

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky February 13, 2014

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on February 13, 2014 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the council: Council Members Henson, Lane, Lawless, Mossotti, Scutchfield, Stinnett, Akers, Beard, Clarke, Ellinger, Farmer, Ford, and Gorton. Absent were Council Members Kay and Myers.

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

Resolutions No. 12-2014 through 27-2014, and Ordinances No. 5-2014 through 9-2014, inclusive, were reported as having been signed and published, and ordered to record.

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Lexington, Kentucky

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The Invocation was given by Rev. Laurie Brock, The Episcopal Church of Saint Michael the Archangel.

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The Mayor presented the AcoUstiKats who sang My Old Kentucky Home. Mr. Jeremy Michael Lewis of the AcoUstiKats thanked everyone for letting them perform. Mr. Ellinger stated that the community has been very proud of the AcoUstiKats. The Mayor presented the Acoustikats with a proclamation commemorating their establishment and their accomplishments and declaring February AcoUstiKats Month in Lexington. Mr. Lewis announced that the AcoUstiKats have a concert on Friday, February 14, 2014 at the Worsham Theater at 7:00 P.M.

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Upon motion of Ms. Gorton, seconded by Ms. Lawless, and approved by unanimous vote, Public Comment was moved to the front of the docket.

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Mr. Roy Cornett, Glenn Place, talked about using an internet service provider (ISP) in Kentucky and possibly implementing a municipal ISP.

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Mr. Steve Angelucci, President of Lexington Catholic, spoke about the impact of the Residential Parking Permit Program on Stratford Dr. Mr. Angelucci thanked Mr. Clarke and Mr. Ellinger for accepting questions, e-mails and visits from concerning citizens. Mr. Angelucci requested more public process when setting up a Residential Parking Permit Program because it has affected the student parking at Lexington Catholic. Mr. Angelucci asked the Council to consider withdrawing the resolution establishing the Residential Parking Permit Program for Stratford Dr., to have a study done and refer this matter to the Planning and Public Works Committee.

Mr. Farmer made a motion, seconded by Ms. Gorton, to place the matter of the Residential Parking Permit Program into the Council Planning and Public Works Committee for further review.

The Council discussed the motion.

Mr. Farmer's motion **passed** by unanimous vote and the matter of Residential Parking Permit Programs was placed into the Council Planning and Public Works Committee for further review.

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Upon motion of Ms. Gorton, seconded by Ms. Akers, the Minutes of the January 30, 2014 Council Meeting were approved by unanimous vote.

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An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone, to a Neighborhood Business (B-1) zone for 0.8108 net (1.0549 gross) acres; and from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.7561 net (0.8127 gross) acres, for properties located at 1009 and 1017 Wellington Way. (RTA Family Trust, Royce G. Pulliam, Trustee; Council District 10) was given first reading on January 16, 2014 and then removed from the docket pending a public hearing on February 11, 2014 which did not take place due to lack of quorum.

Upon motion of Mr. Clarke, seconded by Ms. Lawless, and approved by unanimous vote, the ordinance was placed on the docket and given second reading.

Upon motion of Ms. Gorton, seconded by Mr. Clarke, the ordinance was approved by the following vote:

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

Nay: -----0

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

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

Nay: -----0

An Ordinance amending Section 22-5(2) of the Code of Ordinances extending the term of the temporary position of Administrative Specialist, Grade 110N, for a four (4) year term expiring on March 22, 2018, in the Div. of Waste Management, 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. 40.

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The following ordinances were given first reading and ordered placed on file until February 20, 2014 for public inspection.

An Ordinance creating Section 18-166(i) of the Code of Ordinances related to violations of parking ordinances to establish a fine of \$250 for violation of Section 18-113.3 Parking In Handicapped Parking Spaces.

An Ordinance amending Section 18-113.4 (2) of the Code of Ordinances related to handicap parking signage to increase the minimum height of the signage to sixty (60) inches; creating Section 18-113.4(2)(a) of the Code of Ordinances, related to handicap parking signage to define the required signage for a handicapped van accessible space; creating Section 18-113.4(2)(b) related to handicapped signage to define the compliance requirements for Section 18-113.4(2)(a).

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. 42, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Budget Technician, Grade 112N, and creating one (1) position of Budget Analyst Sr., Grade 118E, both in the Div. of Budgeting, effective upon passage of Council.

An Ordinance amending Section 22-5(2) of the Code of Ordinances, abolishing one (1) position of Council Administrative Specialist, Grade 115E, and creating one (1) position of Research Analyst, Grade 118E, both in the Council Office, appropriating funds pursuant to Schedule No. 43, 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. 41.

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A Resolution initiating various Zoning Ordinance text amendments to Article 8-17, Downtown Business (B-2) zone; Article 8-18, Downtown Frame Business (B-2a) zone; Article 8-19, Lexington Center Business (B-2b) zone; and Article 27, Courthouse Area Design Overlay zone, to authorize, in part, the "Design Excellence" Program was on the docket for second reading.

Ms. Akers asked about the zoning changes in this resolution and about the "Design Excellence" Program.

Mr. Farmer stated this resolution was reviewed in committee and was brought to Council from there.

Mr. Derek Paulsen, Commissioner of the Dept. of Planning, Preservation and Development, stated the "Design Excellence" Program has not been established yet and there will be more brought before the Council Planning and Public Works Committee on the Program.

Ms. Lawless asked Mr. Paulsen questions about parking in B-2a zones that abut residential areas. Mr. Paulsen stated this issue will come back for more discussion and the "Design Excellence" Program will only impact the downtown area.

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

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

Nay: -----0

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Mr. Farmer made a motion, seconded by Ms. Gorton that a Resolution establishing a Residential Parking Permit Program for the 1100 block of Eldemere Rd., between Cooper Dr. and Providence Rd., from 8:00 a.m. to 4:00 p.m., Monday through Friday, September through April; waiving the provisions relating to the mechanics of designating residential parking permit areas adopted by Resolution No. 168-90 and amended by Resolution Nos. 450-91 and 433-2006 be placed in the Council Planning and Public Works Committee.

Ms. Lawless stated that this Residential Parking Permit Program is too far along in the process for the resolution to be placed in committee at this point. She stated the process for this Permit Program has been extensive and should be followed through.

Mr. Clarke stated the process is too far along with this particular resolution to place it in committee now, but that the issue of the Residential Parking Permit Program in general should be reviewed by committee.

Ms. Henson stated she will not support the motion because this resolution differs from the one dealing with Lexington Catholic.

Ms. Mossotti asked Ms. Lawless how long the Residential Parking Permit Program process has taken so far with this resolution. Ms. Lawless responded.

The Council continued to discuss the motion.

Mr. Farmer's motion **failed to pass** by a majority vote of 4-9 (Henson, Lane, Lawless, Mossotti, Akers, Beard, Clarke, Ellinger and Ford voted **no**.)

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

Aye: Henson, Lane, Lawless, Mossotti, Scutchfield,
Stinnett, Akers, Beard, Clarke, Ellinger,
Ford, Gorton -----12

Nay: Farmer -----1

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

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

Nay: -----0

A Resolution accepting the bid of Chem-Aqua, Inc., establishing a price contract for Water Treatment for Heating and Cooling Systems, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of L-M Asphalt Partners, Ltd d.b.a. ATS Construction, establishing a price contract for County Street Resurfacing, for the Div. of Streets and Roads.

A Resolution accepting the bid of E.C. Matthews, Inc., in the amount of \$78,305.00, for Arch and Column Replacement - Community Corrections Entrance, for the Div. of Community Corrections, and authorizing the Mayor, on behalf of the Urban County Government, to execute an agreement with E.C. Matthews, Inc., related to the bid.

A Resolution accepting the bids of Arrow Electric Co. and Davis H. Elliot Construction Co., Inc., establishing price contracts for Fiber Optic Cable Installation and Repair, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Pace Contracting, LLC, establishing a price contract for Secondary Digester Floating Cover Demo/Removal for the Div. of Water Quality and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement with Pace Contracting, LLC, related to the bid.

A Resolution accepting the bids of Office Depot, Inc., and Staples Contract and Commercial, Inc., establishing price contracts for office supplies, for all departments and divisions of Lexington-Fayette Urban County Government.

A Resolution ratifying the Probationary Civil Service Appointments of: Elizabeth Overman, PDR Manager, Grade 121E, \$3,230.32 biweekly in the Dept. of Planning, Preservation, and Development, effective January 27, 2014, Chris Toutant, Public Service Supervisor, Grade 111N, \$15.804 hourly in the Div. of Parks and Recreation, effective January 13, 2014; ratifying the Permanent Civil Service Appointment of: Candice Euarl, Child Care Program Aide, Grade 107N, \$12.840 hourly in the Div. of Family Services, effective January 1, 2014.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Bluegrass Community and Technical College, for lease of space at the Central Ky. Job Center.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Benefit Insurance Marketing, for a one year extension, expiring on December 31, 2014.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the donation of 10 Graco "Pack N Play" cribs, valued at \$700, from Safe Kids Fayette County, for distribution to low income families through the Div. of Social Services HANDS Program.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Fayette Fiscal Court and Jon Larson, Fayette County Judge/Executive for the FY 2011, FY 2012, and FY 2013 County Road

Aid Fund Program for Fayette County and establishing a budget for road projects in the amount of \$3,504,202.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an agreement for Preliminary Engineering Services with Norfolk Southern Railway Co. for the Southland Drive Bike Lane Project, at a cost not to exceed \$10,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Ky. Community and Technical College System, for classroom space at the Detention Center, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute multiple multi-year agreements and related documents (State Contract), with Dell Financial Services, LLC, for the lease of new and upgraded equipment for desktop computers, for the Div. of Computer Services, at an estimated cost not to exceed \$89,186.40 (FY2014).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Lexington Library and Harmony HB, LLC, a Division of Anderson Communities, Inc., for maintenance improvements to Phoenix Park, increasing the contract price by the sum of \$3,749.46 from \$19,141.00 to \$22,890.46.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the contract with T.E.M. Group, Inc., for Emergency Generator Connections, decreasing the contract price by the sum of \$20,000 from \$393,067 to \$373,067.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Bluegrass Contracting Corp. for Tates Creek Road Sidewalk Improvements Project, increasing the contract price by the sum of \$38,031.61 from \$1,671,416.30 to \$1,709,447.91.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept an award of funds, in the amount of \$80,000, from the Bluegrass Community Foundation, for support of a Local Food Coordinator position in the Office of

the Mayor, the acceptance of which obligates the Urban County Government for the expenditure of \$25,000 as a local match.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Civil Service Appointments: Robert Stack, Director Enhanced 911, Grade 122E, \$3,695.52 biweekly in the Div. of Emergency Management/911, effective February 24, 2014, Amanda Sweeney, Payroll Analyst, Grade 115E, \$1,812.12 biweekly in the Div. of Human Resources, effective February 24, 2014, Sandra Jordan, Staff Assistant Sr., Grade 108N, \$18.344 hourly in the Div. of Police, effective February 24, 2014, Earlanna Goldsmith, Child Care Program Aide, Grade 107N, \$12.124 hourly in the Div. of Youth Services, effective February 24, 2014, Steven Rogers, Park Naturalist, Grade 113E, \$1,347.44 biweekly in the Div. of Parks and Recreation, effective March 3, 2014, authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Sworn Appointments: Clay Combs, Robert Stowers and Ronald Spurlock, Police Lieutenants, Grade 317E, \$3,025.15 biweekly, Paul Boyles, Christopher Cooper, James Doane, Todd Iddings, Larry Kinnard, Police Sergeant, Grade 315N, \$28.588 hourly, all in the Div. of Police, effective February 24, 2014 was given first reading.

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

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

Aye: Henson, Lane, Lawless, Mossotti, Scutchfield,
Akers, Beard, Clarke, Ellinger, Farmer,
Ford, Gorton -----12

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

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Art in Motion, Inc., for the Gardenside Bus Shelter Renovation Project, at a cost not to exceed \$33,500 was given first reading.

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

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

Aye: Henson, Lane, Lawless, Mossotti, Scutchfield,
Akers, Beard, Clarke, Ellinger, Farmer,
Ford, Gorton -----12

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

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A Resolution authorizing the Mayor and the Commissioner of Finance, on behalf of the Lexington-Fayette Urban County Government and its Dept. of Finance, to execute a Master Development Agreement and any other necessary related documents, with Bayer Properties, LLC, for the Summit Lexington Development Area TIF Project was given first reading.

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

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

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

Nay: -----0
(Mr. Lane recused himself and Mr. Stinnett was absent when the vote was taken)

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with VIPS: Visually Impaired Preschool Services (\$950), the Prichard Committee for Academic Excellence (\$700), Stuart Hall Neighborhood Association (\$1,250), LexArts (\$1,100), and Lexington Rescue Mission (\$1,825) for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading.

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

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

Aye: Henson, Lane, Lawless, Mossotti, Scutchfield,
Akers, Beard, Clarke, Ellinger, Farmer,
Ford, Gorton -----12

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

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The following resolutions were given first reading and ordered placed on file until February 20, 2014 for public inspection.

A Resolution accepting the bid of Amteck, LLC, in the amount of \$26,090 for installation of outdoor warning sirens, for the Div. of Emergency Management/911.

A Resolution accepting the bid of Toyota on Nicholasville, establishing a price contract for 2014 Camry Hybrid (Police) Vehicles, for the Div. of Police.

A Resolution accepting the bids of Delta Services, LLC, and Pomeroy IT Solutions Sales Company, Inc. d/b/a Pomeroy, establishing price contracts for security cameras and equipment, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of J.R. Hoe & Sons, Inc., establishing a price contract for Iron Castings, for the Div. of Water Quality.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Bluegrass Workforce Investment Board, for lease of space within the Central Ky. Job Center.

A Resolution ratifying the Probationary Civil Service Appointment of: Larry Lewis, Environmental Initiatives Specialist, Grade 115E, \$1,787.12 biweekly in the Div. of Environmental Policy, effective February 24, 2014, ratifying the Permanent Civil Service Appointments of: Kelly Hunter, Planner, Grade 113E, \$1,674.48 biweekly in the Div. of Planning, effective January 29, 2014; Tamara McMullen, Administrative Specialist, Grade 110N, \$17.457 hourly in the Div. of Planning, effective February 5, 2014, Scott Tyree, Equipment Operator Sr., Grade 109N, \$13.179 hourly in the Div. of Streets and Roads, effective January 1, 2014, ratifying the Unclassified Civil Service Appointment of: Kevin Wente, Administrative Officer Sr., Grade 120E, \$3,033.60 biweekly in the Dept. of Planning, Preservation and Development, effective January 27, 2014, Edward Dean, Administrative Officer, Grade 118E, \$3,038.46 biweekly in the Div. of Waste Management, effective February 24, 2014.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Norfolk Southern Corp. Engineering Dept. of 200 railroad cross-ties, for use at the Hazardous Devices Unit Training Facility, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with U.S. Marshals Service, Eastern District of Ky., for access to radio systems.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Transylvania University Dept. of Public Safety, for use of the 800 MHz P25 Trunked Radio System.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an agreement with Everbridge, Inc., for an Alert and Notification System, at a cost not to exceed \$107,468.85.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Mutual Aid Agreement with The Transit Authority of Lexington, Ky. ("LEXTRAN"), for the provision of fuel in emergencies for the Div. of Fire and Emergency Services, at no additional mark-up cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Software Maintenance Agreement and End User License Agreement with Horizon Information Systems, Inc., for the software for the Representative Payee Program, for the Dept. of Social Services, at a cost not to exceed \$586.50.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a revision to the Master Service Agreement with Time Warner Cable, for upgrade in internet service from 20M to 50M, at a cost not to exceed \$8,604.60.

A Resolution authorizing the Div. of Fire and Emergency Services, on behalf of the Urban County Government, to purchase Lucas II Chest Compression devices and related equipment and services from Physio Control, Inc., a sole source provider (distributor), at an estimated cost not to exceed \$20,363.20, and authorizing the Mayor, on behalf of the Urban County Government, to sign any necessary Agreement related to the equipment or services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Supplemental Agreement No. 1 with the Ky. Transportation Cabinet, for the acceptance of additional Federal funds in the amount of \$28,000 for the

Polo Club Blvd. Design Phase, the acceptance of which obligates the Urban County Government for the expenditure of \$7,000 as a local match.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement for weather forecasting services with Telvent dtn, a sole source provider, for the use of WXSentry Smartphone for the period September 30, 2013 to October 1, 2014 for the Div. of Streets and Roads, at a cost not to exceed \$5,028.00.

A Resolution authorizing the Div. of Parks and Recreation, on behalf of the Urban County Government, to purchase an aquatic climbing wall from Pyramide USA, Inc., a sole source provider, at a cost not to exceed \$26,055.

A Resolution authorizing the Div. of Environmental Policy to purchase a Tracer ES browser-based upgrade and related license and installation to existing software from Harshaw Trane, a sole source provider, at a cost not to exceed \$26,640.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. 1 to an Engineering Services Agreement with Hall-Harmon Engineers, Inc., for design services for Rose Street Widening Project bike lanes, at a cost not to exceed \$6,500.

A Resolution accepting the response of Springbrook Software, to RFP No. 31-2013 - Revenue Collection Recording and Reporting System, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement, with Springbrook Software to conduct an on-site Business Tax Analysis of the current Revenue Collection, Recording and Reporting System, at a cost estimated not to exceed \$24,000 for a Phase 1 Needs Analysis.

A Resolution authorizing Atlantic Signal, LLC, as a sole source provider contract for the purchase of Gladiator V Bone Conduction Headsets by the Div. of Police for a period of one year.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit three (3) Grant Applications to the Ky. Transportation Cabinet, to provide any additional information requested in connection with these Grant Applications, and to accept the Grants if the applications are approved, which Grant funds are in the amount of \$245,000 Federal funds, are for the Traffic

Safety Program (\$165,000), the Speed Enforcement Project (\$65,000), and the Distracted Driving Project (\$15,000), 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 Amendment No. 1 to the Agreement with the National Council on Crime and Delinquency, for extension of the Prison Rape Elimination Act Project 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 accept a Grant from the Ky. Education Fund for Handicapped Children, which Grant funds are in the amount of \$10,500, are for therapeutic recreation activities for persons with disabilities, for the Div. of Parks and Recreation, 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 and authorizing an Assistance Agreement between the Lexington-Fayette Urban County Government and the Ky. Infrastructure Authority to provide \$13,674,302 of loan funds for the Bundle 2 - Trunk Sewer Replacement and Wet Weather Equalization Tank Projects.

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Upon motion of Ms. Lawless, seconded by Mr. Beard, and passed by majority vote of 12-0 (Mr. Stinnett was absent when the vote was taken), the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Ms. Elizabeth Woodward to the Airport Board, with term to expire 1/1/2018. The term of Mr. Bobby Owens expired; (2) Recommending the appointment of Ms. Cathy D. Taylor, and the reappointments of Mr. Gregory D. Beard, Ms. Crystal N. Newton, Mr. Jason S. Thomas, Mr. John A. Wagner, and Mr. Joseph M. Wilson, to Bluegrass Crimestoppers, Inc., all with terms to expire 3/21/2018; (3) Recommending the appointment of Ms. Laura A. Thomas, as Individual Representing People with Specific Disabilities, to the Commission for Citizens with Disabilities, with term to expire 1/1/2017. Ms. Thomas will fill the unexpired term of Mr. Jerry Kersey; (4) Recommending the reappointment of Mr. Thomas W. Harris to the Downtown Development Authority Board of Directors, with term to expire 1/15/2018; (5)

Recommending the appointment of Mr. Thad W. Scott, as Division of Code Enforcement representative, and the reappointments of Council Member Peggy Henson, as Council Member representative, and Ms. Angela Poe, as Educational Institution representative, to the Keep Lexington Beautiful Commission, all with terms to expire 2/1/2018; and (6) Recommending the appointment of Ms. Soreyda B. Begley to the Social Services Advisory Board, with term to expire 12/1/2017. The term of Ms. Casey Dunn expired.

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The following Communications from the Mayor were received for information only: (1) Resignation of Jennifer A. Bailey, HCM Manager Enterprise Solutions, Grade 119E, Div. of Enterprise Solutions, effective January 31, 2014; (2) Resignation of Dennis Wayne Bevels, Custodial Worker, Grade 102N, Div. of Facilities and Fleet Management, effective January 5, 2014; (3) Resignation of Justin Thomas Clark, Microcomputer Support Specialist, Grade 113N, Div. of Police, effective February 4, 2014; (4) Resignation of Brenda Finley, Firefighter, Grade 311N, Div. of Fire and Emergency Services, effective January 8, 2014; (5) Resignation of Christopher Gaidzik, Firefighter, Grade 311N, Div. of Fire and Emergency Services, effective January 12, 2014; (6) Resignation of Ben Helsby, Police Officer, Grade 311N, Div. of Police, effective January 30, 2014; (7) Resignation of Beverly Johnson, Telecommunicator, Grade 111N, Div. of Police, effective February 6, 2014; (8) Resignation of Donald G. Langfels, Equipment Operator Sr., Grade 109N, Div. of Waste Management, effective January 17, 2014; (9) Resignation of Kristin E. Moore, Police Officer, Grade 311N, Div. of Police, effective January 18, 2014; (10) Resignation of Tiffany L. Resor, Telecommunicator Supervisor, Grade 116N, Div. of Police, effective January 19, 2014; (11) Resignation of Keith Wayne Riley, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective January 20, 2014; (12) Resignation of John Andrew Robinson, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective February 2, 2014; (13) Resignation of Shamil Saadiq, Equipment Operator Sr., Grade 109N, Div. of Waste Management, effective January 2, 2014; (14) Resignation of Perry Lamont White, Equipment Operator Sr., Grade 109N, Div. of Waste Management, effective January 8, 2014; (15) Termination of Probationary Appointment of Joshua Preston, Community Corrections Officer, Grade

110N, Div. of Community Corrections, effective January 3, 2014; and (16) Termination of Probationary Appointment of Randall Scott Miller, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective January 3, 2014.

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Asst. Chief Ronald Compton, Div. of Police, stated that Commander Douglas Pape has 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 9th day of August, 2013 he was engaged in a conversation with Sergeant Pete Ford at Headquarters at approximately 0830 hours discussing several topics including the call out police and procedure. The conversation continued with interruptions by both employees until Commander Pape reacted inappropriately. Commander Pape stood up and moved towards Sergeant Ford placing his hands on Sergeant Ford's elbow/arm and physically directed him towards the Sergeant's office. The manner and demeanor in which Commander Pape was engaged with the involved employee and failure to de-escalate the situation did not reflect favorably on the Division of Police or to the employees. In response, Sergeant Ford's reaction was described as inappropriate. He immediately jerked away, raised his voice and used profane language while moving from an office area to the main BOI bay. The manner in which Sergeant Ford reacted and his failure to de-escalate the situation did not reflect favorably on the Division or to the other employees. This incident occurred in front of other employees of the Lexington Division of Police impairing operation and efficiency of the Division and that the appropriate punishment for this conduct is Thirty (30) Hours Suspension Without Pay.

Upon motion of Ms. Gorton, seconded by Ms. Mossotti, the disciplinary action was approved by a majority vote of 12-0. (Mr. Stinnett was absent when the vote was taken)

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Asst. Chief Ronald Compton, Div. of Police, stated that Officer Ronald Kornrumpf has committed the offense of Treatment of Persons In Custody in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.22, in that on the 9th day of October, 2013 he mistreated arrestee John W. Dunn on Wednesday October, 9, 2013, at approximately 0336 hours while in the booking area of the Detention Center. On this date, Mr. Dunn was sitting on the metal bench in the vestibule area with his hands cuffed behind his back. Officer Kornrumpf asked Mr. Dunn to "get up!" on two

occasions and, when he failed to comply, Officer Kornrumpf then grabbed Mr. Dunn, one handed, by his jacked in his chest area and pulled him from the bench. During this maneuver, Officer Kornrumpf's left hand remained in his pants pocket and, as Mr. Dunn's weight was unsupported, he fell from the bench into the adjacent wall and onto a trash can. Subsequent to the fall, Officer Kornrumpf dragged Mr. Dunn on the floor from the vestibule into the booking area and, during this process, his hat was dislodged. After Mr. Dunn was placed in front of the booking desk, Officer Kornrumpf used his foot to lift the arrestee's hat and flipped it onto him as he lay on the floor. Commander Douglas Pape says that Officer Ronald Kornrumpf did not treat Mr. John W. Dunn in accordance with established Division procedures 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 a majority vote of 12-0. (Mr. Stinnett was absent when the vote was taken)

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Ms. Lawless warned citizens that a General Electric light bulb she owns recently caught on fire and there may be a possible defect.

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Mr. Ford reminded everyone there is a Council meeting next week.

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Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by a majority vote of 12-0 (Mr. Stinnett was absent when the vote was taken), the meeting adjourned at 7:31 p.m.

Deputy Clerk of the Urban County Council