

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky November 20, 2014

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 20, 2014 at 6:00 P.M. Present were Vice-Mayor Gorton in the chair presiding in the absence of Mayor Gray, and the following members of the council: Council Members Clarke, Ellinger, Farmer, Ford, Kay, Lawless, Mossotti, Myers, Scutchfield, Stinnett, Akers and Beard. Absent were Council Members Henson and Lane.

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

Resolutions No. 616-2014 through 637-2014, and Ordinance No. 134-2014 through 139-2014, inclusive, were reported as having been signed and published, and ordered to record.

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky

November 20, 2014

The invocation was given by Pastor Josh Brown, Remnant Community Church.

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Upon motion of Ms. Akers, seconded by Mr. Beard, the Minutes of the October 23, 2014 Council Meeting were approved by unanimous vote.

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Ms. Gorton was joined at the podium by Ms. Christine Leistner, University of Kentucky Center for Community Outreach, Mr. Walter Brown, Student President of University of Kentucky's Campus Kitchen Project, and Mr. Charlie Lanter, Director of the Office of Homelessness Prevention and Intervention. Ms. Gorton spoke about homelessness in Lexington and the University of Kentucky's involvement in this matter.

Mr. Lanter read the Proclamation honoring National Hunger and Homelessness Awareness Week proclaiming the week of November 16, 2014 National Hunger and Homelessness Awareness Week in Lexington.

Ms. Leistner thanked the Council for their partnership and spoke about education and awareness. She introduced Mr. Brown who started the Campus Kitchens Program.

Mr. Brown spoke about the Program and its partnerships, and thanked Council.

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Ms. Janet Graham, Commissioner of the Dept. of Law, introduced Mr. Joe Scholler, Frost, Brown, Todd, LLC, who represented the LFUCG in collective bargaining negotiations. Mr. Scholler spoke about the negotiations and the changes in the Firefighter Collective Bargaining Agreement. He spoke about changes to Firefighter educational, sick leave, tuition reimbursement, and incentive pay.

Mr. Scholler introduced Mr. Chris Bartley, Div. of Fire and Emergency Services, and President of IAFF Local 526. Mr. Bartley spoke about the negotiations and the professionalism from both parties. He spoke about Lexington's labor management progress. He thanked Mr. Scholler and the Council.

Mr. Stinnett asked Mr. Bill O'Mara, Commissioner of the Dept. of Finance, about the budgetary impact of the Agreement. Mr. O'Mara spoke about the impact over multiple years, a one-time payment to certain positions and tuition reimbursement. He

stated that there are no budget amendments needed as funds were already included in the FY 2015 Budget. He stated that turnover can affect the total budgetary impact. Mr. Stinnett asked about the FY 2015 impact and Mr. O'Mara responded.

Upon motion of Mr. Stinnett, seconded by Ms. Mossotti, and approved by unanimous vote, a Resolution accepting the Collective Bargaining Agreement by and between the Lexington-Fayette Urban County Government and Lexington Professional Firefighters, IAFF Local 526, on behalf of the Firefighters, Lieutenants, and Captains in the Div. of Fire and Emergency Services, was placed on the docket, given first reading, and ordered placed on file until December 4, 2014, for public inspection.

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An Ordinance closing Washington Ave.; determining that the property owner abutting the street to be closed has been identified, provided with written notice of the proposed closing, and consented thereto in writing; and authorizing the Mayor, on behalf of the Urban County Government, to execute a quitclaim deed transferring the former right-of-way to the abutting owner, subject to the reservation of easements and restrictions was on the docket for second reading.

Ms. Lawless asked if the University of Kentucky would assume responsibility for paving the Washington Avenue area. It was determined that the University of Kentucky would assume responsibility.

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

Aye: Clarke, Ellinger, Ford, Gorton, Kay,
Mossotti, Myers, Scutchfield, Stinnett, Akers,
Beard-----11

Nay: Farmer, Lawless-----2

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An Ordinance changing the zone from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.588 net (0.852 gross) acres, for property located at 626-634 Euclid Avenue (Caller Properties, LLC; Council District 3) was given second reading, having been given first reading at the Special Council Meeting on November 17, 2014.

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

Aye: Clarke, Ellinger, Farmer, Ford, Gorton,
Lawless, Mossotti, Myers, Scutchfield, Akers,
Beard-----11

Nay: -----0
(Mr. Kay and Mr. Stinnett abstained when the vote was taken.)

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

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

Nay: -----0

An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of its (i) Various Purpose General Obligation Bonds, Series 2014B, in one or more subseries, in an aggregate principal amount not to exceed \$29,000,000; and (ii) Energy Conservation General Obligation Bonds, Series 2014C (Federally Taxable - Qualified Energy Conservation Bond - direct payment to the issuer) in a principal amount not to exceed \$3,000,000; approving a form of each series of Series 2014 Bonds; authorizing designated officers to execute and deliver the Series 2014 Bonds; authorizing and directing the filing of notice with the State Local Debt Officer; providing for the payment and security of the series 2014 Bonds; creating a Sinking Fund; creating a Bond Payment Fund for each series of Series 2014 Bonds; authorizing acceptance of the bid(s) of the bond purchaser(s) of the Series 2014 Bonds; and repealing inconsistent ordinances.

An Ordinance of the Lexington-Fayette Urban County Government adopting policies regarding post-issuance compliance with federal tax and securities laws.

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. 22.

An Ordinance amending the authorized strength by abolishing one (1) Classified Civil Service Position of Staff Assistant, Grade 508N, and creating one (1) Classified

Civil Service Position of Logistics Officer, Grade 508N, in the Div. of Emergency Management/911, appropriating funds pursuant to Schedule No. 21.

An Ordinance amending the authorized strength by abolishing one (1) Classified Civil Service Position of Public Service Worker, Grade 507N, and creating one (1) Classified Civil Service Position of Equipment Operator Sr., Grade 512N, and reclassifying the incumbent in the Div. of Waste Management, and appropriating funds pursuant to Schedule No. 27.

An Ordinance amending the authorized strength by abolishing two (2) Unclassified Civil Service Positions of Administrative Officer P/T, Grade 523E, and creating one (1) Classified Civil Service Position of Administrative Specialist Sr., Grade 516N, in the Dept. of Environmental Quality and Public Works, appropriating funds pursuant to Schedule No. 25.

An Ordinance amending the authorized strength by abolishing one (1) Unclassified Civil Service Position of Public Service Worker, Grade 507N, and creating one (1) Unclassified Civil Service Position of Resource Recovery Operator, Grade 513N, and reclassifying the incumbent in the Div. of Waste Management, and appropriating funds pursuant to Schedule No. 26.

An Ordinance amending the authorized strength by abolishing one (1) Unclassified Civil Service Position of Social Worker Sr., Grade 516E, and creating one (1) Unclassified Civil Service Position of Social Services Coordinator, Grade 520E, in the Offices of Circuit Judges, effective upon passage of Council.

An Ordinance pursuant to Sections 3.02(24) and 6.12 of the Charter of the Lexington-Fayette Urban County Government creating the Div. of Aging and Disability Services; abolishing the following Classified Civil Service Positions: one (1) position of Director of Aging Services, Grade 527E, one (1) position of Social Worker Sr., Grade 516E, and one (1) position of Staff Assistant Sr., Grade 510N, all in the Dept. of Social Services, and creating the following Classified Civil Service Positions of: one (1) position of Director of Aging and Disability Services, Grade 527E, one (1) position of Social Worker Sr., Grade 516E, and one (1) position of Staff Assistant Sr., Grade 510N, all in the Div. of Aging and Disability Services; and abolishing the following Unclassified Civil Service Positions: one (1) position of Aging Services Program Manager, Grade

520E, two (2) positions of Program Supervisor P/T, Grade 519N, one (1) position of Social Worker, Grade 513E, one (1) position of Staff Assistant Sr., Grade 510N, one (1) position of Custodial Worker P/T, Grade 505N, and two (2) positions of Van Driver P/T, Grade 505N, all in the Dept. of Social Services, and creating the following Unclassified Civil Service Positions: one (1) position of Aging Services Program Manager, Grade 520E, two (2) positions of Program Supervisor P/T, Grade 519E, one (1) position of Social Worker, Grade 513E, one (1) position of Custodian P/T, Grade 505N, and two (2) positions of Van Driver P/T, Grade 505N, all in the Div. of Aging and Disability Services, transferring all the incumbents; effective July 1, 2015.

An Ordinance relating to the Summit Development Area (the "Development Area") established by Ordinance No. 116-2013 of the Lexington-Fayette Urban County Government (the "Development Area Ordinance"); approving a First Amendment to the Local Participation Agreement applicable to the Development Area; approving a First Amendment to the Master Development Agreement relating to the Summit Lexington Project within the Development Area; authorizing the Mayor and other staff of the Lexington-Fayette Urban County Government to execute all documents in accordance herewith for the development of the Development Area consistent with the amendments to the Local Participation Agreement and the Master Development Agreement as provided herein.

An Ordinance creating a ten (10) year, non-exclusive franchise for a cable television system within the confines of the Lexington-Fayette Urban County Government said franchise providing for: full financial and shareholder disclosure; indemnification by the franchise grantee and adequate insurance coverage; a \$50,000 letter of credit to ensure franchise compliance; payment to the Government; requirements for providing data, testing the system, and meeting minimum operational standards; conditions of street occupancy; use of poles; minimum construction standards; minimum requirements for extending the system; access to community facilities; public, educational and government access channels; emergency alert override; antenna switches; two hour stand-by power; testing and analyzing the system and proof of performance; establishment of consumer services standards; establishment of standards for billing practices; establishment of a complaint procedure;

refunds to subscribers for failure of service; rate regulation; council approval required for a transfer of control or assignment of the franchise; standards and procedures established for forfeiture of the franchise, assessment of penalties and valuation of the system; foreclosure and receivership provisions; reserving Government rights in the franchise; assurances of nondiscrimination; protections of subscriber privacy; administrative supervision of the franchise; government access to property and records.

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An Ordinance amending Section 2-465 of the Code of Ordinances related to the Corridors Commission to amend the voting membership to be the chairperson, or his/her designee, of the Tree Board instead of a representative of the Tree Board, changing Federated Garden Club to Lexington Council Garden Club, and changing Bluegrass Pride to Bluegrass Greensource; changing the non-voting membership from eight (8) to seven (7), changing the representative of the Depts. of Public Works and Environmental Quality to the Dept. of Environmental Quality and Public Works was on the docket for second reading.

Upon motion of Mr. Farmer, seconded by Mr. Ellinger, and approved by unanimous vote, the ordinance was amended to delete the change to the Tree Board member. Mr. Farmer stated this was a material change and would require a new first reading. He also explained the need for the amendment.

An Ordinance amending Section 2-465 of the Code of Ordinances related to the Corridors Commission to amend the voting membership changing Federated Garden Club to Lexington Council Garden Club, and changing Bluegrass Pride to Bluegrass Greensource; changing the non-voting membership from eight (8) to seven (7), changing the representative of the Depts. of Public Works and Environmental Quality to the Dept. of Environmental Quality and Public Works was given first reading as amended and ordered placed on file until December 4, 2014 for public inspection.

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The following ordinances were given first reading and ordered placed on file until December 4, 2014 for public inspection.

An Ordinance amending Article 22 of the Zoning Ordinance to establish the LuigART Planned Unit Development-2 (PUD-2) zone in a new Appendix 22B. (Urban County Planning Commission).

An Ordinance expanding and extending Partial Urban Services District #3 for the Urban County Government for the provision of garbage and refuse collection, to include the area defined as certain properties on the following streets: Bobwhite Trl., Feliciana Ln., Tradition Cir., Beacon St., Majestic Dr., Monarch St., Verandah Pl., and Wall St.

An Ordinance expanding and extending Partial Urban Services District #7 for the Urban County Government for the provision of garbage and refuse collection and street cleaning, to include the area defined as certain properties on the following streets: Somersly Pl., Deer Haven Ln., Meeting St., Russell Cave Rd., Newtown Pike, Our Tibbs Trl., Stolen Horse Trc., Wentworth Pl., Lochmere Loop, Lochmere Ct., Old Schoolhouse Ln., and Lochmere Pl.

An Ordinance amending the authorized strength by abolishing one (1) Classified Civil Service Position of Computer Analyst, Grade 520E, and creating one (1) Classified Civil Service Position of Systems Analyst, Grade 520E, in the Div. of Computer Services, appropriating funds pursuant to Schedule No. 28.

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. 29.

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

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

Nay: -----0

A Resolution accepting the bid of Wood Connection, LLC, in the amount of \$37,200, for Pump Station Building Renovation, for the Div. of Water Quality.

A Resolution accepting the bid of Riddell Construction, Inc., in an amount not to exceed \$597,720, for Roofing and HVAC Renovations at Coroner's Office and Community Action Council, for the Div. of Facilities and Fleet Management, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Riddell Construction, Inc., related to the bid.

A Resolution accepting the bid of Roberts Heavy Duty Towing, Inc., establishing a price contract for towing of LFUCG vehicles, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of SCINA Lawncare Services, LLC; DellaValle Management, Inc.; and ZKB Services, LLC, establishing price contracts for snow removal, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Mitchell Construction Management, Inc., in the amount of \$151,750, for Restroom Renovation at Fire Station No. 1, for the Div. of Fire and Emergency Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Mitchell Construction Management, Inc., related to the bid.

A Resolution accepting the bid of Grant's Excavating, Inc., in the amount of \$705,632.50, for the Walhampton Stormwater Improvements, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Grant's Excavating, Inc., related to the bid.

A Resolution accepting the bid of Angel Contracting, LLC, in the amount of \$28,600, for Installation of Water Fountains at Shillito Park Sports Field, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Contemporary Galleries of WV, Inc. d/b/a CG Concepts, in the amount of \$269,632.56, for Furniture for Senior Citizens Center, for the Dept. of General Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Contemporary Galleries of WV, Inc. d/b/a CG Concepts, related to the bid.

A Resolution accepting the bid of Clyde Armory, Inc., establishing a price contract for Submachine Guns and Accessories, for the Div. of Police.

A Resolution accepting the bid of Guarantee Pest Control, Inc., establishing a price contract for pest control services.

A Resolution ratifying the Probationary Civil Service Appointments of: William Crowders, Public Service Worker Sr., Grade 509N, \$13.218 hourly, and William Gahafer, Public Service Worker Sr., Grade 509N, \$14.760 hourly, both in the Div. of Water Quality, effective November 17, 2014, Jonelle Patton, PSAP Manager, Grade

521E, \$2,313.76 biweekly, and Scott Osborne, PSAP Manager, Grade 521E, \$2,249.52 biweekly, both in the Div. of Emergency Management/911, effective November 17, 2014, and Harold Kouns, Recreation Manager, Grade 518E, \$1,801.36 biweekly in the Div. of Parks and Recreation, effective November 17, 2014; ratifying the Permanent Civil Service Appointments of: David Filiatreau, Traffic Engineer, Grade 520E, \$1,870.32 biweekly in the Div. of Traffic Engineering, effective November 5, 2014, Judith Cox, Telecommunicator, Grade 513N, \$16.066 hourly in the Div. of Emergency Management/911 effective November 5, 2014, Leticia Hagerman, Victim's Advocate, Grade 514N, \$17.159 hourly, effective August 10, 2014, and Joshua Roberts, Administrative Specialist, Grade 513N, \$16.066 hourly, effective November 5, 2014, both in the Div. of Police, Wanda Kean, Administrative Officer, Grade 523E, \$2,777.12 biweekly, effective September 24, 2014, Robert Morgan, Vehicle and Equipment Technician, Grade 514N, \$18.252 hourly, effective November 5, 2014, Michael Vaught, Vehicle and Equipment Technician, Grade 514N, \$20.280 hourly, effective November 5, 2014, Yvonne Gentry, Custodial Worker, Grade 505N, \$11.580 hourly, effective November 5, 2014, and Larry White, Custodial Worker, Grade 505N, \$12.780 hourly, effective November 5, 2014 all in the Div. of Facilities and Fleet Management; ratifying the Unclassified Civil Service Appointments of: Dolores Sanders, Social Services Coordinator, Grade 520E, \$1,808.55 biweekly in the Div. of Adult Services, effective November 17, 2014, and Zawadi Mubey, Custodial Worker - PT, Grade 505N, \$11.599 hourly in the Div. of Family Services, effective upon passage of Council; ratifying the lateral position change of Lauren Monahan, Program Specialist, Grade 513N, \$16.066 hourly in the Div. of Waste Management, effective November 3, 2014, and ratifying the Permanent Sworn Appointments of: Christopher Cooper, and Todd Iddings, Police Sergeant, Grade 315N, \$28.828 hourly both in the Div. of Police, effective August 24, 2014; and ratifying the council leave of Donald Walker, Resource Recovery Operator, Grade 513N, in the Div. of Waste Management, beginning September 25, 2014 through November 24, 2014.

A Resolution establishing a Residential Parking Permit Program for the first 300 feet of the east end of the 600 block of Mount Vernon Dr. from addresses 677/680 Mount Vernon Dr. to Kastle Rd. from 8:00 a.m. to 5:00 p.m., Monday through Friday.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to negotiate and execute a ten (10) year Grant Agreement pursuant to the Jobs Fund Program, with Sumitomo Electric Wiring Systems and/or its affiliates, in an amount not to exceed \$100,000, for the creation and retention of ten (10) new jobs with an average hourly wage of at least \$23.69, exclusive of benefits.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-46, to designate the area along Southpoint Dr. and Clearwater Way as being prohibited to through trucks, and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Ky. Dept. of Juvenile Justice, for the purpose of developing a liaison relationship between Ky. Dept. of Juvenile Justice and the Lexington Day Treatment Center, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Drug Enforcement Administration, for use of the trunked radio system.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the U.S. Dept. of Justice, Drug Enforcement Administration, for the Tactical Diversion Task Force.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) (Final) to the Contract with Grant's Excavating, Inc., for the Green Acres/Hollow Creek Road Sanitary Sewer Replacement and Stream Rehabilitation Project, increasing the contract price by the sum of \$40,630 from \$658,725 to \$699,355.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Hazen & Sawyer, P.S.C., for detail design and construction management services for the relocation of the Hartland Trunk Sewer in conjunction with a project of the Ky. Dept. of Highways, at a cost not to exceed \$46,430.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Supplemental Agreement No. 2 with the Ky. Transportation Cabinet, for the acceptance of additional Federal funds in the amount \$252,450.00 for the Polo Club Blvd. Right of Way Acquisition Phase, the acceptance of which obligates the Urban County Government for the expenditure of \$63,112.50 as a local match.

A Resolution accepting the response of Tetra Tech, Inc. to RFP 57-2014, and authorizing the mayor, on behalf of the Urban County Government, to execute an 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 \$816,000.

A Resolution terminating the moratorium imposed by Resolution No. 552-2000 and Resolution No. 5-2004, relating to sanitary sewer tap-on and building permit approvals for parcels located in the Blue Sky Rural Activity Center, effective upon passage.

A Resolution accepting the response of Group CJ, LLC to RFP 49-2014, and authorizing the 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 2015, at a cost not to exceed \$51,500.

A Resolution authorizing the Div. of Water Quality to use the KeepStock Secure System by Grainger to automatically manage select inventory, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with EOP Architecture for the Replacement Senior Citizen Center Design Project, increasing the contract price by the sum of \$1,740 from \$769,470 to \$771,210.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the Designation of Applicant's Agent Resolution designating Tyler Scott, Administrative Officer Senior, Dept. of Finance, as the Urban County Government's authorized agent for the purpose of obtaining certain federal financial assistance under the Disaster Relief Act or the President's Disaster Relief Fund.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Temporary Right of Entry Agreement with Dennis Anderson Townley Park Apts., LLC, for temporary right of access at 149 Old Town Walk, at a cost not to exceed \$10,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with the Lexington History Museum, Inc., for various services related to the education of the public regarding the history of Lexington-Fayette County, at a cost not to exceed \$35,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Trustmark Life Insurance Co. of NY for Universal Life Insurance with Long Term Care, for the Div. of Human Resources, at no cost to the Lexington-Fayette Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Humana, Inc. for Whole Life and Term Life Voluntary Benefits Insurance, for the Div. of Human Resources, at no cost to the Lexington-Fayette Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with S.R. Holdings Co. d/b/a Signature Special Event Services, for the provision of a temporary kitchen during the kitchen floor construction at the Div. of Community Corrections, increasing the contract price by the sum of \$96,307.84 from \$183,819.75 to \$280,127.59.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Ky. Service Company, Inc., for work to be performed at Thoroughbred Fountain, increasing the contract price by the sum of \$4,132.56 from \$187,777.06 to \$191,909.62.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3 to the Contract with Todd Johnson Construction, Co., for construction of the Meadows-Northland-Arlington Public Improvements Project, Phase 5A, for the Div. of Engineering, increasing the contract price by the sum of \$150,266.83 from \$1,476,330.16 to \$1,706,616.82, and appropriating funds.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Engineering Services Agreement with Stantec Consulting Services, Inc., for the Sanitary Sewer Capacity Assurance Plan (CAP) required by the Consent Decree, increasing the contract price by the sum of \$650,000 from \$1,012,500 to \$1,662,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Thomson Reuters for Westlaw on-line legal research and publications and Westlaw CLEAR Information Search Services, for the Dept. of Law, at a cost not to exceed \$38,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an extension of the current Memorandum of Understanding with the Internal Revenue Service, Criminal Investigations, to complete current investigations.

A Resolution designating the speed limit on Lyon Dr. between Man O' War Blvd. and Fort Harrods Dr. 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.

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

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

Aye: Clarke, Farmer, Ford, Gorton, Kay,
Lawless, Mossotti, Myers, Scutchfield, Stinnett,
Akers, Beard-----12

Nay: -----0
(Mr. Ellinger 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: Chy'anne Krugler, Administrative Specialist, Grade 513N, \$17.365 hourly, Tamara James, Administrative Specialist, Grade 513N, \$17.218 hourly, and Tasha Stevens, Administrative Specialist, Grade 513N, \$17.579 hourly, all in the Div. of Waste Management, effective December 1, 2014, David Ellis, Public Service Worker Sr., Grade 509N, \$13.724 hourly in the Div. of Streets and Roads, effective upon passage of Council, Tyler Curran, Britaney

Fleming, Bethany McFadden, and Amanda Youle, Telecommunicator Sr., Grade 516N, \$18.599 hourly all in the Div. of Emergency Management/911, effective December 1, 2014; and authorizing the Div. of Human Resources to make a conditional offer to the following Unclassified Civil Service Appointment: Teresa Grider, Budget Analyst Sr., Grade 521E, \$2,455.23 biweekly in the Office of the Council, effective upon passage of Council.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the contract with EOP Architects, PSC, for the Old Courthouse Structural Study, increasing the contract price by the sum of \$9,573.75 from \$110,000.00 to \$119,573.75.

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A Resolution ratifying the Probationary Civil Service Appointments of: Manwell Benton, Program Manager Sr., Grade 524E, \$2,198.31 biweekly, and John Day, Public Service Supervisor Sr., Grade 517E, \$1,592.24 biweekly, both in the Div. of Waste Management, and Gary Grimes, Public Service Supervisor Sr., Grade 517E, \$1,706.32 biweekly in the Div. of Water Quality, all effective December 1, 2014; ratifying the Permanent Civil Service Appointments of: Sean McStay, Public Service Worker Sr., Grade 509N, \$13.218 hourly in the Div. of Streets and Roads, effective November 5, 2014, and Kenneth Black, Recreation Supervisor, Grade 514E, \$1,349.60 biweekly in the Div. of Parks and Recreation, effective October 21, 2014; and ratifying the Probationary Sworn Appointments of: Stephen Yoder and Jeremiah Davis, Police Sergeant, Grade 315N, \$28.828 hourly, both in the Div. of Police, effective December 1, 2014 was given first reading.

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

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

Aye: Clarke, Farmer, Ford, Gorton, Kay,
Lawless, Mossotti, Myers, Scutchfield, Stinnett,
Akers, Beard-----12

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

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Lexington Sister Cities Commission (\$1,650), Boy Scouts of America (\$1,475), Girl Scouts of Ky. (\$1,425), Lexington Humane Society (\$1,550), Lexington Fairness, Inc. (\$850), Nerd Squad, Inc. (\$825), Douglas Bearcats (\$1,200), Greenhouse 17 (\$1,275), MLK Park Broncos (\$925.00), The Dr. Roy P. and Juanita Betz Peterson Arts & Education Fund, Inc.(\$750), Community Action Council (\$1,075), and Melrose-Oak Park NA, Inc. (\$300), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading.

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

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

Aye: Clarke, Farmer, Ford, Gorton, Kay,
Lawless, Mossotti, Myers, Scutchfield, Stinnett,
Akers, Beard-----12

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

* * *

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

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

Aye: Clarke, Farmer, Ford, Gorton, Kay,
Lawless, Mossotti, Myers, Scutchfield, Stinnett,
Akers, Beard-----12

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

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to Execute Change Order No. 3 to the Contract with Marrillia Design & Construction, for the Replacement Senior Citizen Center Design Project, increasing the contract price by the sum of \$102,869 from \$8,882,900 to \$8,985,769.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Asset Purchase and Sale Agreement with Ky. Utilities Co., to purchase the Downtown Area Public Granville Street Lights and related equipment and facilities, at a cost not to exceed \$475,000.

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A Resolution authorizing the Div.of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multi-way stop controls at the intersection of Mark Ave. and Cathy Ln. was given first reading.

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

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

Aye: Clarke, Farmer, Ford, Gorton, Kay,
Lawless, Mossotti, Myers, Scutchfield, Stinnett,
Akers, Beard-----12

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

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The following resolutions were given first reading and ordered placed on file until December 4, 2014, for public inspection.

A Resolution accepting the bid of RRC Company, LLC, in the amount of \$20,725, for Egress Door Installation at Materials Recycling Facility (MRF), for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Kerry Toyota, Inc., in the amount of \$55,100, for 2015 Toyota Tacoma Trucks, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Riley Oil Co., establishing a price contract for Synthetic Transmission Fluid, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of S&S Firestone, Inc. d/b/a S&S Truck Tire Center, in the amount of \$24,948, for Wheel Loader Tires, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Windstream Ky. East LLC, in accordance with the provisions of Ordinance No. 126-2014, 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. 126-2014.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Brownfields Cleanup Grant Application to the

Environmental Protection Agency, 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 \$200,000 Federal funds, and are for remediation of environmental concerns identified at the old Fayette County Courthouse, the acceptance of which obligates the Urban County Government for the expenditure of \$40,000 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 Letter Agreement with American Municipal Tax-Exempt Compliance Corp. (AMTEC), for professional services related to the Arbitrage Calculations for certain previous Sewer Bond issuances, at a cost not to exceed \$6,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amended Purchase of Service Agreement with Prevent Child Abuse Ky., replacing the original Purchase of Service Agreement Addendum with the November 2014 Revised Addendum, for the provision of child sexual abuse prevention training, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with the law firm of Miller Wells, PLLC, acting by and through Mason L. Miller, for assistance in negotiating and developing a new long term water utility franchise, at a cost not to exceed \$45,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. Two (2) to the Engineering Services Agreement with GRW Engineers, Inc., for design of the Liberty Rd./Todds Rd. Section Phase Two (2) Improvement Project, increasing the contract price by the sum of \$437,946 from \$671,045 to \$1,108,991.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Internal Revenue Service Sponsor Agreement and Civil Rights Assurance, for Volunteer Income Tax Assistance Programs at the Gainesway Community Center and the Central Ky. Job Center, at no cost to the Urban County Government.

A Resolution amending Resolution No. 507-2014 with The Tates Creek High School PTSA, Inc. amending the Agreement to change the use of the funds from the Tates Creek Campus Celebration to the purchase of five football helmets with a five (5) star rating per the Virginia Tech star rating system; adding a condition that the Tates Creek High School Football Team shall discontinue the use of and replace at least five (5) helmets that are rated as having two stars or less per the same system; and adding a condition that if the helmets are not discontinued or replaced, then the funds shall be returned to the Urban County Government.

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Mr. Clarke made a motion, seconded by Ms. Mossotti, to place on the docket a Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-46, to designate Snaffle Road, between Fort Harrods Drive and Beaumont Centre Circle, as being prohibited to through trucks, and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

Mr. Farmer asked Mr. Clarke for background information, and Mr. Clarke responded.

The motion **passed** by unanimous vote.

The resolution was given first reading, and ordered placed on file until December 4, 2014, for public inspection.

* * *

Upon motion of Mr. Stinnett, seconded by Ms. Mossotti, and passed by a majority vote of 12-0 (Mr. Ellinger was absent when the vote was taken), the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Mr. David Martorano, to fill the unexpired term of Dr. Robert Lynch as At-Large representative, to the Board of Health with term to expire 6/30/2015.; (2) Recommending the appointment of Mr. John Elling, as 12th District Resident representative, to the Environmental Commission with term to expire 10/1/2018; (3) Recommending the appointments of Ms. Danielle Sanders and Ms. Faith Thompson, to the Homelessness Prevention and Intervention Board with terms to expire 11/20/2016 and 11/20/2018 respectively; and (4) Recommending the appointment of Ms. Mary

Quinn Ramer to the Sister Cities Program Commission with term to expire 1/28/2016.

Ms. Ramer will fill the unexpired term of Mr. Jim Browder.

* * *

Mr. Stinnett stated as a point of order that that there is no rule allowing for a report in the Council Docket structure. He asked that Mr. Kay's report be heard under Announcements or scheduled as a Presentation.

Mr. Kay stated that the Report was required to be given by the end of November and could be given during announcements. Ms. Gorton recognized Mr. Kay to make his announcements.

Mr. Kay spoke about his report concerning the Infill and Redevelopment Steering Committee and stated it had been circulated to the Council. He spoke about the recommendations of the Committee, and noted that Mr. Ford had resigned from the Committee after several years of service. He stated the Committee would be seeking an additional member from the Council.

* * *

Mr. Stinnett spoke about circulars being placed on properties by the *Lexington Herald-Leader*. He asked Ms. Janet Graham, Commissioner of the Dept. of Law, for a status report on their research into the issue. Ms. Graham stated that the Dept. of Law was looking into the issue, and that there may be issues of free speech associated.

Mr. Kay spoke about the circulars as a littering issue.

Ms. Lawless stated that this is a problem in the student areas around the University of Kentucky. She stated citizens could contact the *Lexington Herald-Leader*, and thanked the Law Dept. for looking into this.

Mr. Farmer stated he had spoken with the Mr. Rufus Friday, Publisher of the *Lexington Herald-Leader*, and that citizens could call and indicate that they do not wish to receive these circulars. He stated the Council needed further discussion on this issue.

Ms. Akers stated that she had been contacted by constitutions, and shared a phone number for the *Lexington Herald-Leader* circulation desk - 859-231-3354.

Mr. Myers stated this is a public safety issue because the circulars can build up in a driveway if property owners are not at home.

Ms. Gorton asked Ms. Graham about the issue of free speech and private property. Ms. Graham responded.

* * *

Ms. Lawless reminded everyone that there would be no Council meetings during Thanksgiving week, and wished everyone a happy Thanksgiving. She encouraged everyone to do something kind for others. She also spoke about the Christmas Parade to be held on December 2, 2014.

She wished a happy birthday to her eldest granddaughter.

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Mr. Myers wished everyone a wonderful Thanksgiving. He stated his 10th wedding anniversary was on November 20th, and thanked his wife.

* * *

Assistant Chief Rick Jordan, Div. of Fire and Emergency Services, stated that Lieutenant Kelly Smith had committed the offense of AWOL of UDG 1.11 as supported by POL 100.09 in violation of KRS 95.450 (inefficiency, misconduct, insubordination or violation of law or rule and the LFUCG Uniform Disciplinary Code), in that on the 31st day(s) of October, 2014, he/she allegedly committed offenses outlined in IA Case 2014-FC-0006, reviewed by the Fire Chief on November 5, 2014, and that the appropriate punishment for this offense is Written Reprimand.

Mr. Myers asked questions of Asst. Chief Jordan regarding the offense. Asst. Chief Jordan responded that the offense was a first offense of AWOL.

Upon motion of Mr. Beard, seconded by Mr. Myers, the disciplinary action was approved by a majority vote of 12-0 (Mr. Ellinger was absent when the vote was taken.).

Mr. Stinnett asked Asst. Chief Jordan how many days he had until retirement. Asst. Chief Jordan responded that he had 50 more days.

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Mr. Bernard McCarthy, Harry Street, spoke about traffic, barricading streets and deleting references about neighborhoods from the Long Term Comprehensive Plan and the Transportation Plan.

* * *

Upon motion of Mr. Stinnett, seconded by Ms. Scutchfield, and approved by a majority vote of 12-0 (Mr. Ellinger was absent when the vote was taken), the meeting adjourned at 7:22 p.m.

Deputy Clerk of the Urban County Council