

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky November 7, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 7, 2013, at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the council: Council Members Akers, Beard, Clarke, Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Mossotti, Myers, Scutchfield, and Stinnett.

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

Resolutions No. 552-2013 through 585-2013, and Ordinances No. 125-2013 through 129-2013, inclusive, were reported as having been signed and published, and ordered to record.

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A moment of silence was observed in lieu of an Invocation.

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The Mayor asked Ms. Gorton and any veterans in the audience to join him at the podium for a special proclamation in honor of Veterans' Day. The Mayor and Ms. Gorton spoke about those serving in the armed forces, and thanked them for their service. Ms. Gorton stated over three hundred veterans are employed at the Lexington-Fayette Urban County Government. The Mayor read the proclamation, and declared November 2013 as Veterans Month in Lexington. Mr. Rick Curtis, Dept. of Public Safety, spoke about his service in the military.

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Upon motion of Mr. Farmer, seconded by Ms. Gorton, the Minutes of the October 10 and 24, 2013 Council Meetings were approved by majority vote. (Ms. Mossotti was absent when the vote was taken)

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An Ordinance amending Articles 1, 8 and 12 of the Zoning Ordinance to modify the use of tattoo parlors and rehabilitation homes in the Neighborhood Business (B-1) zone was on the docket for second reading.

Upon motion of Mr. Farmer, seconded by Mr. Kay, and approved by majority vote, the ordinance was removed from the docket and referred to the Council Planning and Public Works Committee for further review. (Ms. Mossotti was absent when the vote was taken)

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

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

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

An Ordinance changing the zone from a High Density Apartment (R-4) zone, with conditional zoning restrictions, to a High Density Apartment (R-4) zone with modified

conditional zoning restrictions, for 0.978 net (1.108 gross) acres, for property located at 1167 Appian Crossing Way (Harrods Club, LLC; Council District 8).

An Ordinance changing the zone from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone, for 1.491 net (1.929 gross) acres, for property located at 2601 and 2617 Regency Rd. (C & R Asphalt Land Acquisition Co., LLC; Council District 10).

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Associate Traffic Engineer, Grade 115E, and creating one (1) position of Traffic Engineer, Grade 117E, and reclassifying the incumbent, (due to engineering licensure obtainment) in the Div. of Traffic Engineering, and appropriating funds pursuant to Schedule No. 23, effective retroactive to September 23, 2013.

An Ordinance amending Section 22-5(2) of the Code of Ordinances, abolishing one (1) position of Attorney, Grade 117E, and amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Attorney, Grade 117E, both in the Dept. of Law, and appropriating funds pursuant to Schedule No. 20, effective November 1, 2013

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Recreation Supervisor, Grade 110E, and creating one (1) position of Parks Naturalist, Grade 113E, both in the Div. of Parks and Recreation, 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. 22.

An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Administrative Officer Senior, Grade 120E, with a term to expire in three (3) years, in the Dept. of Planning, Preservation and Development, appropriating funds pursuant to Schedule No. 26, effective upon passage of Council.

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

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Public Service Worker, Grade 106N, in the Div. of Parks and

Recreation, appropriating funds pursuant to Schedule No. 27, 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. 25.

An Ordinance amending Subsections 18C-13(1) and (3) of the Code of Ordinances of the Lexington-Fayette Urban County Government pertaining to the Emergency Medical Advisory Board to provide for twenty members and to add two members of the Div. of Fire and Emergency Services, one paramedic member of the Div. of Fire and Emergency Services who has successfully graduated from the paramedic training and education program, one member of the faculty of the paramedic program, and one student member of the paramedic program; all effective upon date of passage.

An Ordinance amending Section 16-14(c) of the Code of Ordinances related to Special Collections to clarify calls made for requested special pickups.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute any documents necessary to transfer the properties located at 509 Chestnut St. and 438 Ohio St., acquired under the Neighborhood Stabilization Program, to Fayette County Local Development Corp., for rental housing for low-income households was on the docket for second reading.

Upon motion of Ms. Henson, seconded by Ms. Gorton, and approved by unanimous vote, the resolution was amended to correct the address of one of the properties to be transferred from "509 Chestnut Street" to "569 Chestnut Street".

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute any documents necessary to transfer the properties located at 569 Chestnut St. and 438 Ohio St., acquired under the Neighborhood Stabilization Program, to Fayette County Local Development Corp., for rental housing for low-income households was given new first reading as amended.

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

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

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

Nay: -----0

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

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

Nay: -----0

A Resolution accepting the bid of Zoll Medical Corp., establishing a price contract for monitor defibrillators, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of the Trophy Center, establishing a price contract for Trophies, Plaques and Silver, for the Div. of Parks and Recreation.

A Resolution accepting the bids of Baumann Paper Co., Inc., and Lexington Food Service, Inc. establishing price contracts for concession products, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Craig's Firearm Supply, Inc., establishing a price contract for Patrol Rifles, for the Div. of Police.

A Resolution accepting the bids of Bluegrass Uniforms and Equipment; Ky. Uniforms, Inc.; and National Workwear, establishing price contracts for work shoes, for various Departments and Divisions of the Urban County Government.

A Resolution ratifying the probationary civil service appointment of: Brittany West, Computer Systems Manager Sr., Grade 120E, \$3,301.36 bi-weekly in the Div. of Computer Services, effective upon passage of Council; ratifying the permanent civil service appointments of: Pam Whitaker, Administrative Specialist Principal, Grade 114E, \$2,240.08 bi-weekly in the Div. of Planning, effective October 8, 2013, Dan James, Human Resources Analyst, Grade 115E, \$2,029.12 bi-weekly in the Div. of Human Resources, effective October 22, 2013, Tiffany Compton, Family Services Center Manager, Grade 116E, \$1,659.12 bi-weekly in the Div. of Family Services,

effective September 11, 2013; Chris Taylor, Planner Senior, Grade 117E, \$1,818.64 bi-weekly in the Div. of Planning, effective October 8, 2013, Paula Williams, Human Resources Manager, Grade 119E, \$2,550.88 bi-weekly in the Div. of Human Resources, effective October 8, 2013, ratifying the permanent sworn appointments of: Kenneth Brown, Police Officer, Grade 311N, \$17.649 hourly in the Div. of Police, effective October 3, 2013, Kenneth Raglin, Fire Captain, Grade 316N, \$24.666 hourly in the Div. of Fire and Emergency Services, effective November 4, 2013; ratifying the approved Council Leave for: Myra Campbell, Staff Assistant Sr. in the Div. of Water Quality, effective September 23, 2013 through December 23, 2013; ratifying the unclassified civil service appointment of: Jenifer Benningfield, Administrative Officer, Grade 118E, \$2,538.46 bi-weekly in the Office of the Chief Administrative Officer, effective November 4, 2013.

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 extension of the Southland Dr. Pedestrian Improvements Project through June 30, 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 Ky. Transportation Cabinet, for extension of the Loudon Ave. Sidewalk Project through June 30, 2014, at no cost to the Urban County Government.

A Resolution changing the street name of 100 Chippen Dale Ct. (Unit A) to 100 Chippendale Ct. (Unit A), of 100 Chippen Dale Ct. (Unit B) to 100 Chippendale Ct. (Unit B), of 102, 104, 105, 106, 108, 109, and 111 Chippen Dale Ct. to 102, 104, 105, 106, 108, 109, and 111 Chippendale Ct., of 200, 204, 208, 212, 216, 220, 224, 228, 232, 236, 240, 244, 248, 251, 252, 256, 260, 264, 268, 272, 276, 280, 284, 288, 292, 296, 300, 301, 303, 304, 305, 307, 308, 309, 311, 312, 313, 315, 316, 317, and 319 Chippen Dale Circle to 200, 204, 208, 212, 216, 220, 224, 228, 232, 236, 240, 244, 248, 251, 252, 256, 260, 264, 268, 272, 276, 280, 284, 288, 292, 296, 300, 301, 303, 304, 305, 307, 308, 309, 311, 312, 313, 315, 316, 317, and 319 Chippendale Circle, and of 1056, 1057, 1060, 1061, 1064, 1065, 1068, 1069, 1072, 1073, 1076, 1080, 1084, 1088, 1089, 1093, 1096, and 1097 Bridlewood Ln. to 1056, 1057, 1060, 1061, 1064, 1065, 1068,

1069, 1072, 1073, 1076, 1080, 1084, 1088, 1089, 1093, 1096, and 1097 Crestfield Ln.; changing the property address numbers of 312 South Upper St. to 308 South Upper St. and of 318 South Upper St. to 320 South Upper St.; and changing the street name and property address number of 101 Chippen Dale Ct. to 103 Chippendale Ct., of 625 South Cleveland Rd. to 6625 Leeann Ln., of 1211 Manchester St. to 1206 Liggett St., of 129-151 East High St. to 150 East Vine St., and of 169-201 East High St. to 160 East Vine St., all effective thirty days from passage.

A Resolution authorizing and directing the Dept. of Law to institute condemnation proceedings in Fayette Circuit Court to obtain permanent sanitary sewer and temporary construction easements at 3973 Tatton Place, 3785 Branham Park, 3805 Branham Park, 3825 Branham Park, 3856 Branham Park, 3896 Branham Park, 3952 Branham Park, and 3997 Branham Park for the Blue Sky Pump Station and Force Main Project.

A Resolution authorizing and directing the Dept. of Law to institute condemnation proceedings in Fayette Circuit Court to obtain permanent sanitary sewer and temporary construction easements at 376 Bob-O-Link Dr. for the Bob-O-Link Sanitary Sewer Improvements Project.

A Resolution authorizing the Div. of Emergency Management/911, on behalf of the Urban County Government, to purchase emergency outdoor warning sirens from Federal Signal Safety and Security Systems, a sole source provider, at a cost not to exceed \$44,541.25.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of a utility easement on property located at 806 and 810 Lochmere Place.

A Resolution authorizing the Div. of Waste Management, on behalf of the Urban County Government, to execute a Purchase Order with Kenvirons, Inc., for additional engineering work and document preparation required for the Haley Pike Landfill Closure, Phase 4, for the Dept. of Environmental Quality and Public Works, at a cost not to exceed \$40,329.87.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with West Co., CLEAR Services, a Div. of Thomson Reuters, for background investigation database, at a cost not to exceed \$4,944.

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A Resolution accepting the bid of MAC Construction & Excavating, Inc., in the amount of \$2,607,027, for the Bob-O-Link Trunk Sewer Replacement Project, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Agreement with MAC Construction & Excavating, Inc., related to the bid was on the docket for first reading.

The Mayor recognized Mr. Mark Leach, attorney with Stites & Harbison, representing Free Contracting Inc., who spoke about the resolution, and his client's bid on the project for the Bob-O-Link Trunk Sewer Replacement. He stated there had been unresolved errors with his client's bid.

Ms. Rhonda Fister, Free Contracting Inc., spoke about the bid process and on behalf of her company.

Mr. Brian Wickens, MAC Construction & Excavating, Inc., spoke about the bidding process that led to the bid award and defended the award to his company.

Mr. Todd Slatin, Director of the Div. of Central Purchasing, spoke about the bidding process and the outcome of the bidding process.

Mr. Ellinger asked questions of Mr. Slatin regarding the bidding process. Mr. Slatin responded. Mr. Charlie Martin, Acting Commissioner of the Dept. of Environmental Quality and Public Works, spoke about the timeline for the project.

Mr. Myers commended Mr. Slatin and his team for their work, and then spoke about the Council's fiduciary responsibility to the taxpayers.

Mr. Myers made a motion, seconded by Mr. Ellinger to remove the resolution from the docket and re-bid the project.

Ms. Lawless asked questions about whether the project could be re-bid, or if submitted bids be reconsidered. Mr. Slatin responded, and Mr. David Barberie, Dept. of Law, also responded about procurement procedures.

Ms. Mossotti asked questions of the Mayor about the issue, and he declined to respond.

The Council continued to ask questions of Mr. Slatin and Mr. Martin about the bid at issue, and to state their concerns.

The Mayor spoke about the motion and the issue.



Mr. Martin made additional comments about the issue. Mr. Slatin made additional comments about the issue.

Mr. Myers' motion **failed to pass** by a majority vote of 4-11 (Akers, Beard, Clarke, Farmer, Ford, Gorton, Henson, Kay, Lane, Mossotti, Stinnett voted **no**.)

A Resolution accepting the bid of MAC Construction & Excavating, Inc., in the amount of \$2,607,027, for the Bob-O-Link Trunk Sewer Replacement Project, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Agreement with MAC Construction & Excavating, Inc., related to the bid was given first reading and ordered placed on file two weeks for public inspection.

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

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

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

Nay: -----0

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Civil Service Appointment: Matthew Marsh, Equipment Operator Sr., Grade 109N, \$13.179 hourly, Angela Martin, Laboratory Technician, Grade 109N, \$14.851 hourly, Heath Vanderpool, Treatment Plant Operator, Grade 113N, \$18.955 hourly, all in the Div. of Water Quality, Eric Gentry, Equipment Operator Sr., Grade 109N, \$14.990 hourly, Tara Robinson, Administrative Specialist, Grade 110N, \$14.711 hourly, Rhonda Clark, Administrative Specialist, Grade 110N, \$20.912 hourly, all in the Div. of Waste Management, Granville Sayre, Vehicle and Equipment Mechanic, Grade 110N, \$21.010 hourly in the Div. of Parks And Recreation, Stephen Parrott, Building Inspector, Grade 113N, \$17.081 hourly in the Div. of Building Inspection, all effective upon passage of Council, Paul Stewart, Computer Analyst, Grade 115E, \$1,776.72 biweekly in the Div. of Computer Services, effective October 18, 2013, Alisha Lyle, Administrative Specialist, Grade 110N, \$16.615 hourly in the Div. of

Human Resources, Russell Cook, Director of Revenue, Grade 122E, \$3,290.56 biweekly in the Div. of Revenue, both effective November 18, 2013.

A Resolution amending previously published Remedial Measures Plan (RMP) implementation schedules and authorizing the Div. of Water Quality to re-schedule the construction of the Idle Hour Trunk Sewer RMP Sanitary Sewer Project.

A Resolution authorizing the Dept. of Law's execution, on behalf of the Urban County Government, of a unanimous Stipulation and Recommendation (Settlement Agreement), and any other necessary related documents, in Ky. Public Service Commission Case No. 2013-00167, pertaining to the rates of Columbia Gas of Ky., Inc., which settlement is subject to the approval of the Ky. Public Service Commission.

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

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

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

Nay: -----0

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the donation of military conex shipping containers, valued at \$12,000, from the Ky. Fire Commission, for use by the Div. of Fire and Emergency Services.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the donation of a military surplus M915 Line-Haul Tractor, valued at \$50,000, from the Ky. Fire Commission, for use by the Div. of Fire and Emergency Services.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an agreement with Glendover Neighborhood Association, Inc. (\$650), Miss Ky. Scholarship Pageant, Inc. (\$725) and Booker T. Washington Primary School PTA, Inc. (\$450), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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

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

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

Nay: -----0

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Four (4) to the Contract with Churchill McGee, LLC, for Carver Community Center Renovation, increasing the contract price by the sum of \$163,959.83 from \$1,121,059.25 to \$1,285,019.08.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement, with the Farm and Garden Market Cooperative Association, inc., d/b/a Lexington Farmers' Market to operate a year-round farmers' market at the Cheapside Park - 5/3 Bank Pavilion area, at no cost to the Urban County Government.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Operating Agreement with Aramark Correctional Services, LLC, for food services for the Div. of Community Corrections, at a cost not to exceed \$906,304 for the Fiscal Year 2014 was given first reading.

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

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

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

Nay: -----0

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Upon motion of Mr. Clarke, seconded by Ms. Scutchfield, a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an agreement with the Pasadena Neighborhood Association Inc. (\$1,000.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated was placed on the docket, and given first reading.

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

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

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

Nay: -----0

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

A Resolution accepting the bids of Cunningham Golf Car Co., Inc. and Dever, Inc., establishing price contracts for golf carts, for the Div. of Parks and Recreation.

A Resolution accepting the bids of Traffic Control Products, Inc.; Path Master, Inc.; Baldwin & Sours, Inc.; Traffic Parts, Inc.; Quality Traffic Systems, LLC; and Iron Armour, LLC, establishing price contracts for Traffic Signal and Control Equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of People Plus, Inc., establishing a price contract for Temporary Labor, for the Div. of Emergency Management/911, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with People Plus, Inc., related to the bid.

A Resolution accepting the bid of Robinson Pipe Cleaning Co., establishing a price contract for the annual Sanitary Sewer Cleaning Program, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an agreement with Robinson Pipe Cleaning Co., related to the bid.

A Resolution accepting the bid of Advertiser Printers, Inc., establishing a price contract for Waste Management Newsletters, for the Div. of Waste Management.

A Resolution accepting the bid of Todd Johnson Contracting, Inc., in the amount of \$1,131,904.45, for the Century Hills Trunk Sewer Replacement Program, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an agreement with Todd Johnson Contracting, Inc., related to the bid.

A Resolution ratifying the Probationary Civil Service Appointments of: Tamoy Carter, Public Service Supervisor, Grade 111N, \$16.207 hourly in the Div. of Family Services, effective upon passage of Council, Scott Dawson, Evidence Technician, Grade 112N, \$19.235 hourly in the Div. Of Police, effective November 18, 2013, Daniel H. Fischer, Administrative Specialist Sr., Grade 112N, \$21.287 hourly in the Div. of Parks and Recreation, effective November 4, 2013, ratifying the Permanent Civil Service Appointments of: Perry White, Equipment Operator Sr., Grade 109N, \$13.025 hourly in the Div. of Waste Management, effective October 21, 2013, Paul Willard, Engineering Technician Sr., Grade 113E, \$2,081.84 biweekly in the Div. of Engineering, effective November 6, 2013.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Justice, which Grant funds are in the amount of \$53,662 Federal funds under the State Criminal Alien Assistance Program (SCAAP), are for reimbursement of costs related to the incarceration of undocumented criminal aliens, 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 Change Order No. One (1) (Final) to the Contract with Walter Martin Excavating, Inc. for the Cardinal Ln. Stormwater Improvements Project, increasing the contract price by the sum of \$9,094.47 from \$219,110.00 to \$228,204.47.

A Resolution authorizing the Urban County Council to approve purchase of additional inventory specialist services to be performed by OmniSource Integrated Supply, LLC, for the Div. of Emergency Management/911 under the Metropolitan Medical Response System-2012 Grant in the amount of \$6,000, and under the Chemical Stockpile Emergency Preparedness Program (CSEPP) Grant for Fiscal Year 2013 in the amount of \$6,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with the Board of Education of Fayette County, Ky., for operation of preschool classrooms at the Family Care Center, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Cost Sharing Agreement-Revision No. 1 with Transylvania University for sidewalk reconstruction associated with the Ky. Transportation Cabinet Fourth St. Improvements Project increasing the amount authorized from \$220,000 to an amount not to exceed \$400,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Berea College, for a Student Placement Program to permit nursing students to be placed in the Div. of Youth Services, at no cost to the Urban County Government.

A Resolution authorizing the Div. of Water Quality, on behalf of the Urban County Government, to purchase Flowserve WWR Rotating Assembly Replacement parts for Dewatering Pump #1 at the Town Branch Wastewater Treatment Plant from Delaney & Associates, a sole source provider, at a cost not to exceed \$27,668.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a standard Agreement for Cost Sharing for the Central Ky. 911 Network with the existing members of the network and with any additional jurisdictions approved by Lexington-Fayette Urban County Government's E-911 Board, at no cost to the Urban County Government.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-46, to designate Hiltonia Park 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 and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of Shady Ln. and McDonald Ave.

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Upon motion of Ms. Henson, seconded by Ms. Scutchfield, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Ms. Angela D. Campbell to the Bluegrass Crimestoppers, with term to expire 3/21/2016. Ms. Campbell will fill the unexpired term of Ms. Sue Miller; (2) Recommending the appointment of Mr. James L. Dickinson to the Board of Architectural Review, with term to expire 6/30/2014. Mr.

Dickinson will fill the unexpired term of Mr. Robert Magrish; (3) Recommending the appointment of Ms. Brooke S. Brown to CASA, with term to expire 6/11/2017. Ms. Brown will fill the expired term of Ms. Brittany Koch; (4) Recommending the appointment of Ms. Vanessa A. Sanford to the Dunbar Neighborhood Center Board, with term to expire 3/20/2014. Ms. Sanford will fill a vacant seat on the Board; (5) Recommending the appointment of Mr. Jason B. Robinson to the Environmental Commission, with term to expire 10/1/2017. Mr. Robinson will fill the expired term of Mr. Francis Camargo; and (6) Recommending the appointment of Mr. Thaer O. Qasem to the Human Rights Commission, with term to expire 1/1/2017. Mr. Qasem will fill the expired term of Ms. Lindsay Mattingly.

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The following Communications from the Mayor were received for information only:

(1) Temporary appointment of Charles Martin, Commissioner of Environmental Quality and Public Works, Grade 211E, Dept. of Environmental Quality and Public Works, effective 11-4-2013; (2) Resignation of Timothy McDermott, Fire Fighter, Grade 311N, Div. of Fire and Emergency Services, effective 10-3-2013; (3) Resignation of Samantha Tucker, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective 10-6-2013; (4) Resignation of William Duncan, Vehicle & Equipment Technician, Grade 112N, Div. of Facilities and Fleet Management, effective 10-7-2013; (5) Resignation of Robert Fairchild, Heavy Equipment Technician, Grade 113N, Div. of Facilities and Fleet Management, effective 10-7-2013; (6) Resignation of Jennifer Lynch, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective 10-7-2013; (7) Resignation of Blonzetta Hamilton-Demaree, Child Care Program Aide, Grade 107N, Div. of Youth Services, effective 10-10-2013; (8) Resignation of John Marchione, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective 10-10-2013; (9) Resignation of Avery Johnson, Fire Recruit, Grade 310N, Div. of Fire and Emergency Services, effective 10-11-2013; (10) Resignation of Vance Meighan, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective 10-13-2013; (11) Resignation of Billy Van Pelt, PDR Manager, Grade 121E, Div. of Purchase of Development Rights Program, effective 10-15-2013; (12) Resignation of Stephen Johnson, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective 10-16-2013; (13) Resignation of

Jason Mullen-Gentry, Traffic Signal Technician Sr., Grade 112N, Div. of Traffic Engineering, effective 10-18-2013; (14) Resignation of Kristin Mitchell, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective 10-18-2013; (15) Resignation of Rae-Keba Harmon, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective 10-20-2013; (16) Resignation of Brittney Watson, Telecommunicator Sr., Grade 113N, Div. of Police, effective 10-21-2013; (17) Resignation of Sherman Cook, Equipment Operator Sr., Grade 109N, Div. of Waste Management, effective 10-27-2013; and (18) Resignation of Brian Bottom, Program Manager Sr., Grade 120E, Div. of Environmental Policy, effective 10-31-2013.

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Commander Lawrence Weathers, Div. of Police, stated that Officer Ray Wilson had 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 13<sup>th</sup> day of May, 2013, he did not complete a report for a stolen firearm and no follow up or contact was ever made with the complainant regarding the stolen firearm. On May 13, 2013, Officer Jamie Johnson was dispatched to 1670 Alexandria Drive, Apartment #6, in reference to a theft of a firearm report. The complainant, Mr. John Mihalec, told Officer Johnson that he attempted to report the stolen firearm back in January 2013, but he never heard from or saw an officer. Commander Weathers stated that further investigation revealed the Officer Ray Wilson had responded to the same call on January 12, 2013 at 1509 hours and coded the call the same date at 1638 hours by saying, "The actual call is Code 13. The caller advised he'll call back. You can put it in Code 5 for now", and that the appropriate punishment for this conduct is Forty (40) Hours Suspension Without Pay.

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

\* \* \*  
Commander Lawrence Weathers, Div. of Police, stated that Officer Dillan Taylor had committed the offense of Dereliction of Duty and Violating Any Rules of the Division in violation of KRS 95.450 and General Order #732/H, Operational Rules, Section 1.09 and Section 1.35 in that on the 7<sup>th</sup> day of August, 2013 he was dispatched to a suspicious activity call at 2347 hours. Officer Taylor responded by portable radio that his location was at the "Mall". A short time later, he was advised to disregard on this call.



Sergeant Greathouse drove by 376 Fox Harbour Dr. during the time in question and observed Officer Taylor's car parked on the street in front of the residence. Sergeant Greathouse turned around and at 0026 hours saw that Officer Taylor's car had left. Officer Taylor was confronted by his Supervisor, Sergeant Risen, about the incident. Commander Weathers stated Officer Taylor was not forthcoming with the facts initially but, with time, divulged the accurate information. Officer Taylor had gone out of his beat and sector without supervisor approval and did not report his correct location when called by Dispatch, and that the appropriate punishment for this conduct is Forty (40) Hours Suspension Without Pay.

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

\* \* \*  
Mr. Bernard McCarthy, Harry Street, stated the construction to be done on Rupp Arena would be a mistake, and that the complex needs to be under one roof so that people do not have to go out into the weather. He stated the streets need to be constructed to accommodate both biking and vehicles depending upon what mode citizens choose in the given weather.

\* \* \*  
Mr. Farmer stated the newsletter out of the Council Office was not sent on schedule due to technical upgrades.

\* \* \*  
Ms. Scutchfield thanked Commander Wallace Hayes, Div. of Police, and the East Sector police officers for volunteering with a tutoring program and listening to residents' concerns. She stated the Mom's Club of Lexington East is having a pre-school fair on Saturday, November 16, 2013 at the Immanuel Baptist Church.

\* \* \*  
Ms. Lawless stated she is looking forward to having the Farmer's Market all year round. She congratulated Mr. Farmer on his project of the e-Newsletter.

\* \* \*  
Upon motion of Mr. Stinnett, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 8:04 p.m.

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Clerk of the Urban County Council