

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky June 6, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on June 6, 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 Beard, Clarke, Ellinger, Farmer, Ford, Henson, Kay, Lane, Lawless, Mossotti, Myers, Scutchfield, Stinnett, and Akers.

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

Resolutions No. 227-2013 thru 255-2013, and Ordinances No. 52-2013 thru 54-2013, inclusive were reported as having been signed and published, and ordered to record.

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The Invocation was given by Rev. Susan “Sunny” Cantrell Smith, Community Spiritual Leader of the Ahava Center.

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The Mayor and Mr. Stinnett presented a proclamation in recognition of the Bryan Station High School Spanish Immersion Program. The Mayor welcomed students from Bryan Station High School as well as Mr. Mike Henderson, Principal, and Ms. Alicia Vinson, World Languages Immersion Program Coordinator for the Fayette County Public Schools. Mr. Stinnett spoke about the program. The Mayor declared June 6, 2013, as Bryan Station Spanish Immersion Day.

Mr. Henderson thanked the Mayor and Council for the honor and recognition, and spoke about their Spanish Immersion Program.

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The Mayor and Mr. Farmer presented a proclamation to the Henry Clay High School Lacrosse Team and coaches in honor of their undefeated season and state championship. He declared June 6, 2013, Henry Clay Blue Devils Lacrosse Champions Day. The Mayor introduced Mr. Taylor McCoun, Head Coach, Assistant Coach Mr. Nick Carozza, and several members of the team: Mr. Braxton DeCamp, Mr. Logan Begley, Mr. Jake Linton, and Mr. Webb Van Meter

Mr. Taylor McCoun, Head Coach, thanked the Mayor and Council for the recognition and he spoke about the team members and the Lacrosse program.

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An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Probation Unit Supervisor, Grade 113E, and five (5) positions of Probation Officer, Grade 110N, all in the Div. of Community Corrections, and amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Probation Unit Supervisor, Grade 113E, and five (5) positions of Probation Officer, Grade 110N, all in the Div. of Community Corrections, effective upon passage of Council was on the docket for second reading.

Upon motion of Mr. Stinnett, seconded by Ms. Henson, and approved by unanimous vote, the ordinance was amended to delete the abolishment of one

Probation Unit Supervisor and five Probation Officers. He stated that these positions would be abolished after the newly created positions were filled, and that this was not a material change and did not require a new first reading.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Probation Unit Supervisor, Grade 113E, and five (5) positions of Probation Officer, Grade 110N, all in the Div. of Community Corrections, effective upon passage of Council was given second reading as amended.

Upon motion of Ms. Gorton, and seconded by Mr. Beard, the ordinance was approved by the following vote:

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

Nay: -----0

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An Ordinance amending Ordinance No. 34-2013 and Ordinance No. 35-2013 and the Franchise Agreements with Ky. Utilities Co., Inc.; Blue Grass Energy Cooperative Corp.; Clark Energy Cooperative, Inc.; Columbia Gas of Ky., Inc; and Delta Natural Gas Co., Inc., to increase the franchise fees for each utility from three percent (3%) to four percent (4%) of gross revenues effective July 1, 2013 was on the docket for second reading.

Mr. Lane spoke in opposition to the rate increase in the ordinance.

Mr. Farmer spoke about the ordinance and about the rate increase.

Mr. Farmer made a motion, seconded by Mr. Beard, to table the ordinance to the August, 2013, Budget and Finance Committee Meeting.

The Mayor spoke about the proposed rate increase. Mr. Stinnett stated that the motion must be disposed of before discussion could continue. The Mayor agreed.

The motion **passed** by a majority vote of 8-7 (Akers, Lawless, Kay, Henson, Gorton, Ford, and Clarke voted **no**). The ordinance was tabled to the August, 2013, Budget and Finance Committee Meeting.

The Mayor continued his comments.

Ms. Gorton spoke about the motion and the ways in which the budget would be affected.

Ms. Gorton made a motion, seconded by Mr. Myers, to ask the Administration to bring a proposal to the Council on Tuesday, June 11, 2013, at 9:00 a.m. to the meeting of the Budget and Finance Committee of the Whole, to deal with the lack of revenues from the franchise agreements.

The Mayor made comments on the motion.

The Council continued to discuss the issue and to ask questions of Mr. Bill O'Mara, Commissioner of the Dept. of Finance.

Ms. Henson asked questions about the uses of the franchise fees. Ms. Sally Hamilton, Chief Administrative Officer, responded.

Mr. Stinnett asked a question of Mr. Keith Horn, Dept. of Law, about passing a budget with or without the franchise fee increase. Mr. Horn responded. Mr. Stinnett also asked questions of Mr. O'Mara.

Mr. Beard asked questions of Ms. Janet Graham, Commissioner of the Dept. of Law, regarding increases to the franchise fees. Ms. Graham responded.

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

The motion **passed** by unanimous vote.

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An Ordinance establishing a six month limited Pilot Program for certain Mobile Food Unit Vendors to lawfully operate in designated street parking areas and providing for licensing; compliance with ordinance and program requirements; Food Vending Zones; hours of operation; insurance; and a fine of not less than \$250 nor more than \$500 for each violation; all effective upon date of passage was on the docket for second reading.

Upon motion of Ms. Akers, seconded by Mr. Lane, and approved by unanimous vote, the ordinance was tabled to the June 20, 2013 Council Meeting to provide the Lexington-Fayette County Parking Authority sufficient time to adopt appropriate regulations and guidelines pertaining to the program.

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

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

Nay: -----0

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone for 0.95 net (1.28 gross) acres, for property located at 4145 Harrodsburg Rd. (Patricia Donoghue; Council District 10).

An Ordinance changing the zone from a Two Family Residential (R-2) zone to a Planned Neighborhood Residential (R-3) zone, for 0.253 net and gross acres, for property located at 1165 Jones Trail (Arnold Properties, LLC; Council District 8).

An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.9798 net and (1.0774 gross) acres, for property located at 417 East Maxwell St. including dimensional variances (Michler Florist, Inc.; Council District 3).

An Ordinance pursuant to Sections 3.02(24) and 6.12 of the Charter of the Lexington-Fayette Urban County Government transferring the Div. of Building Inspection and the Div. of Code Enforcement and the incumbents in all authorized positions as well as all vacant positions from the Dept. of Public Safety to the Dept. of Planning, Preservation and Development at their current job classification, pay grade and salary.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,200 from Neighborhood Development Funds in the Commissioner of Social Services for the Senior Intern Program, and appropriating and re-appropriating funds, Schedule No. 54.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, transferring one (1) position of Network Security Engineer, Grade 119E, from the Div. of Computer Services to the Div. of Enterprise Solutions.

An Ordinance creating Article XIII of Chapter 16 of the Code of Ordinances to implement a Sanitary Sewer Capacity Assurance Program (CAP) to assure that the

Sanitary Sewer System ("System") is adequate for future connections; defining terms; requiring that a Sanitary Sewer Capacity Permit ("permit") must be obtained prior to any future connection to the System and providing that permits shall be granted for properties with a sewer use of record, properties with certain approved plans or plats, and properties in Expansion Area 2; providing that remodeling projects shall not require a permit; providing for Staged Capacity Allocation for properties with certain approved plans with a maximum annual threshold as determined by a negotiated agreement; providing that an essential service project may be granted a permit without adequate capacity upon a finding that such action is justified and will not detrimentally impact the CAP; providing that a project with a significant economic impact may qualify for an Administrative Capacity Approval if such action will not delay Remedial Measure Plan Projects; providing that all applications and requests shall be made by the property owner or duly authorized representative; providing that a non-refundable administrative fee of \$450 shall be paid to request a Capacity Allocation, Capacity Permit, or Capacity Reservation; providing that sewer capacity may be reserved upon payment of a deposit to be credited to tap-on fees or exaction fees; providing that reservations of capacity will expire in one (1) year unless extended and providing that a non-refundable administrative fee of \$225 shall be paid for an extension; providing that a reservation shall become a permanent allocation upon certification of certain plans or amendments; providing that all fees shall be adjustable based on the Consumer Price Index; providing exceptions for payment of administrative fees for certain properties; providing that determinations on applications and requests shall be made within ten (10) days if possible; providing an appeal process for applicants who disagree with determinations; providing that all actions and requirements under Article XIII are subject to the provisions of the Consent Decree and approved CAP; and providing that a formal review and audit of the CAP and collected fees shall be performed every two (2) years; and amending Section 5-30 of the Code of Ordinances to require that adequate sanitary sewer capacity exists prior to issuance of any building permit for a property that will connect to the Sanitary Sewer System.

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. 53.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,500 for the Div. of Parks and Recreation from Neighborhood Development Funds for the purchase of new benches and television for the Kenwick Community Center, and appropriating and re-appropriating funds, Schedule No. 56.

An Ordinance creating Sections 15-11.5 and 15-11.6 of the Code of Ordinances, Lexington-Fayette Urban County Government, pertaining to the general regulation of Mobile Food Unit Vendors and providing public safety; permit requirements; location restrictions; trash pickup; lighting restrictions; and other requirements; and establishing a fine of not less than \$250 nor more than \$500 for each violation; all effective upon date of passage.

\* \* \*

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

An Ordinance amending Article 5 of the Zoning Ordinance and Articles 4 and 6 of the Land Subdivision Regulations to account for changes required by the new Lexington-Fayette Urban County Government Capacity Assurance Program (Urban County Planning Commission).

An Ordinance amending Subsection 6-53(b)(2) of the Code of Ordinances relating to the City Employees' Pension Fund to increase annual cost-of-living increases from 3% to 5% effective July 1, 2013.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 55.

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A Resolution authorizing and directing the Div. of Traffic Engineering to install a crosswalk at the intersection of Fiddler Creek Way and Clearwater Way was given second reading.

Mr. Lane made a motion, seconded by Mr. Farmer, to amend the resolution to substitute 'multi-way stop' for 'crosswalk.'

Mr. Myers asked questions of Mr. Lane and Mr. Richard Moloney, Commissioner of the Dept. of Environmental Quality and Public Works, regarding the motion. Mr. Lane and Mr. Moloney responded. Mr. Jamie Emmons, Mayor's Office, also responded on behalf of Mr. Derek Paulsen, Commissioner of the Dept. of Planning, Preservation and Development.

Mr. George Milligan, Dept. of Environmental Quality and Public Works, stated that the proposed amendment would satisfy Mr. Myers' concerns about the language.

The Mayor asked Mr. Keith Horn, Dept. of Law, for an opinion from the Dept. of Law. Mr. Horn stated that the amendment was appropriate.

The motion **passed** by unanimous vote.

A Resolution authorizing and directing the Div. of Traffic Engineering to install a multi-way stop at the intersection of Fiddler Creek Way and Clearwater Way was given a new second reading as amended.

Upon motion Ms. Gorton, and seconded by Mr. Lane, the resolution was approved by the following vote:

Aye: Beard, Clarke, Ellinger, Farmer, Ford,  
Gorton, Henson, Lane, Lawless, Mossotti,  
Myers, Stinnett, -----12

Nay: -----0  
(Mr. Kay, Ms. Scutchfield, and Ms. Akers were absent when the vote was taken.)

\* \* \*

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

Aye: Beard, Clarke, Ellinger, Farmer, Ford,  
Gorton, Henson, Lane, Lawless, Mossotti,  
Myers, Stinnett, -----12

Nay: -----0  
(Mr. Kay, Ms. Scutchfield, and Ms. Akers were absent when the vote was taken.)

A Resolution accepting the bid of Quality Cleaning Services, Inc., establishing a price contract for Cleaning Services for Flooding, for the Div. of Water Quality.

A Resolution accepting the bids of Woodall Construction Co., Inc.; Tom Chesnut Excavation and Construction, LLC; and Perdue Environmental Contracting Co., Inc.



d/b/a Pelco, Inc., establishing price contracts for equipment rental with operator, for the Div. of Streets and Roads.

A Resolution accepting the bid of James A. Wade, establishing a price contract for Land for Lease - Cardinal Run (Mowing Rights), and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with James A. Wade, related to the bid.

A Resolution accepting the bid of Worldwide Equipment, establishing a price contract for CNG Cab and Chassis for Refuse Vehicles, for the Div. of Facilities and Fleet Management.

A Resolution authorizing the Div. of Waste Management, on behalf of the Urban County Government, to renew the Contract with Verizon Wireless, a sole source provider, for communication of GPS and route collection data and access to Routeware System for four (4) years at a cost not to exceed \$180,000 (FY 2013).

A Resolution accepting the responses of AIC; Leverage Partners; Metaformers; Pomeroy; Signature Technology Group; SIS; and Zannett, to provide Information Technology and Consulting Services pursuant to RFP No. 2-2013 and establishing price contracts, and authorizing the Mayor, on behalf of the Urban County Government, to execute any additional necessary Agreements with the vendors related to the RFP.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Office of Homeland Security and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$13,633 Commonwealth of Ky. funds from the Law Enforcement Protection Program, and are for the purchase of a Throwbot XT, for the Div. of Police.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Smart Systems, for chemicals for use in the dishwashing machine at the Family Care Center, at a cost not to exceed \$2400.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Bluegrass Area Development District, to accept additional funding in the amount of \$10,040 for operation of the Senior Citizens Center.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Bluegrass Area Development District, 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 \$83,101 Federal funds, are for operation of the Senior Citizens Center in FY 2014, the acceptance of which obligates the Urban County Government for the expenditure of \$166,566 as a local match, 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 Change Order No. One (1) to the Contract with R. B. Jergens Contractors, Inc., for the Haley Pike Landfill Closure, for the Dept. of Environmental Quality and Public Works, increasing the contract price by the sum of \$484,075.29 from \$2,250,895.35 to \$2,734,970.64.

A Resolution authorizing the Div. of Engineering, on behalf of the Urban County Government, to purchase design services for the Northland Meadows Arlington Phase 5C Project from ECSI, LLC, a sole source provider, at a cost not to exceed \$22,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Interlocal Cooperative Agreement with the Ky. Counties of Anderson, Bourbon, Boyle, Clark, Estill, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott and Woodford, for the continued operation of and participation in the Bluegrass Workforce Investment Board.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Friends for Skateparks, Lexington, Ky., Inc. (\$140) and Dress for Success Lexington, Inc. (\$1,625), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Homeland Security, Federal Emergency Management Agency, which Grant funds are in the amount of \$18,128 Federal funds, are for a fire prevention program targeted toward the elderly, disabled, and/or limited English proficient, the acceptance of which obligates the Urban County

Government for the expenditure of \$4,531 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution of the Urban County Council directing the Mayor to immediately fill vacant positions within the Div. of Code Enforcement, effective upon passage of Council.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to a 1957 Agreement with CSX Transportation, Inc. to allow relocation of a sanitary sewer trunk line onto the Eastern State Hospital/BCTC Campus for the Div. of Water Quality.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with U.S. Geological Survey, for the continuing and ongoing maintenance and operation of existing stream flow and precipitation gauges, at a cost not to exceed \$108,480 (FY 2014).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Lease Agreement with MailFinance Inc., Neopost USA Inc., and Central Business Systems as the sole-source provider, for lease and maintenance of mailing equipment, at a cost not to exceed \$9,065.04 for the first year of a five year lease, future years subject to appropriations by Council.

A Resolution authorizing the Mayor or the Commissioner of Finance, on behalf of the Urban County Government, to execute a Letter Agreement with Dean Dorton Allen Ford PLLC, for preparation of the Sheriff's Settlement for the 2012 Property Tax Year, at a cost not to exceed \$12,000 in FY2014.

A Resolution authorizing Dean Dorton Allen Ford, PLLC, to conduct a financial audit of all Lexington-Fayette Urban County Government funds for Fiscal Year 2013 for an amount not to exceed \$149,000 (FY2014), and authorizing the Mayor, on behalf of the Urban County Government, to execute a Letter Agreement and any other necessary documents with Dean Dorton Allen Ford, PLLC related to the audit.

A Resolution accepting the bid of TW Telecom of Ky. 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 TW Telecom of Ky. LLC, incorporating the terms and conditions of Ordinance No. 50-2013.

A Resolution accepting the bid of Windstream Ky. East 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 Windstream Ky. East LLC, incorporating the terms and conditions of Ordinance No. 50-2013.

A Resolution accepting the bid of Wild Telecommunications, Inc., 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 Wild Telecommunications, Inc., incorporating the terms and conditions of Ordinance No. 50-2013.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. for Local Government and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$100,000 Commonwealth of Ky. funds, and are for support of an Energy Savings Performance Contract at the Detention Center, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Ky. Department for Local Government, to outline the procedures for hiring an Energy Service Company (ESCO) to identify and implement cost effective solutions to reduce utility consumption at the Detention Center.

A Resolution rescinding Resolution No. 154-2011, authorizing a Change Order to Gershman, Brickner and Bratton, Inc. to complete work on the Div. of Waste Management Routeware Program, to allow final clerical documentation.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Fayette County Public Schools, for transportation services for the Family Care Center's students and their children for the 2013-2014 school year, at a cost not to exceed \$83,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Metro Employees Credit Union, Inc., for the general provision of mutual services, at no cost to the Urban County Government.

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

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

Aye: Beard, Clarke, Ellinger, Farmer, Ford,  
Gorton, Henson, Kay, Lawless, Mossotti,  
Myers, Stinnett-----12

Nay: -----0  
(Mr. Lane, Ms. Scutchfield, and Ms. Akers were absent when the vote was taken.)

A Resolution ratifying the permanent civil service appointments of: Koyuki King, Paralegal, Grade 113N, in the Dept. of Law, effective June 3, 2013, William Gahafer, Public Service Worker, Grade 106N, in the Div. of Parks and Recreation, effective June 30, 2013, Sharon Buford, Administrative Specialist Principal, Grade 114E, in the Div. of Police, effective March 17, 2013, Theodore Adams, Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective May 27, 2013, Latricia Jones, Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective April 22, 2013, James York, Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective February 27, 2013; ratifying the probationary sworn appointments of: John Bardin, Police Sergeant, Grade 315N, \$28.588 hourly, in the Div. of Police, effective June 10, 2013, Brian Martin, Police Sergeant, Grade 315N, \$28.588 hourly, in the Div. of Police, effective June 10, 2013; ratifying the permanent sworn appointments of: Jeffrey Hyer, Police Sergeant, Grade 315N, in the Div. of Police, effective April 29, 2013, Scott Perrine, Police Sergeant, Grade 315N, in the Div. of Police, effective April 29, 2013; ratifying the probationary Community Corrections Officer appointment of: Courtney Spencer, Community Corrections Sergeant, Grade 112N, \$23.190 hourly, in the Div. of Community Corrections, effective June 17, 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Fayette County Sheriff's Office (\$550), Bluegrass Aspendale Teen Center (\$750), Alzheimer's Association Greater Ky. (\$1,500),

Residents, Inc. (\$1,000), Cardinal Valley Elementary PTA, Inc. (\$1,000), Cardinal Valley Neighborhood Association (\$500), Friends for Versailles Rd. (\$2,000), CASA of Lexington, Inc. (\$1,000), Picadome Neighborhood Association, Inc. (\$500), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution expressing the Urban County Government's opposition to the rate increase requested by Ky.-American Water Co. in Public Service Commission Rate Case No. 2012-00520 and directing the Clerk to notify the Public Service Commission.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointment: Carolyn Janssen, Staff Assistant Sr., Grade 108N, \$13.023 hourly, in the Div. of Human Resources, effective upon passage of Council was given first reading.

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

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, the rules were suspended by majority vote.

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

Aye: Beard, Clarke, Ellinger, Farmer, Ford,  
Gorton, Henson, Kay, Lawless, Mossotti,  
Myers, Stinnett-----12

Nay: -----0  
(Mr. Lane, Ms. Scutchfield, and Ms. Akers were absent when the vote was taken.)

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

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

Aye: Beard, Clarke, Ellinger, Farmer, Ford,  
Gorton, Henson, Kay, Lawless, Mossotti,  
Myers, Stinnett-----12

Nay: -----0  
(Mr. Lane, Ms. Scutchfield, and Ms. Akers were absent when the vote was taken.)

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Justice and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$3,550 Federal funds, and are for the purchase of bulletproof vests for the Fayette County Sheriff's Office.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of \$2,246,560 Commonwealth of Ky. funds, are for Police Training Incentive funds, 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 accept a Grant from the Commission on Fire Protection, Personnel, Standards and Education, which Grant funds are in the amount of \$2,270,840 Commonwealth of Ky. funds, are for training incentive funds for firefighters, 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 an Agreement with Central Indiana Truck Equipment, as the sole-source provider, to purchase seven Heil multipack garbage packers, at a cost not to exceed \$1,478,729 was given first reading.

Upon motion of Mr. Farmer, seconded by Ms. Gorton, and approved by majority vote, the resolution was amended to change the number of trucks purchased from seven to eight and the cost from \$1,478,729 to \$1,689,976.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Central Indiana Truck Equipment, as the sole-source provider, to purchase eight Heil multipack garbage packers, at a cost not to exceed \$1,689,976 was given a new first reading as amended.

Upon motion of Mr. Farmer, seconded by Mr. Ellinger, the rules were suspended by majority vote.

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

Aye: Beard, Clarke, Ellinger, Farmer, Ford,  
Gorton, Henson, Kay, Lawless, Mossotti,  
Myers, Stinnett-----12

Nay: -----0  
(Mr. Lane, Ms. Scutchfield, and Ms. Akers were absent when the vote was taken.)

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The following resolutions were given first reading. Mr. Geoff Reed, Commissioner of the Dept. of General Services, asked that the rules be suspended in order to give second reading to the resolutions.

Upon motion of Mr. Lane, seconded by Ms. Gorton, the rules were suspended by majority vote.

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

Aye: Beard, Clarke, Ellinger, Farmer, Ford,  
Gorton, Henson, Kay, Lawless, Mossotti,  
Myers, Stinnett-----12

Nay: -----0  
(Mr. Lane, Ms. Scutchfield, and Ms. Akers were absent when the vote was taken.)

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A Resolution accepting the response of Burdine Security Group, Inc., to RFP No.10-2013, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Multi-Year Agreement with Burdine Security Group, Inc. to repair, replace, and maintain the electronic access control system, with the cost in FY2013 estimated not to exceed \$61,637.

A Resolution authorizing the Dept. of General Services, on behalf of the Urban County Government, to purchase a replacement Liebert Precision Cooling Unit, Dry Cooler and Pump, from Climate Conditioning Co., a sole source provider, at a cost not to exceed \$24,153.78.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Stonewall Equestrian Estates Association, Inc. (\$500), Higbee Mill Neighborhood Association, Inc. (\$500), Bryan Station Alumni Foundation, Inc. (\$1,500), Volunteers of America of Ky., Inc. (\$625), Lansdowne Neighborhood



Association, Inc. (\$550), Pinnacle Homeowners Association, Inc. (\$525), Lexington Humane Society (\$1,725), American Red Cross Bluegrass Chapter (\$1,475), Hope Center, Inc. (\$1,800), Chrysalis House, Inc. (\$2,481.40), Salvation Army (\$4,795), The Lexington Woman's Club, Inc. (\$1,406.40), Black Church Coalition of the Bluegrass, Inc. (\$1,406.40), Home Builders Care, Inc. (\$1,406.40), Central Ky. Radio Eye, Inc. (\$1,406.40), Friends for Skateparks, Lexington Ky., Inc. (\$1,630), Dove Creek Townhomes Owners' Association, LLC (\$500), Gainesway Neighborhood Association, Inc. (\$1,000), Infant Nurture (\$1,000), Seedleaf, Inc. (\$1,500), for the Office of the Urban County Council, at a cost not to exceed the sums stated was on the docket for first reading.

Mr. Myers made a motion, seconded by Mr. Beard, and approved by majority vote, to amend the resolution to substitute 'Aviation Museum of Ky.' for 'Infant Nurture'.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Stonewall Equestrian Estates Association, Inc. (\$500), Higbee Mill Neighborhood Association, Inc. (\$500), Bryan Station Alumni Foundation, Inc. (\$1,500), Volunteers of America of Ky., Inc. (\$625), Lansdowne Neighborhood Association, Inc. (\$550), Pinnacle Homeowners Association, Inc. (\$525), Lexington Humane Society (\$1,725), American Red Cross Bluegrass Chapter (\$1,475), Hope Center, Inc. (\$1,800), Chrysalis House, Inc. (\$2,481.40), Salvation Army (\$4,795), The Lexington Woman's Club, Inc. (\$1,406.40), Black Church Coalition of the Bluegrass, Inc. (\$1,406.40), Home Builders Care, Inc. (\$1,406.40), Central Ky. Radio Eye, Inc. (\$1,406.40), Friends for Skateparks, Lexington Ky., Inc. (\$1,630), Dove Creek Townhomes Owners' Association, LLC (\$500), Gainesway Neighborhood Association, Inc. (\$1,000), Aviation Museum of Ky. (\$1,000), Seedleaf, Inc. (\$1,500), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading as amended.

Upon motion of Ms. Gorton, seconded by Mr. Myers, the rules were suspended by majority vote.

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

Aye: Beard, Clarke, Ellinger, Farmer, Ford,  
Gorton, Henson, Kay, Lawless, Mossotti,  
Myers, Stinnett-----12

Nay: -----0  
(Mr. Lane, Ms. Scutchfield, and Ms. Akers were absent when the vote was taken.)

\* \* \*

The following resolutions were given first reading and ordered placed on file one week for public inspection.

A Resolution accepting the bid of Bradley Hook It Up Mobile, LLC, establishing a price contract for Vehicle Steam Cleaning, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Worldwide Equipment, Batteries Plus, and KOI Auto Parts, establishing price contracts for truck and automotive batteries, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Siemens Healthcare Diagnostics, establishing a price contract for drug testing for the Div. of Community Corrections.

A Resolution accepting the bid of Aramsco, Inc., establishing a price contract for hospital PPE kits, for the Div. of Emergency Management/911.

A Resolution accepting the bids of Comtronics, Inc.; Owens Communications, Inc.; and Southern Communications and Consultants, Inc., establishing price contracts for the installation of Public Safety Mobile Radios, for the Div. of Police.

A Resolution accepting the bid of QX Networks and Design, Inc., establishing a price contract for Internet Access Service Provider for the Div. of Computer Services.

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

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Juvenile Justice, 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 \$16,183 Federal funds under the Juvenile Accountability Block

Grant Program, are for continuation of the Juvenile Surveillance Program, professional services, professional development, drug testing services and supplies, and educational materials, the acceptance of which obligates the Urban County Government for the expenditure of \$1,798 as a local match, 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 a Lease with Metro Employees Credit Union, for lease of space at the Versailles Rd. Campus.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Vision Internet Providers, Inc. as the sole-source provider, for the Lexington-Fayette Urban County Government Website VisionCMS Upgrade, at a cost not to exceed \$26,100.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease with Metro Employees Credit Union, for lease of space at the Phoenix Building.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease with Employment Solutions, Inc., for East Sector Roll Call located at 1165 Centre Pkwy., at a cost not to exceed \$33,744.

A Resolution declaring as surplus and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute Quit-Claim Deeds and any other necessary documents for the transfer of .093 acres of property located at 946 Whitney Ave. and .093 acres of property located at 948 Whitney Ave. to the purchaser of an adjacent parcel which should have been included in the original purchase.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Education, Div. of School and Community Nutrition, 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 \$79,000 Federal funds, and are for participation in the Child Care Food Program at the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution, pursuant to Code of Ordinances Section 18-66, designating the speed limit on Montavesta Rd. between Mount Dr. and Pepperhill Rd. as 25 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 3 to the Contract with HDR/Quest Engineering, Inc., for design of Citation Blvd. Phase II, increasing the contract price by the sum of \$114,715 from \$979,807 to \$1,094,522.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Bluegrass Workforce Investment Board, 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 \$135,000 Federal funds, and are for a Workforce Preparation Project for the Div. of Youth 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 authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of \$460,000 Federal funds, are for the FY 2014 ITS/CMS (Intelligent Transportation System/Congestion Management System) Traffic Improvements Project, the acceptance of which obligates the Urban County Government for the expenditure of \$115,000 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Todd Johnson Construction Co., for construction of Meadows/Northland/Arlington Public Improvements Project, Phase 5A, increasing the contract price by the sum of \$9,659.41 from \$1,476,330.16 to \$1,485,989.57.

A Resolution accepting the Div. of Water Quality's Standard Operating Procedure for Point Repairs and Sewer Line Maintenance.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Food Services Agreement with Trinity Services I, LLC, for food services for the Div. of Community Corrections, at a cost not to exceed \$1,648,420 for the Fiscal Year 2014.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of Ky., for the provision of school nursing services for students of the Day Treatment Center and Family Care Center, at a cost not to exceed \$5,000 (FY2014).

A Resolution approving the Second Renewal of the Engineering Services Agreement with Tetra Tech, Inc., to provide annual program management services for Consent Decree Implementation and MS4 Permit Compliance, at a cost not to exceed \$887,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendment #3 to the Agreement with Bluegrass Area Development District, to provide additional Federal funds in the amount of \$11,503, for operation of the Lexington Senior Citizens Center.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a HOME Agreement with Davis Park View, LLLP, for use of Federal HOME Investment Partnerships Program funds for the development of rental housing for the households displaced by the Newtown Pike Extension Project, at a cost not to exceed \$627,138.

A Resolution accepting the response of Kraus Associates, Inc. d/b/a AK Associates, to RFP No. 11-2013, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Multi-Year Agreement with Kraus Associates, Inc. d/b/a AK Associates, to provide on-site and remote maintenance services for LFUCG's 9-1-1- system, at a cost not to exceed \$247,000 (FY 2014).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for the Gainsway Trail Project, extending performance period through June 30, 2014, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Illuminated Street Sign Project, extending performance period through June 30, 2014, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Risk Management Services Co., for workers' compensation, general liability and automobile liability claims administration services, at a cost not to exceed \$214,700 for FY 2014.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. 1 to the Engineering Services Agreement with CDP Engineers, Inc., for design of Southland Drive Bike Lane Project, increasing the contract amount by the sum of \$15,669 from \$49,886 to \$65,555.

A Resolution authorizing and approving the purchase of the following insurances: excess property insurance through Alliant from PEPiP (\$317,403.78), excess workers' compensation through Alliant from New York Marine and General Insurance Co. (\$326,989.00), excess aviation liability through Powell Walton Milward from Old Republic Insurance Co. (\$4,581.00), excess liability (general, automobile and public official's) through Powell Walton Milward from Munich Re (\$561,396.00), and self-insured auto no-fault bond through Powell Walton Milward from International Fidelity Insurance Co. (\$2,500.00), for FY 2014, at a total cost not to exceed \$1,212,869.78, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute all necessary documents to accomplish the same.

A Resolution amending Sections 1 and 2 of Resolution No. 255-2013 which authorized the Mayor, on behalf of the Urban County Government, to execute Agreements for various public projects for the Office of the Urban County Council, to correct the name of an entity from Dellavalle Management, Inc. to Lakes Edge Condominium Association, Inc.

\* \* \*  
Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and passed by majority vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Ms. Billie Dollins, as Banking Community representative, to the Courthouse Area Design Review Board, with a term to expire 6-

30-2013. Ms. Dollins will fill the unexpired term of Mr. Harry Richart; (2) Recommending the reappointment of Mr. Gary Fogtman, as Lexington Youth Soccer Association representative, to the Masterson Station Park Advisory Board, with a term to expire 5-1-2017; (3) Recommending the reappointments of Mr. Rick Christman and Mr. Chris Humphrey to the Transit Authority Board, with terms to expire 6-30-2017; (4) Recommending the appointments of Councilmember Shevawn Akers, as non-voting member, and Mr. William Crawford, as Homebuilder representative; and the reappointments of Ms. Karen Deprey, as Real Estate Agent representative, and Ms. Martina Ockerman, as At-Large representative, to the Vacant Property Review Commission, with terms to expire 1-1-2014, 1-1-2016, 1-1-2016, and 1-1-2016, respectively. Councilmember Akers will fill the unexpired term of Councilmember Tom Blues; and (5) Recommending the reappointment of Mr. Todd Lockhart to the Valley View Ferry Authority with a term to expire 5-2-2017.

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The following Communication from the Mayor was received for information only:  
(1) Transfer of Jamie Cooper, Administrative Specialist, Grade 110N, from the Div. of Community Corrections to the Div. of Police, effective June 3, 2013.

\* \* \*

Mr. Myers made a motion to move the July 2, 2013 Work Session to 11:00 a.m., the Council Meeting to 1:00 and the Public Hearing for a Zone Change scheduled for August 13, 2013, to July 2, 2013 at 4:00 p.m.

Mr. Ellinger asked questions of Mr. Myers about the time needed by the Div. of Planning for notification. Mr. Myers responded.

Ms. Sally Hamilton, Chief Administrative Officer, spoke on behalf of Mr. Derek Paulsen, Commissioner of the Dept. of Planning, Preservation and Development, and gave information on the timeline for notification by the Div. of Planning.

Mr. Stinnett suggested July 9, 2013 for the Public Hearing. Ms. Gorton stated she would not be in attendance at any meetings on July 9<sup>th</sup> because she would be out of town. She also stated that 10 votes would be needed to adjust the time or date for the upcoming Council Meetings.

Mr. Myers made a motion, seconded by Mr. Stinnett, to move the July 9, 2013 Work Session to 11:00 a.m., the Council Meeting to 1:00 p.m. and the Public Hearing for a Zone Change scheduled for August 13, 2013, to July 9, 2013 at 4:00 p.m.

Ms. Gorton asked questions of Ms. Susan Lamb, Clerk of the Urban County Council, regarding process for docket creation. Ms. Lamb responded.

Mr. Horn asked Mr. Myers to reiterate the time for the Public Hearing in his motion. Mr. Myers stated it was 4:00 p.m.

Due to a need for 10 votes in order to change the time of the Council Meeting, the motion **failed** to pass by a vote of 8-4.

Ms. Lawless spoke about the motion.

\* \* \*  
Mr. Bernard McCarthy, Harry Street, spoke about car registration requirements.

\* \* \*  
Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by a majority vote, the meeting adjourned at 8:20 p.m.

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Clerk of the Urban County Council