

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky October 10, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on October 10, 2013, at 6:00 P.M. Present were Mayor Jim Gray in the chair presiding, and the following members of the Council: Council Members Scutchfield, Stinnett, Akers, Beard, Clarke, Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Mossotti, and Myers.

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

Resolutions No. 490-2013 through 524-2013, and Ordinances No. 113-2013 through 118-2013, inclusive, were reported as having been signed and published, and ordered to record.



balance of the General Services District Fund, and appropriating and re-appropriating funds, Schedule No. 13 was on the docket for second reading.

Mr. Farmer spoke about his concern with the ordinance. Ms. Lawless also spoke about her concern with the ordinance.

Upon motion of Mr. Kay, seconded by Mr. Beard, the ordinance was tabled by unanimous vote.

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

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

Nay: -----0

An Ordinance amending Article 1 of the Zoning Ordinance to amend the definition of a "vehicle storage yard" to allow inoperable vehicles to be stored no longer than sixty (60) days in a vehicle storage yard (Urban County Planning Commission).

An Ordinance amending Section 21-5(2) of the Code Of Ordinances, abolishing one (1) position of Environmental Inspector, Grade 113N, and creating one (1) position of Environmental Initiatives Specialist, Grade 115E, both in the Div. of Environmental Policy, effective upon passage of Council.

An Ordinance amending Section 22-5(2) of the Code Of Ordinances, creating one (1) position of Budget Analyst Sr., Grade 118E, with term to expire on December 31, 2014, in the Council Office, effective upon passage of Council.

An Ordinance amending Section 22-5(2) of the Code Of Ordinances, creating one (1) position of Security Officer, Grade 106N, with term to expire on December 31, 2014, in the Div. of Facility and Fleet Services, effective upon passage of Council.

An Ordinance approving and adopting an Amendment to the Div. of Purchasing Revised Regulations for the Procurement of Personal/Professional Services to include additional methods of procuring construction management services.

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. 16.

An Ordinance amending Article 1 and Article 8 of the Zoning Ordinance to define Adult Day Care Center and Day Shelter and to regulate such facilities as a conditional use in the P-1, B-1, B-2, B-2A and P-2 zones was on the docket for first reading.

Upon motion of Ms. Henson, seconded by Mr. Farmer, the ordinance was tabled to the October 24, 2013 Council Meeting by unanimous voice vote.

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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, creating one (1) position of Personal Protective Equipment Manager, Grade 114N, in the Div. of Fire and Emergency Services, appropriating funds pursuant to Schedule No. 17, effective upon passage of Council.

An Ordinance amending Section 23-5(2) of the Code Of Ordinances, abolishing one (1) position of Police Captain, Grade 318E, and creating one (1) position of Police Lieutenant, Grade 317E, both in the Div. of Police, appropriating funds pursuant to Schedule No. 18, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code Of Ordinances, abolishing one (1) position of Administrative Officer, Grade 118E, and creating one (1) position of Administrative Officer Senior, Grade 120E, both in the Dept. of Planning, Preservation and Development, and appropriating funds pursuant to Schedule No. 21, 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. 19.

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The following resolutions were given second reading. Ms. Akers spoke about her concern in funding multiple resolutions regarding professional services contracts.

Upon motion of Ms. Henson, seconded by Mr. Farmer, the resolutions were approved by the following vote:

Aye: Scutchfield, Stinnett, Akers, Beard, Clarke,  
Ellinger, Farmer, Ford, Gorton, Henson,  
Kay, Lane, Lawless, Mossotti, Myers-----15  
Nay: -----0

A Resolution accepting the bid of Scodeller Construction, Inc., in the amount of \$111,150, for crack sealing, for the Div. of Streets and Roads, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Scodeller Construction, Inc., related to the bid.

A Resolution accepting the bid of Grant's Excavating, Inc., in the amount of \$570,000, for the Blue Sky Pump Station and Force Main Contract 1 - Pump Station, 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 Hubert Excavating and Contracting, LLC, in the amount of \$1,100,000, for the Blue Sky Pump Station and Force Main Contract 1 - Force Main, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Hubert Excavating and Contracting, LLC, related to the bid.

A Resolution accepting the bid of Cleary Construction, Inc., in the amount of \$735,206, for the East Lake Trunk Sewer Replacement, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Cleary Construction, Inc., related to the bid.

A Resolution accepting the bid of Pavement Technology, Inc., establishing a price contract for Asphalt Surface Maintenance with an Asphalt Rejuvenating Agent, for the Div. of Streets and Roads.

A Resolution accepting the bid of Wolf Creek Co., Inc., establishing a price contract for Extreme Slope Mowers, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Bluegrass Uniforms, Inc. d/b/a Bluegrass Uniforms and Equipment, establishing a price contract for SCBA Maintenance, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Hydro Controls, Inc., establishing a price contract for electric actuators, for the Div. of Water Quality.

A Resolution ratifying the probationary civil service appointments of: Jonathan Miller, Equipment Operator Sr., Grade 109N, \$15.207 hourly in the Div. of Streets and Roads, effective September 30, 2013, Michael Lambert, Engineering Technician Sr., Grade 113E, \$2,081.84 bi-weekly in the Div. of Water Quality, effective October 7,

2013, Frank Mabson, Program Specialist, Grade 112E, \$1,419.28 bi-weekly in the Div. of Water Quality, Theodore Adams, Telecommunicator Sr., Grade 113N, \$19.524 hourly in the Div. of Police, both effective upon passage of Council; ratifying the permanent civil service appointments of: Antonio Mack, Public Service Worker, Grade 106N, \$11.470 hourly, Christopher Toutant, Public Service Worker, Grade 106N, \$12.736 hourly, both in the Div. of Parks and recreation, effective September 11, 2013, Rebecca Warner, Staff Assistant Sr., Grade 108N, \$17.643 hourly in the Div. of Police, effective July 21, 2013, William Sinclair, Jr., Trades Supervisor, Grade 113N, \$18.805 hourly in the Div. of Facilities and Fleet Management, effective September 18, 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Dr. Patricia K. Howard, retaining her to act as the Emergency Services Training Coordinator for the Div. of Fire and Emergency Services and to provide related services for one (1) year, with the option of renewing annually up to five (5) times, at an annual cost not to exceed \$11,750 with an additional annual cost not to exceed \$11,750 for each year a Paramedic Training Program is conducted.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Second Renewal of the Engineering Services Agreement with Hazen and Sawyer, P.S.C. to provide for Sanitary Sewer Capacity, Management, Operations and Maintenance Program (CMOM) deliverables for Consent Decree implementation, at a cost not to exceed \$345,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a subsurface drainage easement on property located at 1141 Shagbark Ln.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #3 to provide garbage and refuse collection; finding a need for this service in the area included; finding the ability of the Urban County Government to provide this service in this area, which area is defined as certain properties on the following streets: Blazer Parkway, Castlebridge Ln., Donnington Ct., and Fountain Ct.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #7 to provide garbage and refuse collection and street cleaning; finding a need for these services in the area included; finding the ability of the Urban County Government to provide the services in this area, which area is defined as certain properties on the following street: Sorrell Way.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Otis Elevator Co., a sole-source provider, to perform maintenance services for the Div. of Community Corrections, at a cost not to exceed \$1,844.40 in FY2014.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Federal Bureau of Investigation Dept. of Veteran Affairs for Dept. of Veteran Affairs jurisdiction.

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 Homeland Security and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$900,000 Federal funds, and for replacement of a fire engine and twelve (12) lead automated external defibrillators.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Board of Emergency Medical Services, 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 \$20,400 (\$10,000 for FY2015 and \$10,400 for FY2016) Commonwealth of Ky. funds, and are for the purchase of EMS equipment, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. of Emergency Management and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$1,422,000 Federal funds under the Federal Emergency Management Agency's Flood Mitigation Assistance/Pre-

Disaster Mitigation Assistance Program, and are for the acquisition and demolition of up to ten residential properties in the Clarksdale Ct. and Shandon Dr./Pierson Dr. areas.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with various youth baseball leagues, for youth sports for the community, at no cost to the Urban County Government.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Kristi Wilkinson, Clerical Assistant Sr., Grade 106N, \$13.089 hourly in the Div. of Accounting, effective upon passage of Council, Kenneth Smith, Public Service Worker Sr., Grade 107N, \$11.845 hourly in the Div. of Parks and Recreation, effective September 23, 2013, Robert Alexander, Public Service Worker Sr., Grade 107N, \$12.083 hourly in the Div. of Parks and Recreation, effective September 23, 2013, Stephen Gahafer, Nuisance Control Officer, Grade 111N, \$18.174 hourly in the Div. of Code Enforcement, effective upon passage of Council, Carrie Bradford, Financial Coordinator, Grade 112N, \$16.059 hourly in the Div. of Grants and Special Programs, effective October 21, 2013, Clinton Votaw, Electrical Instrumentation Technician, Grade 113N, \$25.672 hourly in the Div. of Facilities and Fleet Management, effective upon passage of Council, Gary Rothwell, Electrical Instrumentation Technician Sr., Grade 114E, \$1,876.64 bi-weekly in the Div. of Facilities and Fleet Management, effective upon passage of Council, Robbin Moore, Golf Course Superintendent Sr., Grade 116E, \$1,950.16 bi-weekly in the Div. of Parks and Recreation, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following probationary sworn appointment: Clay Combs, Police Lieutenant, Grade 317E, \$3,025.14 bi-weekly in the Div. of Police, effective October 21, 2013; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Kesayne Lindsey, Part-Time Child Care Program Aide, Grade 107N, \$12.00 hourly in the Div. of Youth Services, effective September 21, 2013 was on the docket for first reading.

Upon motion of Ms. Henson, seconded by Ms. Scutchfield and approved by unanimous vote, the resolution was amended to delete the conditional offer to the following Probationary Sworn Appointment of Clay Combs as Police Lieutenant.



A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Kristi Wilkinson, Clerical Assistant Sr., Grade 106N, \$13.089 hourly in the Div. of Accounting, effective upon passage of Council, Kenneth Smith, Public Service Worker Sr., Grade 107N, \$11.845 hourly in the Div. of Parks and Recreation, effective September 23, 2013, Robert Alexander, Public Service Worker Sr., Grade 107N, \$12.083 hourly in the Div. of Parks and Recreation, effective September 23, 2013, Stephen Gahafer, Nuisance Control Officer, Grade 111N, \$18.174 hourly in the Div. of Code Enforcement, effective upon passage of Council, Carrie Bradford, Financial Coordinator, Grade 112N, \$16.059 hourly in the Div. of Grants and Special Programs, effective October 21, 2013, Clinton Votaw, Electrical Instrumentation Technician, Grade 113N, \$25.672 hourly in the Div. of Facilities and Fleet Management, effective upon passage of Council, Gary Rothwell, Electrical Instrumentation Technician Sr., Grade 114E, \$1,876.64 bi-weekly in the Div. of Facilities and Fleet Management, effective upon passage of Council, Robbin Moore, Golf Course Superintendent Sr., Grade 116E, \$1,950.16 bi-weekly in the Div. of Parks and Recreation, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Kesayne Lindsey, Part-Time Child Care Program Aide, Grade 107N, \$12.00 hourly in the Div. of Youth Services, effective September 21, 2013 was given first reading as amended.

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

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

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

Nay: -----0

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A Resolution ratifying the probationary civil service appointments of: Joseph Kipp, Public Service Worker Sr., Grade 107N, \$12.474 hourly in the Div. of Parks and Recreation, effective September 23, 2013, James Kiger, Public Service Worker Sr., Grade 107N, \$13.788 hourly in the Div. of Parks and Recreation, effective September

23, 2013, Janet Davis, Administrative Specialist Sr., Grade 112N, \$17.141 hourly in the Div. of Human Resources, effective October 7, 2013, Sharick Edmonds, Operations Manager, Grade 116E, \$1,756.72 bi-weekly in the Div. of Waste Management, effective upon passage of Council, Russell Scott, Operations Manager, Grade 116E, \$2,159.68 bi-weekly in the Div. of Waste Management, effective upon passage of Council, Anthony Kelly, Operations Manager, Grade 116E, \$2,401.44 bi-weekly in the Div. of Parks and Recreation, effective upon passage of Council, Allen Hinkle, Computer Systems Manager Sr., Grade 120E, \$3,331.76 bi-weekly in the Div. of Computer Services, effective upon passage of Council, Melissa Lueker, Director Of Budgeting, Grade 122E, \$2,861.12 bi-weekly in the Div. of Budgeting, effective October 21, 2013; ratifying the permanent civil service appointments of: William Sinclair, Trades Supervisor, Grade 113N, \$18.805 hourly in the Div. of Facilities and Fleet Management, effective September 18, 2013, Dave Toombs, Fleet Systems Manager, Grade 116E, \$1,917.92 bi-weekly in the Div. of Facilities and Fleet Management, effective August 1, 2013; ratifying the probationary sworn appointment of: Samuel Murdock, Police Lieutenant, Grade 317E, \$3,025.14 bi-weekly in the Div. of Police, effective August 18, 2013; and approving the voluntary demotion of: Chris Young, Police Sergeant, Grade 315N, \$36.496 hourly in the Div. of Police, effective October 21, 2013 was on the docket for first reading.

Upon motion of Ms. Henson, seconded by Ms. Gorton, approved by unanimous vote, the resolution was amended to delete the voluntary demotion of Chris Young, Police Sergeant.

A Resolution ratifying the probationary civil service appointments of: Joseph Kipp, Public Service Worker Sr., Grade 107N, \$12.474 hourly in the Div. of Parks and Recreation, effective September 23, 2013, James Kiger, Public Service Worker Sr., Grade 107N, \$13.788 hourly in the Div. of Parks and Recreation, effective September 23, 2013, Janet Davis, Administrative Specialist Sr., Grade 112N, \$17.141 hourly in the Div. of Human Resources, effective October 7, 2013, Sharick Edmonds, Operations Manager, Grade 116E, \$1,756.72 bi-weekly in the Div. of Waste Management, effective upon passage of Council, Russell Scott, Operations Manager, Grade 116E, \$2,159.68 bi-weekly in the Div. of Waste Management, effective upon passage of Council,

Anthony Kelly, Operations Manager, Grade 116E, \$2,401.44 bi-weekly in the Div. of Parks and Recreation, effective upon passage of Council, Allen Hinkle, Computer Systems Manager Sr., Grade 120E, \$3,331.76 bi-weekly in the Div. of Computer Services, effective upon passage of Council, Melissa Lueker, Director Of Budgeting, Grade 122E, \$2,861.12 bi-weekly in the Div. of Budgeting, effective October 21, 2013; ratifying the permanent civil service appointments of: William Sinclair, Trades Supervisor, Grade 113N, \$18.805 hourly in the Div. of Facilities and Fleet Management, effective September 18, 2013, Dave Toombs, Fleet Systems Manager, Grade 116E, \$1,917.92 bi-weekly in the Div. of Facilities and Fleet Management, effective August 1, 2013; ratifying the probationary sworn appointment of: Samuel Murdock, Police Lieutenant, Grade 317E, \$3,025.14 bi-weekly in the Div. of Police, effective August 18, 2013 was given first reading as amended.

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

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

Aye: Scutchfield, Stinnett, Akers, Beard, Clarke,  
 Ellinger, Farmer, Ford, Gorton, Henson,  
 Kay, Lane, Lawless, Mossotti, Myers-----15  
 Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Douglass Bearcats C/O Bluegrass Aspendale Teen Center (\$850), Salvation Army (\$2,500), North Limestone Music Works C/O Central KY Youth Orchestra Society, Inc. (\$625), Lighthouse Ministries (\$675), The Friends of McConnell Springs (\$500), for the office of the Urban County Council, at a cost not to exceed the sums stated was given first reading.

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

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

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

Nay: -----0

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

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

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

Nay: -----0

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from the Citizen Police Academy Alumni Association, purchased from donated funds received from the Corvette Club of the Bluegrass and Bates Security, of two Canine Protective Vests, for use at the Div. of Police, 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 Agreement with the Blue Grass Community Foundation, to provide funds for Friends of Ky. Theatre's improvements to the Ky. Theatre, at a cost not to exceed \$250,000.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Ky. Transportation Cabinet and the Lexington Community Land Trust, for the transfer of property acquired for Phase I of the Mitigation Area of the Newtown Pike Extension Project from the Commonwealth to Lexington-Fayette Urban County Government and from Lexington-Fayette Urban County Government to the Lexington Community Land Trust was given first reading.

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

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

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

Nay: -----0

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A Resolution initiating for Planning Commission review and recommendation the re-zoning of approximately 16.16 net acres of property located at 920 Citation Blvd. from a Planned Neighborhood Residential (R-3) zone to an Office, Industry and Research Park (P-2) zone was given first reading.

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

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

Aye: Scutchfield, Stinnett, Akers, Beard, Clarke,  
Ellinger, Farmer, Ford, Gorton, Henson,  
Kay, Lane, Lawless, Mossotti, Myers-----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 Tri-State Roofing and Sheet Metal Co. of Ky. and Bri-Den Company, Inc., establishing price contracts for Roof Repairs and Maintenance - Supplemental, for the Div. of Facilities and Fleet Management.

A Resolution amending Section 1.102 of Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council, to provide the date by which a draft of the following year's Council calendar shall be presented to the Urban County Council for review and to provide for scheduled zone change hearing dates, and amending Section 2.102 to provide that the regularly scheduled meeting time for all standing committees, except for the Budget and Finance Committee and one standing committee scheduled at 11:00, shall alternate each calendar year.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the contract with Triton Services, Inc. for

HVAC Remediation for Computer Server Room, increasing the contract time period by fifteen (15) days, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 15 to the Contract with Stantec Consulting Services, Inc. (formerly known as Entran, PLC, formerly known as American Consulting Engineers, PLC) for professional services for the Newtown Pike Extension Project, increasing the contract price by the sum of \$560,509.88 from \$8,944,391.51 to \$9,504,901.39.

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, Office on Violence Against Women, which Grant funds are in the amount of \$300,000 Federal funds from the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, for continuation of a project designed to hold domestic violence offenders accountable for their actions through investigation, arrest and prosecution, 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 approving the Dept. of Social Services' Partner Agency Application, Scoring Rubric and Schedule for application/review for the FY15 Application Process.

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, Office on Violence Against Women, which Grant funds are in the amount of \$500,000 Federal funds, are for the continuation of a Safe Havens Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing the Mayor to execute an agreement with Sunflower Kids, Inc., for supervised visitation and monitored exchange services, at a cost not to exceed \$473,790.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Benefit Insurance Marketing in order to comply with HIPAA regulations, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Software Maintenance Agreement with NetMotion Wireless, Inc., for software licenses for Mobile Data Computers, at a cost not to exceed \$26,015.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 1 to the Grant Assistance Agreement with the Commonwealth of Ky. Infrastructure Authority, to provide for unexpended funds in the amount of \$283,184.92 to be used to provide sanitary sewer service to underserved households in the Unsewered Areas Phase II Project Area, the acceptance of which does not obligate the Urban County Government for the expenditure of funds.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Military Police Company Alpha, for a rapid armed response unit for a security breach of weapons and/or ammunition.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (2) to the Contract with Oracle Elevator, for Phoenix/Police HQ Elevator Renovation, increasing the contract price by the sum of \$1,667.60 from \$571,072.31 to \$572,739.91.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lexington Humane Society and the Lexington Fayette Animal Care and Control, for animal care in disasters.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Statement of Affiliation with the Div. of Fire and Emergency Services and Div. of Emergency Management/911, for emergency services and rescue squad.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement to renew the Senior Health Plan for City Employees Pension Fund with Humana Insurance Co., effective for one (1) year beginning January 1, 2014.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement to renew the Senior Health Plan for Police and Fire Retirees with Humana Insurance Co., effective for one (1) year beginning January 1, 2014.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Site Lease Agreement with Powertel/Memphis Inc., for lease of 200 East Main St. Roof.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Modifications to Agreements with the Ky. Dept. of Military Affairs, Div. of Emergency Management, for extension of the Agreements for funds for the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2011 and FY 2012 through September 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 and submit a Grant Application to the Lumina Foundation, 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 \$34,100, and are for a Latina Education Support Project at the Family Care Center, the acceptance of which obligates the Urban County Government for the expenditure of \$16,998 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 and submit four (4) Grant Applications to the Ky. Transportation Cabinet and to provide any additional information requested in connection with these Grant Applications, which Grant funds are in the amount of \$3,713,524 Federal funds under the 2014 Transportation Alternatives Program, and are for the Brighton Trail Bridge (\$1,699,552), the West Loudon Ave. Sidewalk Project (\$498,400), the Town Branch Trail Phase 4 (\$806,656), and the West Hickman Trail South (\$708,916).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with FRM Lawson LLC for property located at 900 Enterprise Dr. for relocation of Div. of Water Quality Maintenance Operations, for an initial term of 48 months with annual rent not to exceed \$170,318.40.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit nine (9) Grant Applications to the Ky. Transportation Cabinet and to provide any additional information requested in connection with these Grant Applications, which Grant funds are in the amount of \$6,901,524 Federal funds under the 2014 Congestion Mitigation Air Quality (CMAQ) Program, and are for the Fiber Optic Cable Installation Project (\$400,000), the



Compressed Natural Gas Fueling Station Project (\$1,258,400), the Pine Needles Ln. and Man-O-War Blvd. Turn Lane (\$221,600), the Mercer Rd. at Greendale Rd. Left Turn Lane (\$627,200), the Manchester St. at South Forbes Rd. Left Turn Lane (\$680,800), the Brighton Rail Trail Bridge (\$1,699,552), the West Loudon Ave. Sidewalk Project (\$498,400), the Town Branch Trail Phase 4 (\$806,656), and the West Hickman Trail South (\$708,916).

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 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 \$45,123 Federal funds, are for continuation of the Sexual Assault Nurse Examiner (SANE) Program, the acceptance of which obligates the Urban County Government for the expenditure of \$28,150 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 an Agreement with Cumberland Hill Neighborhood Association, Inc. (\$275), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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Upon motion of Ms. Mossotti, seconded by Mr. Myers, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Mr. John Tacket to the Administrative Hearing Board, with a term to expire 7-1-2016; (2) Recommending the appointments of Ms. Stephanie Nallia and Dr. Timothy Sineath to the Library Board of Advisors, with terms to expire 1-1-2014 and 1-1-2017, respectively. Ms. Nallia will fill the unexpired term of Mr. Joshua Douglas, and Dr. Sineath will fill the unexpired term of Ms. Timi Goodman; and (3) Recommending the appointments of Ms. Lydia Jacobs and Ms. Lindsay Mattingly to the Social Services Advisory Board, with terms to expire 3-3-2015 and 9-1-2017, respectively. Ms. Jacobs will fill the unexpired term of Ms. Robynn Pease, and Ms. Mattingly will fill the expired term of Mr. James Adams.

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The following Communications from the Mayor were received for information only: (1) Resignation of Ivan Galang, Laborer I, Div. of Parks and Recreation, effective

8-11-2013; (2) Resignation of Luigi Galang, Laborer I, Div. of Parks and Recreation, effective 8-11-2013; (3) Resignation of Sierra Guy, Lifeguard, Div. of Parks and Recreation, effective 8-19-2013; (4) Resignation of Bruce M. Lee, Equipment Operator Sr., Grade 109N, Div of Waste Management, effective 8-23-2013; (5) Resignation of Michael Roberts, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective 8-27-2013; (6) Resignation of Hren Blackburn, Laborer I, Div. of Parks and Recreation, effective 8-28-2013; (7) Resignation of Tim Hafley, Equipment Operator Sr., Grade 109N, Div. of Waste Management, effective 8-29-2013; (8) Resignation of Thomas Miner, Police Officer, Grade 311N, Div. of Police, effective 8-29-2013; (9) Resignation of Richard May, Firefighter, Grade 311N, Div. of Fire and Emergency Services, effective 8-30-2013; (10) Resignation of Bryant Bowles, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective 8-30-2013; (11) Resignation of Clay Gotwalt, Building Inspector, Grade 113N, Div. of Building Inspection, effective 8-31-2013; (12) Resignation of Dejaræe Bryant, Recreation Leader, Div. of Parks and Recreation, effective 9-2-2013; (13) Resignation of Javier Alvarez, Fire Recruit, Grade 310N, Div. of Fire and Emergency Services, effective 9-8-2013; (14) Resignation of Gene Stansell, Equipment Operator Sr., Grade 109N, Div. of Waste Management, effective 9-12-2013; (15) Resignation of Joe Clift, Public Service Worker, Grade 106N, Div. of Parks and Recreation, effective 9-13-2013; (16) Resignation of Kelly Lykes, Skilled Trades Worker, Grade 111N, Div. of Community Corrections, effective 9-13-2013; (17) Resignation of Shareka Hamilton, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective 9-15-2013; (18) Resignation of Lianna Williams, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective 9-23-2013; and (19) Resignation of Andrea James, Aide to Council, Grade 000E, Council Office, effective 9-30-2013.

\* \* \*  
Commander John Gensheimer, Div. of Police, stated that Officer Donald J. Williams had committed the offense of Misconduct, in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.02, in that on the 3rd day of May, 2013, he initiated a traffic stop on a suspect vehicle on 5/2/2013 at approximately 2345 hours for suspicion of DUI and subsequently arrested the driver, Ms. Miranda Hinchman. While at the Detention Center and in the Intoxilyzer Room, Officer Williams

repeatedly engaged in unprofessional behavior by making inappropriate and unnecessary comments to Ms. Hinchman to include mocking behavior such as calling her a 'princess' and asking her if she needed a 'red carpet'. When asked by Ms. Hinchman for another person to be in the room, Officer Williams repeatedly gave her the response, 'I want a million dollars.' As a result of these and other inappropriate statements made by Officer Williams, a suppression hearing was held in District Court. Transcripts from an audio recording of the incident at the Detention Center, taken by Ms. Hinchman on her cellular phone, were produced. The case was ultimately dismissed by the County Attorney's Office because of the inappropriate comments made by Officer Williams. These comments, therefore, discredited Officer Williams and impaired the efficiency of both he and the Division, and that the appropriate punishment for this conduct is Forty (40) Hours Suspension Without Pay.

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

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Mr. Bernard McCarthy, Harry Street, spoke about building permit fees and impact fees. He also stated his support of CNG fueling of government-owned vehicles.

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Mr. Ford spoke about the Lyric Theatre, and stated that on October 18, 2013, at 7:30 p.m. there would be a concert at the Lyric Theatre with Mr. Les McCann and the Javon Jackson Band as special guests.

\* \* \*

Ms. Lawless gave thanks to Mr. Greg Lubeck, Div. of Water Quality, for meeting with her on a neighborhood project issue on Goodrich Avenue. She also thanked Mr. Jim Woods, Acting Director, Div. of Streets and Roads, and Mr. Kevin Wente, Dept. of Environmental Quality and Public Works, for their help with traffic issues.

\* \* \*

Mr. Kay reiterated Mr. Ford's comments about the Lyric Theatre.

\* \* \*

Ms. Gorton announced that a Special Committee of the Whole Meeting was scheduled for October 15, 2013, at 2:00 p.m. to continue the Fund Balance discussion.

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

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Clerk of the Urban County Council