

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky March 6, 2014

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on March 6, 2014 at 6:00 P.M. Present were Mayor 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, Henson and Kay.

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

Resolutions No. 52-2014 through 81-2014, and Ordinances No. 13-2014 through 18-2014, inclusive, were reported as having been signed and published, and ordered to record.

spoke about reopening the Academy, now in its second year of operation after reopening.

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Upon motion of Mr. Ellinger, seconded by Ms. Gorton, the Minutes of the February 11, 13, and 20, 2014 Council Meetings were approved by a majority vote of 14-0. (Mr. Ford was absent when the vote was taken)

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

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

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

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Municipal Engineer Sr., Grade 119E, and creating one (1) position of Program Manager Sr., Grade 120E, both in the Div. of Water Quality, appropriating funds pursuant to Schedule No. 44, 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. 45.

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An Ordinance amending Section 2 of Ordinance 13-2014 related to creation of Section 18-166(i) of the Code of Ordinances related to violations of parking ordinances that established a fine of \$250 for violation of Section 18-113.3 Parking In Handicapped Parking Spaces to make Ordinance 13-2014 effective sixty (60) days from the date of its passage rather than effective upon the date of passage was given first reading.

Upon motion of Ms. Henson, seconded by Ms. Lawless, the rules were suspended by majority vote. (Mr. Ford was absent when the vote was taken)

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

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

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

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An Ordinance amending Section 21-5(2) of the Code of Ordinances reallocating one (1) position of Director of Streets and Roads, from Grade 123E to Grade 121E, in the Div. of Streets and Roads, effective upon passage of Council was given first reading.

Upon motion of Mr. Stinnett, seconded by Ms. Henson, the rules were suspended by majority vote. (Mr. Ford was absent when the vote was taken)

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

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

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

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An Ordinance amending Ordinance No. 66-2013 and Ordinance No. 161-2013, pertaining to the Mobile Food Unit Pilot Program, to extend the date of the program through December 31, 2014 was given first reading.

Upon motion of Ms. Akers, seconded by Mr. Lane, the rules were suspended by majority vote. (Mr. Ford was absent when the vote was taken)

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

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

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

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Upon motion of Ms. Gorton, seconded by Mr. Lane, and approved by a majority vote of 14-0 (Mr. Ford was absent when the vote was taken), an Ordinance closing a portion of DeRoode and Neville Streets; determining that the Urban County Government owns all property abutting the portion of the streets to be closed and hereby consents thereto; and authorizing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed and/or a Consolidation Plat transferring the former right-of-way to the Urban County Government as abutting owner was placed on the docket and given first reading.

Upon motion of Ms. Gorton, seconded by Ms. Henson, the rules were suspended by majority vote. (Mr. Ford was absent when the vote was taken)

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

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

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

* * *
Upon motion of Mr. Ellinger, seconded by Mr. Myers, and approved by majority vote (Mr. Ford was absent when the vote was taken), an Ordinance approving and adopting the "Lexington Jobs Fund Policies and Guidelines" and providing for an annual review of the program by the Urban County Council was placed on the docket, given first reading and ordered placed on file two weeks for public inspection.

* * *
An Ordinance changing the zone from an Agricultural Urban (A-U) zone, to a Planned Neighborhood Residential (R-3) zone with conditional zoning restrictions, for 9.77 net (10.29 gross) acres; and from a Single Family Residential (R-1B) zone to a Planned Neighborhood Residential (R-3) zone, for 0.0 net (0.26 gross) acres, for property located at 690 Woodward Ln. (RK Holdings, LLC; Council District 6) was given first reading and ordered placed on file until a public hearing to be held at a Special Council Meeting on April 15, 2014, at 5:00 p.m.

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

An Ordinance creating a Historic District (H-1) Overlay zone for approximately 0.40 net (approximately 0.532 gross) acres, for properties located at 149 and 151 Jefferson St.; 611, 638-640 and 644 Ballard St.; and 609 W. Short St. (rear portion). (Urban County Planning Commission-Council District 2).

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for 1.168 net (1.488 gross) acres, at 164-200 Simpson Ave. (even only); and 1106 & 1108 Stillwell Ave. (Anderson Campus Rental Properties; Council District 3).

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Payroll Analyst, Grade 115E, in the Div. of Accounting, appropriating funds pursuant to Schedule No. 46, effective upon passage of Council.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$4,200 for Safety Vests for the Div. of Community Corrections, and appropriating and re-appropriating funds, Schedule No. 49.

An Ordinance pursuant to Section 6.12 of the Lexington-Fayette Urban County Government Charter transferring the Div. of Human Resources from the Dept. of Law to the Office of the Chief Administrative Officer; transferring all incumbents and all vacant positions at their current job classification, pay grade and salary; amending Sections 21-5(2) of the Code of Ordinances to renumber the affected sections; effective July 1, 2014.

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. 47.

* * *

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

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

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

A Resolution accepting the bid of Brenntag Mid-South, Inc., establishing a price contract for Phosphorous Reduction Chemicals, for the Div. of Water Quality.

A Resolution accepting the bid of Brenntag Mid-South, Inc., establishing a price contract for Sulfur Dioxide - Liquid, for the Div. of Water Quality.

A Resolution accepting the bids of Wooldridge Homes, Inc., and Solid Rock Construction Services, LLC, establishing price contracts for UPC - Demolition of Residential Structures, for the Div. of Water Quality, and authorizing the Mayor to execute any related agreements.

A Resolution ratifying the Probationary Civil Service Appointments of: Amber Luallen, Recreation Manager, Grade 114E, \$1,729.52 biweekly, Conley White, Equipment Operator Sr., Grade 109N, \$19.613 hourly, both in the Div. of Parks and Recreation, effective March 10, 2014, Demetria Mehlhorn, Program Manager Sr., Grade 120E, \$2,556.88 biweekly, in the Div. of Environmental Policy, effective March 10, 2014; ratifying the Permanent Civil Service Appointment of: Roger Mulvaney, Traffic Engineer, Grade 117E, \$1,899.76 biweekly in the Div. of Traffic Engineering, effective February 6, 2014, Brenda McFaddin, Staff Assistant, Grade 107N, \$15.428 hourly, effective January 15, 2014, Marcia Woodyard, Staff Assistant, Grade 107N, \$13.237 hourly, effective July 1, 2013, both in the Div. of Police, Tyler Jett, Heavy Equipment Technician, Grade 113N, \$16.624 hourly in the Div. of Facilities and Fleet Management, effective February 5, 2014; ratifying the Permanent Sworn Appointment of: Samantha Moore, Police Sergeant, Grade 315N, \$28.588 hourly in the Div. of Police, effective January 15, 2014.

A Resolution changing the property address numbers of 109 Quinton Ct. to 300 Quinton Ct. and of 3005 Tates Creek Rd. to 3001 Tates Creek Rd. and changing the street names and property address numbers of 7095 Old Richmond Rd. to 1099 South Cleveland Rd. and of 4136 Plantagenet Dr. to 1604 Tropicana Dr., all effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for the acceptance of additional Federal funds in the amount of \$555,776 for the Tates Creek Road Sidewalk Improvements Project, the acceptance of which obligates the Urban County Government for the expenditure of \$138,944 as a local match.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Marketing Agreement with Golftek, LLC dba Eagle Watch Golf, for contests at Government golf courses.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) (Final) to the contract with Smith Contractors, Inc., for the Expansion Area 2A Wastewater System Improvements Contract 2 - Force

Main, for the Div. of Water Quality decreasing the contract price by the sum of \$62,879.59 from \$1,146,900.00 to \$1,084,002.41.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Eastern Ky. University (EKU), for academic credit for a specific course offered by EKU, at a cost not to exceed \$32,000.

A Resolution authorizing the Div. of Fire and Emergency Services, on behalf of the Urban County Government, to purchase specialized diving equipment from Interspiro, Inc., a sole source provider, at an estimated cost not to exceed \$18,370.90 from Federal Grant funds from the Ky. Office of Homeland Security, and authorizing the Mayor, on behalf of the Urban County Government, to sign any necessary agreement related to the equipment.

A Resolution authorizing the Div. of Fire and Emergency Services, on behalf of the Urban County Government, to purchase specialized boats from Rescue ONE Connector Boats, a sole source provider, at an estimated cost not to exceed \$48,000 Federal Grant funds from the Ky. Office of Homeland Security, and authorizing the Mayor, on behalf of the Urban County Government, to sign any necessary agreement related to the boats.

A Resolution declaring as surplus and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute a quit claim deed, and any other documents necessary, for the transferring of the public right-of-way on Shadybrook Ln., to adjacent property owners of 2169, 2173, 2177, and 2181 Lakeside Dr.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Board of Education of Fayette County, for services under the 2011 Project Safe Neighborhood Program, at a cost not to exceed \$20,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Department of Military Affairs, Div. of Emergency Management, which Grant funds are in the amount of \$982,300 Federal funds, are for continuation of the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2014, the acceptance of which does not obligate the Urban

County Government for the expenditure of funds, and authorizing the Mayor to transfer unencum-bered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Housing and Urban Development and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$1,474,000 Federal funds, and are for continuation of the Housing Opportunities for Persons with AIDS Program.

A Resolution designating the speed limit on Blackford Pkwy. as 25 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution accepting the bid of Smith Contractors, Inc., in the amount of \$310,000, for the Town Branch Waste Water Treatment Plant Vector Truck Unloading Station, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Smith Contractors, Inc., related to the bid.

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A Resolution accepting the bid of S.R. Holdings Company, Inc. d/b/a Signature Special Event Services, in an estimated amount not to exceed \$183,819.75, for the Temporary Kitchen Facility for the Div. of Community Corrections, and authorizing the Mayor, on behalf of the Urban County Government, to execute an agreement with S.R. Holdings Company, Inc. d/b/a Signature Special Event Services, related to the bid was given first reading.

Upon motion of Ms. Henson, seconded by Ms. Scutchfield, the rules were suspended by a majority vote of 14-0. (Mr. Ford was absent when the vote was taken)

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

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

Nay: -----0
(Ms. Mossotti and Mr. Ford were 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 Appointment: Melissa Murphy, Attorney Sr., Grade 121E, \$2,579.20 biweekly in the Dept. of Law, effective April 7, 2014; Jeffrey Gearding, Security Officer, Grade 106N, \$12.235 hourly in the Dept. of General Services, effective March 24, 2014; Samuel Futia, Maintenance Mechanic, Grade 113N, \$18.419 hourly, Jeffrey Himes, Maintenance Mechanic, Grade 113N, \$18.648 hourly, both in the Div. of Water Quality, effective upon passage of Council; Zachary Harris, Graphic Designer, Grade 112N, \$16.670 hourly in the Div. of Traffic Engineering, effective March 24, 2014; Aisha Johnson, Equipment Operator Sr., Grade 109N, \$13.179 hourly, Joseph Higgins, Equipment Operator Sr., Grade 109N, \$13.025 hourly, Arcannon Jones, Equipment Operator Sr., Grade 109N, \$15.511 hourly, all in the Div. of Waste Management, effective upon passage of Council; and Kevin Straw, Telecommunicator Sr., Grade 113N, \$18.403 hourly, James Hale, Telecommunicator Sr., Grade 113N, \$23.476 hourly, Steven Florence, Telecommunicator Sr., Grade 113N, \$23.476 hourly, all in the Div. of Police, effective March 24, 2014, authorizing the Div. of Human Resources to make a conditional offer to the following Unclassified Civil Service Appointments: Araceli Ramirez, Clerk Part-Time, Grade Z11, \$14.00 hourly in the Div. of Family Services, effective March 10, 2014; Sylvia Rose, Program Supervisor Part-Time, Grade 106N, \$12.00 hourly in the Dept. of Social Services, effective March 24, 2014; and Christopher Corcoran, Administrative Aide to Mayor Sr., Grade 120E, \$3,192.00 biweekly in the Office of the Mayor, effective March 3, 2014 was given first reading.

Upon motion of Ms. Henson, seconded by Ms. Scutchfield, the rules were suspended by a majority vote of 14-0. (Mr. Ford was absent when the vote was taken)

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

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

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

* * *

A Resolution directing the Director of Human Resources to conduct a hazardous duty pay study for the Coroner's Office by July 2014 was given first reading.

Upon motion of Ms. Henson, seconded by Ms. Scutchfield, the rules were suspended by a majority vote of 14-0. (Mr. Ford was absent when the vote was taken)

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

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

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

* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Department of Justice and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$75,000 Federal funds under the 2014 Second Chance Act Technology Career Training Program for incarcerated adults and juveniles, and are for a Technology Career Training Program at the Fayette County Detention Center was given first reading.

Upon motion of Ms. Gorton, seconded by Ms. Scutchfield, the rules were suspended by a majority vote of 14-0. (Mr. Ford was absent when the vote was taken)

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

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

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

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A Resolution accepting the response of Dreamland Skateparks, LLC, to RFP No. 35-2013 for the design and construction of the skate park at Berry Hill Park, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Dreamland Skateparks, LLC, to provide services related to the RFP, at a cost not to exceed \$500,000, for the Div. of Parks and Recreation was on the docket for first reading.

Ms. Gorton asked Mr. Myers about how much private funding has been raised for the skate park at Berry Hill Park. Mr. Myers stated there are meetings coming up to discuss this matter.

The resolution was given first reading. Upon motion of Mr. Myers, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 14-0. (Mr. Ford was absent when the vote was taken)

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

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

Nay: -----0
(Ms. Mossotti and Mr. Ford were absent when the vote was taken)
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Upon motion of Ms. Henson, seconded by Mr. Myers, and approved by a majority vote of 14-0 (Mr. Ford was absent when the vote was taken), a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Neighborhood Action Match Grant Program Contract with Headley Green Homeowners Association, for neighborhood activities and improvements, at a cost not to exceed \$6,312.94 was placed on the docket and given first reading.

Upon motion of Mr. Myers, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 14-0. (Mr. Ford was absent when the vote was taken)

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

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

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

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

A Resolution accepting the bid of Peterbilt of Louisville, establishing a price contract for Front Loader CNG Refuse Vehicles, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of ZKB Construction Services, LLC, in the amount of \$10,130; Ecomend in the amount of \$3,500; Swartz Mowing, Inc., in the

amount of \$6,800; and Pack's Nursery and Landscaping, LLC, in the amount of \$3,150, for honeysuckle removal on greenways and trails, for the Div. of Parks and Recreation.

A Resolution accepting the bid of ChemTreat, Inc., establishing a price contract for Manhole Odor Control Chemical and Containment Delivery System, for the Div. of Water Quality.

A Resolution accepting the bid of M-B Companies, Inc., establishing a price contract for Sweeper Brooms, for the Div. of Facilities and Fleet Management.

A Resolution ratifying the Probationary Civil Service Appointments of: Alex Hicks, Public Service Supervisor, Grade 111N, \$18.096 hourly in the Div. of Streets and Roads, effective February 24, 2014; and Wanda Kean, Administrative Officer, Grade 118E, \$2,722.64 biweekly in the Div. of Facilities and Fleet Management, effective March 24, 2014; ratifying the Permanent Civil Service Appointment of: Jalie Halcomb, Child Care Program Aide, Grade 107N, \$12.458 hourly in the Div. of Family Services, effective February 5, 2014, Daniel King, Skilled Trades Worker, Grade 111N, \$14.739 hourly in the Div. of Parks and Recreation, effective February 10, 2014, Carl Lilly, Public Service Supervisor, Grade 111N, \$21.313 hourly; and Robert Thomas, Public Service Worker Sr., Grade 107N, \$13.441 hourly both in the Div. of Facilities and Fleet Management, effective March 2, 2014.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Winburn Neighborhood Association, Inc. (\$250), Lexington Music Alliance (\$3,125), and Bluegrass.org (\$2,150), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution amending Resolution No. 8-2013 to include Polydyne, Inc., as an accepted bidder, and establishing a price contract with Polydyne, Inc., for Polymer Flocculants, for the Div. of Water Quality.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Ky. State Police, for network data center hosting.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents,

and to accept Deeds for property interests needed for the Hillenmeyer Pump Station Decommissioning Project, at a cost not to exceed \$8,472.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept a Deed for property interests needed for greenway at 1700 Bryant Rd. in the Brighton Pl. Subdivision for use as a bike/walking trail, 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. One (1) to the Contract with EOP Architecture, for the replacement Senior Citizen Center Design Contract #8-2014, increasing the contract price by the sum of \$5,950 from \$158,965 to \$164,915.

A Resolution authorizing the Dept. of Environmental Quality and Public Works to procure professional services from MKSK, a sole source provider, for the Lexington Streetscape Phase One Vine Street/South Limestone and Cheapside/Main Street Site Amenities Projects, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with MKSK, at a cost not to exceed \$31,455.78.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security, for extension of the Hazardous Devices Unit Bomb Squad Project through August 31, 2014, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Commonwealth Attorney, 28th Judicial Circuit for additional Federal funds in the amount of \$6,000, for services under the 2011 Project Safe Neighborhood Program.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendment #1 to the Agreement with Bluegrass Area Development District, to accept additional Federal funds in the amount of \$22,802 for operation of the Lexington Senior Citizens Center.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety 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 \$135,000 Commonwealth of Ky. funds from the Law Enforcement Service Fee Program, are for support of the cost of police overtime hours for a Traffic Alcohol Patrol and the purchase of PBT units, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Letter Agreement with American Municipal Tax-Exempt Compliance Corp. (AMTEC) for Arbitrage Rebate Computation for General Obligation Bonds, at a cost estimated not to exceed \$5,700.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Louis Guida Consulting/SPQR for the Legacy Trail Interpretative Sign Project - RFQ # 38-2013 at a cost not to exceed \$18,750.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety 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 \$75,000 Federal funds, and are for continuation of the Street Sales Drug Enforcement Project, the acceptance of which obligates the Urban County Government for the expenditure of \$25,000 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the contract with Todd Johnson Construction Co., for construction of Meadows/Northland/Arlington Public Improvements Project, Phase 5A, increasing the contract price by the sum of \$70,360.42 from \$1,485,989.57 to \$1,556,349.99.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Professional Services Agreements with Carrie Barnett, Brigette Holleran, Angela Wallace, Lauren Vincent, Melissa Young-Flynn and Susanna Moberly, as Sexual Assault Nurse Examiners, to provide on-call forensic examinations under the

Sexual Assault Nurse Examiner Program, at a cost not to exceed \$40 for each scheduled on-call period, \$230 for each completed forensic examination, \$50 per case for professional testimony in court, and the reasonable cost of medical liability insurance.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with The First Bracktown Inc. BMW Academy (\$1,400), and Fayette County Neighborhood Council, Inc. (\$975), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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Upon motion of Mr. Ellinger, seconded by Ms. Gorton, and passed by a majority vote of 13-0 (Ms. Mossotti and Mr. Ford were absent when the vote was taken), the Communications from the Mayor were approved and are as follows: (1) Recommending the reappointment of Ms. Kelley A. Sloane to the Airport Board, with term to expire 1/1/2018; (2) Recommending the reappointment of Mr. Benjamin S. Allen to the Dunbar Neighborhood Center Board, with term to expire 3/20/2018; (3) Recommending the reappointment of Ms. Connie J. Miller to the Keep Lexington Beautiful Commission, as At-Large representative, with term to expire 2/1/2018; (4) Recommending the appointment of Mr. Theodore A. Thacker, as 8th Council District representative, to the Parks and Recreation Advisory Board, with term to expire 1/14/2018; and (5) Recommending the appointments of Mr. Thomas O. Blues, as 2nd District representative, and Mr. George M. Woolwine, as 5th District representative, to the Water Quality Fees Board, with terms to expire 12/5/2017 and 12/1/2017 respectively.

* * *

The following Communications from the Mayor were received for information only: (1) Temporary appointment of Cyndra Brown, Grants Manager, Grade 117E, Div. of Grants and Special Programs, effective February 1, 2014; (2) Temporary appointment of Stevie Brewer, Trades Supervisor, Grade 113N, Div. of Parks and Recreation, effective February 10, 2014; (3) Temporary appointment of Michael Cook, Trades Supervisor, Grade 113N, Div. of Parks and Recreation, effective February 10, 2014; (4) Reinstatement of Bruce Lee, Equipment Operator Sr., Grade 109N, Div. of Waste Management, effective March 11, 2014; and (5) Transfer of Tracey McElroy,

Administrative Specialist, Grade 110N, Div. of Parks and Recreation, effective February 24, 2014.

* * *
Cmdr. Michele Remark, Div. of Police, stated that Officer Joseph Felinski has committed the offense of Inappropriate Action in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.48, in that on the 30th day of November, 2013 he was working in an off-duty capacity at the Fayette Mall and observed three juveniles engaged in disruptive behavior. In response to this behavior, Officer Felinski initiated contact with the juveniles and subsequently escorted them to the mall security office to obtain additional information and to prepare paperwork necessary to ban the individuals from the Mall property. While conducting the investigation, the thirteen year-old female juvenile refused to comply with Officer Felinski's requests and he acted by removing the juvenile from the security office and to the area of his cruiser located in the Mall parking lot. Prior to placing the female juvenile in the vehicle, she was searched and handcuffed by Officer Felinski; however, when she became compliant she was returned to the security office and eventually released into the custody of a relative. It appears from the documentation associated with the incident, to include a memorandum from Officer Felinski as well as video evidence obtained, that the juvenile was not being physically violent and that Officer Felinski had no intention of placing criminal charges against the individual and was only acting to enforce the Mall Policy. It also appears that if the juvenile had decided to become physically combative during her detention, the safest option would have been to stay within the security office where assistance was available. For these reasons listed, it appears that the juvenile's removal from the scene, handcuffing, searching, and placement in a patrol vehicle in order to gain compliance in obtaining information for a ban notice was inappropriate for the circumstances and that the appropriate punishment for this conduct is Forty (40) Hours Suspension Without Pay.

Upon motion of Ms. Gorton, seconded by Mr. Kay, the disciplinary action was approved by a majority vote of 13-0. (Ms. Mossotti and Mr. Ford were absent when the vote was taken)

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Mr. Myers thanked his aide, Ms. Elizabeth Chatterton and others in the Lexington-Fayette Urban County Government for getting the skate park project through the process.

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Mr. Farmer announced that a portion of Chinoe Rd. would be closed for through traffic from Monday, March 10 to Friday, March 14, 2014 to allow for the emergency repair of sanitary sewer laterals. He stated a portion of the road will remain open but only for residents who live on that street. Motorists will be directed to detours in the area. Mr. Farmer talked about upcoming attractions and developments for the downtown area.

* * *

Upon motion of Mr. Farmer, seconded by Mr. Beard, and approved by a majority vote of 13-0 (Ms. Mossotti and Mr. Ford were absent when the vote was taken) the Urban County Council Work Session scheduled for Tuesday, March 11, 2014 was cancelled.

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Ms. Henson spoke about honeysuckle removal and asked Mr. Geoff Reed, Commissioner of the Dept. of General Services, to bring information to the next Council meeting regarding the removal of the plants.

* * *

Ms. Lawless spoke about honeysuckle removal. She also commented on the downtown economy.

* * *

Ms. Akers will be meeting with the business owners from the Distillery District on March 12th, 6:00 P.M., at the Barrel House Distillery, Manchester St. She also spoke about recent removal of trees in the downtown area. She stated native trees would be planted later in the Fall.

* * *

Ms. Henson made additional comments about honeysuckle eradication.

* * *

Mr. Beard asked questions of Mr. Derek Paulsen, Commissioner of the Dept. of Planning, Preservation and Development regarding the road work being done on Nicholasville Road near Central Baptist Hospital. Commissioner Paulsen deferred to Mr. Charlie Martin, Acting Commissioner of the Dept. of Environmental Quality and Public

Works. Mr. Martin stated he would look into this issue and return to Council with information.

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Mr. Sean Tibbetts, Hillside Drive, thanked the Council for continuing the Mobile Food Unit Pilot Program.

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Mr. Steve Gwinn, Nicholasville Road., expressed his support for the construction of a new skate park at Berry Hill Park.

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Mr. Ryan Weeks, Coldstream Drive, stated that as a BMX bike rider, he supports the construction of a new skate park.

* * *

Upon motion of Mr. Stinnett, seconded by Mr. Ellinger, and approved by a majority vote of 13-0 (Ms. Mossotti and Mr. Ford were absent when the vote was taken), the meeting adjourned at 7:30 P.M.

Clerk of the Urban County Council