

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky      January 15, 2015

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on January 15, 2015 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the council: Council Members Akers, Bledsoe, Brown, Evans, Farmer, Ford, Gibbs, Henson, Kay, Lamb, Lane, Moloney, Mossotti, Scutchfield, and Stinnett.

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

Resolutions No. 740-2014 through 755-2014, and Ordinances No. 159-2014 through 169-2014, inclusive, were reported as having been signed and published, and ordered to record.

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky

January 15, 2015

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

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Upon motion of Mr. Farmer, seconded by Ms. Henson, the Minutes of the November 13 and 20, 2014 and December 4 and 9, 2014 Council Meetings were approved by unanimous vote.

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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. 34 was given second reading.

Upon motion of Ms. Henson, and seconded by Mr. Farmer, the ordinance was approved by the following vote:

Aye: Akers, Bledsoe, Brown, Evans, Farmer,  
Ford, Gibbs, Henson, Kay, Lamb,  
Lane, Moloney, Mossotti, Scutchfield, Stinnett-----15

Nay: -----0

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An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a Mixed Use 2: Neighborhood Corridor (MU-2) zone, for 1.21 net (1.723 gross) acres; from a Neighborhood Business (B-1) zone to a Mixed Use 2: Neighborhood Corridor (MU-2) zone, for 0.420 net (0.652 gross) acre; and from a Wholesale & Warehouse Business (B-4) zone to a Mixed Use 2: Neighborhood Corridor (MU-2) zone, for 0.880 net and gross acre, for property located at 1001, 1003, 1011, 1015 and 1021 North Limestone St. (Nicol Development Co., LLC; Council District 1) was given first reading and ordered placed on file until a Special Council Meeting to be held for a Public Hearing on March 9, 2015 at 5:00 p.m.

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An Ordinance amending the authorized strength by abolishing one (1) Sworn Position of Police Captain, Grade 318E, and creating one (1) Sworn Position of Police Lieutenant, Grade 317E, in the Div. of Police, appropriating funds pursuant to Schedule No. 38 was given first reading.

Ms. Scutchfield made a motion to suspend the rules to give the ordinance second reading. The Mayor advised that because the ordinance had a budget schedule attached, it was not eligible for second reading.

Ms. Scutchfield withdrew her motion. The ordinance was ordered placed on file two weeks for public inspection.

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

An Ordinance changing the zone from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone, for 0.530 net (0.845 gross) acre, for property located at 232 Waller Ave. (Boardman Co., LLC; Council District 3).

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone, for 0.33 net (0.50 gross) acre; and from a Single Family Residential (R-1D) zone to a Neighborhood Business (B-1) zone, for 0.02 net (0.23 gross) acre, for property located at 2985 Liberty Rd. (a portion of). Variances were also requested with this zone change. (RML Construction, LLP; Council District 6).

An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone, for 0.43 net (0.49 gross) acre, for property located at 435 Redding Rd. (a portion of). (WMM Properties, LLC; Council District 4).

An Ordinance changing the zone from a Light Industrial (I-1) zone to a Wholesale & Warehouse Business (B-4) zone, for 0.032 net (0.085 gross) acre; and from a Planned Shopping Center (B-6P) zone to a Wholesale & Warehouse Business (B-4) zone, for 2.18 net (2.79 gross) acres, for property located at 2380 Fortune Dr. (Mark Saunier (Amd.); Council District 6).

An Ordinance amending the authorized strength by abolishing one (1) Classified Civil Service Position of Telecommunicator Supervisor, Grade 520E, and creating one (1) Classified Civil Service Position of PSAP Manager, Grade 521E, in the Div. of Emergency Management/911, appropriating funds pursuant to Schedule No. 39.

An Ordinance creating Section 5-31 of the Code of Ordinances of the Lexington-Fayette Urban County Government to establish fees for automatic sprinkler plan review and fire detection system review; effective on the date of passage.

An Ordinance amending the authorized strength by abolishing one (1) Classified Civil Service Position of Administrative Specialist, Grade 513N, and creating one (1) Classified Civil Service Position of Administrative Specialist Principal, Grade 518E, in the Div. of Fire and Emergency Services, appropriating funds pursuant to Schedule No. 40.

An Ordinance amending Section 2-305(1) of the Code of Ordinances related to the Special Events Commission to change the duties to reviewing applications; amending Section 2-305(2) of the Code of Ordinances related to the Special Events Commission for the Commission to coordinate event applications with other governmental divisions as necessary.

An Ordinance amending the authorized strength by abolishing one (1) Unclassified Civil Service Position of Aide to Council, Grade 518E, and creating two (2) Unclassified Civil Service Positions of Aide to Council P/T, Grade 518E, in the Council Office, appropriating funds pursuant to Schedule No. 41.

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. 37.

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A Resolution ratifying the Probationary Civil Service Appointments of: Sandra Lopez, Administrative Officer, Grade 523E, \$2,350.00 biweekly in the Div. of Facilities and Fleet Management, effective December 29, 2014, Gary Burrows, Public Service Worker Sr., Grade 509N, \$18.017 hourly, effective upon passage of Council and William Hamilton, Skilled Trades Worker, Grade 515N, \$17.713 hourly, effective January 26, 2015, both in the Div. of Parks and Recreation, Hugh Snowden, Computer Analyst, Grade 520E, \$2,187.60 biweekly in the Div. of Computer Services, Justin Blanton, Equipment Operator Sr., Grade 512N, \$15.301 hourly in the Div. of Street and Roads, Eric Howard, Human Resources Manager, Grade 525E, \$2,906.64 biweekly in the Div. of Human Resources, George Ingram, Code Enforcement Supervisor, Grade 520E, \$2,170.26 biweekly in the Div. of Code Enforcement, Joseph Bryant, Building Inspector Sr., Grade 518E, \$2,272.80 biweekly in the Div. of Building Inspection, Bill Warren, Engineering Technician Principal, Grade 518E, \$2,335.76 biweekly and Wanda Wallen, Public Service Supervisor, Grade 514N, \$22.006 hourly both in the Div. of Water

Quality, all effective January 26, 2015, and April Meadows, Administrative Specialist Principal, Grade 518E, \$1,892.96 biweekly in the Div. of Grants and Special Programs, effective February 9, 2015; ratifying the Permanent Civil Service Appointments of: Rachel Berry, Payroll Analyst, Grade 520E, \$1,808.55 biweekly in the Div. of Accounting, effective December 23, 2014, Sonya Schlaun-Lirussi, Administrative Specialist, Grade 513N, \$20.821 hourly, effective December 16, 2014 and Carmen Norris, Administrative Specialist, Grade 513N, \$16.066 hourly, effective December 2, 2014, both in the Div. of Revenue, Donna Lewis, Staff Assistant Sr., Grade 510N, \$18.711 hourly in the Div. of Planning, effective December 16, 2014, Tracey Thurman, Director, Grade 531E, \$3,093.23 biweekly in the Div. of Waste Management, effective December 30, 2014, Mary Hoskins-Squier, Director, Grade 532E, \$3,530.80 biweekly, effective December 30, 2014, Thomas Garner, Traffic Signal Technician Sr., Grade 515N, \$19.439 hourly, effective December 23, 2014 and Zach Harris, Graphic Designer, Grade 514N, \$17.003 hourly, effective September 24, 2014, all in the Div. of Traffic Engineering, Chester Hicks, Administrative Officer, Grade 523E, \$2,472.72 biweekly in the Dept. of Environmental Quality and Public Works, effective December 2, 2014, Daniel Root, Technical Specialist, Grade 515N, \$18.680 hourly and Jonathan Sutton, Evidence Technician, Grade 514N, \$24.025 hourly both in the Div. of Police, effective December 16, 2014, and Jesse Jones, Code Enforcement Officer, Grade 516N, \$18.599 hourly in the Div. of Code Enforcement, effective December 16, 2014; ratifying the Unclassified Civil Service Pay Increases in the Office of the Urban County Council: Dina Melvin, from \$2,200.80 to \$2,442.31 biweekly and Nathan Dickerson, from \$2,038.46 to \$2,460.61 biweekly, both effective January 5, 2015, and Amanda LaFontaine, from \$2,000.72 to \$2,230.77 biweekly, effective December 29, 2014, all Aide to Council, Grade 518E, in the Office of the Urban County Council; ratifying the Unclassified Civil Service Appointments to the Office of the Urban County Council: Marian Zeitlin, effective January 5, 2015, Paula King, effective January 12, 2015, both Aide to Council P/T, Grade 518E, \$1,230.31 biweekly, in the Office of the Urban County Council; ratifying the Unclassified Civil Service Appointment of: Ross Guffey, Project Engineering Coordinator, Grade 525E, \$2,308.22 biweekly in the Div. of Water Quality, effective January 26, 2015; and ratifying the Sworn Appointment of: Mark Barnard,

Chief, Grade 324E, \$5,741.20 biweekly in the Div. of Police, effective January 12, 2015 was given first reading.

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

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

Aye: Akers, Bledsoe, Brown, Evans, Farmer,  
Ford, Gibbs, Henson, Kay, Lamb,  
Lane, Moloney, Mossotti, Scutchfield, Stinnett-----15

Nay: -----0

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A Resolution authorizing the Div. of Human Resources to make conditional offers to the following Probationary Civil Service Appointments: Melissa Lyle, Staff Assistant Sr., Grade 510N, \$16.654 hourly in the Div. of Revenue and Darren Lizer, Equipment Operator Sr., Grade 512N, \$15.773 hourly in the Div. of Streets and Roads, Daniel Madison, \$16.970 hourly, Andrew Dixon, \$16.642 hourly, Avery Johnson, \$17.485 hourly, Robert Ritchey, \$16.481 hourly, Philip Johnson, \$16.856 hourly and Javier Perez, \$16.227 hourly, all Resource Recovery Operator, Grade 513N, in the Div. of Waste Management, effective upon passage of Council, Tonia Walters, Staff Assistant, Grade 508N, \$14.057 hourly in the Div. of Police, effective upon passage of Council, Jennifer Duff, Telecommunicator, Grade 513N, \$16.337 hourly in the Div. of Emergency Management/911, effective January 26, 2015, John Harris, Public Service Worker, Grade 507N, \$12.227 hourly in the Div. of Facilities and Fleet Management, effective upon passage of Council, Barry Dennis, Historic Preservation Specialist, Grade 516E, \$1,769.23 biweekly in the Div. of Historic Preservation, effective January 26, 2015 and Suzie Loveday, Grants Manager, Grade 523E, \$2,177.37 biweekly in the Div. of Grants and Special Programs, effective January 26, 2015; and authorizing the Div. of Human Resources to make a conditional offer to the following Unclassified Civil Service Appointments: Katherine Cobb, Staff Assistant Sr., Grade 510N, \$14.917 hourly in the Div. of Water Quality, effective January 26, 2015, Joseph Happy, Treatment Plant Operator Apprentice, Grade 509N, \$14.760 hourly in the Div. of Water Quality, effective February 19, 2015 and Anath Carter, Clerical Assistant P/T, Grade 505N, \$12.143 hourly in the Div. of Family Services, effective January 26, 2015 was given first reading.

Ms. Bledsoe made a motion, seconded by Mr. Farmer, to suspend the rules and give the resolution second reading.

Ms. Mossotti asked if Ms. Bledsoe could give a reason for suspending the rules. Ms. Bledsoe responded.

The motion **passed** by unanimous vote.

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

Aye: Akers, Bledsoe, Brown, Evans, Farmer,  
Ford, Gibbs, Henson, Kay, Lamb,  
Lane, Moloney, Mossotti, Scutchfield, Stinnett-----15

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Agricultural Development Fund and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$105,000.00 Commonwealth of Ky. funds, and are for support of the Local Food Coordinator Project, for the Mayor's Office was given first reading.

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

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

Aye: Akers, Bledsoe, Brown, Evans, Farmer,  
Ford, Gibbs, Henson, Kay, Lamb,  
Lane, Moloney, Mossotti, Scutchfield, Stinnett-----15

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a GSA-Federal Supply Schedule Purchase Order with Verizon Wireless to provide fifty-four mobile telephones and cellular service to the Div. of Parks & Recreation at a cost not to exceed \$2,076.57 per month was given first reading.

Mr. Ford made a motion, seconded by Ms. Henson, to suspend the rules for second reading.

Mr. Farmer asked for a reason for suspending the rules. Mr. Ford advised that Mr. Geoff Reed, Commissioner of the Dept. of General Services, was available to answer questions.

The Mayor asked Mr. Reed to address the urgency of the situation addressed in the resolution. Mr. Reed did so.

The motion **passed** by unanimous vote.

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

Aye: Akers, Bledsoe, Brown, Evans, Farmer,  
Ford, Gibbs, Henson, Kay, Lamb,  
Lane, Moloney, Mossotti, Scutchfield, Stinnett-----15

Nay: -----0

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

A Resolution accepting the bid of Classic Clean Pro, LLC, establishing a price contract for Custodial Services - Coleman House, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Graybar Electric Co., Inc.; Anixter, Inc.; Rexel, Inc.; and NTSG, Inc., establishing price contracts for Fiber Optic Cable and Control Equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Paratech, Inc. d/b/a Emergency Equipment, establishing a price contract for High Pressure Lifting, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of J. Edinger & Sons, Inc., establishing a price contract for Dump Bodies, for the Div. of Facilities and Fleet Management.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Radcliffe-Marlboro Neighborhood Association, Inc. (\$500), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution amending Section 2 of Resolution No. 59-2013 for the Lexington Downtown Streetscape Phase One Site Amenities Package - Main Street and



Cheapside in order to correct a mathematical error, amending the contract amount with E.C. Matthews from \$126,060.00 to \$137,580.00.

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 \$106,212.27 Federal funds, are for the support of emergency preparedness activities in Fayette County, the acceptance of which obligates the Urban County Government for the expenditure of \$106,212.27 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 Multi-Year Agreement, with the Lexington-Fayette County Parking Authority, with an effective date of July 1, 2014, for the provision of parking-related services.

A Resolution approving and adopting an Amendment to the 2013 Consolidated Plan, eliminating Emergency Solutions Grants funding in the amount of \$21,817.00 for the Salvation Army, reallocating the funds to the Div. of Adult and Tenant Services for Rapid Rehousing and Homelessness Prevention Activities and Administration.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Strand Associates, for a Scoping Study for Legacy Trail Project Phase 3, at a cost not to exceed \$139,320.00.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Partners for Youth Foundation, Inc., providing the organization with 491 square feet of office space in the Phoenix Building, 101 E. Vine St., at no annual charge.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept permanent and temporary easements from owners of record for the Polo Club Blvd. Project, at a cost not to exceed \$308,000.

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 from owners of record needed for the

Liberty Rd. at Winchester Rd. Intersection Improvement Project, at a cost not to exceed \$50,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Rural and Inner City Adopt-a-Spot Program Agreements with Christ United Methodist Church, (\$1,304.12); Bluegrass Chapter Order of Demolay (\$1,332.32); Paul Lawrence Dunbar Cross Country (\$1,103.60); Christ Centered Church, BSA #59 (\$1,567.20); Immanuel Baptist Church, BSA #41 (\$1,231.68); New Beginnings House of Prayer (\$1,265.40); BSA #98 (\$1,157.40); Beaumont Presbyterian, BSA #279 (\$1,038.28); Christian Youth Fellowship (\$1,942.48); Omega Harvest Ministries (\$2,191.56); Greater Faith Apostolic Church (\$523.00); Boy Scout Troop #1789 (\$772.00); Boy Scout Troop #103 (\$400.00); El Shaddai Temple House of Yahweh (\$1,992.32); Boy Scout Troop #186 (\$360.00); Phillips Memorial Church (\$448.28); Tates Creek Presbyterian Church, BSA #226 (\$921.44); Disney Store Team and BSA #1789 (\$636.12); Lexington Swingers Golf Club Inc. (\$1,616.00); JRC Crew 728 (\$1,023.13); El Shaddai Temple House of Yahweh (\$1,472.00); JRC Crew 728 (\$1,980.00); for participation in the Adopt-a-Spot Roadway Cleanup Program, at a cost not to exceed \$26,278.33.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with CASA of Lexington, Inc., providing the organization with 550 square feet of office space at the Coleman House, 1155 Red Mile Place, at no annual charge.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a three (3) year Agreement with University of Ky. Research Foundation, for third party evaluation of the Housing First Pilot Project, at a cost not to exceed \$124,770.32.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Emerson Network Power/Liebert Services, a sole source provider for uninterruptible power system, at a cost not to exceed \$10,404.00.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Partial Releases of Easements, releasing sanitary sewer and storm sewer

easements on properties located at 200 Waveland Museum Ln., 350 Waveland Museum Ln., 370 Waveland Museum Ln., 3760 Winthrop Dr., and 3765 Winthrop Dr.

A Resolution accepting the Response of Strand Associates, Inc. to RFP No. 55-2014 Investigation/Design Services for Town Branch WWTP Headworks Improvements, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Strand Associates, Inc. to provide services related to the RFP, at a cost estimated not to exceed \$75,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept Deeds for property interests needed for the Woodhill Trunk Sewer Replacement Project, at a cost not to exceed \$16,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Second Amendment to CHDO Agreement with the Fayette County Local Development Corp., to provide for deletion of construction of two rental units and decreasing the available funds accordingly, and to provide an additional \$12,424.00 in HOME Investment Partnership Program funds to complete construction of a duplex unit, making the total contract amount \$217,017.50.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with HealthFirst Bluegrass, Inc., for the provision of part-time pediatric services at the Samuel Brown Health Center, for the Div. of Human Resources, at a cost not to exceed \$174,219.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amended Agreement with Marathon Health, Inc., for the addition of a third mid-level health services provider at the Samuel Brown Health Center, at a cost not to exceed \$118,900.00.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation of one \$10 McDonald's gift card and one \$50 Malone's gift card from Chris Townsend, for client incentives for families served by the Family Care Center.

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Upon motion of Ms. Scutchfield, seconded by Ms. Henson, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Vice Mayor Steve Kay to the Affordable Housing Governing Board, with term to expire 12-31-2018; (2) Recommending the reappointments of Ms. Sherry Maddock and Ms. Carrie McIntosh to the Agricultural Extension District Board, with terms to expire 1-1-2018; (3) Recommending the appointment of Council Member Richard Moloney to the Commission for Citizens with Disabilities, with term to expire 12-31-2018; (4) Recommending the appointment of Ms. Theresa Maynard, and the reappointments of Ms. Bryanna Carroll, Mr. Art Crosby, Ms. Kelly Duffy, Ms. Janet Ford, Ms. Connie Godfrey, Fayette District Judge Kathy Stein, and Mr. David O'Neill, to the Community Action Council Board of Directors, with terms to expire 12-31-2018; (5) Recommending the appointments of Ms. Karen Angelucci, as Realtor representative, and Mr. Jack Wilson as Conservation/Environmental Community representative, to the Greenspace Commission, with terms to expire 7-18-2018 and 7-18-2015, respectively. Mr. Wilson will fill the unexpired term of Mr. Art Wrobel; (6) Recommending the appointment of Mr. Adrian Wallace to the Homelessness Prevention and Intervention Board, with term to expire 10-23-2016. Mr. Wallace will fill the unexpired term of Mr. Mark Royce; (7) Recommending the appointment of Ms. Margaret Entrekin, as Masterson Equestrian Trust representative, to the Masterson Station Park Advisory Board, with term to expire 5-1-2018. Ms. Entrekin will fill the unexpired term of Ms. Sally Lockhart; (8) Recommending the reappointment of Council Member Jennifer Scutchfield to the Parks and Recreation Advisory Board, with term to expire 12-31-2016; (9) Recommending the appointment of Dr. David Stevens and the reappointment of Council Member Jennifer Scutchfield to the Senior Services Commission, with terms to expire 9-1-2018, and 12-31-2016, respectively. The term of Mr. Jack Miller is expired; and (10) Recommending the appointment of Council Member Angela Evans, as Ex-Officio member, to the Sister Cities Program Commission.

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The following Communications from the Mayor were received for information only: (1) Resignation of Christopher D. Woodyard, Staff Assistant Sr., Grade 510N, Div of Police, effective November 30, 2014; (2) Resignation of DaRayll Chestnut, Resource Recovery Operator, Grade 513N, Div. of Waste Management, effective November 30,

2014; (3) Resignation of William Evans, Resource Recovery Operator, Grade 513N, Div. of Waste Management, effective December 25, 2014; (4) Resignation of Marcia Woodyard, Staff Assistant, Grade 508N, Div. of Police, effective December 15, 2014; (5) Resignation of Bryan L. Radabaugh, Traffic Engineer Manager, Grade 527E, Div. of Traffic Engineering, effective December 5, 2014; (6) Resignation of Jenna D. Waugh, Community Corrections Officer, Grade 110N, Div. of Community Corrections, effective December 16, 2014; (7) Resignation of Randall Scott Davis, Fleet Parts Specialist, Grade 510N, Div. of Facilities and Fleet Management, effective December 13, 2014; (8) Reinstatement of Larry Hall, Resource Recovery Operator, Grade 513N, \$16.066 hourly in the Div. of Waste Management, effective January 26, 2015; (9) Classified Civil Service Lateral Position Change of Paula Williams, HCM Manager, Grade 525E, \$2,601.92 biweekly, in the Div. of Enterprise Solutions, effective January 26, 2015; (10) Classified Civil Service Transfer of Sandra Burke, Administrative Specialist Sr., Grade 516N, from the Dept. of Law to the Dept. of Environmental Quality and Public Works, effective January 12, 2015; (11) Classified Civil Service Temporary Appointment of James Dietzel, Systems Analyst, Grade 520E, \$1,938.32 biweekly, in the Div. of Computer Services, effective December 5, 2014; (12) Classified Civil Service Temporary Appointment of Ersula Killens, Public Service Supervisor, Grade 514N, \$17.800 hourly, in the Div. of Facilities and Fleet Management, effective December 16, 2014; (13) Classified Civil Service Acting Appointment of Phillip Lykins, Mailroom Clerk, Grade 508N, \$16.160 hourly, in the Dept. of General Services, effective December 1, 2014; and (14) Termination of Joseph Madison Lyons, Public Service Worker, Grade 507N, Div. of Waste Management, effective December 16, 2014.

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Commander Gregg Jones, Div. of Police, stated that Officer Lance K. Greene had committed the offense of Violating Any Rules of the Division - Emergency and Pursuit Driving in violation of KRS 95.450 and General Order 73-2/H, Section 1.35 - General Order 2011 - 08A, Section V, A, 1,2,3,4,5,6; B, 1a; C, 1; D, in that on the 4th day of September, 2014, he allegedly initiated a vehicle pursuit on Oxford Circle near Versailles Road. While pursuing inbound on Versailles Road, he reached speeds up to 95 m.p.h. while not providing timely notification of charges, vehicle description or speed. He advised radio that he terminated his pursuit at Versailles and Halls Lane, but later

reported to his supervisory chain that after that transmission he continued inbound on Versailles against the signal at Red Mile with emergency equipment activated. After deactivating his emergency equipment, he continued following the vehicle to Oliver Lewis and West Main Street. If the above is true, Officer Lance K. Green is in violation of General Order 73-2/H, Operational Rules, Section 1.35, Violating Any Rules of the Division, as listed: A) No other policy concerning pursuit driving shall exist outside this General Order. When a traffic pursuit develops from contact with a suspected criminal or traffic violator, the officer shall immediately notify the radio dispatcher and advise him/her of the following: 1) The known law violation(s) or the reason for the pursuit; 2) Location and direction of travel; 3) Description of the pursued vehicle and any registration information; 4) Approximate speed being maintained at reasonable intervals; 5) Number of known occupants of the wanted vehicle. If the identification of the operator is known, this information shall be relayed to the dispatcher; 6) Location of termination point when reached. General Order 2011-08A, Emergency and Pursuit Driving, Section V, B, 1a - B) Responsibilities of Officers involved in a pursuit: 1) The initiating officer shall be held accountable for the following: a) Operating their unit with due regard for the safety of all persons and property upon the highway. Officers shall comply with the provisions of KRS 189.940 and RCO 18-10, when engaged in emergency response or in pursuit. When an officer approaches an intersection and intends to enter or cross the intersection against the traffic signal (i.e. red light, stop sign, yield sign), he/she shall slow or stop the police vehicle to allow motorists the opportunity to hear and observe the officer's vehicle and allow other motorists the opportunity to yield the right of way to the police vehicle. General Order 2011-08A, Emergency and Pursuit Driving, Section V, C, 1 - C) A pursuit shall be terminated or is prohibited: 1) When, in the officer's opinion a serious hazard is present to the public and/or the pursuing/responding officer due to prevailing traffic, roadway conditions, environmental conditions or extremely high speeds. General Order 2011-08A, Emergency and Pursuit Driving, Section V, D - D) Upon notification that a pursuit has been terminated, or the pursuing officer advises that the pursuit is being terminated, the pursuing officer(s) shall cease and desist all efforts and attempts to follow, overtake or otherwise apprehend the suspect vehicle. The pursuing officer shall deactivate all

emergency equipment and reduce his/her speed to the posted speed limit. The assigned supervisor or commander will make a determination if officers can search the area for the suspect's vehicle, and that the appropriate punishment for this offense is Forty (40) Hours (One Work Week) Suspension Without Pay - and - Emergency Driver Retraining.

Upon motion of Ms. Henson, seconded by Ms. Scutchfield, the disciplinary action was approved by unanimous vote.

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Commander Gregg Jones, Div. of Police, stated that Officer Michael G. Smith had committed the offense of Misconduct in violation of KRS 95.450 and General Order 73-2/H, Section 1.02 in that on the 11th day of September, 2014, he allegedly was off duty, but in full Police uniform at Constitution Park. He came onto the field during a scrimmage game and was standing in the middle of the field verbally instructing kids. The day prior, a Parks and Recreation employee reminded Officer Smith that he had previously been suspended and that he was not allowed to be a part of the Parks and Recreation Football Program as a result of a letter that they had issued to him. Their letter was dated October 3, 2013 advising Officer Smith that he was being suspended for one year as a leader, participant or fan/spectator from Lexington Parks and Recreation events or activities. The suspension began on September 26, 2013 and would continue for one full year. Officer Smith's action created alarm for the employees of Parks and Recreation. The employees were hesitant to ask a uniformed officer to leave the field and enforce the suspension given by the Director of Parks and Recreation. He had since been banned indefinitely from the Division of Parks and Recreation activities. Officer's Smith's actions and failure to comply with a written directive reflected poorly on Officer Michael Smith and the Division of Police. If the above is true, Officer Michael G. Smith is in violation of General Order 73.2/H, Section 1./02, Misconduct, which states: "Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Division. Misconduct of an officer shall include that which tends to bring the Division into disrepute or reflects discredit upon the officer as a member of the Division, or that which tends to impair the operation and efficiency of the Division or Officer, and that the appropriate punishment for this offense is a Written Reprimand.

Upon motion of Ms. Mossotti, seconded by Ms. Scutchfield, the disciplinary action was approved by unanimous vote.

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Ms. Henson spoke about a presentation that had been given in the Council Planning and Public Safety Committee regarding a possible waiver of EMS service fees. She stated there had been a miscommunication regarding what information was needed, and explained that she had spoken with Ms. Sally Hamilton, Chief Administrative Officer, and Ms. Beth Mills, Commissioner of the Dept. of Social Services, regarding the issue, and had possibly identified a better solution.

Mr. Bill O'Mara, Commissioner of the Dept. of Finance, spoke about the reported information, and clarified several points.

Mr. Stinnett and Ms. Mossotti asked questions about whether it was appropriate to discuss the issue at that point. Ms. Henson stated she intended to clarify what had been reported at the Committee meeting for the public.

Upon motion of Ms. Henson, seconded by Mr. Ford, and approved by a majority vote of 14-0 (Ms. Akers was absent when the vote was taken), the issue of a possible plan for EMS service fees was referred to the Council General Government and Social Services Committee.

\* \* \*  
Upon motion of Ms. Lamb, seconded by Ms. Mossotti, and approved by a majority vote of 14-0 (Ms. Akers was absent when the vote was taken), the issue of the Bluegrass International Center was referred to the Council General Government and Social Services Committee.

\* \* \*  
Mr. Ford spoke about upcoming events scheduled in honor of Dr. Martin Luther King, Jr. Day, January 19, 2015. He also stated he was looking forward to the Mayor's State of the City Address, scheduled for January 20, 2015.

\* \* \*  
Mr. Bernard McCarthy, Harry Street, spoke about the 2nd Amendment right to bear arms, and safety issues in his neighborhood.

\* \* \*



Upon motion of Mr. Stinnett, seconded by Ms. Scutchfield, and approved by a majority vote (Ms. Akers was absent when the vote was taken), the meeting adjourned at 6:49 p.m.

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Clerk of the Urban County Council