

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky January 21, 2016

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on January 21, 2016 at 6:00 p.m. Present were Mayor Gray in the chair presiding, and the following members of the council: F. Brown, J. Brown, Evans, Farmer, Gibbs, Henson, Kay, Lamb, Scutchfield, Stinnett, and Bledsoe. Absent were Hensley, Moloney, Mossotti, and Akers.

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

Resolutions No. 1-2016 through 12-2016, inclusive, and Ordinances No. 1-2016 through 2-2016, inclusive, were reported as having been signed and published and ordered to record.

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky January 21, 2016

The Invocation was given by Pastor Marcia Jean Moors-Charles of the Bluegrass United Church of Christ.

* * *

Ms. Mossotti arrived at 6:06 p.m.

* * *

Mayor Gray introduced the visiting members of Webelos Pack 282.

* * *

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

| | | |
|------|--|---------|
| Aye: | F. Brown, J. Brown, Evans, Farmer, Gibbs, Henson, Kay, Lamb, Mossotti, Scutchfield, Stinnett, Bledsoe | -----12 |
| Nay: | | -----0 |

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 19.

An Ordinance amending the authorized strength by abolishing one (1) Classified Civil Service Position of Staff Assistant Sr., Grade 510N, and creating one (1) Classified Civil Service Position of Administrative Specialist, Grade 513N, in the Div. of Water Quality, and reclassifying the incumbent, effective upon passage of Council.

An Ordinance amending the authorized strength by abolishing one (1) Unclassified Civil Service Position of Family Support Worker Sr., Grade 514N, and creating one (1) Classified Civil Service Position of Volunteer Coordinator, Grade 514N, in the Div. of Family Services, effective upon passage of Council.

An Ordinance pursuant to Code of Ordinances Section 18-83, designating Wickliffe St., between Martin Luther King Blvd. and Spruce St., as a one-way street and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs and markings in accordance with the designation.

An Ordinance amending the authorized strength by abolishing one (1) Unclassified Civil Service Position of HANDS Nurse, Grade 514E, and creating one (1)

Unclassified Civil Service Position of HANDS Nurse, Grade 514N, in the Div. of Family Services, effective upon passage of Council.

An Ordinance amending the authorized strength by changing the pay grade for one (1) Classified Civil Service Position of Director of Revenue from Grade 531E to Grade 532E, and reallocating the incumbent, in the Div. of Revenue, effective upon passage of Council.

*

*

*

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

An Ordinance changing the zone from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone, for 7.5 net (10.25 gross) acres, for property located at 1803 Georgetown Rd.. (Ky. Hill Properties, LLC; Council District 2).

An Ordinance changing the zone from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone, for 1.538 net (2.069 gross) acres, for property located at 1400, 1402 and 1412 North Broadway, including dimensional variances (H & J Properties of Lexington, LLC and TLJ Properties of Lexington, LLC; Council District 1).

An Ordinance changing the zone from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone, for 0.355 net (0.542 gross) acre; for property located at 500-506 Maryland Ave. (a portion of), including dimensional variances (Jeffrey Stuart Morgan; Council District 2).

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 20.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$125,000 in the Div. of Parks and Recreation, \$533,332 in the Div. of Streets and Roads, and \$56,995 in the Div. of Facilities and Fleet Services/Parks, all from Council Capital Funds, and appropriating and re-appropriating funds, Schedule No. 21.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$175,500

in the Div. of Parks and Recreation from District 4 Council Capital Funds, and appropriating and re-appropriating funds, Schedule No. 22.

An Ordinance amending the authorized strength by abolishing one (1) Classified Civil Service Position of Skilled Trades Worker Sr., Grade 517N, and creating one (1) Classified Civil Service Position of Facilities Superintendent, Grade 518E, in the Div. of Facilities and Fleet Management, effective upon passage of Council.

*

*

*

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Bluegrass Community and Technical College (BCTC), for the Path to Success Program, for the Div. of Youth Services, at no cost to the Urban County Government was given second reading.

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

| | | |
|------|---|---------|
| Aye: | F. Brown, J. Brown, Evans, Farmer, Henson, Kay, Lamb, Mossotti, Scutchfield, Stinnett, Bledsoe | -----11 |
|------|---|---------|

| | | |
|----------------------------|--|--------|
| Nay: | | -----0 |
| Mr. Gibbs recused himself. | | |

*

*

*

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

| | | |
|------|--|---------|
| Aye: | F. Brown, J. Brown, Evans, Farmer, Gibbs, Henson, Kay, Lamb, Mossotti, Scutchfield, Stinnett, Bledsoe | -----12 |
|------|--|---------|

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

A Resolution accepting the bids of McNeilus Truck & Manufacturing; Refuse Parts Depot, LLC; Waste Equipment & Parts, LLC; Municipal Equipment, Inc.; Central Indiana Truck Equipment, Corp.; and J. Edinger & Son, Inc., establishing price contracts for Refuse Truck Body Parts, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Best Equipment Co., Inc., establishing a price contract for Vacuum/Litter Collection for Mounting in Truck Bed, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Walter Bayer Automotive Group, LLC d/b/a Glen Ford Lincoln, establishing a price contract for Automotive Repair for Ford Vehicles, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Clark Material Handling Co., in the amount of \$20,724, for Lift Truck, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Arrow Electric Co., Inc., establishing a price contract for Underground Electrical Service Installation, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Galls, LLC, establishing a price contract for Crowd Control Equipment, for the Div. of Police.

A Resolution accepting the bid of Rexel, Inc., establishing a price contract for LED lighting fixtures, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Judy Construction Co., in the amount of \$968,000, for the Town Branch Waste Water Treatment Plant Headworks Improvement, 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 accepting the bid of Ky. American Water Co., in accordance with the provisions of Ordinance No. 144-2015, creating and offering for sale a non-exclusive water franchise and privilege to construct, erect, lay, relay, replace, operate and maintain a waterworks system within the public rights-of-way in Fayette County, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with Ky. American Water Co., incorporating the terms and conditions of Ordinance No. 144-2015.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Community Development Block Grant (CDBG) Program Agreements with the Human Rights Commission for FY14 and FY15, to permit and include additional Fair Housing Activities, at no additional cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a facility usage contract with the Fayette County Board of Education to allow the Div. of Parks and Recreation to use certain school facilities for its extended school program and Recreational Enrichment and Learning Program for the 2015-2016 school year at a cost not to exceed \$93,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Modification No. One (1) to the Contract with J. M. Crawford & Associates, Inc., for the design of the Brighton Rail Trail Bridge, increasing the contract price by the sum of \$19,500 from \$132,240 to \$151,740, and amending the source of funds for the project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from Ky. American Water, which Grant Funds are in the amount of \$480, are to support and provide training for the Div. of Fire and Emergency Services, Fire Prevention Office, 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 accept the donation of a portion of 298 West Loudon Ave. known as Parcel 1-A, needed for the construction of the Hope Center Trail.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with iHeartMEDIA, for live radio advertisement, online streaming advertisement and live onsite broadcast of the grand opening of the new Lexington Senior Center, at a cost not to exceed \$3,599.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Toyota, for donation of 10 child size motor vehicles for Safety City.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Supplemental Agreement No. 7 with the Ky. Transportation Cabinet, for the acceptance of additional Federal funds in the amount of \$91,913, for the completion of Construction Phase 2B for the Clays Mill Rd. Improvements Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds.

A Resolution authorizing and directing 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, for the FY2016 Emergency Management Assistance Project, 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 and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Transportation Cabinet, for the acceptance of funds in the amount of \$9,600, for the Design and Right-of-Way phases for the improvements to the Winchester Rd. intersection at East Seventh/Liberty Rd. under the Transportation Alternatives Program (TAP), the acceptance of which obligates the Urban County Government for the expenditure of funds in the amount of \$2,400 as a local match.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement (awarded pursuant to Request for Proposal No. 47-2015), which is attached hereto and incorporated herein by reference, with AECOM Technical Services, Inc. d/b/a AECOM, for professional program management services for the Town Branch Commons Project, at a cost estimated not to exceed \$679,922.

* * *

The following resolutions were given first reading. Upon motion of Ms. Evans, seconded by Mr. Farmer, and approved by unanimous vote, the rules were suspended and the resolutions were given second reading.

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

| | | |
|------|---|---------|
| Aye: | F. Brown, J. Brown, Evans, Farmer, Gibbs, Henson, Kay, Lamb, Mossotti, Scutchfield, Stinnett, Bledsoe | -----12 |
| Nay: | | -----0 |

A Resolution ratifying the Probationary Civil Service Appointments of: Jim Duncan, Director of Planning, Grade 533E, \$4,015.12 biweekly in the Div. of Planning, effective January 11, 2016 and Robert Baumgartner, Building Inspector, Grade 517N, \$20.654 hourly in the Div. of Building Inspection, effective February 8, 2016; ratifying the Permanent Civil Service Appointment of: Dawn Morris, Administrative Specialist Principal, Grade 518E, \$1,846.15 biweekly in the Div. of Fire and Emergency Services, effective January 13, 2016; ratifying the Probationary Sworn Appointments of: Jason Orth, Jervis Middleton, and Amel Terry, all Police Sergeant, Grade 315N, \$29.309

hourly in the Div. of Police, effective January 25, 2016, Jonathan Ott, effective January 6, 2016, Donald Sexton, effective January 8, 2016, Nathaniel Cornelius, effective January 9, 2016, Bryan McWhorter, effective January 9, 2016, Jeremy Cooper, effective January 10, 2016, Robert Crovo, effective January 10, 2016, and Douglas Hargreaves, effective January 11, 2016, all Fire Lieutenant, Grade 315N, \$18.508 hourly, in the Div. of Fire and Emergency Services, Vicki Herald, effective January 8, 2016, Robert Forehand, effective January 9, 2016, Glenn T. Work, effective January 9, 2016, Bobby Joe White, effective January 10, 2016, and Scott Marshall, effective January 11, 2016, all Fire Captain, Grade 316N, \$23.887 hourly, all the Div. of Fire and Emergency Services, Kenneth Raglin, Jamie Tinsley and Harold L. Oney, all Fire Major, Grade 318E, \$3,557.01 biweekly, effective January 11, 2016, in the Div. of Fire and Emergency Services; ratifying the Unclassified Civil Service Appointment of: Michael R. Turner, Treatment Plant Operator Apprentice Class I, Grade 510N, \$14.709 hourly in the Div. of Water Quality, effective January 25, 2016.

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Civil Service Appointments: Bradley Jones, Building Inspector, Grade 517N, \$20.119 hourly in the Div. of Building Inspection and Willard Potter, Technical Specialist, Grade 515N, \$20.175 hourly in the Div. of Fire and Emergency Services, both effective February 8, 2016, Michael Ellis, Trades Worker, Grade 509N, \$15.055 hourly and Shawn Willhite, Public Service Worker, Grade 507N, \$13.656 hourly, both in the Div. of Parks and Recreation, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following Unclassified Civil Service Appointment: Celeste Lewis, Recreation Manager, Grade 518E, \$1,950.88 biweekly in the Div. of Parks and Recreation, effective January 25, 2016.

*

*

*

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Andover NA, Inc. (\$1,000), East End Community Development Corp. (\$250), the African American Forum, Inc. (\$1,850) and Robinwood NA (\$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, and approved by unanimous vote, the rules were suspended and the resolution was given second reading.

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

| | | |
|------|---|---------|
| Aye: | F. Brown, J. Brown, Evans, Farmer, Gibbs, Henson, Kay, Lamb, Mossotti, Scutchfield, Stinnett, Bledsoe | -----12 |
| Nay: | | -----0 |
| * | * | * |

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

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with LAGCO Excavating, Inc. for the Idle Hour Park Demolition and Football Field Construction Project, increasing the contract price by the sum of \$18,015 from \$560,693 to \$578,708.

A Resolution accepting the bid of Olympic Construction, LLC, in an amount not to exceed \$4,618,900, for Construction of Fire Station No. 2, for the Div. of Facilities and Fleet Management, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Olympic Construction, LLC, related to the bid.

A Resolution accepting the bid of Jarboe Construction, Inc., in the amount of \$11,900, for Ceiling Tile Replacement for Community Action Council, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Scina Lawncare Services, LLC; Mow Edge Blow Lawn Service; W L Davis Enterprise, LLC; and Rock Trucking, LLC, establishing price contracts for Mowing and Nuisance Abatement, for the Div. of Code Enforcement.

A Resolution accepting the bid of Hach Co., establishing a price contract for Luminescent Dissolved Oxygen Analyzer and Digital Controller, for the Div. of Water Quality.

A Resolution accepting the bids of Aulick Chemical Solutions, Inc., Evoqua Water Technologies, LLC, and NRPGGroup, Inc., establishing price contracts for Odor Control and Corrosion Control, for the Div. of Water Quality.

A Resolution accepting the bid of Excellance, Inc., establishing a price contract for Emergency Care Unit, for the Div. of Fire and Emergency Services.

A Resolution authorizing the Mayor, on behalf of the Urban County Government and pursuant to the Jobs Fund Program, to execute a ten (10) year forgivable Incentive Agreement and related documents with Consolo Services Group in an amount not to exceed \$100,000, for the creation and retention of at least thirty (30) new jobs with an average hourly wage of at least \$26.88, exclusive of benefits.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Data License Agreement with Proofpoint, Inc., for the Emerging Threats subscription package, at an estimated cost not to exceed \$800.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with PowerDMS, for software service, at a cost not to exceed \$15,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Warwick Foundation, Inc., for the relocation of the Peoples Bank Building, at a cost not to exceed \$150,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Agreement with CDP Engineers, Inc. for the Coldstream Park Stream Corridor Restoration and Preservation Project, a Supplemental Environmental Project required by the Consent Decree, increasing the contract price by the sum of \$90,000 from \$250,000 to \$340,000, and extending the contract term for an additional thirty-six (36) months, effective upon passage of Council.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation of three (3) \$25 and two (2) \$30 Walmart gift cards from the University of Ky. College of Social Work, for client incentives for parenting skills group participants at the Family Care Center.

A Resolution designating the speed limit on various sections of streets located in downtown Lexington-Fayette County 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.

Declaration of official intent with respect to reimbursement of temporary advances made for capital expenditures to be made from subsequent borrowings, with respect to Fire Station Number Two Relocation Project of the Lexington-Fayette Urban County Government.

*

*

*

Commander Roger Holland, Div. of Police, presented a police disciplinary matter for Officer Adam P. Ray. It is alleged that Officer Ray has committed the offense of Inappropriate Action in violation of KRS 95.450 and General Order 1973-02/I, Section 1.48 in that on the 3rd day of September, 2015 Officer Ray went to 731 East Sixth Street, Apartment 202, at approximately 2154 hours in an attempt to locate a possible robbery suspect that may have been linked to this location. Upon arriving at this residence, Officer Ray knocked on the door several times and rang the doorbell to Apartment 202 and did not receive a response. Officer Ray then checked the door handle and found the door to be unsecure. Officer Ray then pushed the door open and again announced himself as a police officer and entered the unsecured residence without having just cause to do so through legal standing. Officer Ray's actions of entering the dwelling without having just cause to do so through a search warrant, exigency, hot pursuit or lawful consent were inappropriate and in violation of the Department's standards and expectations. The appropriate punishment for this conduct is Thirty (30) Hours Suspension Without Pay.

Upon motion by Ms. Scutchfield, seconded by Mr. Stinnett, and approved by unanimous vote, the disciplinary action was approved.

*

*

*

Upon motion by Mr. Kay, seconded by Ms. Lamb, and approved by unanimous vote, the Mayor's Report was approved and is as follows: 1) Recommending the appointment of Mr. Robert Trimble, Jr., as Utility Industry representative to the Corridors Commission, with term to expire January 21, 2020. 2) Recommending the reappointment of Mr. John Gohmann, to the Downtown Development Authority Board of Directors, with term to expire January 21, 2020. 3) Recommending the reappointment of Mr. Tyrone Tyra, as Chamber of Commerce representative to the Economic Development Investment Board, with term to expire January 21, 2020. 4)

Recommending the appointment of Mr. Thomas Appel, Jr. to the Sister Cities Program Commission, with term to expire January 21, 2020. and 5) Recommending the appointment of Ms. Sara Hensley, to the Tree Board, filling the unexpired term of Mr. Jonathan Perkins, with term to expire April 19, 2016.

*

*

*

The following Communications from the Mayor were received for information only: 1) Temporary Appointment of Jeff Neal, Director of Traffic Engineering, Grade 533E, \$3,744.72 biweekly in the Div. of Traffic Engineering, effective January 14, 2016. and 2) Sworn Temporary Appointment of Otis Hoskins, Fire Chief, Grade 324E, \$4,549.36 biweekly in the Div. of Fire and Emergency Services, effective January 11, 2016.

*

*

*

Ms. Henson commended the work of the employees of the Div. of Streets and Roads, particularly under the current challenging weather conditions.

*

*

*

Upon motion by Ms. Scutchfield, seconded by Mr. Stinnett, and approved by unanimous vote, the meeting adjourned at 6:31 p.m.

Clerk of the Urban County Council