Lexington-Fayette Urban County Government Council Meeting Lexington, Kentucky August 29, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on August 29, 2013, at 6:00 P.M. Present were Mayor Jim Gray in the chair presiding, and the following members of the Council: Council Members Lane, Lawless, Mossotti, Myers, Scutchfield, Stinnett, Akers, Beard, Clarke, Ellinger, Farmer, Ford, Gorton, and Henson. Absent was Council Member Kay.

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

Resolutions No. 419-2013 through 427-2013, and Ordinances No. 87-2013 through 89-2013, inclusive, were reported as having been signed and published, and ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky August 29, 2013

The Invocation was given by Rev. Cory Wilcoxson, Crestwood Christian Church.

* *

The Mayor took a moment to commemorate the march on Washington D.C. and the "I Have a Dream" speech by Dr. Rev. Martin Luther King, Jr. He asked that everyone observe a moment of silence for reflection.

* *

Upon motion of Mr. Ellinger, seconded by Mr. Myers, the Minutes of the August 15, 2013, Council Meeting were approved by unanimous vote.

* *

The Mayor recognized that there were many constituents in attendance from the Eastland Neighborhood, and asked Ms. Sally Hamilton, Chief Administrative Officer, to come forward to speak on the issue of the placement of a salt barn in that neighborhood. Ms. Hamilton spoke about the bid process, and the search for a location. She stated there had been a discussion about a location on existing Urban County Government property.

Mr. Stinnett made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to place on the docket a Resolution recommending that the Mayor or Chief Administrative Officer, on behalf of the Urban County Government, terminate the Lease with Glenncase, LLC, for lease of a portion of 801 E. New Circle Rd. for temporary salt storage, which was entered into pursuant to Resolution No. 373-2013.

Mr. Loys Mather, Cantrill Drive, spoke about the issue of the salt barn, and thanked the Council and Mayor for their work to move the location.

Mr. Brian Potters, Sparks Road, also thanked the Council and Mayor for their work on the issue.

Mr. Stinnett thanked Mr. Mather for his work.

The resolution was given first reading. Upon motion of Ms. Gorton, seconded by Mr. Ford, the rules were suspended by unanimous vote.

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

An Ordinance of the Lexington-Fayette Urban County Government making certain findings concerning and establishing a Development Area for economic development purposes within of the Lexington-Fayette Urban County to be known as The Summit Lexington Development Area; approving a Local Participation Agreement among Lexington-Fayette Urban County Government, the Dept. of Finance of the Lexington-Fayette Urban County Government, and Bayer Properties, LLC (the "Developer"); establishing an Incremental Tax Special Fund for payment of approved public infrastructure costs and land preparation costs; designating the Lexington-Fayette Urban County Government's Dept. of Finance as the agency responsible for oversight, administration, and implementation of the Development Area; 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 was on the docket for second reading.

Mr. Beard made a motion, seconded by Mr. Myers, and approved by unanimous vote, to table the ordinance until after a public hearing regarding the zoning of the property scheduled to take place on September 17, 2013.

An Ordinance levying ad valorem taxes for purposes of support of the Soil and Water Conservation District for the Fiscal Year July 1, 2013 through June 30, 2014, on the assessed value of all taxable real property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including real property of public service companies, at a rate of \$.0005 on each one hundred dollars (\$100.00) of assessed valuation as of the January 1, 2013, assessment date was on the docket for second reading with a public hearing being held.

The Mayor opened the public hearing, and explained the need for the hearing.

Mr. William Wheeler, Jesselin Drive, made comments regarding the ad valorem tax ordinances, and asked questions about the Council rules for a public hearing. Mr. David Barberie, Dept. of Law, responded to the questions. The Mayor suggested Mr. Wheeler speak with Mr. Gregory Johnson, Soil and Water Conservation District, after the meeting. Mr. Wheeler continued his comments.

Mr. Myers made a motion, seconded by Mr. Farmer, and approved by unanimous vote, to extend Mr. Wheeler's time by five minutes.

Mr. Wheeler continued his comments on the ad valorem taxes.

There being no other citizens to speak, the Mayor closed the public hearing.

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

Aye: Lane, Lawless, Mossotti, Stinnett, Beard, Clarke, Farmer, Ford, Gorton, Henson ------10

Nay: Myers, Scutchfield, Akers, Ellinger ------4

* *

An Ordinance adopting the request of the Lexington-Fayette County Health Dept. under KRS 212.755 and levying a special ad valorem public health tax for the Fiscal Year July 1, 2013 through June 30, 2014, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including real and personal property of public service companies, noncommercial aircraft, noncommercial watercraft, and inventory in transit, and excluding insurance capital, tobacco in storage, and agricultural products in storage, at the rate of \$.028 on each \$100.00 of assessed value as of the January 1, 2013 assessment date; and levying a special ad valorem public health tax at the rate of \$.028 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government, as of the January 1, 2014 assessment date was given second reading.

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

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

Nay: Myers, Akers-----2

* *

An Ordinance levying ad valorem taxes for purposes of support of the Agricultural Extension Office for the Fiscal Year July 1, 2013 through June 30, 2014, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government (all taxes on each \$100.00 of assessed valuation as of the January 1, 2013 assessment date), as follows: \$.0034 on all taxable real property, including real property of public service companies, \$.0038 on taxable personal property, including personal property of public service companies, noncommercial aircraft, and noncommercial watercraft, and excluding inventory in transit, insurance capital, tobacco in storage, and agricultural products in storage; and levying an ad valorem tax for purposes of support of the Agricultural Extension Office at the rate of \$.0032 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2014 assessment date was on the docket for second reading with a public hearing being held.

The Mayor opened the public hearing, and explained the need for the hearing.

There being no citizens to speak, the Mayor closed the public hearing.

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

Aye: Lane, Lawless, Mossotti, Stinnett, Akers, Beard, Clarke, Farmer, Ford, Gorton, Henson------11

Nay: Myers, Scutchfield, Ellinger-----3

Year July 1, 2013 through June 30, 2014, on the assessed value of all taxable property within the taxing jurisdictions of the Lexington-Fayette Urban County Government (all taxes on each \$100.00 of assessed valuation as of the January 1, 2013 assessment date), as follows: General Services District, \$.0800 on real property, including real property of public service companies, \$.0990 on personal property, including personal

An Ordinance levying ad valorem taxes for municipal purposes for the Fiscal

property of public service companies, noncommercial aircraft, and noncommercial

watercraft, \$.1500 on insurance capital, \$.0150 on tobacco in storage, and \$.0450 on

agricultural products in storage; Full Urban or Partial Urban Services Districts based on urban services available on real property, including real property of public service companies, \$.1431 for refuse collection, \$.0210 for street lights, \$.0097 for street cleaning, \$.0920 on insurance capital, \$.0150 on tobacco in storage, \$.0450 on agricultural products in storage; and levying an ad valorem tax for municipal purposes at the rate of \$.0880 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2014 assessment date was on the docket for second reading with a public hearing being held.

The Mayor opened the public hearing, and explained the need for the hearing.

Mr. Bernard McCarthy, Harry Street, stated his concerns with the ad valorem tax rates.

There being no other citizens to speak, the Mayor closed the public hearing.

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

Aye: Lane, Lawless, Mossotti, Beard, Clarke, Farmer, Ford, Gorton, Henson-----9

Nay: Myers, Scutchfield, Stinnett, Akers, Ellinger-----5

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

Aye: Lane, Lawless, Beard, Clarke, Farmer, Ford, Gorton, Henson-----8

Nay: Mossotti, Myers, Scutchfield, Stinnett, Akers, Ellinger------

An Ordinance amending Ordinance No. 35-2013 and the Franchise Agreements with Ky. Utilities Co., Inc.; Blue Grass Energy Cooperative Corp.; and Clark Energy Cooperative, Inc., to increase the franchise fees for each utility from three percent (3%) to four percent (4%) of gross revenues effective October 1, 2013.

An Ordinance amending Ordinance No. 34-2013 and the Franchise Agreements with 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 October 1, 2013.

*

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

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

Nay: -----0

An Ordinance changing the zone from a High Density Apartment (R-4) zone to a Lexington Center Business (B-2B) zone, for 0.137 net (0.205 gross) acres, for property located at 562 W. Short St. (562 Short Street, LLC; Council District 3).

An Ordinance amending Articles 1 and 23A of the Zoning Ordinance to define hospice and add hospice facilities as a principal use; and regulate parking for such uses in the Economic Development (ED) zone (Urban County Council).

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Program Coordinator, Grade 109N, and creating one (1) position of Public Service Supervisor, Grade 111N, both in the Div. of Family Services, and appropriating funds pursuant to Schedule No. 9, effective upon passage of Council.

An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Program Supervisor P/T, Grade 106N and one (1) position of Custodial Worker P/T, Grade 102N, both in the Dept. of Social Services, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Police Analyst, Grade 111N, and creating one (1) position of Property and Evidence Technician, Grade 111N, both in the Div. of Police, and appropriating funds pursuant to Schedule No. 10, 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. 59 Fiscal Year 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. 8.

* *

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone, for 24.88 net (27.71 gross) acres, for property located at 4500 and 4524 Old Schoolhouse Ln. (Ball Homes, LLC; Council District 10) was given first reading and ordered placed on file for public inspection until a Special Council Meeting for a Public Hearing to be held on October 8, 2013, at 5:00 p.m.

* *

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

An Ordinance amending Articles 1, 3 and 8 of the Zoning Ordinance to clarify regulations related to vehicle repair accessory to residential uses. (Urban County Planning Commission).

An Ordinance amending Articles 1, 3 and 8 of the Zoning Ordinance to regulate the parking and storage of business vehicles, trailers, equipment and associated materials in residential zones. (Urban County Planning Commission).

An Ordinance amending Article 5 of the Zoning Ordinance to provide clarification about the Government's ability to abate a violation of the Zoning Ordinance. (Urban County Planning Commission).

An Ordinance creating Section 15-12 of the Code of Ordinances, Lexington-Fayette Urban County Government pertaining to the general regulation of itinerant merchants, peddlers, and door-to-door sales and providing for general conduct, public safety, transient merchant registration, parking restrictions, maintenance, garbage and recycling requirements, noise and lighting restrictions; hours of operation from 7 a.m. to 11 p.m. or later and from 9 a.m. to 8 p.m. for door-to-door sales; location restrictions for peddlers and itinerant merchants with additional restrictions for itinerant merchants; no sales by itinerant merchants on public property; creating Section 15-13 of the Code of Ordinances providing for exceptions for mobile food unit vendors, wholesalers, bazaars, malls, yard and garage sales, and not-for-profits; and creating Section 15-14 of the

Code of Ordinances providing for a penalty in an amount not to exceed \$250.00; all effective thirty (30) days from passage.

An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of Various Purpose General Obligation Bonds, Series 2013C in the aggregate principal amount not to exceed \$18,250,000; approving the form of the Series 2013C Bonds; authorizing designated officers to execute and deliver the Series 2013C Bonds; authorizing and directing the filing of notice with the State Local Debt Officer; providing for the payment and security of the Series 2013C Bonds; creating Bond Payment Funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the Bid of the Bond Purchaser for the purchase of the Series 2013C Bonds; and repealing inconsistent ordinances.

An Ordinance of Lexington-Fayette Urban County Government authorizing the issuance of Lexington-Fayette Urban County Government Various Purpose General Obligation Refunding Bonds, Series 2013D, in one or more subseries, in an aggregate principal amount not to exceed \$80,000,000, for the purpose of refunding (I) All or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government Taxable General Obligation Public Project Bonds, Series 2010A (Build America Bonds - Direct Pay) dated February 17, 2010; (II) All or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government Various Purpose General Obligation Public Projects Bonds, Series 2010F (Federally Taxable -Build America Bonds - Direct Payment to the Issuer), dated December 28, 2010; and (III) All or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government Various Purpose General Obligation Public Projects Bonds, Series 2010G (Federally Taxable-Recovery Zone Economic Development Bonds-Direct Payment to the Issuer), dated December 28, 2010; approving a form of Bond; authorizing designated officers to execute and deliver the Bonds; providing for the payment and security of the Bonds; creating a Bond Payment Fund and Escrow Funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the Bid of the Bond Purchaser for the purchase of the Series 2013D Refunding Bonds; authorizing an Escrow Trust Agreement; and repealing inconsistent ordinances.

Ordinance of the Lexington-Fayette Urban County Government authorizing and providing for the issuance of Sewer System Refunding Revenue Bonds, Series 2013E, in one or more subseries, in an aggregate principal amount not to exceed \$35,000,000, dated the date of delivery, for the purpose of refunding all or a portion of the outstanding principal amount of its Taxable Sewer System Revenue Bonds, Series 2009 (Build America Bonds - Direct Pay); setting forth the terms and conditions upon which said Series 2013E Bonds are to be issued and outstanding; approving a form of Bond; authorizing designated officers to execute and deliver the Series 2013E Bonds; creating an Escrow Fund; authorizing a Certificate of Award for the acceptance of the Bid of the Purchaser for the purchase of the Series 2013E Bonds; authorizing an Escrow Trust Agreement; and taking other related actions.

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. 11.

An Ordinance creating a Pedestrian Oriented Business District for properties located at 303, 304, 315, 319, 325, 327, 329-333, 333, 341, 345, 357, 371, 377, 385, and 395 S. Limestone St.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$3,750,000 in the Office of the Urban County Council for capital projects from the fund balance of the General Services District Fund, and appropriating and re-appropriating funds, Schedule No. 13.

* *

A Resolution ratifying the probationary civil service appointments of: Robert Thomas, Public Service Worker Sr., Grade 107N, \$13.441 hourly in the Div. of Facilities and Fleet Management, effective August 12, 2013; Ernest Clark, Public Service Supervisor Sr., Grade 114E, \$1,788.96 bi-weekly in the Div. of Streets and Roads, effective upon passage of Council; Tamara McMullen, Administrative Specialist, Grade 110N, \$17.457 hourly in the Div. of Planning, effective August 5, 2013; Carl Lilly, Public Service Supervisor, Grade 111N, \$21.313 hourly in the Div. of Facilities and Fleet Management, effective August 12, 2013; Rickie Hall, Project Manager, Grade 114E,

\$1,778.64 bi-weekly in the Div. of Water Quality, effective August 19, 2013; Kelly Lykes, Skilled Trades Worker, Grade 111N, \$15.818 hourly in the Div. of Community Corrections, effective August 26, 2013; John Saylor, Arborist Sr., Grade 115E, \$1,877.20 bi-weekly in the Div. of Environmental Policy, effective August 29, 2013; ratifying the permanent civil service appointments of: Alecia Smith, Administrative Specialist Sr., Grade 112N, in the Div. of Human Resources, effective December 18, 2012; Mary Lyle, Human Resources Manager, Grade 119E, in the Div. of Human Resources, effective October 16, 2012; Ashley Case, Human Resources Manager, Grade 119E, in the Div. of Human Resources, effective January 2, 2013; John Maxwell, Director Human Resources, Grade 123E, in the Div. of Human Resources, effective January 9, 2013; Tamara Walters, Deputy Director Human Resources, Grade 122E, in the Div. of Human Resources, effective February 13, 2013; Kina Suarez, Administrative Specialist Sr., Grade 112N, in the Div. of Human Resources, effective March 3, 2013; Margaret Nesbitt, Human Resources Generalist, Grade 118E, in the Div. of Human Resources, effective May 29, 2013; Darrell Doty, Police Analyst, Grade 111N, in the Div. of Police, effective June 3, 2013, Stephen Drosick, Engineering Technician, Grade 111N, in the Div. of Engineering, effective August 4, 2013; Joy Thomas, Custodial Worker, Grade 102N, in the Div. of Facilities and Fleet Management, effective August 19, 2013; ratifying the probationary sworn appointments of: Lisa Farmer and Hunter Hershey, Community Corrections Lieutenant, Grade 114E, \$2,143.21 bi-weekly, in the Div. of Community Corrections, effective July 15, 2013; ratifying the permanent sworn appointments of: Rahsaan Berry, Police Sergeant, Grade 315N, in the Div. of Police, effective June 10, 2013; Chase Allen, Jeffrey Brangers, Kendall Buford, Weslee Farley, Benjamin Fielder, Nicole Gibson, Cliff Godbold, Robert Holland, Stephanie McClain, Jason Mitchell, Meredith Myers, Benjamin Riggs, Mary Shofner, Kelly Shortridge, Robert Sinnott, Roman Sorrell, Anthony Sullivan, Phillip Toms, Brian Weir, Ryan White, Ronald Willis, and Alejandro Zaglul, Police Officer, Grade 311N, in the Div. of Police, effective July 3, 2013; ratifying the Approved Council Leave for: William Duncan, Vehicle and Equipment Technician, Grade 112N, in the Div. of Facilities and Fleet Management, beginning July 30, 2013 thru October 30, 2013 was on the docket for second reading.

Ms. Akers asked questions of Mr. John Maxwell, Div. of Human Resources, regarding the Div. of Human Resources appointments listed in the resolution. Mr. Maxwell responded. Ms. Janet Graham, Commissioner of the Dept. of Law, also responded.

The Council continued to ask questions of Ms. Graham and Mr. Maxwell regarding the appointments in the resolution.

Ms. Henson asked that future personnel resolutions include salary information for permanent appointments.

Ms. Scutchfield requested a presentation from Ms. Graham on staff promotions in recent months.

The Council continued to ask questions of Ms. Graham.

Ms. Akers made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to include salary information for all appointments listed in personnel resolutions.

Mr. Myers made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to place a review of the probationary civil service appointment process and the Div. of Human Resources structure into the Council General Government Committee.

The Mayor spoke on the issue, and thanked Ms. Graham for her work with the Div. of Human Resources.

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

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

Nay: Farmer------1

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of Clearwater Way and Ridgeway Rd. was on the docket for second reading.

Upon motion of Mr. Beard, seconded by Mr. Ellinger, and approved by unanimous vote, the resolution was amended to change the name of Ridgeway Road to Ridgewater Drive. Mr. Beard stated this was a material change and would require a new first reading.

Mr. David Barberie, Dept. of Law, responded to questions from the Mayor regarding the process.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of Clearwater Way and Ridgewater Drive was given first reading as amended.

Upon motion of Mr. Beard, seconded by Mr. Myers, the rules were suspended by unanimous vote.

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

Aye:	Lane, Lawless, Mossotti, Myers, Scutchfield, Stinnett, Akers, Beard, Clarke, Ellinger, Farmer, Ford, Gorton, Henson14	
Nay:		0
	*	*

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

Aye:	Lane, Lawless, Mossotti, Myers, Scutchfield, Stinnett, Akers, Beard, Clarke, Ellinger, Farmer, Ford, Gorton, Henson14
Nay:	

A Resolution accepting the bids of Kalkreuth Roofing and Sheet Metal, Inc., and Pearce-Blackburn Roofing, LLC, establishing price contracts for roof repairs and maintenance, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of ZKB Services, LLC, establishing a price contract for Sidewalk Ramp Installation for the Div. of Engineering, and authorizing the Mayor to execute any related Agreement.

A Resolution accepting the bid of Gall's, LLC, establishing a price contract for Soft Body Armor, for the Div. of Police.

A Resolution accepting the bid of Bluegrass Contracting Corporation, in the amount of \$3,310,582.35, for the Clays Mill Rd. Improvement Project Section 2B, for the Div. of Engineering, and authorizing the Mayor, on behalf of the Urban County

Government, to execute an Agreement with Bluegrass Contracting Corporation, related to the bid.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Alarm Agreement and Addendum with Sonitrol of Lexington, Inc., for installation and activation of alarm system at 1795 Old Frankfort Pike, at a cost not to exceed \$1,508.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Board of Education, for use of Henry Clay High School Track for the Hershey Track Meet, at a cost not to exceed \$174.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Cabinet for Health and Family Services; Dept. for Public Health, Office of Vital Statistics, for the exchange of information contained in vital records.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Lexington Fayette County Health Dept. of two televisions, for use at the William Wells Brown Community Center on behalf of the Bluegrass Aspendale Teen Center, at no cost to the Urban County Government.

A Resolution changing the property address numbers of 207-209 E. Seventh St. to 207 E. Seventh St., of 1391 W. Main St. to 1389 W. Main St., and of 6784 Old Richmond Rd. to 6398 Old Richmond Rd.; and changing the street name and property address number of 2200 Inglewood Circle to 3929 Peppertree Dr., all effective thirty days from passage.

A Resolution declaring as surplus and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute Deeds and any other necessary documents for the sale and transfer of property located at 426 and 430 Smith St.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Kalkreuth Roofing and Sheet Metal, for roof repair for the Senior Citizens' Center, decreasing the contract price by the sum of \$3,945 from \$55,989 to \$52,044.

A Resolution authorizing and directing the Div. of Parks and Recreation on behalf of the Urban County Government, to negotiate the possible purchase of a 14 acre parcel of land surrounded by Raven Run Sanctuary.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. of Waste Management, 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 \$3,000 Commonwealth of Ky. funds, and are for disposal or recycling of waste tires, 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 the Fayette County Commonwealth Attorney's Office, for a "Fast Track" Prosecutor for the Street Sales Drug Enforcement Project, at a cost not to exceed \$59,920.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 6 to the Agreement to manage the Ky. Theater with Ky. Theater Management Group, Inc., extending the term for one year through October 31, 2014.

A Resolution authorizing the Div. of Emergency Management/911 to obtain support services for its Emergency Notification System from Dialogic Communications Corp. (DCC) d/b/a Cassidian Communications, a sole source provider, at a cost not to exceed \$31,330, and authorizing the Mayor to execute any necessary documents.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with NeuStar, Inc., to provide access to the Number Portability Administration Center in support of Enhanced 911 services, for an additional period of up to three (3) years, at a cost not to exceed \$3,200 in FY 2014.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Ky. Community and Technical College Systems, Bluegrass Community and Technical College, for internship with the Div. of Police.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Contract with Todd Johnson Contracting for the Roland Ave. Stream Bank Stabilization Project, increasing the contract price by the sum of \$26,428.96 from \$184,631.05 to \$211,060.01.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Lease Agreement with WINMAR Corp., for additional office space at 125 Lisle Industrial Rd., for the Div. of Water Quality, at a cost not to exceed \$371,505.21 for the entire lease for FY14.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement and a Lease Agreement with Lexington-Fayette Animal Care and Control, LLC, for animal control services, at a cost not to exceed \$1,105,980.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Group CJ, LLC, for the Mobility Office Marketing Campaign for FY 2014, at a cost not to exceed \$44,400.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Energy and Environment Cabinet, which Grant funds are in the amount of \$300,000 Federal funds, are for implementation of the Wolf Run Watershed Based Plan, the acceptance of which obligates the Urban County Government for the expenditure of \$200,000 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 Certificates of Consideration and any other necessary documents, and to accept Deeds for property interests needed for the Walhampton Stormwater Improvements Project, at a cost not to exceed \$410,000.

A Resolution rescinding Resolution No. 190-2013 which accepted the bid of MCM Demolition, Inc., and accepting the bid of Pace Contracting for Secondary Digester Blend Tank Damaged Cover Demolition and Removal in the amount of \$30,000, for the Div. of Water Quality.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Four (4) to the Contract with Triton Services, Inc., for

HVAC and Piping Repair for the Phoenix Building, increasing the contract price by the sum of \$6,801 from \$234,570 to \$241,371.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Engineering Services Agreement with Hazen and Sawyer, P.S.C. for Sanitary Sewer Assessment Reports and Sanitary Sewer and WWTP Remedial Measures Plans for Consent Decree Implementation, increasing the contract price by the sum of \$1,444,145.95 from \$3,500,000 to \$4,944,145.95.

Declaration of Official Intent with respect to reimbursement of temporary advances made for capital expenditures to be made from subsequent borrowings.

A Resolution approving the Fayette County Sheriff's Settlement - 2012 Taxes, for taxes collected as of April 15, 2013, and granting the Sheriff a Quietus.

A Resolution accepting the bid of Allen Brothers Construction, Inc., in the amount of \$82,100, for McConnell Springs Fire Damage Repair, for the Div. of Parks and Recreation was given first reading.

Upon motion of Ms. Akers, seconded by Mr. Myers, the rules were suspended by unanimous vote.

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

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

Nay: ------0
(Ms. Mossotti was absent when the vote was taken.)

A Resolution ratifying the probationary civil service appointments of: Shannon Taylor, Grade 110N, \$16.632 hourly, Angela Mullins-Thompson, Grade 110N, \$17.437 hourly, Rhonda Bach, Grade 110N, \$18.242 hourly, Daniel Florence, Grade 110N, \$18.242 hourly, Probation Officer, in the Div. of Community Corrections, all effective upon passage of Council, Lois Poole, Administrative Specialist, Grade 110N, \$17.513 hourly in the Div. of Community Corrections, effective September 9, 2013, Irma Bennett, Early Child Care Teacher, Grade 110E, \$1,427.12 bi-weekly in the Div. of Family

Services, effective upon passage of Council, Coo-ee Parks, Nuisance Control Officer, Grade 111N, \$16.684 hourly in the Div. of Code Enforcement, effective September 9, 2013, Connie Hayes, Buyer, Grade 112E, \$1,472.08 bi-weekly in the Div. of Purchasing, effective August 19, 2013, James York, Telecommunicator Senior, Grade 113N, \$17.336 hourly in the Div. of Police, effective upon passage of Council, Oliver Steele, Code Enforcement Officer, Grade 113N, \$21.880 hourly in the Div. of Code Enforcement, effective September 9, 2013, ratifying the permanent civil service appointments of: Donald Bandach, Equipment Operator Senior, Grade 109N in the Div. of Streets and Roads, effective August 18, 2013, Denise Washington, Customer Service Specialist, Grade 110N in the Div. of Government Communications, effective August 12, 2013, Lindsey Luker, Accountant, Grade 113E in the Div. of Accounting, effective August 20, 2013, ratifying the probationary sworn appointments of: Maulauna Trowell and Timothy Carpenter, Community Corrections Sergeant, Grade 112N, \$23.190 hourly in the Div. of Community Corrections, all effective August 26, 2013 was given first reading.

Upon motion of Ms. Lawless, seconded by Mr. Myers, the rules were suspended by unanimous vote.

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

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

Nay: -----0
(Ms. Mossotti was absent when the vote was taken.)

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Sharon Hays, Administrative Specialist, Grade 110N, \$16.615 hourly in the Dept. of General Services, Michael Mayer, Probation Officer, Grade 110N, \$17.839 hourly in the Div. of Community Corrections, Joel Nkane, Skilled Trades Worker Sr., Grade 112N, \$17.435 hourly in the Div. of Facilities and Fleet Management, all effective upon passage of Council, Ross Guffey, Associate Municipal Engineer, Grade 115E, \$1,591.84 bi-weekly in the Div. of Water Quality, effective September 9, 2013; authorizing the Div. of Human Resources

to make a conditional offer to the following unclassified civil service appointments: Chenae Fisher, Custodial Worker P/T, Grade 102N, \$10.00 hourly in the Div. of Family Services, effective upon passage of Council, Yolanda Pinilla, Child Care Program Aide P/T, Grade 107N, \$12.00 hourly in the Div. of Youth Services, effective August 26, 2013, John E. McElroy, Treatment Plant Operator Apprentice Class I, Grade 109N, \$15.983 hourly in the Div. of Water Quality, effective August 26, 2013 was given first reading.

Ms. Janet Graham, Commissioner of the Dept. of Law, requested that the rules be suspended in order to give second reading to the resolution.

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

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

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Kuumba Expressions (\$575), CASA of Lexington (\$750) and LeXenomics Group, Inc. (\$650), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading.

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

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

Aye: Lane, Lawless, Myers, Scutchfield, Stinnett,
Akers, Beard, Clarke, Ellinger, Farmer,
Ford, Gorton, Henson------------------------0
(Ms. Mossotti was absent when the vote was taken.)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Kroger Limited Partnership I to supply influenza vaccine and

administer vaccinations to Lexington-Fayette Urban County Government employees, at a cost of twenty-one dollars (\$21) per employee, and at a cost not to exceed \$38,546.05 was given first reading.

Ms. Janet Graham, Commissioner of the 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. Myers, the rules were suspended by unanimous vote.

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

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

Nay: ------0
(Ms. Mossotti was absent when the vote was taken.)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute new account applications with CIGNA, Trustmark, All State and American Heritage Life Insurance Co. for the purpose of offering voluntary benefits to all employees was given first reading.

Ms. Janet Graham, Commissioner of the Dept. of Law, requested that the rules be suspended in order to given second reading to the resolution.

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

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

Aye: Lane, Lawless, Myers, Scutchfield, Stinnett,
Akers, Beard, Clarke, Ellinger, Farmer,
Ford, Gorton, Henson------------------------0
(Ms. Mossotti was absent when the vote was taken.)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Management Advisory Group International, Inc., for human resource management consulting services to include the

performance of a comprehensive outside classification and compensation review, at a cost not to exceed \$45,000 was given first reading.

Ms. Janet Graham, Commissioner of the Dept. of Law, requested that the rules be suspended in order to give second reading to the resolution.

Ms. Lawless made a motion, seconded by Ms. Henson, to suspend the rules for second reading.

Mr. Farmer asked questions of Ms. Graham regarding the resolution. Ms. Graham responded.

The motion **passed** by a vote of 13-1 (Mr. Farmer voted **no**).

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

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

Nay: -----0
(Ms. Mossotti was absent when the vote was taken.)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Fayette County 4-H Council, Inc. (\$1,000), Partners for Youth (\$2,000), and Community Organizers of Lexington, Inc. (\$775), for the Office of the Urban County Council, at a cost not to exceed the sums stated was on the docket for first reading.

Ms. Lawless made a motion, seconded by Mr. Myers, and approved by unanimous vote, to amend the resolution to add an allocation to the Pralltown Neighborhood Association (\$500.00).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Fayette County 4-H Council, Inc. (\$1,000), Partners for Youth (\$2,000), Community Organizers of Lexington, Inc. (\$775), and Pralltown Neighborhood Association (\$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 Mr. Ford, seconded by Mr. Myers, the rules were suspended by unanimous vote.

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

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

Nay: ------0
(Ms. Mossotti was absent when the vote was taken.)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Fayette County Leestown Middle School (\$250), for the Office of the Urban County Council, at a cost not to exceed the sum stated was given first reading.

Ms. Akers made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to amend the resolution to add 'PTSA' to the entity name.

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

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Fayette County Leestown Middle School PTSA (\$250), for the Office of the Urban County Council, at a cost not to exceed the sum stated was given second reading as amended.

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

The following resolutions were given first reading. Mr. David Barberie, Dept. of Law, requested that the rules be suspended in order to give second reading to the resolutions.

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 Ms. Gorton, and seconded by Mr. Myers, the resolutions were approved by the following vote:

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

Nay: ------0
(Ms. Mossotti was absent when the vote was taken.)

A Resolution of the Lexington-Fayette Urban County Government authorizing the advertisement for Bids and the distribution of a Preliminary Official Statement for the purchase of the principal amount of its (I) Various Purpose General Obligation Bonds, Series 2013C in an amount not to exceed \$18,250,000; and (II) Various Purpose General Obligation Refunding Bonds, Series 2013D in a principal amount not to exceed \$80,000,000.

A Resolution of the Lexington-Fayette Urban County Government authorizing the advertisement for Bids and the distribution of a Preliminary Official Statement for the purchase of the principal amount of its Sewer System Refunding Revenue Bonds, Series 2013E, in an amount not to exceed \$35,000,000.

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

A Resolution accepting the bid of Perdue Environmental Contracting Co., Inc. d/b/a PECCO, LLC, establishing a price contract for Hazardous Material Spill Clean Up, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of ZKB Services, LLC, establishing a price contract for Clearing and Grubbing Services for Sanitary Sewer Manholes for the Div. of Water Quality.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Central Indiana Truck Equipment Corp., a sole source provider, for purchase of Heil Python Multipack Refuse Truck Bodies for the Div. of Waste Management, at a cost not to exceed \$211,769 each.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Multi-Year Agreements with Time Warner Cable, for connectivity for the EDACS Radio System and NetMotion internet access, for the Div. of Fire and Emergency Services, at a cost not to exceed \$14,280 for Fiscal Year 2014.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Energy and Environment Cabinet, 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 \$145,326.91 Commonwealth of Ky. funds, are for continuation of the Litter Abatement 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. [Div. of Grants and Special Programs/Dept. of Environmental Quality and Public Works, Gooding/Moloney] 0861-13 A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Murphy + Graves Architects, for design and engineering services for renovation of the Emergency Operations Center at 115 Cisco Rd., at a cost not to exceed \$427,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Columbia Gas of Ky., for relocation of utilities for the Clays Mill Rd. Improvements Project - Section 2C, at a cost not to exceed \$38,281.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Services Agreement with the University of Ky. and the UK Arboretum for stormwater education and outreach workshops for the Div. of Environmental Policy, at a cost not to exceed \$50,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Bluegrass Chapter of American Red Cross, for assistance to families affected by disasters.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Donation Agreement with Wells Fargo Bank, N.A., accepting donation of the property located at 471 N. Upper St., and authorizing the Mayor, on behalf of the Urban County Government, to execute a Deed, and any other documents

necessary, to transfer the property to the Fayette County Local Development Corporation for construction of affordable housing for low-income households.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit an Application to the Ky. Infrastructure Authority (KIA), and to provide any additional information requested in connection with the Application, for a Low Interest State Revolving Fund Loan in the amount of \$9,837,063 for the Lower Cane Run Wet Weather Storage Project.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (2) to the Contract with Churchill McGee, LLC, for the Carver Community Center Renovation for the Newtown Pike Extension Project, increasing the contract price by the sum of \$2,405.56 from \$1,098,175.85 to \$1,100,581.41.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Addendum to the Agreement with PowerPhone, Inc., to provide training and materials related to Emergency Medical Dispatch Certification for E911 personnel, at an estimated cost not to exceed \$9,176.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Services Agreement with Rave Wireless, Inc. d/b/a Rave Mobile Safety, to provide software, training, and implementation services related to the E911 System, for a period of up to five years, subject to sufficient funds being appropriated in future fiscal years, at a cost not to exceed \$107,000 in FY 2014.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Division of Forestry, and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$15,000 Federal funds, and are for Lexington's Tree Canopy Assessment and Planting Plan.

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, and 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 \$27,979.72 Commonwealth of Ky. funds, are for

capital improvements to 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.

* *

Upon motion of Ms. Gorton, seconded by Mr. Stinnett, and passed by majority vote (Ms. Mossotti was absent when the vote was taken), the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Mr. Robert Bolson to the Arboretum Advisory Committee, with a term to expire 1-1-2017. The term of Vice Mayor Linda Gorton has expired; (2) Recommending the reappointment of Ms. Claudia Goggin to the Carnegie Literacy Center Board of Directors, with a term to expire 9-1-2017; (3) Recommending the appointment of Mr. Robert Bolson to the CASA Board, with a term to expire 6-11-2017; (4) Recommending the appointment of Mr. Bradley Boaz, as Landscape Architect representative, to the Greenspace Commission, with a term to expire 7-18-2017; (5) Recommending the reappointment of Mr. William Graves, as Builder/Developer representative, to the Historic Preservation Commission, with a term to expire 6-30-2017; (6) Recommending the reappointment of Ms. Laura Boison, as At-Large representative, to the Industrial Revenue Bond Review Committee, with a term to expire 9-27-2017; (7) Recommending the appointment of Mr. Jack Miller to the Senior Services Commission, with a term to expire 9-1-2014. Mr. Miller will fill the unexpired term of Mr. Troy Johnson; and (8) Recommending the reappointment of Mr. J. Robert McLaughlin to the Social Services Advisory Board, with a term to expire 9-1-2017.

* * *

Ms. Henson thanked Ms. Gorton for arranging the Council's recent session on economic development.

* *

Ms. Akers announced that there would be a Prayer Walk for Peace on Sunday, September 1, 2013, beginning at Imani Baptist Church.

She also reminded the Council that they had been invited to the Senior Center on Wednesday, September 4, 2013, at 10:30 a.m. for coffee.

* *

Mr. Bernard McCarthy, Harry Street, spoke about ad valorem taxes and total tax bills. He also spoke about traffic congestion.

Upon motion of Ms. Gorton, seconded by Ms. Akers, and approved by majority vote (Ms. Mossotti was absent when the vote was taken), the meeting adjourned at 8:02 p.m.

Clerk of the Urban County Council