kees Road, yielded his time to Mr. Dion Henry.

Mr. Fred Crouch, Amster Grove Court in Winchester, yielded his time to speak to Mr. Henry.

Mr. Henry, Smokey Mt. Court, Div. of Waste Management, spoke about negotiations with human resources and the result of those negotiations. He spoke about his average work day. He spoke about the pride he takes in his job. He thanked Ms. Sally Hamilton, Chief Administrative Officer, for her work. He spoke about losing employees and filing grievances. He spoke about taking care of employees' health.

Mr. Deacon Williams, retired waste management worker, spoke about his family and their history with the city. He spoke about having respect for the employees and the physical difficulties of working on the waste management trucks. He spoke about fiscal responsibilities of the division.

Ms. Susan Delph of Lexington spoke about an event for musicians and raising funds for individuals to acquire their stylist license. She spoke about being an advocate and housing issues in Lexington.

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Upon motion of Ms. Bledsoe, seconded by Mr. Farmer, and approved by unanimous vote, an Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 10.14 net and gross acres; for property located at 3455 Saybrook Rd. (Lex Properties, LLC; Council District 9) was removed from the docket.

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An Ordinance changing the zone from a Wholesale & Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 2.865 net (3.457 gross) acres, for property located at 1447 Antique Dr., a dimensional variance is also requested. (Solomon Van Meter; Council District 2) was on the docket for first reading.

Upon motion of Ms. Akers, seconded by Mr. Farmer, and approved by unanimous vote, the ordinance was tabled until the October 22, 2015 Council Meeting.

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An Ordinance changing the zone from a Two-Family Residential (R-2) zone to a Planned Neighborhood Residential (R-3) zone, for 0.1653 net (0.1908 gross) acres, for property located at 334 Richmond Ave. A conditional use permit and dimensional variances are also requested. (National Station, LLC; Council District 5) was on the docket for first reading.

Upon motion of Mr. Gibbs, seconded by Mr. Farmer, and approved by unanimous vote, the public hearing for this ordinance scheduled for October 22, 2015 at 7:00 PM was cancelled.

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 Planned Shopping Center (B-6p) zone to an Interchange Service Business (B-5p) zone, for 4.66 net (5.41 gross) acres; for property located at 1750 Pleasant Ridge Dr.; 2008 and 2024 Bryant Rd.; and 1976 Justice Dr.. (Gulfstream Enterprises, LLC; Council District 6).

An Ordinance amending Article 23A-7: Expansion Area Residential 3 (EAR-3) zone special provisions to allow for no more than twenty-five percent (25%) of the required off-street parking to be located between an apartment building and a collector street in the Expansion Area Residential 3 (EAR-3) zone. (MV Residential Development, LLC).

An Ordinance amending the authorized strength by creating one (1) Classified Civil Service Position of Administrative Specialist, Grade 513N, in the Div. of Revenue, effective upon passage of Council.

An Ordinance amending the authorized strength by abolishing one (1) Classified Civil Service Position of Network Engineer, Grade 520E, and creating one (1) Classified Civil Service Position of Network Systems Administrator Sr., Grade 522N, in the Div. of Computer Services, 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. 10.

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

Aye:	Henson, Hensley, Lamb, Moloney, Mossotti, Scutchfield, Stinnett, Akers, Bledsoe, F. Brown, J. Brown, Evans, Farmer, Gibbs	---------14
Nay:		-----------0

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

A Resolution accepting the bid of ZKB Services, LLC, establishing a price contract for Cleaning and Grubbing Services at Sanitary and Storm Sewer Locations, for the Div. of Water Quality.

A Resolution accepting the bid of Devere Construction, Inc., in the amount of $730,595, for Prefabricated Truck Sheds for the Div. of Waste Management, and authorizing the Mayor, on behalf of the Urban County Government, to sign an Agreement with Devere Construction, Inc., related to the bid.

A Resolution accepting the bids of Arrow Electric Co. and Davis H. Elliot Construction Co., Inc., establishing price contracts for Fiber Optic Cable Installation and Repair, for the Div. of Traffic Engineering.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a twelve month Purchase of Services Agreement and Lease Agreement with Lexington-Fayette Animal Care and Control, LLC for Animal Control Services at a cost not to exceed $1,263,940.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with CMW Architects & Engineers, Inc., for the design of the Old Frankfort Pike Scenic Byway Viewing Area Project, at a cost not to exceed $48,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with TDA, Inc., for the completion of an Analysis of Impediments to Fair Housing Choice, at a cost not to exceed $48,464.03.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a multi-year Agreement with Accela, Inc., a sole source provider, for right-of-way management software and support services, at a cost not to exceed $64,325.00 in FY 2016.

A Resolution authorizing the Div. of Community Corrections to procure the replacement of a pedestal support system from Hanover Architectural Products, a sole source provider, at a cost not to exceed $30,000, and authorizing the Mayor, if necessary and on behalf of the Urban County Government, to sign any documents related to the procurement.

A Resolution authorizing the Commissioner of Public Safety to execute an Application and Contract for Accreditation of Correctional Health Services for NCCHC Accreditation of the Div. of Community Corrections, at a cost not to exceed $280.

A Resolution amending Section 3 of Resolution No. 493-2015, which ratified Probationary Sworn Appointments, correcting the effective date for David Flannery and Joe Anderson, from August 24, 2015 to August 10, 2015, effective retroactive to August 13, 2015.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Strand Associates, Inc., for Investigation/Design Services for Process and Control Improvements at Town Branch Waste Water Treatment Plant, West Hickman Waste Water Treatment Plant, and all pump stations, increasing the contract price by the sum of $66,000 from $2,859,500 to $2,925,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Rental Agreement and Catering Contract with Lexington Convention Center and Hyatt Regency, for the Annual Police Awards Banquet.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 6 to the Contract with Smith Contractors, Inc., for the Town Branch and West Hickman Wastewater Treatment Plant Electrical, SCADA, Blower/Aeration and Pump Station Improvements Project, increasing the contract price by the sum of $132,472.22 from $14,665,119.85 to $14,797,592.07.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Five (5) to the Contract with Churchill McGee, LLC, for Public Safety Operations Center Phase 1B Renovation Contract, increasing the contract price by the sum of $8,323.75 from $6,369,507.43 to $6,377,831.18.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Six (6) to the Contract with Churchill McGee, LLC, for Public Safety Operations Center Phase 1B Renovation Contract, increasing the contract price by the sum of $6,722.36 from $6,377,831.18 to $6,384,553.54.

A Resolution authorizing the Div. of Water Quality to purchase chemical kits for the HACH DR5000 Spectrophotometer at the Town Branch Waste Water Treatment Plant, from HACH Co., a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement with HACH Co. related to the procurement, at a cost not to exceed $25,578.96.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Fuelband LLC for the Government Center Rear Wall Repair Project, increasing the contract price by the sum of $1,400 from $19,888 to $21,288.

A Resolution establishing a Sole Source Price Contract with Routeware, Inc., as a sole source provider for the purchase of GPS Hardware and Database Maintenance Services for the Div. of Water Quality.

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Upon motion of Ms. Lamb, seconded by Ms. Henson, and approved by majority vote (Ms. Scutchfield was absent when the vote was taken), a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a multi-year Consulting Services Agreement and related documents (awarded pursuant to RFP No. 24-2015) with Metaformers, Inc., for the implementation of the Hyperion Planning and Budgeting Solution Project and related services for the Division of Budgeting, at a cost not to exceed $845,100 in FY2016 was placed on the docket and given first reading.

Upon motion of Ms. Lamb, seconded by Ms. Henson, and approved by a majority vote (Ms. Scutchfield was absent when the vote was taken and Mr. Fred Brown voted **no**), the rules were suspended and the resolution was given second reading.

Upon motion of Ms. Henson, seconded by Ms. Akers, the resolution was approved by the following vote:

Aye:	Henson, Hensley, Lamb, Moloney, Mossotti, Stinnett, Akers, Bledsoe, F. Brown, J. Brown, Evans, Farmer, Gibbs	---------13
Nay:		-----------0

Absent when the vote was taken: Scutchfield

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A Resolution accepting the bid of Judy Construction Co., in the amount of $9,697,001, for the Lower Cane Run Wet Weather Storage Facility, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Judy Construction Co. related to the bid was given first reading.

Upon motion of Mr. Farmer, seconded by Ms. Mossotti, and approved by a majority vote (Ms. Scutchfield was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

Upon motion of Ms. Henson, seconded by Ms. Akers, the resolution was approved by the following vote:

Aye: Henson, Hensley, Lamb, Moloney,

Mossotti, Stinnett, Akers, Bledsoe, F. Brown, J. Brown, Evans, Farmer, Gibbs ---------13

Nay: -----------0

Absent when the vote was taken: Scutchfield

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A Resolution authorizing the Div. of Human Resources to make conditional offers to the following Probationary Classified Civil Service Appointments: Nicholas Brock, Digital Content Administrator, Grade 520E, $1,849.33 biweekly in the Div. of Computer Services, James Beaver and Eddie Pearson, both Polygraph Technician, Grade 514N, $24.038 hourly in the Div. of Police, all effective October 5, 2015, Sarah Varney, Staff Assistant Sr., Grade 510N, $15.030 hourly in the Div. of Family Services, effective October 19, 2015, Steven Kirkland, Heavy Equipment Technician, Grade 516N, $19.003 hourly in the Div. of Facilities and Fleet Management, effective upon passage of Council, and Suzanne Leibee, Grants Manager, Grade 523E, $2,384.58 biweekly in the Div. of Parks and Recreation, effective October 5, 2015, and Felicia Arms, Administrative Specialist, Grade 513N, $16.824 hourly in the Div. of Streets and Roads, effective upon passage of Council; authorizing the Div. of Human Resources to make conditional offers to the following Probationary Community Corrections Officer Appointments; James Anderson, Mahound Elhity, and Mary Rivera, all Community Corrections Officer, Grade 110N, $14.728 hourly in the Div. of Community Corrections, effective upon passage of Council; and authorizing the Div. of Human Resources to make conditional offers to the following Unclassified Civil Service Appointments: William Fortune, Project Management Director, Grade 534E, $4,153.85 biweekly in the Office of the Mayor, effective October 5, 2015, Jonah Brown, Aide to Council, Grade 518E, $2,192.31 biweekly in the Office of the Urban County Council, effective September 28, 2015, and Elizabeth Bowman, Treatment Plant Operator - Apprentice, Grade 509N, $13.482 hourly in the Div. of Water Quality, effective October 12, 2015, and William Housch, Security Officer P/T, Grade 507N, $13.656 hourly in the Dept. of Public Safety, effective upon passage of Council was given first reading.

Upon motion of Ms. Henson, seconded by Ms. Akers, and approved by a majority vote (Ms. Scutchfield was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

Upon motion of Ms. Henson, seconded by Ms. Akers, the resolution was approved by the following vote:

Aye:	Henson, Hensley, Lamb, Moloney, Mossotti, Stinnett, Akers, Bledsoe, F. Brown, J. Brown, Evans, Farmer, Gibbs	---------13
Nay:		-----------0

Absent when the vote was taken: Scutchfield

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with North Limestone Neighborhood Association, Inc. ($250), Ky. Chinese American Association ($950), Seedleaf, Inc. ($450), and LexArts ($1,950), for the office of the Urban County Council, at a cost not to exceed the sums stated was given first reading.

Upon motion of Mr. Moloney, seconded by Ms. Bledsoe, and approved by a majority vote (Ms. Scutchfield was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

Upon motion of Ms. Henson, seconded by Ms. Akers, the resolution was approved by the following vote:

Aye:	Henson, Hensley, Lamb, Moloney, Mossotti, Stinnett, Akers, Bledsoe, F. Brown, J. Brown, Evans, Farmer, Gibbs	---------13
Nay:		-----------0

Absent when the vote was taken: Scutchfield

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A Resolution authorizing the Dept. of Public Safety, on behalf of the Urban County Government, to purchase consulting services for Phase 2 of the Public Safety Operations Center Project from Mission Critical Partners, a sole source provider, at a cost not to exceed $200,000 was given first reading.

Upon motion of Ms. Henson, seconded by Mr. Moloney, and approved by a majority vote (Ms. Scutchfield was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

Upon motion of Ms. Henson, seconded by Ms. Akers, the resolution was approved by the following vote:

Aye:	Henson, Hensley, Lamb, Moloney, Mossotti, Stinnett, Akers, Bledsoe, F. Brown, J. Brown, Evans, Farmer, Gibbs	---------13
Nay:		-----------0

Absent when the vote was taken: Scutchfield

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Lexington Probation and Patrol, for use of the 800 MHz P25 Trunked Radio System was given first reading.

Upon motion of Mr. Hensley, seconded by Ms. Akers, and approved by a majority vote (Ms. Scutchfield was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

Upon motion of Ms. Henson, seconded by Ms. Akers, the resolution was approved by the following vote:

Aye:	Henson, Hensley, Lamb, Moloney, Mossotti, Stinnett, Akers, Bledsoe, F. Brown, J. Brown, Evans, Farmer, Gibbs	---------13
Nay:		-----------0

Absent when the vote was taken: Scutchfield

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The following resolutions were given first reading. Upon motion of Ms. Bledsoe, seconded by Ms. Akers, and approved by a majority vote (Ms. Scutchfield was absent when the vote was taken), the rules were suspended and the resolutions were given second reading.

Upon motion of Ms. Henson, seconded by Ms. Akers, the resolutions were approved by the following vote:

Aye:	Henson, Hensley, Lamb, Moloney, Mossotti, Stinnett, Akers, Bledsoe, F. Brown, J. Brown, Evans, Farmer, Gibbs	---------13
Nay:		-----------0

Absent when the vote was taken: Scutchfield

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Letter of Intent to sell .237 acres of land, two permanent guying easements, and one temporary construction easement to Ky. Utilities Co.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Bicycle and Bikeway Commission's Paula Nye Memorial Bicyclist and Pedestrian Education Program and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $10,000 Commonwealth of Ky. funds, and are for the operation of a Public Bike and Pedestrian Education 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.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute modifications to Agreements with the Ky. Dept. of Military Affairs, Div. of Emergency Management, for extension of the Agreements for funds for the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2012 and FY 2013 through September 30, 2016, at no cost to the Urban County Government was given first reading.

Upon motion of Ms. Bledsoe, seconded by Ms. Henson, and approved by a majority vote (Ms. Scutchfield was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

Upon motion of Ms. Henson, seconded by Ms. Akers, the resolution was approved by the following vote:

Aye:	Henson, Hensley, Lamb, Moloney, Mossotti, Stinnett, Akers, Bledsoe, F. Brown, J. Brown, Evans, Farmer, Gibbs	---------13
Nay:		-----------0

Absent when the vote was taken: Scutchfield

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Historic Douglass Park Neighborhood Association, Inc. ($300), Whistle Work, Inc. ($500), Carnegie Center ($1,300), Nerd Squad ($850), and

Tates Creek High School PTA ($1,000), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading.

Upon motion of Mr. Moloney, seconded by Ms. Henson, and approved by a majority vote (Ms. Scutchfield was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

Upon motion of Ms. Henson, seconded by Ms. Akers, the resolution was approved by the following vote:

Aye:	Henson, Hensley, Lamb, Moloney, Mossotti, Stinnett, Akers, Bledsoe, F. Brown, J. Brown, Evans, Farmer, Gibbs	---------13
Nay:		-----------0

Absent when the vote was taken: Scutchfield

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Agreement with Lagco, Inc. for the Anniston/Wickland Stormwater Improvements Project Phase 3, extending the contract term from May 10, 2015 through July 24, 2015 was on the docket for first reading.

Upon motion of Ms. Evans, seconded by Ms. Akers and approved by majority vote (Ms. Scutchfield was absent when the vote was taken), the resolution was amended to change the term extension dates to read “from May 10, 2014 through July 24, 2014.”

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Agreement with Lagco, Inc. for the Anniston/Wickland Stormwater Improvements Project Phase 3, extending the contract term from May 10, 2014 through July 24, 2014 was given first reading as amended 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 for two weeks for public inspection.

A Resolution accepting the bid of Central State Bus Sales, in the amount of $56,995, for a Paratransit Shuttle Bus, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Dale Cooper, LLC d/b/a Safe Slide Restoration, in the amount of $60,400, for Painting of Swimming Pool Slides, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Adams Contracting, LLC, in the amount of $32,100, to Replace the Exterior Exit Stairs at Fire Station No. 3, 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 Adams Contracting, LLC, related to the bid.

A Resolution accepting the bid of Vogelpohl Fire Equipment, Inc., establishing a price contract for Triple Combination Pumpers, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Harrod Concrete & Stone, Co., Inc., establishing a price contract for Wet Mix Concrete, for the Div. of Streets and Roads.

A Resolution accepting the bid of Foster Supply, Inc., establishing a price contract for Tactile Detectable Warning Surface Tile, for the Div. of Engineering.

A Resolution ratifying the Probationary Classified Civil Service Appointments of: Martha Allen, Council Clerk, Grade 523E, $2,307.76 biweekly in the Office of the Council Clerk, effective September 28, 2015, Eric Eason, Engineering Technician Sr., Grade 516E, $1,544.00 biweekly in the Div. of Engineering, effective October 5, 2015, and Jennifer Bassett, Administrative Specialist, Grade 513N, $18.479 hourly in the Div. of Police, effective October 5, 2015; ratifying the Permanent Classified Civil Service Appointments of: Darryl Baker, $18.659 hourly, effective June 22, 2015, Andy Ingram, $18.450 hourly, effective June 1, 2015, Daniel Madison, $17.649 hourly, effective August 17, 2015, and Javier Perez, $16.876 hourly, effective August 9, 2015, all Resource Recovery Operator, grade 513N, Shannon Penegor and Tonia Walters, both Staff Assistant, Grade 508N, $14.619 hourly in the Div. of Police, effective August 23, 2015, Vanna Armstrong, Social Worker, Grade 513E, $1,670.88 biweekly in the Div. of Family Services, effective September 9, 2015, Brian Smith, Fleet Parts Specialist, Grade 510N, $16.118 hourly in the Div. of Facilities and Fleet Management, effective October 6, 2015, and Robert Royalty, Vehicle and Equipment Mechanic - Apprentice, Grade 510N, $14.434 hourly in the Div. of Facilities and Fleet Management, effective

September 9, 2015; and ratifying the Probationary Sworn Appointment of: Dean Hammond, Police Sergeant, Grade 315N, $29.309 hourly in the Div. of Police, effective October 5, 2015.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Belcan Engineering Group, Inc., and a Letter Agreement with the Ky. Cabinet for Economic Development, and any other necessary related documents, for the provision of $200,000 in Economic Development Funds to Belcan Engineering Group, Inc., for its facility expansion in Fayette County.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept Deeds for property interests needed for the Mt. Tabor Road Widening Project, at a cost not to exceed $40,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Commonwealth of Ky. Transportation Cabinet Div. of Highway Safety Programs, which Grant funds are in the amount of $30,000 Federal funds, are for Distracted Driving Enforcement Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution accepting the response of Bell Engineering to RFP No. 35-2015 audit and review of Capacity Assurance Program and collected fees, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bell Engineering to provide services related to the RFP, at a cost estimated not to exceed $27,100.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Agreement with Grant's Excavating, Inc. For the Walhampton Stormwater Improvements Project, increasing the contract price by the sum of $14,183.76 from $705,632.50 to $719,816.26, and extending the contract term from July 21, 2015 through August 14, 2015.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation of $14,495 from Southeast Baseball to provide a foul ball protection shade at Veterans Park.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Final Record Plat and any other documents necessary to transfer a permanent access easement across an undeveloped right-of-way located between 910 and 920 Bravington Way to an abutting property owner.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Gresham, Smith and Partners, for professional services related to RFP No. 28-2015 Traffic Video Distribution and Management System, at a cost not to exceed $158,084.04.

A Resolution changing the property address numbers of 1316 ½ Camden Ave. to 1326 Camden Ave., 1320 Camden Ave. to 1328 Camden Ave., 1318 Camden Ave. Unit 101 to 1330 Camden Ave., 1322 Camden Ave. to 1334 Camden Ave., 1318 Camden Ave. Unit 102 to 1332 Camden Ave., 1324 Camden Ave. to 1338 Camden Ave., 422 E. Third St. to 416 E. Third St., and 424 E. Third St. to 420 E. Third St. and changing the street names and property address numbers of 4724 Rhema Way to 4724 Larissa Ln., 4728 Rhema Way to 4728 Larissa Ln., 4732 Rhema Way to 4732 Larissa Ln., 5630 Kiddville Ln. to 5540 Hurst Ln., 5550 Kiddville Ln. to 5600 Hurst Ln., 5636 Kiddville Ln. to 5636 Hurst Ln., 5638 Kiddville Ln. to 5638 Hurst Ln., 1165 Jones Trl. to 1171 Appian Way Unit 4, 1173 Jones Trl. to 1171 Appian Way Unit 6, 2194 Old Paris Rd. to 151 Strawberry Fields Rd., 2192 Old Paris Rd. to 153 Strawberry Fields Rd., all effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Agreement with GRW Engineers, Inc., for design of Polo Club Blvd., increasing the contract price by the sum of $24,991 from $199,737 to $224,728.

A Resolution authorizing the Mayor, on behalf of the Urban County Government and pursuant to the Jobs Fund Program, to execute a ten (10) year forgivable Incentive Agreement and related documents with Maketime, Inc., in an amount not to exceed

$100,000, for the creation and retention of at least five (5) new jobs with an average hourly wage of at least $35.20, exclusive of benefits.

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The following Communications from the Mayor were for information only: 1) Classified Civil Service Temporary Appointment of Bob Bayert, Urban County Engineer, Grade 534E, $4,199.44 biweekly in the Div. of Engineering, effective October 1, 2015; 2) Classified Civil Service Temporary Appointment of James Duncan, Director of Planning, Grade 533E, $4,015.12 biweekly in the Div. of Planning, effective October 1, 2015; 3) Classified Civil Service Temporary Appointment of Kenneth Newby, Public Service Supervisory Sr., Grade 517E, $1,887.60 biweekly in the Div. of Water Quality, effective September 14, 2015.

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Commander Melissa Sedlazcek, Div. of Police, presented a police disciplinary action for Officer Caleb Brill. It is alleged that Officer Brill has committed the offense of Conformance To Laws in violation of KRS 95.450 and General Order 1973-2/I, Section 1.01 in that on the 29th day of April, 2015, Officer Brill was travelling on I-64 East in Rockbridge County, Virginia at approximately 1713 hours and was stopped by a Rockbridge County Sheriff's Deputy, Deputy C.J. Norris, for speeding in a work zone. Deputy Norris cited Officer Brill with Reckless Driving (by speed) and gave him a mandatory court date. Officer Brill attended Rockbridge County District Court on June 29, 2015 and pled guilty to this charge. He served his penalty and paid all associated fines. The appropriate punishment for this conduct is a Written Reprimand.

Upon motion of Ms. Henson, seconded by Mr. Farmer, and approved by a majority vote (Ms. Scutchfield was absent when the vote was taken), the police disciplinary recommendation was approved.

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Commander Sedlazcek presented a police disciplinary action for Officer Kyle Thomas. It was alleged that Officer Toms has committed the offense of Unsatisfactory Performance in violation of KRS 95.450 and General Order 1973-02I – Disciplinary Procedures, Appendix B, Operational Rule 1.11 in that on two days in May and June of 2015, Office Toms was assisting other officers with an incident and investigation on May

8th, 2015. During the course of the investigation, Officer Toms provided inaccurate information to the other personnel relevant to the investigation. During the course of investigating this allegation, Officer Toms provided deceptive statements to his supervisors. On June 5th, 2015, Officer Toms was observed taking a meal break outside of his assigned sector without having approval from his supervisor. He remained on his meal break for an extended period of time. While on his meal break, he was dispatched to a call for service and provided an inaccurate location to the dispatcher. The appropriate punishment for this conduct is a Thirty (30) Day Suspension Without Pay (160 Hours).

Upon motion of Ms. Akers, seconded by Ms. Lamb, and approved by a majority vote (Ms. Scutchfield was absent when the vote was taken), the police disciplinary recommendation was approved.

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Commander Sedlazcek presented a police disciplinary action for Officer Justin Burnett. It is alleged that Officer Burnett has committed the offense of Violating Any Rules of the Division – Prisoner Security & Transportation in violation of KRS 95.450 and General Order 73-02/I, Section 1.35 and General Order 1992-16D, Section II & Section IV, B 9 in that on the 15th day of June, 2015, Officer Burnett responded to a call for service at approximately 1800 hours in regards to a subject being disorderly. Officer Burnett located and arrested said subject. Officer Burnett failed to maintain a close proximity to the arrestee and ensure his safety. While repositioning his police vehicle after the arrest of the subject, Officer Burnett became distracted by the actions of the arrestee and failed to maintain adequate and safe control of his vehicle, which resulted in an injury to the arrestee as well as property damage. The appropriate punishment for this conduct is Forty (40) Hours Suspension Without Pay.

Upon motion of Ms. Henson, seconded by Mr. Farmer, and approved by a majority vote (Ms. Scutchfield was absent when the vote was taken), the police disciplinary recommendation was approved.

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Bat. Chief Mark Blankenship, Div. of Fire and Emergency Services, presented the disciplinary action for Captain Thomas Schneller. It was alleged that Captain

Schneller has committed the offense of Violation of Uniform Disciplinary Guidelines 1) 1.05 Inefficiency, 2) 2.01 Conduct Unbecoming, 3) 2.04 Inability to Meet Performance Standards, and 4) 6.03 Honesty, in violation of KRS 95.450 (inefficiency, misconduct, insubordination or violation of law or rule) and the LFUCG Uniform Disciplinary Code, in that on the 26th day of March 2015, Captain Schneller committed the offenses outlined in the IA Case 2015-FC-0004, reviewed by the Pre-Disciplinary Review Board on August 25th, 2015 and the Fire Chief on September 4, 2015. The appropriate punishment for this conduct is a Written Reprimand and to attend the next Fire Instructor Certification course hosted by the Lexington Fire Department.

Upon motion of Ms. Akers, seconded by Mr. Farmer, and approved by a majority vote (Ms. Scutchfield was absent when the vote was taken), the fire disciplinary recommendation was approved.

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Mr. Stinnett spoke about Sleep Outfitters relocating to Lexington. He asked about an update on the issue of minimum wage. Ms. Mossotti responded and Mr. Keith Horn responded as well.

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Mr. Farmer made a motion, seconded by Ms. Henson to remove the presentation on leaf collection from the Environmental Quality and Public Works Committee and place it into the Work Session on October 6, 2015. The motion was approved by a majority vote (Ms. Scutchfield was absent when the vote was taken).

* * *

Mr. James Brown spoke about his grandfather who was a sanitation worker. He spoke about his respect for employees and the service they provide. He spoke about resolving the issues with the Div. of Waste Management. He asked about the human resources position at the facility. Ms. Tammy Walters, Div. of Human Resources, responded.

Ms. Henson spoke about the appreciation for the waste management workers and how the administration is supporting those workers. She spoke about the work being done on the minimum wage issue and efforts on reaching a compromise.

Mr. Farmer spoke about the informal minimum wage meeting being held on September 25, 2015.

Ms. Mossotti spoke about the minimum wage discussion. She invited everyone to the meeting.

Mr. Moloney spoke about the waste management workers. He commended the administration on their work and stated these problems can be fixed. He spoke about minimum wage and the history of the Council's work on it and how members were moving forward with a compromise.

Ms. Henson spoke about having a caucus meeting with other members before making a presentation to Council. Ms. Henson asked Mr. Keith Horn, Dept. of Law, about meeting cancellation. Mr. Horn responded.

Mr. Fred Brown spoke about the waste management workers who appeared and commended them on their demeanor and presentation of issues.

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Upon motion by Ms. Akers, seconded Ms. Henson, and approved by majority vote (Ms. Scutchfield and Mr. Farmer were absent when the vote was taken), the meeting adjourned at 7:54 p.m.

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Clerk of the Urban County Council