

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky December 5, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on December 5, 2013 at 6:00 P.M. Present were Vice-Mayor Linda Gorton in the chair presiding in the absence of Mayor Gray, and the following members of the Council: Council Members Clarke, Ellinger, Farmer, Ford, Henson, Kay, Lane, Lawless, Mossotti, Myers, Scutchfield, Stinnett, Akers, and Beard.

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

Resolutions No. 612-2013 through 631-2013, and Ordinances No. 137-2013 through 141-2013, inclusive, were reported as having been signed and published, and ordered to record.

An Ordinance repealing those sections and provisions of Ordinance No. 266-2008 (the Lexington Distillery District Development Area TIF) pertaining or related to the development, the project, and/or the creation of an incremental tax special fund and dissolving the fund; maintaining the boundary of the district pending further action of the Urban County Council, and cancelling or terminating the agreements related to Ordinance No. 266-2008 was on the docket for second reading.

Ms. Mossotti made a motion, seconded by Ms. Scutchfield, to remove this ordinance from the docket.

Mr. Kay asked questions of Ms. Janet Graham, Commissioner of the Dept. of Law, regarding the actions to be taken in the ordinance.

Mr. Stinnett asked questions of Ms. Graham. Mr. Kevin Atkins, Mayor's Office, also responded to questions.

Ms. Scutchfield spoke about the motion.

Mr. Bruce Simpson, Attorney at Stoll Keenon Ogden, representing Mr. Barry McNeese and the Distillery Group Partners, spoke about the Distillery District TIF. He spoke about the District. He also asked the Administration to contact the Kentucky Economic Development Finance Authority (KEDFA) and reinstate the TIF.

Ms. Mossotti asked questions of Mr. Derek Paulsen, Commissioner of the Dept. of Planning, Preservation and Development.

Mr. Farmer, asked questions of Mr. Simpson regarding actions needed to undo the deactivation of the TIF. Mr. Simpson responded, and passed out an exhibit to the Council titled "Email to the Kentucky Economic Development Finance Authority representative".

Mr. Ford spoke about the motion, and asked questions of Mr. Simpson.

Mr. Stinnett asked questions of Mr. Paulsen regarding the developers' names on the TIF application. Mr. Atkins responded to questions.

Mr. Kay asked questions of Mr. Simpson and of Ms. Graham.

Ms. Akers spoke about the Distillery District TIF.

Mr. Jamie Emmons, Mayor's Office, spoke about the Distillery District TIF. He stated his office would continue to work with the developer.

Mr. Tony Davis, Studio 300, Manchester Street, spoke about his business in the Distillery District.

Ms. Mossotti's motion **passed** by a majority vote of 14-0 (Mr. Lane recused himself when the vote was taken.) The ordinance was removed from the docket.

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Ms. Akers made a motion, seconded by Mr. Farmer, to rescind the withdrawal of the Distillery District TIF and for Council to send a letter of support to the Kentucky Cabinet for Economic Development.

The Council discussed the motion.

Ms. Akers amended her motion to request that the Dept. of Law draft a resolution for Tuesday, December 10, 2013, to support the rescission of the withdrawal of the TIF. Mr. Ellinger seconded the motion.

Mr. Farmer asked that everyone work together to find a positive substantive reason to reactivate.

Mr. Stinnett asked questions of Mr. Simpson concerning the rescission of the withdrawal of the TIF.

Mr. Kay asked Ms. Graham about the legality of withdrawing the TIF. Mr. Kay asked Mr. Jeff Fugate, President of the Downtown Development Authority, about the downside of going forward with reinstating the TIF after it's been withdrawn.

Mr. Ford offered a friendly amendment to Ms. Akers' motion to state that the Urban County Council supports the Distillery District TIF as originally proposed in Ordinance 266-2008, the Council further supports the reactivation of this TIF if so possible with the Administration and the developer.

Ms. Akers withdrew her motion and amendment.

The Council discussed Mr. Ford's motion.

Mr. Ford made a motion, seconded by Ms. Akers, to place on the docket a resolution expressing the Urban County Council's continuing support of the Distillery District TIF, recommending the reactivation of the TIF, and requesting that the administration and the developer engage in discussion to establish some substantive reasons to support the reactivation by Tuesday, December 10, 2013.

The Council discussed the motion.

Mr. Clarke asked Mr. Paulsen for a recommendation on the best way to proceed with the development of the Distillery District.

Mr. Kay asked Mr. Atkins questions about reinstating the TIF.

Mr. Ellinger asked Ms. Graham about who has the ability to activate and reactivate TIFs.

Mr. Ford's motion **passed** by a majority vote of 14-0 (Mr. Lane recused himself when the vote was taken.)

A Resolution expressing the Urban County Council's continuing support of the Distillery District TIF, recommending the reactivation of the TIF, and requesting that the Administration and the developer engage in discussions to establish substantive reasons to support the reactivation by Tuesday, December 10, 2013 was given first reading.

Upon motion of Mr. Ford, seconded by Mr. Clarke, the rules were suspended by a majority vote of 12-1 (Mr. Farmer voted **no**.) (Ms. Mossotti and Mr. Stinnett were absent when the vote was taken)

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

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

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

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An Ordinance creating Subsection 6-53(b)(4) of the Code of Ordinances relating to the City Employees' Pension Fund to provide for a one-time supplement to pensioners and beneficiaries based on their current annual pension ranging from \$200 to \$700 and a one-time supplement based on their years of service or beneficiary status ranging from \$200 to \$500 was given second reading.

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

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

Nay: Lane -----1

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Ms. Scutchfield asked questions about the ordinances dealing with Urban Services Districts. Mr. Farmer and Ms. Sally Hamilton, Chief Administrative Officer, responded.

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

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

Nay: -----0

An Ordinance expanding and extending the Full Urban Services District #1 to provide street lighting, street cleaning and garbage and refuse collection, to include the area defined as certain properties on the following streets: Louie Pl., Madison Point Dr., Old Towne Walk, Silver Springs Dr., Town Centre Dr., Towne Square Park, Taborlake Circle, Taborlake Ct., Taborlake Cove, Taborlake Dr., Taborlake Pl., Taborlake Pt., Taborlake Walk, and Taborlake Ridge.

An Ordinance expanding and extending Partial Urban Services District #3 for the Urban County Government for the provision of garbage and refuse collection, to include the area defined as certain properties on the following streets: Blazer Pkwy., Castlebridge Ln., Donnington Ct., and Fountain Ct.

An Ordinance expanding and extending Partial Urban Services District #7 for the Urban County Government for the provision of garbage and refuse collection and street cleaning, to include the area defined as certain properties on the following street: Sorrell Way.

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An Ordinance establishing a local economic development program to be known as the Lexington Jobs Fund and providing for its purpose, the Economic Investment Development Board, Program fund protections, priorities, limitations, criteria, an application process, administration by the Chief Development Officer, and a Program fund; all effective upon date of passage was given second reading.

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

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

Nay: Lane -----1

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

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

Nay: -----0

An Ordinance amending Article 8 of the Zoning Ordinance to create a "flex space project" in the Wholesale and Warehouse Business (B-4) and Light Industrial (I-1) zones. (Urban County Planning Commission).

An Ordinance amending Ordinance No. 148-2012 pertaining to the 21C Development Area, to replace the Lexington Downtown Development Authority, Inc., as the designated agency for oversight, administration, and implementation of the Development Area with the Lexington-Fayette Urban County Government's Dept. of Finance, and to designate the Commissioner of Finance as the authorized agent in all relevant sections of the ordinance and any related agreements or documents, and authorizing the Mayor and/or the Commissioner of Finance, to execute on behalf of the Urban County Government and the Dept. of Finance, any agreements or documents necessary to reflect these amendments.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements in the Div. of Traffic Engineering for funds in the amount of \$2,300 from Neighborhood Development Funds for flashing crosswalk beacons at Fiddler Creek and Clearwater Way, and appropriating and re-appropriating funds, Schedule No. 30.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government for Committee of the Whole appropriations as approved at Work Session November 5, 2013, and appropriating and re-appropriating funds, Schedule No. 29.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government for Economic Contingency appropriations as approved at Work Session November 5, 2013, and appropriating and re-appropriating funds, Schedule No. 31.

An Ordinance amending Ordinance No. 203-80, as amended by Ordinance Nos. 59-81, 103-86, 237-93, 52-94, 18-96, and 180-2009, relating to the Industrial Revenue/Housing Bond Commission, to rename the Commission the Economic Development Investment Board, to increase the membership from nine (9) to eleven (11) members, to replace one at large member with the Chief Development Officer or his or her designee, who shall serve as the chairperson and who shall only vote in the event of a tie, to add an additional Councilmember and to designate the Councilmembers who serve as the respective chairpersons of the Urban County Council's Economic Development Committee and Budget and Finance Committee as members, to replace one housing industry member with a member from the financial investment or banking industry, and to add one member from the private equity/venture capital industry.

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. 28.

An Ordinance pursuant to Section 2-1(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government, adopting a schedule of meetings for the Council for the Calendar Year 2014.

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The following ordinances were given first reading and ordered placed on file until December 10, 2013 for public inspection.

An Ordinance amending Articles 1, 8 and 12 of the Zoning Ordinance to modify uses in the Neighborhood Business (B-1) zone. (Urban County Planning Commission).

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Safety Officer, Grade 108N, and creating one (1) position of School Crossing Guard Coordinator, Grade 111N, both in the Div. of Police, appropriating funds pursuant to Schedule No. 32, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Director Enhanced 911, Grade 119E, and creating one (1) position of Director Enhanced 911, Grade 122E, both in the Div. of Emergency Management/911, appropriating funds pursuant to Schedule No. 33, effective upon passage of Council.

An Ordinance amending Sections 21-5(2) of the Code of Ordinances, abolishing one (1) position of Staff Assistant Sr., Grade 108N, and creating one (1) position of Attorney Sr., Grade 121E, and amending Section 22-5(2) of the Code of Ordinances, abolishing one (1) position of Attorney, Grade 117E, all in the Dept. of Law, appropriating funds pursuant to Schedule No. 34, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Fleet Operations Supervisor, Grade 115E, and creating one (1) position of Administrative Officer, Grade 118E, both in the Div. of Facilities and Fleet Management, appropriating funds pursuant to Schedule No. 35, 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. 36.

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Ms. Akers made a motion, seconded by Mr. Clarke, that an Ordinance amending Ordinance No. 66-2013, creating the Mobile Food Unit Vendor Pilot Program, to extend the date of the program to December 31, 2014 be placed on the docket and given first reading.

Mr. Lane asked questions of Ms. Janet Graham, Commissioner of the Dept. of Law, about the revocability of licenses associated with the Mobile Food Unit Pilot Program.

The Council discussed the motion.

Mr. Sean Tibbetts, Director of Bluegrass Food Truck Association, spoke concerning evaluation of the Mobile Food Unit Vendor Pilot Program.

Upon motion of Ms. Henson, seconded by Mr. Beard, and approved by a majority vote of 11-3 (Mr. Clarke, Mr. Lane and Ms. Akers voted **no**) (Mr. Stinnett was absent when the vote was taken) Ms. Akers' motion was amended to change the extension

date to March 1, 2014 and place the program in the Economic Development Committee of the Whole for review.

Ms. Akers' amended motion **passed** by a majority voted of 12-2 (Mr. Clarke and Ms. Akers voted **no**). (Mr. Stinnett was absent when the vote was taken)

An Ordinance amending Ordinance No. 66-2013, pertaining to the Mobile Food Unit Pilot Program, to extend the date of the program through March 1, 2014, and directing that the program be reviewed in the Economic Development Committee of the Whole was given first reading and ordered placed on file until December 10, 2013 for public inspection.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Internal Revenue Service Sponsor Agreement and Civil Rights Assurance, for a Volunteer Income Tax Assistance Program at the Gainesway Center, at no cost to the Urban County Government was on the docket for second reading.

Upon motion of Mr. Myers, seconded by Mr. Kay, and approved by a majority vote of 14-0 (Mr. Stinnett was absent when the vote was taken), the resolution was amended to include the Central Kentucky Job Center as a location for the Volunteer Income Tax Assistance Program for which the Mayor may execute the listed documents. Mr. Myers stated this was a material change that would require a new first reading.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Internal Revenue Service Sponsor Agreement and Civil Rights Assurance, for Volunteer Income Tax Assistance Programs at the Gainesway Center and the Central Kentucky Job Center, at no cost to the Urban County Government was given first reading as amended and ordered placed on file until December 10, 2013 for public inspection.

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A Resolution of the Lexington-Fayette Urban County Government approving the issuance in one or more series by the County of Clark, Ky. of its County Health Facilities Revenue Bonds (Sayre Christian Village Nursing Home, Inc. Project) Series 2013 in an amount not to exceed \$15,750,000 in the aggregate (collectively, the "Bonds"), and the use of the proceeds thereof to assist Sayre Christian Village Nursing Home, Inc.

("Sayre") to refinance a line of credit and a term loan from Central Bank & Trust Co., the proceeds of which were used to finance and refinance the costs of the construction and equipping of a facility for the care of the aged and infirm located at 3840 Camelot Dr., Lexington, Ky.; and to pay costs of issuance was on the docket for second reading with a public hearing being held.

Ms. Gorton opened the public hearing at 9:07 P.M. There being no citizens to speak, Ms. Gorton closed the public hearing at 9:08 P.M.

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

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

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

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

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

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

A Resolution accepting the bid of E-One, Inc., establishing a price contract for Triple Combination Pumper Fire Trucks, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Galls, LLC, establishing a price contract for crowd control equipment, for the Div. of Police.

A Resolution ratifying the Probationary Civil Service Appointments of: Michael Cravens, Attorney, Grade 117E, \$1,957.28 biweekly in the Dept. of Law, effective November 18, 2013, Eric Gentry, Equipment Operator Sr., Grade 109N, \$14.990 hourly in the Div. of Waste Management, effective December 12, 2013, ratifying the Permanent Sworn Appointment of: Allen Culver, Police Sergeant, Grade 315N, \$28.588 hourly in the Div. of Police, effective August 18, 2013.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Emergency Management Agency, which Grant funds are in the amount of \$22,076 Federal funds and \$3,532 Commonwealth of

Ky. funds, are for the Versailles Rd. Campus Storm Shelter, the acceptance of which obligates the Urban County Government for the expenditure of \$3,827.00 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant Budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Emergency Management Agency and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$40,650 Federal funds under the Hazard Mitigation Grant Program, and are for a Weather Radio Project.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with James R. Kemper for property located at 951 Enterprise Dr. for relocation of Div. of Water Quality Maintenance Operations, for an initial term of 48 months with annual rent not to exceed \$86,592.96.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Ky. Utilities (\$94,824.18); Windstream Communications (\$252,108); Ky.-American Water Co. (\$794,387.14); Columbia Gas of Ky. (\$145,561); and Time Warner Cable (\$141,282) for the Urban County Government's share of costs for relocation of utilities for Section II of the Todds/Liberty Rd. Improvement Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a utility easement on property located at 1000 Export St.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the National Police Athletic/Activities League, Inc., 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 \$27,500 Federal funds, and are for participation in the National PAL Mentoring 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 Multivendor Information Technology Recovery Services Contract Documents, with International Business Machines Corp., for Business Continuity and Recovery Services, at an estimated cost not to exceed \$84,360.

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 Police Awards Banquet, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Transylvania University, for assistance for police related events.

A Resolution authorizing the Dept. of Environmental Quality and Public Works, in collaboration with LexArts, to provide up to \$100,000 in funding for appropriate EcoART projects.

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

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

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with United States Special Operation Command, for emergency response to threat or attack on Special Operations Facility.

A Resolution authorizing and directing the Dept. of Finance to designate a fund for the operation and maintenance of the Central Ky. 911 Network.

A Resolution authorizing and directing the Mayor to conduct an employee dependants audit for all health insurance plans during Calendar Year 2014.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Civil Service Appointments: William Crowders Jr., Public Service Worker, Grade 106N, \$11.775 hourly in the Div. of Facilities and Fleet Management, Patricia Slaughter, Administrative Specialist, Grade 110N, \$20.912 hourly in the Div. of Waste Management, both effective upon passage of Council, Angela Leeber, Human Resources Analyst, Grade 115E, \$2,402.80 biweekly in the Div. of Human Resources, effective December 30, 2013; and authorizing the Div. of Human Resources to make a conditional offer to the following Unclassified Civil Service Appointment: Irvin Stewart, Security Officer P/T, Grade 106N, \$11.518 hourly in the Div. of Facilities and Fleet Management, effective upon passage of Council was given first reading.

Upon motion of Ms. Henson, seconded by Mr. Clarke, the rules were suspended by a majority vote of 12-1 (Mr. Farmer voted **no**.) (Ms. Mossotti and Mr. Stinnett were absent when the vote was taken)

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

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

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

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A Resolution urging the Commonwealth of Ky. to clarify and reconsider its decision to cut child care assistance funding, requesting that the Ky. General Assembly authorize and direct the Legislative Research Commission to complete an economic impact study of the effect of these cuts, requesting that the General Assembly take

appropriate measures to eliminate or reduce the impact of these cuts on impacted families, requesting that the General Assembly approve a waiver on the cuts to assistance for new applicants that have been a victim of domestic violence or abuse, and hereby notifying the appropriate officials was given first reading.

Upon motion of Mr. Myers, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 12-1 (Mr. Farmer voted **no.**) (Ms. Mossotti and Mr. Stinnett were absent when the vote was taken)

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

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

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

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Upon motion of Mr. Beard, seconded by Mr. Farmer, a Resolution authorizing the Mayor or his designee, on behalf of the Urban County Government, to execute an Amendment to the Lockbox Processing Services Agreement with Central Bank and Trust Co., to provide for services up to an additional year at a cost not to exceed an estimated monthly amount of \$1,793.66 was placed on the docket and given first reading.

Upon motion of Mr. Beard, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 12-1 (Mr. Farmer voted **no.**) (Ms. Mossotti and Mr. Stinnett were absent when the vote was taken)

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

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

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

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The following resolutions were given first reading and ordered placed on file until December 10, 2013 for public inspection.

A Resolution accepting the bids of Central Indiana Truck Equipment, Corp.; Municipal Equipment, Inc.; J. Edinger & Son, Inc.; and Refuse Parts Depot, LLC,

establishing price contracts for refuse collection truck body parts, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Davis H. Elliot Construction Co., Inc., establishing a price contract for Traffic Signal Installation and Repair, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Simpson and Co., Inc., in the amount of \$13,806, for Interior Painting - Waste Management, for the Div. of Waste Management.

A Resolution accepting the bids of Arrow Electric company and Davis H. Elliot Construction Co., Inc., establishing price contracts for underground electrical service installation, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Mobile PCC, LLC d/b/a OC Rugged Laptops, establishing a price contract for refurbished mobile data computers, for the Div. of Police.

A Resolution accepting the bid of Reconik, establishing a price contract for portable radio earpieces, for the Div. of Police.

A Resolution accepting the bid of Triton Services, Inc., establishing a price contract for HVAC Inspection and Maintenance, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of E.C. Matthews Co., Inc., in the amount of \$865,000, for the Lexington Streetscape Phase One Improvements, Site Amenities - South Limestone and Vine Sts., for the Dept. of Environmental Quality and Public Works, and authorizing the Mayor, on behalf of the Urban County Government, to execute an agreement with E.C. Matthews Co., Inc., related to the bid.

A Resolution accepting the bid of Level 3 Communications, LLC, in accordance with the provisions of Ordinance No. 50-2013, creating and offering for sale a short term franchise for the operation of a non-exclusive telecommunications system in Fayette County, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with Level 3 Communications, LLC, incorporating the terms and conditions of Ordinance No. 50-2013.

A Resolution accepting the bid of Pedal Power Bike Shop, Inc., establishing a price contract for police bicycles, for the Div. of Police.

A Resolution ratifying the Probationary Civil Service Appointments of: Melinda Weathers, Victim's Advocate, Grade 112N, \$20.341 hourly in the Div. of Police, Billy Prater, CAP Operations Manager, Grade 118E, \$2,312.32 biweekly in the Div. of Water Quality, both effective December 02, 2013, and ratifying the Permanent Civil Service Appointments of: Mark Caton, Deputy Director, Grade 120E, \$3,033.68 biweekly in the Div. of Facilities and Fleet Management, effective November 13, 2013, Eileen O'Donnell, Administrative Specialist Sr., Grade 112N, \$17.141 hourly in the Dept. of Law, effective December 3, 2013, Tamarah Gross, Administrative Specialist, Grade 110N, \$16.615 hourly in the Div. of Revenue, effective December 24, 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with West End Community Empowerment Project, Inc. (\$160), Lexington Humane Society (\$875) and Living Arts and Science Center (\$1,075), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an agreement with Kathy H. Witt, Sheriff of Fayette County, for the collection of the ad valorem Urban Service District taxes for the 2013 property tax year, at a cost not to exceed \$350,000, with payment net from collections.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an agreement awarding a Class B (Education) Stormwater Quality Projects Incentive Grant to the University of Ky. Research Foundation at a cost not to exceed \$22,299.

A Resolution authorizing the Div. of Community Corrections to procure a replacement Bryan Boiler from TMI Sales, a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement with TMI Sales related to the procurement, at a cost not to exceed \$31,947.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Council of Three Rivers American Indian Center, Inc., for lease of office space at 1055 Industry Rd.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Greenhouse17 (formerly

known as Bluegrass Domestic Violence Program), for additional funds in the amount of \$7,080 to provide additional services to victims of domestic violence.

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 Leestown West Pump Station Decommissioning Project, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a License Agreement with Lexington Center Corp., for the 2014 Martin Luther King Day Celebration, at a cost not to exceed \$8,400.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Emerson Network Power, for the uninterruptible power system for the Police Headquarters, at a cost not to exceed \$10,230.

A Resolution approving and authorizing an Assistance Agreement between the Lexington-Fayette Urban County Government and the Ky. Infrastructure Authority to provide \$10,194,421 of loan funds for Trunk Sewer Projects (Bundle 1).

A Resolution approving and authorizing an Assistance Agreement between the Lexington-Fayette Urban County Government and the Ky. Infrastructure Authority to provide \$4,657,640 of loan funds for Stormwater Improvements Projects (Bundle 3).

A Resolution approving and authorizing an Assistance Agreement between the Lexington-Fayette Urban County Government and the Ky. Infrastructure Authority to provide \$6,000,000 of loan funds for Expansion Area 2A Pump Station and Force Main Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of \$30,000 Federal funds, are for the purchase of Public Safety Dive Team equipment, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an agreement with Eastern Ky. University College of Health

Sciences, for a nurse to work with the Lexington-Fayette Urban County Heroin Task Force, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Interlocal Cooperation Contract with the State of Texas, acting through its Dept. of Information Resources, to purchase information technologies through contracts which were competitively bid and awarded.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of \$48,000 Federal funds, are for the purchase of a rescue watercraft, for the Div. of Fire and Emergency 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 proposal of Professional Recovery Consultants, Inc., to RFP No. 17-2013 Collection Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Professional Recovery Consultants, Inc., and any other necessary documents for performance of such services, at a cost based upon a seventeen and eighty-five one hundredths percent (17.85%) contingency fee on amounts collected.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the 2014 General Term Orders for the Fayette County Clerk and the Fayette County Sheriff, establishing the number of deputies and assistants allowed to each and the compensation allowed to each deputy and assistant, subject to the limits for each category as specified in the General Term Orders and subject to the fees collected by the officers respectively in their seventy-five percent (75%) accounts pursuant to KRS 64.350(1).

A Resolution authorizing the Div. of Emergency Management/911 to procure co-location of telecommunications services and support for the Central Ky. 911 Network from Windstream Communications and/or its affiliates, at a cost not to exceed \$68,000 (FY2014), and authorizing the Mayor to execute any necessary agreements with Windstream Communications and/or its affiliates related to these services.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Subrecipient Agreements for funding from the Office of the Attorney General of Ky. from the National Foreclosure Settlement Funds Memorandum of Agreement, with Fayette County Local Development Corp., at a cost not to exceed \$100,000; Hope Center, at a cost not to exceed \$125,000; Lexington Habitat for Humanity, at a cost not to exceed \$125,000, and the Salvation Army, at a cost not to exceed \$50,000.

A Resolution authorizing the establishment of Ops-Core, Inc., as a sole source provider contract for the purchase of FAST ballistic helmets and up-armor side covers for a period of one year.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of \$86,000 Federal funds, are for the purchase of equipment for the Hazardous Devices Unit, 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 Div. of Emergency Management/911 to obtain equipment and services for the Central Ky. 911 Network, from AK Associates, Inc., a sole source provider, on a multi-year basis, at a cost not to exceed an estimated \$150,000 in FY2014, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary documents.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Education) Stormwater Quality Projects Incentive Grant to the Living Arts and Science Center, Inc. at a cost not to exceed \$33,751.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Friends of the Lexington Mounted Police of two Gooseneck 4-Star Horse Trailers, for use at the Div. of Police Mounted Unit, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract Amendment with Hill-n-Dale Neighborhood

Association, for extension of the completion date of the Neighborhood Action Match project to December 31, 2014.

A Resolution establishing a Residential Parking Permit Program for the 500 block of Stratford Dr., from 7:00 a.m. to 5:00 p.m., Monday through Friday; and waiving the provisions relating to the mechanics of designating Residential Parking Permit areas adopted by Resolution No. 168-90 and amended by Resolution Nos. 450-91 and 433-2006.

A Resolution authorizing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-51, to install traffic calming devices on Huston Alley.

A Resolution authorizing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multi-way stop controls at the intersection of Clyde St. and Texaco Rd.

A Resolution adopting the policy regarding Contract Change Orders related to the Sanitary Sewers Remedial Measures Plan as provided in CAO Policy No. 15R, and authorizing the personnel designated in the policy, on behalf of the Urban County Government, to execute any necessary change orders and related documents consistent with the policy.

* * *

Mr. Farmer asked Ms. Sally Hamilton, Chief Administrative Officer, about how many employees are currently in acting positions. Ms. Hamilton stated many positions have been filled and she is working to fill the rest as soon as possible.

* * *

Ms. Lawless thanked everyone who had come to the Council meeting for their support considering the length of the meeting.

* * *

Upon motion of Mr. Kay, seconded by Ms. Scutchfield, and approved by a majority vote of 13-0 (Ms. Mossotti and Mr. Stinnett were absent when the vote was taken) the matter of oversight of the TIF process, the role of Council and the role of the Administration was placed into the Council Budget and Finance Committee.

* * *

Ms. Akers announced that there would be several upcoming neighborhood association meetings and holiday parties in her district. The Highland Neighborhood Association will have their holiday dinner on Saturday, December 7, 2013 from 5:00

P.M. to 7:00 P.M at the community center at Highlands Park. The Woodward Heights Neighborhood Association is hosting their holiday party on December 8, 2013 at 6:00 P.M. at 722 W. High Street. Both Melrose Oak Park and Meadowthorpe Neighborhood Associations will be having their holiday parties on December 10, 2013. Melrose Oak Park will begin at 6:30 P.M. at the Thompson Road Baptist Church and Meadowthorpe's will be at the Meadowthorpe Community Center at 7:00 P.M.

Ms. Akers stated a Time Warner Cable public hearing will be held in Council Chambers on December 9, 2013 at 6:00 P.M.

* * *
Mr. Lane asked questions about funding of mayoral portraits. Ms. Gorton responded.

* * *
Upon motion of Mr. Lane, seconded by Ms. Lawless, and approved by a majority vote of 13-0 (Ms. Mossotti and Mr. Stinnett were absent when the vote was taken), the meeting adjourned at 9:37 p.m.

Clerk of the Urban County Council