

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky November 5, 2015

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 5, 2015 at 6:24 p.m. Present were Mayor Gray in the chair presiding, and the following members of the council: Moloney, Mossotti, Scutchfield, Stinnett, Akers, Bledsoe, F. Brown, J. Brown, Evans, Farmer, Gibbs, Hensley, Henson, Kay, and Lamb.

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

Resolutions No. 623 -2015 through 651-2015, inclusive, and Ordinances No.116-2015 through 119-2015, inclusive, were reported as having been signed and published and ordered to record.

In lieu of an Invocation, Mayor Gray dedicated a moment of silence to Richmond Police Detective Daniel Ellis and his family.

* * *

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

Aye: Moloney, Mossotti, Scutchfield, Stinnett, -----15
Akers, Bledsoe, F. Brown, J. Brown, Evans,
Farmer, Gibbs, Hensley, Henson, Kay,
Lamb

Nay: -----0

An Ordinance amending the authorized strength by creating one (1) Classified Civil Service Position of Personal Protective Equipment Technician, Grade 511N, in the Div. of Fire and Emergency services, effective upon passage of Council.

An Ordinance changing the zone from a Wholesale & Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 1.24 net (1.44 gross) acres; for property located at 1108 South Broadway. (Greer Land Company (Amd.); Council District 3).

An Ordinance changing the zone from a High Density Apartment (R-4) zone to a Planned Shopping Center (B-6P) zone, for 0.99 net (1.16 gross) acres; for property located at 4251 Saron Drive (a portion of). (Continental Real Estate; Council District 8).

An Ordinance changing the zone from a Single Family Residential (R-1C) zone and a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 1.12 net (1.47 gross) acres, for property located at 1201 South Broadway, 406 Pyke Rd. and 408 Pyke Rd. (Greer Nick Rd. II, LLC; Council District 11).

An Ordinance changing the zone from a Single Family Residential (R-1E) zone to a Neighborhood Business (B-1) zone, for 0.6439 net (0.8714 gross) acres, for property located at 3092 & 3094 Leestown Rd. (Journey's End, LLC; Council District 2).

An Ordinance changing the zone from a Wholesale & Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone, for 2.865 net (3.457 gross) acres, for property located at 1447 Antique Dr., a dimensional variance is also requested. (Solomon Van Meter; Council District 2).

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. 12.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$363.96 for the Div. of Environmental Services from Neighborhood Development Funds for the purchase of street trees, and appropriating and re-appropriating funds, Schedule No. 13.

* * *

Upon motion by Mr. Moloney, seconded by Mr. Farmer, and approved by unanimous vote, public comment for an Ordinance creating Chapter 13a of the Lexington-Fayette Urban County Code of Ordinances establishing a minimum wage in Lexington-Fayette County of \$8.20 per hour beginning July 1, 2016, \$9.15 per hour beginning July 1, 2017, and \$10.10 per hour beginning July 1, 2018; providing remedies for employees paid less than the minimum wage; and providing for a formal review of the minimum wage on or before July 1, 2018 was taken out of order on the agenda.

The following individuals spoke in opposition to the ordinance: 1) Mr. Bill Burke, W. 2nd St., 2) Ms. Dawn Cloyd, Ft. Springs Pinckard Rd., and 3) Mr. Marco Budny, Buck Lane.

The following individuals spoke in support of the ordinance: 1) Mr. Christian Torp, Elm Tree Lane, 2) Ms. Janet Tucker, Johnson Avenue, 3) Mr. David Sams, Winter Garden Drive, and 4) Mr. Steve Katz, Clyde Street.

Mr. Farmer spoke about a concern that employers will leave Fayette County.

Mr. Farmer made a motion, seconded by Ms. Scutchfield to exclude all tipped employees from the minimum wage increase established therein.

Mr. Gibbs asked for clarification as to whether tipped employees must receive minimum wage according to Federal law. Commissioner Janet Graham, Dept. of Law, responded. Mr. Gibbs opposed the amendment.

Mr. Farmer's motion to amend failed by a majority vote. (Akers, J. Brown, Evans, Gibbs, Henson, Kay, Lamb, Moloney, Mossotti voted **no**.)

Mr. Hensley made a motion, seconded by Mr. Farmer, to exempt agricultural workers from this ordinance per the FSLA standards.

Ms. Akers asked for clarification from the Dept. of Law. Ms. Graham responded.

Mr. Stinnett asked how the State defines agricultural workers. Ms. Graham responded.

Mr. Hensley's motion to amend passed by a majority vote. (Moloney, Mossotti, J. Brown, Evans, Gibbs, Kay, and Lamb voted **no.**)

Ms. Scutchfield spoke about business owners and how the ordinance would affect their ability to remain in Lexington.

Ms. Scutchfield made a motion, seconded by Mr. Hensley, to amend the ordinance to exclude businesses that employ 50 persons or fewer, consistent with the definition of "Small Employer" in the U.S. Code setting up the Affordable Care Act.

Mr. Hensley spoke in support of the amendment.

Mr. Kay spoke in opposition to the motion, noting that it will affect the intention of the ordinance.

Mr. Farmer spoke in support of the amendment and about the effect of the ordinance on our trading partners and smaller businesses.

Mr. Moloney spoke about the LFUCG's ability to monitor or enforce the ordinance under the proposed amendment.

Ms. Scutchfield spoke about studies provided to the Council.

Mr. Gibbs spoke about the professors who had previously spoken to the Council regarding this ordinance. He presented a document that displayed a history of changes to the minimum wage.

Council discussed the amendment.

Ms. Scutchfield's motion to amend failed by a majority vote. (Moloney, Mossotti, Akers, Akers, J. Brown, Evans, Gibbs, Henson, Kay, and Lamb voted **no.**)

An Ordinance creating Chapter 13a of the Lexington-Fayette Urban County Code of Ordinances establishing a minimum wage in Lexington-Fayette County of \$8.20 per hour beginning July 1, 2016, \$9.15 per hour beginning July 1, 2017, and \$10.10 per hour beginning July 1, 2018; providing an exemption for agricultural workers; providing remedies for employees paid less than the minimum wage; and providing for a formal review of the minimum wage on or before July 1, 2018 was given first reading as amended and placed on file two weeks for public inspection.

*

*

*

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

An Ordinance amending the authorized strength by creating one (1) Unclassified Civil Service Position of HANDS Nurse, Grade 514E, in the Div. of Family Services, effective upon passage of Council.

An Ordinance amending the authorized strength by abolishing one (1) Classified Civil Service Position of Skilled Trades Worker Sr., Grade 517N, and creating one (1) Classified Civil Service Position of Fleet Operations Supervisor, Grade 519N, in the Div. of Fire and Emergency Services, 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. 14.

*

*

*

Mr. Farmer made a motion, seconded by Ms. Scutchfield, to place an Ordinance creating and establishing for bid a non-exclusive water franchise and privilege to construct, erect, lay, relay, replace, operate and maintain a waterworks system within the public rights-of-way for an initial period of five years with up to two renewal periods of five years each; in return for payment to the Urban County Government of the sum of at least three percent (3%) of each franchisee's gross annual revenues received from the services provided within Fayette County, with the ability to be raised to five percent (5%); and further providing for compliance with relevant laws, regulations and standards; a performance bond; indemnification; insurance; access to property and inspections; reporting; audits; notice of filings with the Public Service Commission; cancellation or termination; penalties for violations; and bid requirements; all effective on date of passage on the docket and give first reading.

Ms. Lamb asked Commissioner Janet Graham, Dept. of Law, about the process of placing legislation on the docket. Ms. Graham responded. Ms. Lamb stated her opposition of the motion.

Council discussed the motion and proposed ordinance.

Mr. Farmer's motion failed by a majority vote. (Moloney, Mossotti, Scutchfield, Stinnett, F. Brown, J. Brown, Gibbs, Kay, and Lamb voted **no**.) (Ms. Evans was absent when the vote was taken.)

* * *

The following resolutions were given second reading. Upon motion by Mr. Farmer, and seconded by Mr. Kay, the resolutions were approved by the following vote:

Aye:	Moloney, Mossotti, Scutchfield, F. Brown, Akers, J. Brown, Evans, Farmer, Gibbs, Hensley, Kay, Lamb	-----12
------	---	---------

Nay:		-----0
------	--	--------

Absent when the vote was taken: Stinnett, Bledsoe and Henson

A Resolution accepting the bids of Tom Chesnut Excavation & Construction, LLC; Woodall Construction Co., Inc.; and L-M Asphalt Partners, Ltd. d/b/a ATS Construction, establishing price contracts for Equipment Rental with Operator, for the Div. of Streets and Roads.

A Resolution accepting the bid of Sierra Monitor Corp., establishing a price contract for Hazardous Gas Detection System, for the Div. of Water Quality.

A Resolution accepting the bid of CE Powers Solutions, LLC, establishing a price contract for Switch Gear Maintenance, for the Div. of Water Quality.

A Resolution accepting the bid of Cumberland Pipeline, LLC, in the amount of \$79,469, for the Deer Haven Pump Station Decommissioning, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute any necessary agreement with Cumberland Pipeline, LLC, related to the bid.

A Resolution ratifying the Probationary Civil Service Appointments of: Darayll Chestnut, Public Service Supervisor Sr., Grade 517E, \$1,763.60 biweekly in the Div. of Waste Management, effective October 26, 2015, Frank Mabson, Administrative Specialist Sr., Grade 516N, \$22.50 hourly in the Div. of Water Quality, Karrie Kelley, Telecommunicator Sr., Grade 517N, \$20.425 hourly in the Div. of Emergency Management/911, both effective November 2, 2015; ratifying the Permanent Civil Service Appointments of: John Lawhorn, Heavy Equipment Technician, Grade 516N, \$20.246 hourly in the Div. of Facilities and Fleet Management and Thomas Clements,

Municipal Engineer Sr., Grade 525E, \$2,501.60 biweekly in the Div. of Engineering, both effective October 6, 2015; ratifying the Probationary Sworn Appointments of: Brad Whittaker, Fire Major, Grade 318E, \$3,557.01 biweekly, Jordan Saas, Fire Captain, Grade 316N, \$23.887 hourly, and Jason Neal, Fire Lieutenant, Grade 315N, \$18.508 hourly, all in the Div. of Fire and Emergency Services, effective September 30, 2015; ratifying the Permanent Sworn Appointments of: Cory Lane, Police Officer, Grade 311N, \$20.092 hourly, effective September 7, 2015, Michael Allgeier, Keisha Compton, Byron Creekmore, Joseph Danielson, Jennifer Day, John Finley, Brandon Gibbs, Donovan Grider, Ethan Jennings, Phillip Johnson, Michael Jones, Elizabeth Kanis, Cody McMillen, Steven Wiggins, and Joshua Woodward, all Police Officer, Grade 311N, \$20.092 hourly, effective May 11, 2015, Thomas Perkins, Police Lieutenant, Grade 317E, \$3,199.30 biweekly, effective June 8, 2015, Jonathan Bastian, Andrew Daugherty, and Jeremy Tuttle, all Police Lieutenant, Grade 317E, \$3,082.83 biweekly, Aaron Greenleaf, Jeffery Jackson, David Sadler, Marcus Sell, all Police Sergeant, Grade 315N, \$29.309 hourly, effective July 26, 2015, all in the Div. of Police, ratifying the approved Council Leave for: Timothy Lee, Resource Recovery Operator, in the Div. of Waste Management, beginning October 5, 2015 through January 4, 2016.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Outfitters Satellite, to change the existing Universal Card Plan service to the Broadband Global Area Network (BGAN) service, at a cost not to exceed \$1,020.

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 \$42,100 Federal funds, under the State Criminal Alien Assistance Program (SCAAP) for the 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 Modifications to Agreements with the Ky. Dept. of Military Affairs, Div. of Emergency Management, for extension of the performance period through September

30, 2016 for the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 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 a Memorandum of Agreement with the Blue Grass Trust for historic preservation, for the creation of a Master Plan Document for the restoration and renovation of the Pope Villa, at a cost not to exceed \$50,000.

A Resolution establishing Kraus Associates d/b/a AK Associates, as a sole source provider of telephone technology and equipment manufactured by Solacom Technologies Inc., and authorizing the Mayor or his designee, on behalf of the Urban County Government, to execute any necessary agreements with Kraus Associates d/b/a AK Associates, related to the procurement of these goods and services.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with EHI Consultants, for the Winburn Small Area Plan, at a cost not to exceed \$100,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with Benefit Insurance Marketing, Inc., for a one-year extension, expiring on December 31, 2016, at a cost not to exceed \$58,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and any other necessary documents, and to accept Deeds for properties located at 1602 and 1618 Ft. Sumter Dr. and 1665 Gayle Dr. for the Ft. Sumter Dr. Stormwater Improvements Project, at a cost not to exceed \$585,000.

A Resolution amending Resolution No. 602-2014, which pertains to certain change orders related to the New Senior Citizens Center, to also authorize the designee of the Mayor to execute the change orders, to increase the not to exceed amount for an individual change order from \$22,200 to \$25,000, and to increase the cumulative total for all change orders executed pursuant to the Resolution from an amount not to exceed \$222,000 to an amount not to exceed \$322,000.

A Resolution amending Section 1 and Section 5 of Resolution No. 588 -2015, which authorized the Div. of Human Resources to make conditional offers of employment, correcting the classification for Suzanne Leabee, from Probationary

Classified Civil Service to Unclassified Civil Service, effective retroactive to September 24, 2015.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Statement of Affiliation between the Special Operations Team and the Rescue Squad, for affiliation requirement under KRS Chapter 39F.

A Resolution changing the property address numbers of 903-905 S. Limestone to 905 S. Limestone and 501 Robertson St. to 519 Robertson St. and changing the street names and property address numbers of 4704 Agape Dr. to 4704 Rosette Way, 4705 Agape Dr. to 4705 Rosette Way, and 101 Alexandria Dr. to 2601 Trailwood Ln., all effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with 21C Lexington, LLC, for streetscape improvements, at a cost not to exceed \$207,786.

A Resolution of the Lexington-Fayette Urban County Government authorizing the Lexington Center Corp. to enter into a Loan Agreement with the Ky. Bond Development Corp. for the purpose of borrowing an amount not to exceed \$15,000,000 to pay costs of various capital improvements and authorizing the Ky. Bond Development Corp. to issue bonds payable from payments to be made by the Lexington Center Corp. under the Loan Agreement.

A Resolution of the Lexington-Fayette Urban County Government authorizing the Kentucky Bond Development Corp. to issue bonds payable from TIF revenue to pay costs of development of the Summit Lexington Project.

* * *

A Resolution accepting the bid of Tennis Courts Unlimited, Inc., in the amount of \$26,785, for Douglass Park Basketball Court Coating, for the Div. of Parks and Recreation, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement related to the bid was given first reading.

Upon motion by Mr. J. Brown, seconded by Ms. Akers, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

Upon motion of Ms. Henson, seconded by Mr. Kay, the resolution was approved

by the following vote:

Aye: Moloney, Mossotti, Scutchfield, Stinnett, -----14
Akers, F. Brown, J. Brown, Evans, Farmer,
Gibbs, Hensley, Henson, Kay, Lamb

Nay: -----0
Absent when the vote was taken: Bledsoe
* * *

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Civil Service Appointments: Della Horton, Administrative Specialist Sr., Grade 516N, \$21.184 hourly in the Office of the Commissioner of Planning, Preservation and Development, effective November 19, 2015, Jessie Heard, Operations Manager, Grade 520E, \$2,013.81 biweekly in the Div. of Waste Management, effective November 16, 2015, Ronald McCarty, Deputy Director of waste Management, Grade 529E, \$3,195.63 biweekly in the Div. of Waste Management, Clay Webb, Resource Recovery Operator, Grade 513N, \$17.411 hourly in the Div. of Waste Management, Jeremy 26. 1369-15 Lexington-Fayette Urban County Government Page 8 Urban County Council Docket November 5, 2015 Reese, Resource Recovery Operator, Grade 513N, \$16.455 hourly in the Div. of Waste Management, all effective upon passage of Council, Kenneth Armstrong, Director of Code Enforcement, Grade 526E, \$3,153.85 biweekly in the Div. of Code Enforcement, effective November 30, 2015, and Larry Johnson, Program Specialist, Grade 513E, \$1,826.92 biweekly in the Office of the Commissioner of Social Services, effective November 16, 2015; authorizing the Div. of Human Resources to make a conditional offer to the following Unclassified Civil Service Appointment: Cornetta Harris, Victims Advocate, Grade 514N, \$18.598 hourly in the Div. of Police, effective November 16, 2015 was given first reading.

Upon motion by Mr. J. Brown, seconded by Ms. Henson, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

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

Aye: Moloney, Mossotti, Scutchfield, Stinnett, -----14
Akers, F. Brown, J. Brown, Evans, Farmer,
Gibbs, Hensley, Henson, Kay, Lamb

Nay: -----0
Absent when the vote was taken: Bledsoe
* * *

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Schaefer Contracting, LLC for the Masterson Station Park Restroom Building Project, adding fourteen additional work days and increasing the contract price by the sum of \$7,609 from \$175,674 to \$183,283 was given first reading.

Upon motion by Ms. Akers, seconded by Ms. Henson, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

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

Aye: Moloney, Mossotti, Scutchfield, Stinnett, -----14
Akers, F. Brown, J. Brown, Evans, Farmer,
Gibbs, Hensley, Henson, Kay, Lamb

Nay: -----0
Absent when the vote was taken: Bledsoe
* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Transportation Cabinet, to accept funds in the amount of \$66,250, (\$60,000 Federal funds, \$6,250.00 Commonwealth of Ky. funds) and are for the support of Lexington Community Land Trust as the host city for the 2015 National Community Land Trust Network Conference was given first reading.

Upon motion by Mr. Moloney, seconded by Ms. Henson, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

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

Aye: Moloney, Mossotti, Scutchfield, Stinnett, -----14
Akers, F. Brown, J. Brown, Evans, Farmer,
Gibbs, Hensley, Henson, Kay, Lamb

Nay: -----0
Absent when the vote was taken: Bledsoe
* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Third Amendment to Agreement with Lexington Community Land Trust, Inc., in the amount of \$66,250 for the support of the 2015 National Community Land Trust Network Conference was given first reading.

Upon motion by Mr. Moloney, seconded by Ms. Henson, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

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

Aye: Moloney, Mossotti, Scutchfield, Stinnett, -----14
Akers, F. Brown, J. Brown, Evans, Farmer,
Gibbs, Hensley, Henson, Kay, Lamb

Nay: -----0
Absent when the vote was taken: Bledsoe
* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit the 2015 Continuum of Care Application to the U.S. Department of Housing and Urban Development (HUD), to provide any additional information requested in connection with this application, requesting funds in the amount of \$1,798,081 Federal funds, which are for the operation of programs by community non-profit organizations to reduce homelessness and to accept the Grant, if the application is approved, in the amount of \$45,714 Federal funds, which are for the project planning expenses related to monitoring all programs as the collaborative applicant, 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 was given first reading.

Upon motion by Ms. Henson, seconded by Mr. Kay, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

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

Aye:	Moloney, Mossotti, Scutchfield, Stinnett, Akers, F. Brown, J. Brown, Evans, Farmer, Gibbs, Hensley, Henson, Kay, Lamb	-----14
------	---	---------

Nay:		-----0
Absent when the vote was taken:	Bledsoe	

* * *

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation of volunteer labor, paint, and furniture valued at approximately \$1,035, from Immanuel Baptist Church for use in the reading room at the Black and Williams Neighborhood Center was given first reading.

Upon motion by Mr. Farmer, seconded by Ms. Scutchfield, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

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

Aye:	Moloney, Mossotti, Scutchfield, Stinnett, Akers, F. Brown, J. Brown, Evans, Farmer, Gibbs, Hensley, Henson, Kay, Lamb	-----14
------	---	---------

Nay:		-----0
Absent when the vote was taken:	Bledsoe	

* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Windstream Communications, for the purpose of establishing a circuit connection between Central Ky. 911 Network (CKy911net) and Duo County Telephone Co., at a cost not to exceed \$3,480 for FY 2016 and \$5,220 each subsequent Fiscal Year was given first reading.

Upon motion by Ms. Scutchfield, seconded by Ms. Henson, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

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

Aye: Moloney, Mossotti, Scutchfield, Stinnett, -----14
Akers, F. Brown, J. Brown, Evans, Farmer,
Gibbs, Hensley, Henson, Kay, Lamb

Nay: -----0
Absent when the vote was taken: Bledsoe
* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Windstream Communications, for the purpose of establishing a telephone fiber circuit for the 911 Center located in the Public Safety Operations Center (PSOC), at a cost not to exceed \$10,520.75 for FY 2016 and \$25,500.00 for each subsequent Fiscal Year was given first reading.

Upon motion by Ms. Scutchfield, seconded by Ms. Akers, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

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

Aye: Moloney, Mossotti, Scutchfield, Stinnett, -----14
Akers, F. Brown, J. Brown, Evans, Farmer,
Gibbs, Hensley, Henson, Kay, Lamb

Nay: -----0
Absent when the vote was taken: Bledsoe
* * *

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Salvation Army (\$1,700) and Dogwood Trace NA (\$1,000), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading.

Upon motion by Mr. Moloney, seconded by Ms. Akers, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

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

Aye: Moloney, Mossotti, Scutchfield, Stinnett, -----14
Akers, F. Brown, J. Brown, Evans, Farmer,
Gibbs, Hensley, Henson, Kay, Lamb

Nay: -----0
Absent when the vote was taken: Bledsoe
* * *

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Johnson Controls for the Fayette County Clerk HVAC Controls Renovation Project, increasing the contract price by the sum of \$14,921 from \$115,301 to \$130,222 was given first reading.

Upon motion by Ms. Akers, seconded by Ms. Henson, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the rules were suspended and the resolution received second reading.

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

Aye: Moloney, Mossotti, Scutchfield, Stinnett, -----14
Akers, F. Brown, J. Brown, Evans, Farmer,
Gibbs, Hensley, Henson, Kay, Lamb

Nay: -----0
Absent when the vote was taken: Bledsoe
* * *

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Seven (7) to the Contract with Churchill McGee, LLC for the Public Safety Operations Center Phase 1B Renovation Project, increasing the contract price by the sum of \$29,274.86 from \$6,384,553.54 to \$6,413,828.40 and adding three (3) additional calendar days to the construction schedule was given first reading.

Upon motion by Ms. Akers, seconded by Mr. Kay, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

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

Aye: Moloney, Mossotti, Scutchfield, Stinnett, -----14
Akers, F. Brown, J. Brown, Evans, Farmer,
Gibbs, Hensley, Henson, Kay, Lamb

Nay: -----0
Absent when the vote was taken: Bledsoe
* * *

A Resolution naming the unnamed street that leads to the Council of State Government's National Headquarters, "Avenue of the States" was given first reading.

Upon motion by Mr. Hensley, seconded by Ms. Henson, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the rules were suspended and the resolution was given second reading.

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

Aye: Moloney, Mossotti, Scutchfield, Stinnett, -----14
Akers, F. Brown, J. Brown, Evans, Farmer,
Gibbs, Hensley, Henson, Kay, Lamb

Nay: -----0
Absent when the vote was taken: Bledsoe
* * *

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

A Resolution accepting the bid of Hydro Controls, Inc., establishing a price contract for Fabricated Stainless Steel Slide Gates, for the Div. of Water Quality.

A Resolution accepting the bid of Pedal Power Bike Shop, Inc., establishing a price contract for Police Bicycles, for the Div. of Police.

A Resolution accepting the bid of Best Equipment Co., Inc., in the amount of \$19,000 for Confined Space Video Inspection Equipment, for the Div. of Water Quality.

A Resolution ratifying the Probationary Civil Service Appointments of: Alex Hicks, Operations Supervisor, Grade 518E, \$1,750.64 biweekly in the Div. of Streets and Roads, effective upon passage of Council, Lesa Spillman, Safety Specialist, Grade 518E, \$1,673.20 biweekly, John Day, Operations Manager, Grade 520E, \$1,854.64 biweekly, Christopher Phillips, Operations Manager, Grade 520E, \$1,844.72 biweekly, all in the Div. of Waste Management, John Saylor, Program Manager Sr., Grade 524E,

\$2,711.54 biweekly in the Div. of Environmental Services, Karen Tribble, Administrative Specialist Sr., Grade 516N, \$21.66 hourly in the Dept. of Law, Dan James, Human Resources Manager, Grade 525E, \$2,496.88 biweekly in the Div. of Human Resources, all effective November 16, 2015; ratifying the Permanent Classified Civil Service Appointments of: Diane Lewis, Administrative Specialist, Grade 513N, \$17.965 hourly in the Div. of Revenue, effective October 20, 2015; and ratifying the approved Council Leave for: Tamoy Carter, Public Service Supervisor, in the Div. of Family Services, beginning November 12, 2015 through February 9, 2016.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Three (3), Final to the Contract with Lagco, Inc., for construction of Meadows/Northland/Arlington Public Improvements Project, Phase 5C, increasing the contract price by the sum of \$7,937.44 from \$814,542.04 to \$822,479.48.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with WINMAR Corporation, for office space located at 125 Lisle Industrial Ave. for a three-year period, for the Div. of Water Quality, at a cost not to exceed \$403,366.65 per year, subject to sufficient funds being appropriated in future Fiscal Years.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Children's Advocacy of the Bluegrass, for extended hours and additional forensic interviews, at a cost not to exceed \$50,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Facility Usage Agreements with various youth baseball leagues granting the right to use the Lexington-Fayette Urban County Government's baseball fields in exchange for hosting community youth baseball leagues.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with the Fayette County Board of Education for use of the Norsworthy Auditorium at a cost not to exceed \$1,511.50.

A Resolution authorizing the Division of Water Quality to purchase replacement parts for the bar screens located at the Lower Cane Run and North Elkhorn Pump

Stations, from E & I Corp., a sole source provider, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement with E & I Corp. related to the procurement, at a cost not to exceed \$50,451.00.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3 to the Engineering Services Agreement with Hazen & Sawyer, P.S.C., for Sanitary Sewer Assessment Reports and Sanitary Sewer and WWTP Remedial Measures Plans for Consent Decree Implementation, extending the contract term through FY2017 at an estimated cost not to exceed \$390,000 for FY2016 and \$780,000 for FY2017, subject to the appropriation of sufficient funds in FY2017.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and any other necessary documents, and to accept Deeds of Easement and Permanent Right of Way from owners of record for property interests needed for the Haven Court Stormwater Improvement Project, 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. Two (2) (Final) to the Contract with Lexington Quarry Co. for the Southland Dr. Bike Lane Project, decreasing the contract price by the sum of \$6,229.71 from \$674,194.73 to \$667,965.02.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Seedleaf, for reduction of food waste material at the landfill, at a cost not to exceed \$20,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Agreement with Howell Contractors, Inc. for the Wolf Run Pump Station Relocation - Contract B, decreasing the contract price by the sum of \$208 from \$4,228,435 to \$4,228,227, and extending the contract term from December 10, 2013 through January 27, 2015.

A Resolution authorizing and directing the mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with Tetra Tech, Inc., for Annual Program Management Services for Consent Decree Implementation and MS4 Permit Compliance, extending the initial term of the Agreement until March 31, 2016, 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 Agreement and any related documents (awarded pursuant to RFP No. 26-2015), with K. Norman Berry Associates Architects, PLLC, for Architectural and Engineering Services for the Historic Fayette County Courthouse Rehabilitation Project, at a cost not to exceed \$2,480,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement (awarded pursuant to RFP No. 31-2015) with Reed Weitkamp Schell & Vice PLLC and Frost Brown Todd LLC, for Legal Services for the Historic Fayette County Courthouse Rehabilitation Project, at a cost estimated not to exceed \$60,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Commercial Mobile Radio Service (CMRS) Board and to provide any additional information requested in connection with this Grant Application, which Grant Funds are in the amount of \$70,000 Commonwealth of Ky. Funds, and are for the acquisition of hardware, software, technical support and services necessary for the provision of text-to-911 capability by the Central Kentucky 911 (CKy911net) Network.

* * *

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

1. Resignation of Robert Roark, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective October 12, 2015;
2. Resignation of Jessica Williams, Budget Analyst, Sr., Grade 521E, Div. of Budgeting, effective October 17, 2015;
3. Resignation of Christopher Peters, Maintenance Mechanic, Grade 515N, Div. of Water Quality, effective October 1, 2015;
4. Resignation of Joshua Coleman, Firefighter, Grade 311N, Div. of Fire and Emergency Services, effective October 4, 2015;
5. Resignation of Melvin Trent Jr., Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective October 3, 2015;
6. Resignation of Rebecca Gooch, Information Systems Spec. Sr., Grade 517E, Div. of Police, effective October 16, 2015.
6. Resignation of Jennifer Pfoff, Police Officer, Grade 311N, Div. of Police, effective October 22, 2015;
7. Resignation of Travis Noel, Heavy Equipment Technician, Grade 516N, Div. of Facilities and Fleet Management, effective October 9, 2015;
- 8.

Resignation of Reid Becker, Public Service Worker, Grade 507N, Div. of Parks and Recreation, effective October 8, 2015; 9. Resignation of Kristan K. Jones, Telecommunicator Sr., Grade 517N, Div. of Emergency Management/911, effective October 14, 2015; 10. Reinstatement of Christina Wood, Telecommunicator Sr., Grade 517N, \$20.805 hourly in the Div. of Emergency Management/911, effective November 16, 2015; and 11. Classified Civil Service Temporary Appointment of Kimberly Kincaid, Telecommunicator Supervisor, Grade 520E, \$2,270.08 biweekly in the Div. of Emergency Management/911, effective October 1, 2015.

*

*

*

Commander Roger Holland, Div. of Police, stated that Detective Zachary King has committed the offense of Misconduct in violation of KRS 95.450 and General Order 1973-2/l, Section 1.02, in that on the 26th of August, 2015 Detective King advised Dispatch at approximately 0045 hours that a vehicle almost struck him near High and Jefferson and he requested a Patrol Unit to stop the suspect vehicle. The Patrol Unit made a traffic stop on the suspect vehicle at Versailles Road and Oxford Circle. During the stop, Detective King, who was in plain clothes, approached the passenger side of the suspect vehicle. While the Patrol Officer was talking to the suspect, Detective King ordered the suspect to roll down the passenger side window. Detective King then ordered the suspect to get out of the vehicle. Detective King then walked around the vehicle to the driver side and opened the driver's side car door and ordered the suspect out of the vehicle again. After completing field sobriety testing by the Patrol Unit, the suspect was arrested for DUI and placed in handcuffs. Detective King began questioning the suspect about her driving. During this contact, Detective King grabbed the suspect by the right arm and began arguing with the suspect. Detective King also grabbed the suspect's face and turned it so that she had to look directly at him during this confrontation and the appropriate punishment for this offense is Forty (40) Hours (One Work Week) Suspension Without Pay.

Upon motion by Mr. Farmer, seconded by Mr. F. Brown, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the disciplinary action was approved.

*

*

*

Mr. Kay invited everyone to Carbs and Caffeine for a Cause on Saturday, Nov. 7, 2015 from 10:00 a.m. to 12:00 p.m.

*

*

*

Upon motion by Mr. Farmer, seconded by Mr. Stinnett, and approved by a majority vote (Ms. Bledsoe was absent when the vote was taken), the meeting adjourned at 7:56 p.m.

Clerk of the Urban County Council