

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky October 9, 2014

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on October 9, 2014 at 6:00 P.M. Present were Mayor 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. 526-2014 through 559-2014, and Ordinance No. 114-2014 through 122-2014, inclusive, were reported as having been signed and published, and ordered to record.

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The invocation was given by Chaplain Cecil Tatum, Div. of Fire and Emergency Services.

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Upon motion of Mr. Myers, seconded by Ms. Gorton, the Minutes of the September 25, 2014 Council Meeting were approved by unanimous vote.

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The Mayor invited Ms. Judy Taylor to join him at the podium. The Mayor spoke about the film '23 Blast', and read a Proclamation in honor of the film and its true story, which took place in and was filmed in Corbin, Kentucky. He declared October 23, 2014, as '23 Blast' Day in Lexington.

Ms. Taylor spoke about the film, and stated the premiere event in Lexington would benefit Visually Impaired Preschool Services. A preview of the film was shown to the audience.

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The Mayor invited Ms. Gorton, and Mayor Fiona O'Loughlin from County Kildare, Ireland, to join him at the podium. The Mayor read the Proclamation and proclaimed October 9, 2014 Lexington and County Kildare 30th Anniversary Sister Cities Day.

Ms. Gorton recognized the visitors from Ireland in the audience, and spoke about the Sister Cities program. She recognized those from the Sister Cities Commission & Committee.

Ms. Gorton introduced Mayor O'Loughlin, who thanked the Mayor, Vice-Mayor and Council. She spoke about the program, and talked about how her father had originally signed the Sister Cities agreement 30 years ago. She presented a shadowbox of materials from Kildare bogs to the Mayor for the Sister Cities exhibition.

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The Mayor invited Mr. Farmer to join him at the podium for a Proclamation in honor of 90th Anniversary of Toastmasters. Mr. Farmer read the Proclamation, and proclaimed October 9, 2014 as International Toastmasters Day. He introduced Mr. Thomas Habermann who spoke about the organization.

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Upon motion of Mr. Kay, seconded by Ms. Henson, and approved by unanimous vote, an Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Security Officer, Grade 106N, and creating one (1) position of Administrative Officer, Grade 118E, both in the Div. of Facilities and Fleet Management, appropriating funds pursuant to Schedule No. 12, effective upon passage of Council was placed on the docket after being referred to the General Government Committee at the September 11, 2014 Council Meeting.

The ordinance was given second reading. Upon motion of Ms. Akers, seconded by Ms. Scutchfield, the ordinance 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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An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone for 3.66 net (4.54 gross) acres, for property located at 3400 Todds Rd. (Andover Townhouse Partners, PLLC, c/o Doug Charles; Council District 7) was given second reading.

Ms. Scutchfield stated most issues regarding the zone map amendment had been resolved with citizens who had objections.

Upon motion of Ms. Akers, seconded by Ms. Scutchfield, the ordinance 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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The following ordinances were given second reading. Upon motion of Ms. Akers, seconded by Ms. Scutchfield, 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 changing the zone from an Expansion Area Residential-3/Transition Area (EAR-3/TA) zone to a Community Center (CC) zone, for 14.82 net

(16.49 gross) acres, for property located at 2500 Polo Club Blvd. (a portion of) including a height variance (A & M Hamburg, LLC; Council District 12).

An Ordinance amending Article 23A of the Zoning Ordinance to allow a second building exceeding 50,000 square feet in size in the Community Center (CC) zone. (Urban County Planning Commission).

An Ordinance creating and establishing for bid a non-exclusive telecommunications (or related non-cable) franchise for the placement of facilities for the generation, transmission, distribution and sale of telecommunications or related non-cable services within the public rights-of-way of Fayette County for a twelve (12) month duration, with an additional extension of time not to exceed six (6) months if a long term franchise is not offered prior to expiration; and providing for compliance with other relevant laws, regulations, standards, and ordinances; definitions; work, materials and construction standards; wire moving and tree trimming; performance bonds; indemnification; insurance; access to property and inspections; notice of filings with the Public Service Commission; no vested rights; limited assignment; notice of foreclosure and bankruptcy; cancellation or termination; violations and penalties; permitting and inspection fees; additional permitting and other requirements for substantial new construction; and bid requirements; all effective on date of passage.

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 certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$750 for the Div. of Environmental Policy from Neighborhood Development Funds for the Tree Planting Project on Eastway Dr., Schedule No. 19.

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An Ordinance amending Sections 2-458, 2-460, and 2-462 of the Code of Ordinances, relating to the membership requirements, election of officers, and meeting requirements for the Commission for Citizens with Disabilities was given first reading.

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

The ordinance was given second reading. Upon motion of Mr. Ellinger, seconded by Ms. Akers, the ordinance 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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An Ordinance changing the zone from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 0.588 net (0.852 gross) acres, for property located at 626-634 Euclid Avenue (Caller Properties, LLC; Council District 3) was given first reading and ordered placed on file for public inspection until a Zone Change Hearing on November 17, 2014 at 5:00 P.M.

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

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. 18.

An Ordinance amending Section 22-5(2) of the Code of Ordinances extending the term of the temporary position of one (1) Administrative Specialist Principal, Grade 518E, and three (3) positions of Administrative Specialist, Grade 513N, for a term of two (2) years beginning September 23, 2014 and expiring on September 23, 2016, in the Div. of Water Quality, effective upon passage of Council.

An Ordinance amending Section 22-5(2) of the Code of Ordinances, abolishing one (1) position of Equipment Operator P/T, Grade 510N, and creating one (1) position of Clerical Assistant P/T, Grade 505N, both in the Div. of Family Services, effective upon passage of Council.

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The following 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 accepting the bids of the Allen Company, Inc.; ASL Excavating, Inc.; L-M Asphalt Partners LTD dba ATS Construction; Bluegrass Contracting Corp.; Sensabaugh Design & Construction, LLC; Todd Johnson Contracting, Inc.; Tom Chesnut Excavation & Construction, LLC; Woodall Construction Co., Inc.; and ZKB Services, LLC, establishing 2014 Construction Unit Price Contracts, for the Div. of Engineering.

A Resolution accepting the bid of Crown Services, Inc., establishing a price contract for Temporary Labor for General Services - Facilities Management.

A Resolution ratifying the Probationary Civil Service Appointments of: Tyler Scott, Administrative Officer Sr., Grade 120E, \$2,320.72 biweekly in the Dept. of Finance, Theresa Maynard, Administrative Officer, Grade 118E, \$2,505.12 biweekly in the Dept. of Social Services, both effective October 6, 2014, ratifying the Permanent Civil Service Appointments of: Alex Hicks, Public Service Supervisor, Grade 111N, \$18.458 hourly and Randall Wilson, Public Service Worker Sr., Grade 107N, \$12.325 hourly, both in the Div. of Streets and Roads, effective August 24, 2014 and Demetria Mehlhorn, Program Manager Sr., Grade 120E, \$2,608.00 biweekly in the Div. of Environmental Policy, effective September 10, 2014; and ratifying the Unclassified Civil Service Appointments of: Araceli Castillo-Ramirez, Family Support Worker Sr., Grade 112N, \$16.150 hourly in the Div. of Family Services, effective September 15, 2014 and Leslie Adams, ESP Supervisor, Grade 114E, \$1,756.96 biweekly in the Div. of Parks and Recreation, effective September 22, 2014.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to donate to Ms. Sandra Skarky the Police Horse Panzer who is being retired due to injuries.

A Resolution accepting the proposal of Group CJ to RFP No. 26-2014 and establishing a price contract for Graphic Design Services for various departments and divisions of the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Commonwealth Attorney's Office, for a "Fast Track" prosecutor for the Street Sales Drug Enforcement Project, at a cost not to exceed \$65,656.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to extend Multi-Year Agreements with VeBridge (Hyland Enterprise Content Management System), for OnBase maintenance for five (5) years beginning FY2015, for the Div. of Computer Services, at a cost not to exceed \$71,361.86 for Fiscal Year 2015.

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; and 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: Bobwhite Trl., Feliciana Ln., Tradition Cir., Beacon St., Majestic Dr., Monarch St., Verandah Pl., and Wall St.

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; and 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 streets: Somersly Pl., Deer Haven Ln., Meeting St., Russell Cave Rd., Newtown Pike, Our Tibbs Trl., Stolen Horse Trce., Wentworth Pl., Lochmere Loop, Lochmere Ct., Old Schoolhouse Ln., and Lochmere Pl.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement for professional services with Pa. Coalition Against Rape, for on-site training to enhance coordinated community response to domestic violence, at a cost not to exceed \$1,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing sanitary sewer easements on properties located at 3401 Nicholasville Rd., 3555 Nicholasville Rd., and 3615 Nicholasville Rd.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing storm sewer easements on properties located at 3401 Nicholasville Rd., 3555 Nicholasville Rd., and 3615 Nicholasville Rd.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Three-Year Lease Agreement with VAR Resources, Inc., to provide Apple MacBook Pro Laptops through CDW Government, Inc. (CDW-G) to the Coroner's

Office, at a cost not to exceed \$4,420.36 (FY2015), with future fiscal years subject to sufficient funds being appropriated.

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 \$40,380 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 accept the proposals of, and execute Engineering Services Agreements with the following prequalified engineering firms: AFA Engineering, LLC; CMTA, Inc.; Shrout Tate Wilson Mechanical and Electrical Engineers; and Paladin, Inc., to provide Professional Services-HVAC, under RFP No. 34-2014, with future work awarded and funds budgeted on a project basis.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Addendum to the Memorandum of Understanding with the Lexington-Fayette County Health Dept. for Fats, Oil and Grease (FOG) Training Services, renewing the Memorandum for one (1) year at a cost not to exceed \$1,200.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with Lexington Center Corp., for use of the Lexington Opera House for Kiddie Kapers, at a cost not to exceed \$8,100.

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 \$34,405 Federal funds under the State Criminal Alien Assistance Program (SCAAP), are for reimbursement of costs related to the incarceration of undocumented criminal aliens, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencum-bered funds within the Grant budget.

A Resolution approving the granting of an inducement to Funai Lexington Technology Corp., pursuant to the Ky. Business Investment Act (KRS Subchapter 154.32), whereby the Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees for a term of not longer than ten (10) years from the activation date, subject to the limitations contained in the Act and any agreement Funai Lexington Technology Corp., has with the Ky. Economic Development Finance Authority and/or the Urban County Government related to the project, and taking other related action.

A Resolution approving the granting of an inducement to Creative Lodgings Solutions, LLC, pursuant to the Ky. Business Investment Act (KRS Subchapter 154.32), whereby the Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees for a term of not longer than ten (10) years from the activation date, subject to the limitations contained in the Act and any agreement Creative Lodgings Solutions, LLC, has with the Ky. Economic Development Finance Authority and/or the Urban County Government related to the project, and taking other related action.

A Resolution accepting the response of URS Corp. to RFP No. 37-2014 Lexington Area Metropolitan Planning Organization Regional Intelligent Transportation System Architecture Study, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with URS Corp. to provide services related to the RFP, at a cost estimated not to exceed \$77,250.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation of 30 hardhats from Bullard, A Protective Equipment Company, for use at the groundbreaking of the new Senior Center, at no cost to the Urban County Government.

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A Resolution ratifying the Probationary Civil Service Appointments of: Gary James, Microcomputer Support Specialist, Grade 515N, \$19.724 hourly in the Div. of Waste Management, effective October 20, 2014; and Cyndra Brown, Grants Manager, Grade 523E, \$2,459.10 biweekly in the Div. of Grants and Special Programs, effective October 6, 2014; and ratifying the Permanent Civil Service Appointments of: Erica Williams, Staff Assistant Sr., Grade 510N, \$13.879 hourly in the Div. of Human

Resources, effective October 1, 2014; and Steven Florence, Telecommunicator, Grade 513N, \$14.596 hourly in the Div. of Police, effective September 25, 2014; and ratifying the Permanent Sworn Appointments of: Paul Boyles, James Doane, Larry Kinnard, and Jeremy Russell, all Police Lieutenant, Grade 317N, \$2,306.31 biweekly, and Clay Combs, Kevin Metcalf and Ronald Spurlock, Police Lieutenant, Grade 317N, \$3,025.24 biweekly, all in the Div. of Police, effective August 4, 2014, and Brian Baker, William Bellomy, Adam Brown, Brian Cobb, Charles Farley, Robert Gray, Lance Greene, Travis Holt, Jeffrey Horn, Cristopher Johnson, Ronald Jones, Daniel Kimball, Matthew Laney, Blake Leathers, Jason Millay, Antonio Muniz, Steven Newton, Dilyana Nicolova, Michelle Patton, James Powell, Kevin Preston, Monika Rozalski, Jordan Truett, Jordan Tyree, Glen Wagoner, McKenzie Willoughby, and Jeremy Wilson, all Police Officer, Grade 311N, \$17.890 hourly in the Div. of Police, all effective September 18, 2014 was on the docket for first reading.

Upon motion of Ms. Gorton, seconded by Ms. Mossotti, and approved by unanimous vote, the resolution was amended to add Debora Slone, Council Administrative Specialist, Grade 520E in the Office of the Urban County Council, at a rate of \$1,200 bi-weekly.

Upon motion of Ms. Gorton, seconded by Ms. Mossotti, and approved by unanimous vote, the resolution was amended to remove Cyndra Brown, Grant Manager, Grade 523E in the Div. of Grants and Special Programs from the Probationary Civil Service Appointments.

A Resolution ratifying the Probationary Civil Service Appointment of: Gary James, Microcomputer Support Specialist, Grade 515N, \$19.724 hourly in the Div. of Waste Management, effective October 20, 2014; and ratifying the Permanent Civil Service Appointments of: Erica Williams, Staff Assistant Sr., Grade 510N, \$13.879 hourly in the Div. of Human Resources, effective October 1, 2014; and Steven Florence, Telecommunicator, Grade 513N, \$14.596 hourly in the Div. of Police, effective September 25, 2014; and ratifying the Permanent Sworn Appointments of: Paul Boyles, James Doane, Larry Kinnard, and Jeremy Russell, all Police Lieutenant, Grade 317N, \$2,306.31 biweekly, and Clay Combs, Kevin Metcalf and Ronald Spurlock, Police Lieutenant, Grade 317N, \$3,025.24 biweekly, all in the Div. of Police, effective August 4,

2014, and Brian Baker, William Bellomy, Adam Brown, Brian Cobb, Charles Farley, Robert Gray, Lance Greene, Travis Holt, Jeffrey Horn, Cristopher Johnson, Ronald Jones, Daniel Kimball, Matthew Laney, Blake Leathers, Jason Millay, Antonio Muniz, Steven Newton, Dilyana Nicolova, Michelle Patton, James Powell, Kevin Preston, Monika Rozalski, Jordan Truett, Jordan Tyree, Glen Wagoner, McKenzie Willoughby, and Jeremy Wilson, all Police Officer, Grade 311N, \$17.890 hourly in the Div. of Police, all effective September 18, 2014; and ratifying the Unclassified Civil Service Appointment of: Debora Slone, Council Administrative Specialist, Grade 520E, \$1,200.00 biweekly in the Council Office, effective October 20, 2014 was given first reading as amended.

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

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

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

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

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Civil Service Appointments: Meiling Williams Reece, Administrative Specialist Sr., Grade 516N, \$19.931 hourly in the Dept. of Law, and Tricia Platt, Early Child Care Teacher, Grade 512E, \$1,525.68 biweekly in the Div. of Family Services, both effective October 20, 2014; and David Arnold, Heavy Equipment Technician, Grade 516N, \$24.094 hourly in the Div. of Facilities and Fleet Management, effective November 17, 2014; Robert Mangione, Vehicle and Equipment Mechanic, Grade 512N, \$14.832 hourly in the Div. of Parks and Recreation, effective upon passage of Council; and authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Community Corrections Officer Appointments: Franklin Anthony, Katey Applegate, Robert Carter, Stephanie Cooper, Dwight Cunningham, Tony Eary, Kimberly Fishter, Leonard Harris, Leighton Hudson, Tony Masters, Trece McGlothen, Aaron Moss, Brandi Nickolaus, Harvey Richardson, Bryan Smith, Trevor Smith, and Dawnrisha Talbott; all Community Corrections Officer, Grade

110N, \$14.536 hourly in the Div. of Community Corrections, effective upon passage of Council; and authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Sworn Appointment: Jeremiah Harville, Police Sergeant, Grade 315N, \$28.828 hourly in the Div. of Police, effective October 27, 2014 was given first reading.

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

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

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

Nay: -----0
(Mr. Lane 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 an Agreement awarding a Class B (Infrastructure) Incentive Grant for stormwater quality projects to G&J Pepsi-Cola Bottlers, Inc., at a cost not to exceed \$302,557 was given first reading.

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

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

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

Nay: -----0
(Mr. Lane 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 an Agreement with Clean Harbors Environmental Services, for disposal of hazardous waste, at a cost not to exceed \$149,550 was given first reading.

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

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

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

Nay: -----0
(Mr. Lane 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 Change Order No. One (1) to the Contract with O'Rourke Wrecking Co. for additional demolition for PSOC Project 1/A, increasing the contract price by the sum of \$13,710 from \$252,000 to \$265,710 was given first reading.

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

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

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

Nay: -----0
(Mr. Lane 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 Carnegie Center for Literacy and Learning (\$1,025), Transylvania Park Neighborhood Association (\$520), Salvation Army (\$2,500), Stonewall PTA (\$500), The Golf Townhomes at Andover Estates HOA, Inc., Phase II (\$400), The Golf Townhomes of Andover Forest HOA, Inc. (\$400), WGPL Neighborhood Association (\$750), Seven Parks Neighborhood Association, Inc. (\$1,725), Tates Creek Choir Booster Club (\$1,725) and Bryan Station Football Boosters, Inc. (\$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 Ms. Scutchfield, seconded by Ms. Henson, the rules were suspended by a majority vote. (Mr. Lane was absent when the vote was taken)

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

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

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

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The following resolutions were on the docket for first reading. Upon motion of Ms. Gorton, seconded by Ms. Scutchfield, and approved by unanimous vote, the resolutions were amended to include reference to the results of the 2014 J.D. Power Residential Wireline Television Service Satisfaction Study in the findings of fact for each resolution.

A Resolution relating to Lexington-Fayette Urban County Government denying approval of the transfer of control of Time Warner Cable to Comcast Corporation was given first reading as amended and ordered placed on file two weeks for public inspection.

A Resolution relating to Lexington-Fayette Urban County Government denying approval of the transfer of control of Comcast Corp. to Charter Communications, Inc. was given first reading as amended and ordered placed on file two weeks for public inspection.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a New Case Document for Lexington-Fayette Urban County Government, Police and Fire Retirement Fund with Humana Insurance Co., for the period of January 1, 2015 through December 31, 2015 was on the docket for first reading.

Ms. Mossotti asked questions of Mr. John Maxwell regarding the New Case Document. Mr. Maxwell responded.

The resolution was given first reading and ordered placed on file two weeks for public inspection.

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

A Resolution accepting the bid of tw telecom holdings, inc., establishing a price contract for Internet Access Provider for Redundancy, and authorizing the Mayor, on

behalf of the Urban County Government, to execute a Standard Terms and Conditions Agreement with tw telecom holdings, inc., related to the bid.

A Resolution accepting the bid of Nugent Sand Co., establishing a price contract for Sand for Golf Courses, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Republic Services of Ky., LLC, establishing a price contract for Single Pass Loose Leaf Collection Services, for the Div. of Streets and Roads.

A Resolution accepting the bid of Judy Construction Co., in the amount of \$19,108,000, for the Town Branch Wet Weather Storage Facility, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Judy Construction Co. related to the bid.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which Grant funds are in the amount of \$145,000 Federal funds under the Chemical Stockpile Emergency Preparedness Program (CSEPP) are for the construction of a storage building for decontamination 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 the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Agreement with DMH Construction, Inc., for the Idle Hour North Stormwater Improvements Project, increasing the contract price by the sum of \$12,493.51 from \$522,665.00 to \$535,158.51.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a Deed of Easement from Karen Cosgrove for the property located at 729 Woodward Ln., for the Wilderness Road/Woodward Lane Sanitary Sewer Project, and authorizing payment in the amount of \$1,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. for Local Government, which Grant funds are in the amount of \$100,000 Federal funds, are for Phase 4 of the Brighton Rail Trail Project, the acceptance of which obligates the Urban County Government for the

expenditure of \$100,377.92 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 a Partial Release of Easement, releasing a utility easement on the property located at 450 West Reynolds Rd.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Fayette County Public Schools, for the operation of the Parent Resource Center at the Family Care Center, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with the Lexington Art League, Inc., for use of The Loudon House, for which the Lexington Art League, Inc. will pay \$500 per month.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amended Agreement for the Central Ky. 9-1-1 Network with the existing members of the Network and a Revised Agreement including amended language with any additional jurisdictions approved by Lexington-Fayette Urban County Government's E-911 Board, to clarify the responsibility of damages and term length, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Bluegrass Contracting Corp. for the Meadows/Northland/Arlington Public Improvements Project, Phase 5B, increasing the contract price by the sum of \$68,352.92 from \$737,798.75 to \$806,151.67.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute certain Change Orders meeting the criteria provided in this Resolution, to the Contract with Marrillia Design and Construction for the construction of the new Senior Citizen Center.

A Resolution designating the speed limit on Jouett Creek Dr. as 30 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

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

A Resolution authorizing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multi-way stop controls at the intersection of Blazer Pkwy. and North Eagle Creek Dr.

A Resolution authorizing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multi-way stop controls at the intersection of Rio Dosa Dr. and North Locust Hill Dr.

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Upon motion of Mr. Farmer, seconded by Mr. Ellinger, and passed by a majority vote (Mr. Lane was absent when the vote was taken), the Communication from the Mayor was approved and is as follows: (1) Recommending the appointment of Ms. Kenzie Gleason, to fill the unexpired term of Mr. Roger Daman as Designee, Commissioner of Planning, to the Commission for Citizens with Disabilities with term to expire 1/1/2015.

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The following Communications from the Mayor were received for information only: (1) Resignation of Carisa Kay Kelsey, Family Support Worker Sr., Grade 514N, Div. of Family Services, effective August 28, 2014; (2) Resignation of Esther Cruz Moberly, Program Specialist, Grade 513N, Div. of Waste Management, effective September 19, 2014; (3) Resignation of Shandra J. McCauley, Store Clerk, Grade 508N, Div. of Streets and Roads, effective August 29, 2014; (4) Resignation of Kenneth Louis Brown Jr., Police Officer, Grade 311N, Div. of Police, effective August 17, 2014; (5) Resignation of Alicia Dawn Boyd, Internal Auditor, Grade 520N, Office of Internal Audit, effective May 22, 2014; (6) Resignation of David Craft, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective August 16, 2014; (7) Resignation of Donald James Bandach, Equipment Operator Sr., Grade 512N, Div. of Streets and Roads, effective September 4, 2014; (8) Resignation of Bradley S. Toadvine, Police Officer, Grade 311N, Div. of Police, effective September 5, 2014; (9) Resignation of Monica Strzalkowski, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective August 16, 2014; (10) Resignation of

Joshua Matthew Tucker, Firefighter, Grade 311N, Div. of Fire, effective September 29, 2014; (11) Resignation of Michael Lee Poynter, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective August 24, 2014; (12) Resignation of James Kevin Hale, Telecommunicator, Grade 513N, Div. of Emergency Management/911, effective September 10, 2014; (13) Resignation of Matthew Cochran, Skilled Trades Worker, Grade 515N, Div. of Parks and Recreation, effective September 18, 2014; (14) Resignation of Zachary Kersey, Emergency Systems Specialist, Grade 515N, Div. of Fire, effective September 9, 2014; (15) Resignation of James Costa Jr., Police Officer-Trainee, Grade 311N, Div. of Police, effective September 25, 2014; (16) Resignation of Joseph David Jaspersen, Police Officer-Trainee, Grade 311N, Div. of Police, effective September 10, 2014; (17) Resignation of Jason Edward Paulson, Police Officer-Trainee, Grade 311N, Div. of Police, effective September 25, 2014; (18) Reinstatement of John McElroy, Treatment Plant Operator Apprentice - Class I, Grade 510N, Div. of Water Quality, effective October 13, 2014; and (19) Termination of Jarad M. McCargo, Firefighter, Grade 311N, Div. of Fire, effective September 21, 2014.

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Mr. Farmer announced the ground-breaking for the Senior Citizen Center would be on October 13, 2014. He also spoke about matters for the upcoming Planning and Public Works Committee Meeting.

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Mr. Ford made a motion, seconded by Ms. Scutchfield, to schedule a public hearing on the Midland Avenue Corridor Mixed Use Tax Increment Financing Development Plan on Thursday, October 23, 2014 at 6:00 P.M. in the Council Chambers, 2nd Floor, Government Center, 200 E. Main St., Lexington, Ky. to receive public comment regarding the Development Plan.

Mr. Farmer asked questions about the Midland Tax Increment Financing area. Mr. Kevin Atkins, Mayor's Office, spoke about the area. A map of the area was shown to the audience. Mr. Farmer asked about changing the boundaries of a district. Mr. Atkins responded.

Ms. Mossotti asked questions of Mr. Phil Holoubek, Lexington's Real Estate Company, regarding the development area. Mr. John Farris, Commonwealth Economics, and Mr. Holoubek responded to questions.

Mr. Kay asked questions of Mr. Farris about the parks in the development area.

Mr. Beard asked questions of Mr. Holoubek about different structures in the development area.

Ms. Gorton asked questions of Mr. Farris about the involvement of the Triangle Foundation in the Tax Increment Financing area.

Ms. Lawless spoke about the Tax Increment Financing area.

Mr. Ford spoke about the parks in the development area, and asked the developers to talk about the schedule for the Tax Increment Financing process. Mr. Farris responded.

Mr. Myers asked questions of Mr. Farris about what will be discussed at the public hearing.

Ms. Akers asked questions of Mr. Farris about the Tax Increment Financing process.

The Mayor also spoke about the project, and asked more questions of Mr. Farris.

Mr. Ford's motion **passed** by a majority vote (Mr. Lane was absent when the vote was taken).

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Ms. Gorton spoke about the cabinet with the Sister Cities memorabilia in the Government Center lobby.

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Mr. Myers spoke about the Midland Tax Increment Financing area plan, and stated he was pleased it would be in accordance with the East End Small Area Plan.

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Mr. Ford made additional comments about the Midland Tax Increment Financing area plan.

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Mr. Corey Dunn, West Sixth Street, spoke about community issues. He stated he had spoken with the Div. of Police and the Fayette County Attorney's office regarding about several concerns that he has with lawmaker credibility and integrity. He expressed inability to trust elected officials.

The Mayor asked Mr. Dunn not to personally attack elected officials. Mr. Dunn spoke about his right to free speech, and continued with his comments.

Ms. Mossotti asked for a point of order, and asked for Mr. Dunn to bring summary to his comments.

The Mayor reiterated that no personal attacks were allowed. Mr. Dunn continued his comments, and asked that elected officials be held accountable to a code of morals.

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Mr. Bernard McCarthy, Harry Street, spoke about the creation of bicycle lanes by adding 4 feet of pavement on each side of the street rather than taking driving lanes away. He also stated a need for a local source of revenue for transportation improvements in Fayette County.

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Ms. Susan Delph, no address, spoke about homelessness issues in Lexington-Fayette County. She requested that the Council consider establishing a day center that could accommodate the physically handicapped.

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Mr. D'Artagnan O'Hare, Sandpipe Court, spoke about issues with the city of Lexington, homelessness in particular.

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Upon motion of Mr. Stinnett, seconded by Mr. Ellinger, and approved by a majority vote (Mr. Lane was absent when the vote was taken), the meeting adjourned at 8:06 P.M.

Clerk of the Urban County Council