

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky December 9, 2014

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on December 9, 2014 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the council: Council Members Farmer, Ford, Gorton, Henson, Kay, Lane, Myers, Scutchfield, Stinnett, Akers, Beard, Clarke, and Ellinger. Absent were Council Members Lawless and Mossotti.

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

Resolutions No. 682-2014 through 739-2014, and Ordinance No. 153-2014 through 158-2014, inclusive, were reported as having been signed and published, and ordered to record.

Urban County Government as the agency responsible for oversight, administration, and implementation of the Development Area; approving a Master Development Agreement between the Lexington-Fayette Urban County Government, the Urban County Government's Dept. of Finance and administration and Urban Redevelopment, LLC; and authorizing the Mayor and other officials to take such other appropriate actions as are necessary or required in connection with the establishment of the Development Area.

An Ordinance amending the authorized strength by abolishing one (1) Classified Civil Service Position of Administrative Specialist Principal, Grade 518E, and creating one (1) Classified Civil Service Position of Human Resources Analyst, Grade 520E, in the Div. of Human Resources, appropriating funds pursuant to Schedule No. 32.

An Ordinance amending the authorized strength by abolishing one (1) Unclassified Civil Service Position of Program Specialist, Grade 513E, and creating one (1) Unclassified Civil Service Position of Communications Director, Grade 527E, in the Office of the Mayor.

An Ordinance amending the authorized strength by abolishing one (1) Classified Civil Service Position of Software Developer, Grade 520E, in the Div. of Computer Services and creating one (1) Classified Civil Service Position of Administrative Officer Sr., Grade 526E, in the Office of Chief Information Officer (CIO), appropriating funds pursuant to Schedule No. 33.

An Ordinance amending Section 1 of Ordinance No. 137-2014, which established the schedule of meetings for the Lexington-Fayette Urban County Council for the calendar year 2015, to make the Budget, Finance & Economic Development Committee a standing committee rather than a Committee of the Whole, and to add a Planning and Public Safety Committee meeting on December 8, 2015.

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 December 2, 2014, and appropriating and re-appropriating funds, Schedule No. 24.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$3,500 for

Berry Hill Skate Park and to budget a \$17,530 donation from Friends for Skateparks, Lexington KY, Inc. and appropriating and re-appropriating funds, Schedule No. 36.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$126.65 for the Div. of Police from Neighborhood Development Funds for the purchase of eight Neighborhood Watch Signs for the River Park Neighborhood Association, and appropriating and re-appropriating funds, Schedule No. 35.

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The following ordinance was given first reading and ordered placed on file until January 15, 2015 for public inspection.

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. 34.

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

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

Nay: -----0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amended Multi-Year Service Agreement with Time Warner Cable Enterprises, LLC, for the continuation of existing services, for the Div. of Computer Services, at no additional cost to the Urban County Government.

A Resolution awarding a non-exclusive franchise to Insight Kentucky Partners II, L.L.P. for a term of 10 years for cable television system within the confines of the Lexington-Fayette Urban County Government.

A Resolution authorizing the Mayor to sign a Settlement Agreement with Insight Kentucky Partners II, L.L.P.; an Assumption Agreement with Comcast Corp.; and an Assumption Agreement with Charter Communications Inc.

A Resolution consenting to a cable franchise transfer of control to Comcast Corp. and consenting to a cable franchise transfer of control to Charter Communications, Inc.

A Resolution accepting the bid of Churchill McCee, LLC, in the amount of \$6,109,000, for the Public Safety Operations Center (PSOC) Renovation for the Dept. of Public Safety, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Churchill McGee, LLC, related to the bid.

A Resolution authorizing the Mayor, on behalf of the Urban County Government and pursuant to the Jobs Fund Program, to negotiate and execute a Loan Agreement for up to ten (10) years with MedSignals/VitalSignals, LLC, in an amount not to exceed \$250,000, for the creation and retention of eleven (11) new jobs with an average hourly wage of at least \$25.52, exclusive of benefits.

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Mr. Farmer spoke about a motion Ms. Lawless requested be made to place a resolution on the docket. The motion proposed by Ms. Lawless involved installing no through truck signs on six different streets in the 3rd District. Mr. Farmer stated that after consulting with other Council Members he would not be making this motion until after January 1, 2015 so that it can be placed on the docket and given two readings with ample time for discussion.

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A Resolution accepting the bid of FuelBand, LLC, in the amount of \$38,000, for Renovations at Alfalfa's Restaurant, for the Dept. of General Services was given first reading.

Mr. Lane asked questions about renovations to Alfalfa's Restaurant. Mr. Jamshid Baradaran, Director, Div. of Facilities and Fleet Management, responded.

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

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

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

Nay: -----0

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

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

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

Nay: -----0
A Resolution accepting the bid of J & V Contracting, LLC, establishing a price contract for Traffic Sign Installation, for the Div. of Traffic Engineering.

A Resolution ratifying the Probationary Civil Service Appointments of: Tamarah Gross, Administrative Specialist Sr., Grade 516N, \$18.981 hourly and Patricia Loney, Administrative Specialist Sr., Grade 516N, \$20.736 hourly both in the Div. of Revenue, effective December 29, 2014, and Robin Hickman, Fleet Operations Manager, Grade 521E, \$2,369.84 biweekly in the Div. of Facilities and Fleet Management, effective December 15, 2014; ratifying the Permanent Civil Service Appointments of: Jason Martin, Engineering Technician, Grade 514N, \$17.015 hourly in the Div. of Engineering, effective December 16, 2014, Albert Miller, Director, Grade 533E, \$3,414.32 biweekly in the Div. of Streets and Roads and Robin Burke, Administrative Specialist Sr., Grade 516N, \$21.561 hourly in the Div. of Emergency Management/911, both effective November 19, 2014, and Meghan Jennings, Planning Technician, Grade 514N, \$16.870 hourly in the Div. of Planning, effective December 2, 2014; ratifying the Permanent Sworn Appointment of: Thomas Perkins, Police Lieutenant, Grade 317E, \$3,044.37 biweekly in the Div. of Police, effective December 8, 2014; and ratifying the Unclassified Civil Service Appointments of: Lori Houlihan, Administrative Aide to Mayor Sr., Grade 524E, \$2,900.00 biweekly and Susan Straub, Communications Director, Grade 527E, \$3,815.39 biweekly both in the Office of the Mayor, effective December 15, 2014.

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Civil Service Appointments: Michael Miller, Staff Assistant Sr., Grade 510N, \$15.498 hourly in the Div. of Revenue and Phillip Bryant, Trades Worker Sr., Grade 511N, \$16.018 hourly in the Div. of Parks and Recreation, both effective upon passage of Council, and Elizabeth Jefferson, Staff Assistant Sr., Grade 510N, \$15.177 hourly in the Div. of Aging and Disability Services, effective January 6, 2015.

A Resolution ratifying the Unclassified Civil Service Appointment of: Ronnie Bastin, Commissioner of Public Safety, Grade 538E, \$4,801.84 bi-weekly, effective January 19, 2015.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Contract Amendment No. Three (3) with Hill-N-Dale Neighborhood Association, for extension of the completion date of the Neighborhood Action Match Project to June 30, 2015.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the donation of one (1) refrigerator, valued at \$1,500, from Pieratt's, for the Family Care Center.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the First Amendment to Lease Termination Agreement with Sprint Spectrum L.P. for the telecommunications facility located at the Lexington-Fayette Urban County Government Center, extending the lease termination date from December 31, 2014, to February 28, 2015.

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

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

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

Nay: -----0

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Neighborhood Action Match Grant Program Contracts with Squire Oak Homeowners Association (\$8,525), Walnut Ridge Homeowners Association, Inc. (\$9,598), Picadome Neighborhood Association (\$4,000), Kennedy Landing Homeowners Association, Inc. (\$9,617), Walnut Creek Homeowners Association, Inc. (\$6,500), Golf Townhomes of Andover Homeowners Association, Inc. (\$5,285), Residents Inc., d/b/a The Colony Neighborhood Association (\$2,433), Copperfield Neighborhood Association (\$5,000), Fairways at Lakeside Community Association, Inc. (\$1,500), Georgetown Street Neighborhood Association (\$5,000), Wyndham Downs

Homeowners Association, Inc. (\$4,375) and Mentelle Neighborhood Association (\$3,167) for carrying out various neighborhood activities and improvements for FY 2015, at a cost not to exceed \$65,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with The Southland Association (\$1,500), Eastland Parkway NA, Inc. (\$1,000), Bryan Station High School Alumni Association, Inc., Technology Academy (\$1,000), Bryan Station High School Alumni Association, Inc., Track Team (\$500), Bryan Station High School Alumni Association, Inc., Archery Team (\$500), Center for Women, Children & Families, Inc. (\$470), Salvation Army (\$1,750), Friends of Raven Run (\$825), Sisters Road to Freedom, Inc. (\$900), Seedleaf (\$850), YMCA of Central KY (\$1,300), Volunteers of America of KY, Inc. (\$500), 16th District PTA, Inc., STEAM Academy (\$500), Bluegrass Technology Center (\$375), Lexington Community Radio, c/o Blue Grass Community Foundation (\$2,625), and Seven Parks Neighborhood Association, Inc. (\$575), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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Upon motion of Mr. Stinnett, seconded by Mr. Myers, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the reappointment of Council Member Bill Farmer, Jr. to the Affordable Housing Governing Board with term to expire 12/31/2016; (2) Recommending the reappointment of Mr. Joel L. Cowan to the Black & Williams Neighborhood Community Center Board with term to expire 1/1/2019; (3) Recommending the reappointment of Council Member Peggy Henson to the City Employees Pension Fund Board with term to expire 12/31/2016; (4) Recommending the reappointments of Ms. Tiffany Bryant, as Employment/Education Advocacy representative, Mr. Richard Curtis, as Commissioner of Public Safety Designee, Ms. Kenzie Gleason, as Commissioner of Planning Designee, Council Member Peggy Henson, and Ms. Kristy Stambaugh, as Commissioner of Social Services Designee, to the Commission on Citizens with Disabilities, with terms to expire 1/1/2019, 12/31/2018, 12/31/2018, 12/31/2016 and 12/31/2018 respectively; (5) Recommending the appointment of Mr. Michael Curd, as Bluegrass Hospitality Association representative, and the reappointment of Mr. Ronald Tritscher, as At-Large representative, to the Convention & Visitors Bureau Board of

Directors with terms to expire 9/1/2017 and 9/9/2017 respectively. The term of Mr. Ronald van Haaren is expired; (6) Recommending the reappointment of Rep. Kelly Flood to the Domestic Violence Prevention Board with term to expire 1/1/2019; (7) For Information Only: Per the Code of Ordinances, §18C-13, the citizen below has been designated "EMAB representative" by their respective organization with a term to expire July 1, 2017. Council confirmation is not required. Dr. Allison Rains, University of Kentucky Good Samaritan Hospital, ER representative; (8) Recommending the appointment of Mr. Josiah D. Frey, as 11th District representative, and the reappointment of Mr. Paul Swoveland, as 9th District representative, to the Environmental Commission with terms to expires 10/1/2018; (9) Recommending the appointment of Mr. Ryan C. Koch, as At-Large representative, to the Greenspace Commission with term to expire 7/18/2017; (10) Recommending the reappointment of Council Member Peggy Henson to the Homelessness Prevention & Intervention Board with term to expire 12/31/2016; (11) Recommending the reappointment of Mr. Robert Orbach to the Human Rights Commission with term to expire 1/1/2019; (12) Recommending the reappointments of Council Member Ed Lane, Mr. Gary W. Ludwick, as CPA At-Large representative, and Commissioner Bill O'Mara, as Mayor's Designee, to the Internal Audit Board with terms to expire 12/31/2016, 12/1/2018, and 12/31/2018 respectively; (13) Recommending the reappointment of Ms. Alice Nelson, as Fayette County Public Schools representative, to the Parks and Recreation Advisory Board with term to expire 1/14/2019; and (14) Recommending the appointment of Mr. Michael McKay, to fill the unexpired term of Ms. Wallis Miller as UK College of Design representative, to the Urban County Arts Review Board with term to expire 6/6/2015.

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The following Communications from the Mayor were received for information only: (1) Resignation of Donald Walker, Resource Recovery Operator, Grade 513N, Div. of Waste Management, effective November 23, 2014; (2) Resignation of William A. Fogle, Public Service Worker Sr., Grade 509N, Div. of Water Quality, effective November 12, 2014; (3) Resignation of James Theodore York, Deputy Coroner, Grade 515N, Office of the Coroner, effective November 17, 2014; (4) Resignation of Larry Hall, Resource Recovery Operator, Grade 513N, Div. of Waste Management, effective November 7, 2014; (5) Resignation of Richard Doug Draper, Treatment Plan Operator,

Grade 515N, Div. of Water Quality, effective November 12, 2014; (6) Resignation of Britaney Fleming, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective November 23, 2014; (7) Resignation of Derek Shelby Miracle, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective November 11, 2014; (8) Resignation of Kristi Hardy Wilkinson, Clerical Assistant Sr., Grade 507N, Div. of Accounting, effective October 31, 2014; (9) Resignation of Joshua Donavon Slone, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective November 24, 2014; (10) Resignation of Lonzo Ballew, Equipment Operator Sr., Grade 512N, Div. of Streets and Roads, effective November 16, 2014; (11) Resignation of Tony R. Eary, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective November 14, 2014; (12) Reinstatement of Bradley Farkas, Firefighter, Grade 311N, Div. of Fire and Emergency Services, effective December 29, 2014; (13) Classified Civil Service Temporary Appointment of Gregory Charles, Digital Content Administrator, Grade 520E, Div. of Computer Services, effective December 1, 2014; (14) Classified Civil Service Temporary Appointment of Roger Mulvaney, Traffic Engineer Manager, Grade 527E, Div. of Traffic Engineering, effective December 8, 2014; (15) Classified Civil Service Acting Appointment of Dan James, Human Resources Manager, Grade 525E, Div. of Human Resources, effective January 26, 2014; (16) Termination of Lia La'Nae Parker, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective November 24, 2014; (17) Termination of Brad Chambers, Director, Grade 533E, Div. of Parks and Recreation, effective November 20, 2014; and (18) Termination of Michael Hassloch, Vehicle and Equipment Mechanic - Apprentice, Grade 510N, Div. of Facilities and Fleet Management, effective November 14, 2014.

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Cmdr. Melissa Sedleczek, Div. of Police, stated that Officer Banford K. Hill had committed the offense of Use of Force in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.23, in that on the 6th day of September, 2014, he made a traffic stop on a vehicle in which the driver was allegedly involved in a prior domestic violence incident that date. Sufficient grounds existed for an investigative stop. However, Officer Hill elevated his response by pointing his service weapon at the driver during this encounter and ordered the driver from the vehicle. Officer Hill advised that

the driver, upon exiting the vehicle, became non-compliant and Officer Hill in turn deployed his taser multiple times on the drive while attempting to effect an arrest. A review of this incident indicates that many of the applications of force utilized by Officer Hill were not appropriate and not consistent with the Division policy. If the above is true, Officer Banford K. Hill is in violation of General Order 73-2/H, Section 1.23, Use of Force, which states: "No officer shall use more force in any situation than is reasonably necessary under the circumstances. The use of physical force shall be restricted to that amount of force which is reasonable and necessary to effect a lawful arrest, overcome resistance, or in defense of self or other. Officers shall use force in accordance with law and established procedures" and that the appropriate punishment for this conduct is Forty (40) Hours (One Work Week) Suspension Without Pay.

Upon motion of Ms. Gorton, seconded by Ms. Henson, the disciplinary action was approved by unanimous vote.

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Ms. Akers made announcements regarding her district. The St. Martins Neighborhood Christmas Fellowship Celebration would be held at 5:00 P.M. on Dec. 10, 2014 at the Golden Corral on New Circle Road. The Highlands Neighborhood Association would hold a Christmas dinner at 5:00 P.M. on December 13, 2014 at the community center. The Melrose Oak Park would host their holiday dinner at 7:00 P.M. on December 15, 2014 at the Thompson Road Baptist Church. The Masterson Station Neighborhood Association Homeowners' Association Meeting would be at 7:00 P.M. on December 16, 2014. The Tower Plaza holiday luncheon would be held at 2:00 P.M. on December 19, 2014.

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Mr. Kay spoke about the outgoing Council Members, and thanked them for their work.

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Mr. Clarke stated it had been a joy to serve on Council and for the 10th District. He thanked his colleagues, Mayor Gray, commissioners, staff, and constituents.

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Ms. Scutchfield thanked her outgoing colleagues.

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Mr. Ford spoke about his outgoing colleagues and thanked them.

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Ms. Henson spoke about her outgoing colleagues and thanked everyone.

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Mr. Farmer shared a piece of music, his favorite Christmas song by Rosemary Clooney, 'Little Susie Snowflake.'

He made announcements about a possible scam going on in the 5th district, and noted that there is no charge for leaf collection.

He spoke about his outgoing colleagues, and sang a song he had written to the tune of 'Little Susie Snowflake' for Ms. Gorton.

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Mr. Lane extended his best wishes to the outgoing Council Members, and thanked them for their service. He shared several quotes that were meaningful to the moment and wished them all luck.

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Mr. Stinnett spoke about his history with his outgoing colleagues, and thanked them all for their service.

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Ms. Akers spoke about her outgoing colleagues, thanked them for their service and wished them luck.

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Mr. Ellinger thanked his colleagues, the staff at the Lexington-Fayette Urban County Government, his constituents, and his family for their support.

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Mr. Beard spoke about his time in Government, and about his colleagues. He thanked everyone.

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Mr. Myers thanked his wife, who was in attendance at the meeting. He thanked his legislative aides over the years. He spoke about his time with his colleagues, and thanked them for their assistance. He also thanked the Mayor for his leadership. He thanked his parents, and his constituents in the 8th District.

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Ms. Gorton showed pictures of her grandchildren, and said they were some of the reasons she had chosen to retire. She thanked her husband for his support and her colleagues for their comments. She thanked the Lexington-Fayette Urban County Government employees across government, the Council core staff and her legislative

aides. She thanked the Mayor and his staff, and talked about what a special place Lexington is. She thanked the public for the honor of serving.

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The Mayor spoke about serving in public office. He spoke about each of the outgoing Council Members. He ended his remarks with a quote from 'A Christmas Carol' by Charles Dickens, "and may God bless you each and everyone."

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Ms. Henson announced that she will not be able to attend the employee holiday celebration scheduled for December 12, 2014. She wished all the employees a happy holiday season.

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Mr. Bernard McCarthy, Harry Street, spoke about the impressive level of decorum displayed in the Council Chamber over the years. He expressed affection for all of the Council Members, and wished the outgoing Council Members good luck.

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Mr. Henry Kenyon, Douglas Avenue, Georgetown Street Area Neighborhood Vice-President, spoke about Ms. Gorton's time on Council and her ability to settle situations. He complimented her character, and thanked her for her service. He also thanked the Council, Mayor, and Ms. Gorton for his time on the Black & Williams Center Board.

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Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by unanimous vote, the meeting adjourned at 7:26 P.M.

Clerk of the Urban County Council