

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky May 10, 2012

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on May 10, 2012 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Ellinger, Farmer, Ford, Gorton, Kay, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard and Blues. Absent were Council Members Crosbie and Henson.

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

Resolutions No. 173-2012 thru 209-2012, and Ordinances No. 44-2012 thru 53-2012, inclusive were reported as having been signed and published, and ordered to record.

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Lexington, Kentucky

May 10, 2012

The Invocation was given by Rev. Nancy Jo Kemper, New Union Christian Church, Woodford County, and Associate Dean for Religious Life at Transylvania University.

The Mayor asked for a moment of silence for fallen police officers, and announced that a vigil was being held at Phoenix Park on May 10, 2012 at 6:00 p.m.

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An Ordinance creating Section 13-54.1 of the Code of Ordinances related to regulated scrap material to define ferrous metal, HVAC, nonferrous metal, plastics, regulated scrap material, restricted metals, scrap metal dealer, scrap metal seller, scrap metal dealer's license, scrap metal seller's license, transport vehicle, and vehicle; creating Section 13-54.2 of the Code of Ordinances related to regulated scrap material, to create the application and review process for a scrap metal dealer's license; creating Section 13-54.3 of the Code of Ordinances related to regulated scrap material to create the license application and review process for scrap material sellers license; creating Section 13-54.4 of the Code of Ordinances related to regulated scrap material to define the administrative requirements of a scrap metal dealer; creating Section 13-54.5 of the Code of Ordinances related to regulated scrap material to create the retention requirements for purchased regulated scrap material; creating Section 13-54.6 of the Code of Ordinances related to regulated scrap material to define prohibited purchases by a scrap metal dealer; creating Section 13-54.7 of the Code of Ordinances related to regulated scrap material to provide for exemptions to the scrap metal seller's license requirement; creating Section 13-54.8 of the Code of Ordinances related to regulated scrap material to provide for penalties for violations of this section and to provide for an appeals process for anyone affected by this section was on the docket for second reading.

Mr. Stinnett made a motion, seconded by Mr. McChord, and approved by unanimous vote, to amend the ordinance to (1) delete all references to the Seller's License, including application process requirements and exemptions to the Scrap Metal Ordinance, (2) to amend Section 4 of the Scrap Metal Ordinance to create Section 15 to provide for a meeting not less than every quarter with a representative from each scrap

metal dealer and a representative of the Div. of Police, (3) to amend Section 5(1) of the Scrap Metal Ordinance to delete the retention period for non-ferrous metal and replace with a required hold period for copper gutters and downspouts; copper roofing and flashing materials; back flow preventer valves; cast iron sink and bathtubs; and new or bare copper wiring or plumbing materials that weigh 10 pounds or more; (4) to amend Section 5(1) of the Scrap Metal Ordinance to add exemptions to the retention requirements to exempt materials purchased from another scrap metal dealer, materials purchased from an industrial commercial non-profit or municipal waste department or licensed waste hauler; (5) to amend Section 6(1)(d) of the Scrap Metal Ordinance to delete a prohibited purchase regarding the Scrap Metal Seller's License and to replace it with prohibited purchases based on a restricted seller's list as provided by the Div. of Police; (6) to amend Section 6(2) of the Scrap Metal Ordinance to reduce the required vehicle age for scrapping of a vehicle title from 15 to 10 years; and (7) to amend Section 6(6) of the Scrap Metal Ordinance to exclude manufacturers labeling from prohibited purchases, and that these were material changes and required a new first reading.

An Ordinance creating Section 13-54.1 of the Code of Ordinances related to regulated scrap material to define ferrous metal, HVAC, nonferrous metal, plastics, regulated scrap material, restricted metals, scrap metal dealer, scrap metal dealer's license, transport vehicle, and vehicle; creating Section 13-54.2 of the Code of Ordinances related to regulated scrap material, to create the application and review process for a scrap metal dealer's license; creating 13-54.3 of the Code of Ordinances related to regulated scrap material to define the administrative requirements of a scrap metal dealer; creating Section 13-54. 4 of the Code of Ordinances related to regulated scrap material to create the retention requirements for certain purchased regulated scrap materials; creating Section 13-54.5 of the Code of Ordinances related to regulated scrap material to define prohibited purchases by a scrap metal dealer; creating Section 13-54.6 of the Code of Ordinances related to regulated scrap material to provide for penalties for violations of this section and to provide for an appeals process for anyone affected by this section was given a new first reading as amended and ordered placed on file one week for public inspection.

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

Aye: Ellinger, Farmer, Ford, Gorton, Kay,
Lane, Lawless, Martin, McChord, Myers,
Stinnett, Beard, Blues-----13

Nay: -----0

An Ordinance changing the zone from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone for 0.21 net (0.35 gross) acre, for property located at 175 and 185 Jefferson St. (Grey Goose, LLC).

An Ordinance changing the zone from a Heavy Industrial (I-2) zone to a High Density Apartment (R-4) zone for 0.23 net and gross acre, for property located at 527 Angliana Ave. (a portion of) (Angliana P2 Development, LLC).

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. 66.

An Ordinance creating Section 18-40 of the Code of Ordinances of the Lexington-Fayette Urban County Government prohibiting the use of or operation of any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle which results in a noise disturbance, except on limited-access highways or in certain emergency circumstances, and establishing a fine for an offense of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense; all effective on July 1, 2012.

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

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Microcomputer Support Specialist, Grade 113N, in the Div. of Waste Management and creating one (1) position of Microcomputer Support Specialist, Grade 113N, in the Div. of Computer Services appropriating funds pursuant to Schedule No. 68, and transferring the incumbent; effective upon passage of Council.

An Ordinance amending Section 23-5(a) of the Code of Ordinances, abolishing one (1) position of sworn Police Captain, Grade 318E and creating one (1) position of sworn Police Lieutenant, Grade 317E in the Div. of Police, appropriating funds pursuant to Schedule No. 70, effective upon passage of Council.

n Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Computer Operator and creating one (1) position of Microcomputer Support Specialist in the Div. of Computer Services, appropriating funds pursuant to Schedule No. 69, effective upon passage of Council.

An Ordinance amending Article 15-4(b) and creating Article 15-4(c) of the Zoning Ordinance relating to fences to limit the allowable height of fencing abutting public or private streets and public property.

An Ordinance amending Section 17-2.1(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government to provide for the use of non-whole numbers and the nonsequencing of street numbers in limited instances.

An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of Taxable General Obligation Pension Funding Bonds, Series 2012A in the aggregate principal amount of \$31,000,000 (which amount may be increased or decreased by an amount of up to ten percent (10%)) for the purpose of financing the costs of funding unfunded liabilities of the Lexington-Fayette Urban County Government; approving the form of the Series 2012A Bonds; authorizing designated officers to execute and deliver the Series 2012A Bonds; authorizing and directing the filing of notice with the State Local Debt Officer; providing for the payment and security of the Series 2012A Bonds; creating bond payment funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the bid of the bond purchaser for the purchase of the Series 2012A Bonds; and repealing inconsistent Ordinances.

An Ordinance of Lexington-Fayette Urban County Government authorizing the issuance of Lexington-Fayette Urban County Government various purpose General Obligation Refunding Bonds, Series 2012B, in one or more subseries, in an aggregate principal amount not to exceed \$10,000,000, for the purpose of advance refunding (i) all or a portion of the outstanding principal amount of the Lexington-Fayette Urban County

Government General Obligation Bonds, Series 2002C, the proceeds of which were used to finance (a) road improvements and (b) improvements to storm and surface water collection, drainage and control facilities and (ii) all or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government General Obligation Bonds (Day Treatment Center, multi-use facility and expansion area boulevard projects), Series 2004C, the proceeds of which were used to finance the (a) acquisition, construction and equipping of a day treatment facility, (b) acquisition, renovation and equipping of a multi-use facility and (c) acquisition of rights of way and construction of road improvements; approving a form of bond; authorizing designated officers to execute and deliver the bonds; providing for the payment and security of the bonds; creating a Bond Payment Fund and Escrow Funds; maintaining the heretofore established Sinking Fund; authorizing a Certificate of Award for the acceptance of the bid of the bond purchaser for the purchase of the Series 2012B Refunding Bonds; authorizing an Escrow Trust Agreement; and repealing inconsistent Ordinances.

An Ordinance amending Section 2-87(a) of the Code of Ordinances related to the Masterson Station Park Advisory Board to include a member from the Masterson Station Neighborhood Association.

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. 67.

An Ordinance creating Section 4-10.1 of the Code of Ordinances prohibiting the running at large of horses or other members of the equine family and establishing a penalty for violation of same.

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A Resolution supporting the "Empower Lexington" Energy Plan designed to reduce Fayette County's energy use by one percent (1%) annually through voluntary measures and supporting its implementation was given second reading.

Upon motion of Mr. Ellinger, and seconded by Mr. Stinnett, the resolution was approved by the following vote:

Aye: Ellinger, Ford, Gorton, Kay, Lawless,
Martin, Stinnett, Blues-----8

Nay: Farmer, McChord, Myers, Lane, Beard-----5

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

Aye: Ellinger, Farmer, Ford, Gorton, Kay,
Lane, Lawless, Martin, McChord, Myers,
Stinnett, Beard, Blues-----13

Nay: -----0

A Resolution accepting the bids of Pearce-Blackburn Roofing, LLC, Kalkreuth Roofing and Sheet Metal, Inc., and Holland Roofing of Louisville, establishing price contracts for roofing repairs and maintenance, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Vogelpohl Fire Equipment, establishing a price contract for heavy duty power rescue tools, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Blue Grass Mailing Services, establishing a price contract for mailing services, for the Div. of Revenue.

A Resolution accepting the bid of Ovivo USA, LLC, establishing a price contract for Hydraulic Differential Clarifier, and authorizing the Mayor to execute any related agreement.

A Resolution accepting the bid of Industrial Products Corp., establishing a price contract for Hazardous Gas Detection System, and authorizing the Mayor to execute any related agreement.

A Resolution accepting the bid of NEFCO, Inc., establishing a price contract for FRP Weirs and Scum Baffles, and authorizing the Mayor to execute any related agreement.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Supplemental Agreement No. 3 with the Ky. Transportation Cabinet, for the acceptance of additional Federal funds for the Todds/Liberty Rd. Improvement Project in the amount of \$400,000, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and making the Transportation Cabinet responsible for bidding and administration of the construction project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Lexington-Fayette County Health Dept., which Grant funds are in the amount of \$460,560 Federal funds, are for the Home Network Project at the Family Care Center, 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 and submit a Grant Application to the Ky. Dept. of Juvenile Justice, 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 \$241,845 Commonwealth of Ky. funds, are for operation of the Day Treatment Program, for the Div. of Youth Services, 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 an Agreement with Captain Reginald Underwood Young Marines (\$450), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution ratifying the probationary civil service appointments of: Di-Linh Cao-Nguyen, Laboratory Technician Sr., Grade 112N, \$19.110 hourly, in the Div. of Water Quality, effective May 14, 2012, La Vada Green, Laboratory Technician Sr., Grade 112N, \$23.262 hourly, in the Div. of Water Quality, effective May 14, 2012, Guy Stone, Equipment Operator Sr., Grade 109N, \$18.129 hourly, in the Div. of Streets and Roads, effective April 23, 2012, Jeremy Asberry, Vehicle & Equipment Mechanic, Grade 110N, \$13.908 hourly, in the Div. of Streets and Roads, effective April 23, 2012, Michael Foster, Maintenance Mechanic, Grade 113N, \$19.227 hourly, in the Div. of Water Quality, effective May 7, 2012, and Rebecca Burke, Administrative Specialist Sr., Grade 112N, \$21.333 hourly, in the Div. of Revenue, effective May 23, 2012; approving Council Leave for: Wanda Carole Siler, Administrative Officer P/T, Grade 118E, in the Div. of Waste Management, beginning May 7, 2012 thru August 7, 2012 and Dora Bryant, Administrative Specialist Sr., Grade 112N, in the Div. of Building Inspection, beginning April 16, 2012 thru June 15, 2012.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a lease agreement with North Central Area Health Education Center, for lease of space at the Black & Williams Neighborhood Center.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Nursing Home Ombudsman Agency of the Bluegrass, for lease of space at the Senior Citizen's Center.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a lease agreement with Faith in Action: Elder Outreach, for lease of space at the Senior Citizen's Center.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a lease agreement with Meals on Wheels of Lexington, Inc., for lease of space at the Senior Citizen's Center.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Blue Grass Community Action Partnership, for lease of space at the Senior Citizen's Center.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a lease agreement with Blue Grass Community Action Partnership, for lease of space at the Black & Williams Neighborhood Center.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a lease agreement with Legal Aid of the Bluegrass, for lease of space at the Black & Williams Neighborhood Center.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Use Agreement with various youth baseball and softball leagues, for youth baseball and softball participation.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation in the amount of \$250 from Sharon Donahue to purchase C.E.R.T. backpacks for training.

A Resolution approving and adopting a Substantial Amendment to the 2011 Consolidated Plan authorizing and directing the Mayor, on behalf of the Urban County Government, to accept additional funding from the U.S. Dept. of Housing and Urban Development, which Grant funds are in the amount of \$51,927 Federal funds, are for

the 2011 Emergency Shelter/Emergency Solutions Grant Program, the acceptance of which obligates the Urban County Government for the expenditure of \$51,927 as a Local Match, and establishing and approving a new Community Development Block Grant project, renovation of The Hope Center Shelter located at 360 West Loudon Ave., 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 Temporary Right of Entry Agreement with Marathon Pipe Line LLC, for preparatory work for a pipeline project, at no cost to the Urban County Government.

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

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Justice, 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 \$252,727 Federal funds under the Edward Byrne Memorial Justice Assistance Grant Program, are for a Computer Network Overhaul Project, for the Div. of Police, 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 and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Fayette County Commonwealth Attorney's Office, the Kenton County Commonwealth Attorney's Office and the Commonwealth Attorney, 28th Judicial Circuit, for services under the 2010 Project Safe Neighborhood Program, at a cost not to exceed \$10,000 for the Fayette County Commonwealth Attorney's Office, \$7,500 for the Kenton County Commonwealth Attorney's Office and \$6,500 for the Commonwealth Attorney, 28th Judicial Circuit.

A Resolution accepting the response of Bullhorn, LLC. to RFP No. 46-2011 for the provision of Graphic Design Services to various Departments and Divisions of the Urban County Government, be and hereby is accepted and approved as to the

specifications and amounts set forth in the terms of the response, with any future work to be performed at an hourly rate ranging from \$59.00 to \$74.00 (average rate of \$65.31), dependent upon the type of work performed.

A Resolution amending Resolution No. 164-2012 accepting the bids of multiple vendors and establishing Price Contracts for mowing, for the Div. of Parks and Recreation, to include McGee Springs, Inc., as a vendor.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Kenvirons, Inc., for consulting services and construction administration and quality assurance for the Haley Pike Landfill Closure, Phase 4, for the Dept of Environmental Quality and Public Works, at a cost not to exceed \$241,000.

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A Resolution accepting the bid of E.T. Landscape, establishing a price contract for planters, plant materials, installation and maintenance, for the Dept. of Environmental Quality and Public Works was given first reading.

Mr. Richard Moloney, Chief Administrative Officer, asked that the rules be suspended in order to give second reading to the resolution.

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

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

Aye: Ellinger, Farmer, Ford, Gorton, Kay,
Lane, Lawless, Martin, McChord, Myers,
Stinnett, Beard, Blues-----13

Nay: -----0

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A Resolution accepting the bid of Superior Demolition, Inc., in the amount of \$61,277 (\$11,977 of FY2013 funding), for the demolition of Constitution Pool for the Div. of Parks and Recreation, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement with Superior Demolition, Inc., related to the bid was given first reading.

Mr. Richard Moloney, Chief Administrative Officer, asked that the rules be suspended in order to give second reading to the resolution.

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

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

Aye: Ellinger, Farmer, Ford, Gorton, Kay,
Lane, Lawless, Martin, McChord, Myers,
Stinnett, Beard, Blues-----13

Nay: -----0

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A Resolution accepting the response of Stantec Engineering Services, Inc., to Request for Proposal No. 37-2011 - Downtown Traffic Movement and Revitalization Study (the "RFP"), in an amount not to exceed \$465,000, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Engineering Services Agreement and any other necessary documents with Stantec Engineering Services, Inc., related to the RFP was given first reading.

Upon motion of Mr. Kay, seconded by Ms. Lawless, the rules were suspended by majority vote.

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

Aye: Ellinger, Farmer, Ford, Gorton, Kay,
Lane, Lawless, Martin, McChord, Myers,
Beard, Blues-----12

Nay: Stinnett-----1

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Bell Engineering, for sanitary sewer detail design services related to Blue Sky Wastewater Treatment Plant, required by the Consent Decree, at a cost not to exceed \$157,495 was given first reading.

Mr. Richard Moloney, Chief Administrative Officer, asked that the rules be suspended in order to give second reading to the resolution.

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

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

Aye: Ellinger, Farmer, Ford, Gorton, Kay,
Lane, Lawless, Martin, McChord, Myers,
Beard, Blues-----12

Nay: Stinnett-----1

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A Resolution initiating Zoning Ordinance text amendments to define Adult Day Care Centers and to require Conditional Use Approval of such facilities in certain zones was given first reading.

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

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

Aye: Ellinger, Farmer, Ford, Gorton, Kay,
Lane, Lawless, Martin, McChord, Myers,
Stinnett, Beard, Blues-----13

Nay: -----0

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointment: Michael Robinson, Radio/Electronics Specialist, Grade 117E, \$2,480.56 bi-weekly, in the Div. of Fire and Emergency Services, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following probationary sworn appointments: Jeremy Brislin, Police Sergeant, Grade 315N, \$28.588 hourly, in the Div. of Police, effective upon passage of Council and Dean Marcum, Police Lieutenant, Grade 317E, \$3,025.15 bi-weekly, in the Div. of Police, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Penny McFadden, Citizens Advocate P/T, Grade 115E, \$1,068.16 bi-weekly, in the Citizens Advocate Office, effective upon passage of Council was given first reading.

Mr. David Barberie, Dept. of Law, asked that the rules be suspended in order to give second reading to the resolution.

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

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

Aye: Ellinger, Farmer, Ford, Gorton, Kay,
Lane, Lawless, Martin, McChord, Myers,
Stinnett, Beard, Blues-----13

Nay: -----0

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The following resolutions were given first reading. Upon motion of Mr. McChord, seconded by Ms. Gorton, the rules were suspended by unanimous vote.

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

Aye: Ellinger, Farmer, Ford, Gorton, Kay,
Lane, Lawless, Martin, McChord, Myers,
Stinnett, Beard, Blues-----13

Nay: -----0

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements, awarding Neighborhood Community and Sustainability Grants to Beaumont Residential Association (\$2,500), Central Christian Church (\$2,500), Chevy Chase Neighborhood Association (\$2,500), Columbia Heights Neighborhood Association (\$2,350), Dove Creek Townhomes Owner's Association (\$1,655), Fairway Neighborhood Association (\$2,500), Faith Lutheran Church (\$1,590), First Alliance Church (\$1,957); Glendover Neighborhood Association (\$2,497), Golf Town Homes at Andover HOA (\$2,400), Gratz Park Neighborhood Association (\$2,500), Meadowthorpe Neighborhood (\$2,000), New Beginnings Church of God in Christ (\$2,452), Pasadena Neighborhood Association (\$920), Pathway Church (\$2,500), Southland Association (\$2,297), Southpoint Resident Association (\$1,285), St. Elizabeth Ann Seton Catholic Church (\$2,500), Tanbark Association of Neighbors (\$2,500), Tates Creek Christian Church (\$1,735), Twin Pines Christian Church (\$688), Vineyard Neighborhood Association (\$669), Walnut Creek Home Owner's Association (\$2,500), and Wellington Elementary School (\$2,500), at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Pasadena Neighborhood Association (\$1,000), Fayette

County Fatherhood Initiative (\$1,500), South Lexington Youth Baseball, Inc. (\$600) and Southeastern Babe Ruth League, Inc. (\$600), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with the Prudential Insurance Co. of America, for Group Life Insurance for all LFUCG employees, effective January 1, 2012, at a cost not to exceed \$747,000 was on the docket for first reading.

Mr. Lane asked questions of Ms. Janet Graham, Commissioner of the Dept. of Law, regarding the need for the resolution. Ms. Graham responded.

Mr. Martin also asked questions of Ms. Graham about the accounting in the resolution.

Mr. Beard asked Ms. Graham if any credits were available. Ms. Graham stated she would need to review the documentation and return with that information.

Mr. Lane asked a question of Ms. Graham about the process for choosing the vendor.

The resolution was given first reading and ordered placed on file one week for public inspection.

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

A Resolution accepting the bid of Churchill McGee, LLC, in the amount of \$61,850, for the renovation and addition of a stockroom for the Div. of Waste Management, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement with Churchill McGee, LLC, related to the bid.

A Resolution accepting the bid of The Wagner Co., in the amount of \$111,762, for the renovation of restrooms for the Div. of Police Headquarters, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement with The Wagner Co., related to the bid.

A Resolution accepting the bid of Leak Eliminators, LLC, in the amount of \$908,781.65, for the 2012 Sanitary Sewer Cleaning Program, for the Div. of Water

Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an agreement with Leak Eliminators, LLC, related to the bid.

A Resolution accepting the bid of A & A Safety, Inc., establishing a price contract for Hydraulic USAR Rescue Tools, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Countryside Play Structures, establishing a price contract for Wood Chips Safety Surface, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Wild Telecommunications, Inc., in accordance with the provisions of Ordinance No. 143-2011, creating and offering for sale a short term franchise for the operation of a non-exclusive telecommunications system in Fayette County, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with Wild Telecommunications, Inc., incorporating the terms and conditions of Ordinance No. 143-2011.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with J.R. Miller and Associates for design services for a Household Hazardous Waste Facility, at a cost not to exceed \$57,965.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Lexington Ice Center, for rental of the LIC Gymnasium, at a cost not to exceed \$2,520.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Contract with Advanced Mulching d/b/a Ecogrow, for the McConnell's Trace Greenway Restoration Project, increasing the contract price by the sum of \$4,511.05 from \$128,255.00 to \$132,766.05.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Accreditation Agreement with the Council on Accreditation, for reaccreditation of the Dept. of Social Services, at a cost not to exceed \$16,245.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement releasing a sanitary sewer easement on property located at 231 Fountain Ct. and a Release of Easement releasing a utility easement on property located at 245 Fountain Ct.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with One World Films, Inc. (\$250), Walnut Creek Homeowners

Association (\$1,000) and Stuart Hall Homeowners Association (\$1,000) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution approving the FY 2013 Budget of the Transit Authority of the Lexington-Fayette Urban County Government (LexTran) pursuant to KRS 96A.360 and requesting that the Commissioner of Finance authorize the Fayette County Sheriff's Office to disburse the funds to LexTran collected from the ad valorem tax approved by voters on November 9, 2004.

A Resolution adopting the Goals and Objectives for the 2012 Comprehensive Plan, including a Mission Statement, goals to expand housing choices; to support infill and redevelopment throughout the Urban Service Area as a strategic component of growth; to provide well-designed neighborhoods and communities; to continue to implement the Consent Decree, including the Capacity Assurance Program, as directed by the Environmental Protection Agency; to reduce Lexington-Fayette County's carbon footprint; to support the funding, planning, and management of a Green Infrastructure Program; to support and showcase local assets to further the creation of a variety of jobs; to attract the world's finest jobs, encourage an entrepreneurial spirit, and enhance our ability to recruit and retain a talented, creative workforce by establishing opportunities that embrace diversity and inclusion in our community; to work to achieve an effective and comprehensive transportation system; to provide for accessible community facilities and services to meet the health, safety, and quality of life needs of Lexington-Fayette County's residents and visitors; to protect and enhance the natural and cultural landscape that gives Lexington-Fayette County its unique identity and image; to promote, support, encourage, and provide incentives for public art; to uphold the Urban Service Area concept; to support the agricultural economy, horse farms, general agricultural farms, and the rural character of the Rural Service Area; to maintain the current boundaries of the Urban Service Area and rural activity centers, and create no new rural activity centers; to engage the residents of Lexington-Fayette County in the planning process; to implement the 2012 Comprehensive Plan; to increase regional planning; and ancillary objectives to achieve each goal.

A Resolution ratifying the approved Council leave for: Kem Osborne, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective through May 20,

2012, Cyndi Bartholomew, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective through July 12, 2012 and Darrel Stevens, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective through August 1, 2012 and unclassified civil service pay increase in the Office of the Urban County Council: Melynda Milburn Jamison, Aide to Council, Grade 000E, increase from \$2,057.69 to \$2,089.60 effective April 23, 2012.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amended Facilities Maintenance Agreement with Meridian Management Corp., for facility management services at the Fayette County Courthouses, at a cost not to exceed \$21,000.

A Resolution accepting the bid of Cassidian Communications, Inc., for a Radio System (RFB No. 13-2012), for the Div. of Police, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase Agreement with Cassidian Communications, Inc., related to the bid, with payment in an amount not to exceed \$4,584,290 for the Radio System, and additional future payments for maintenance and warranty services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract Addendum with the Lexington-Fayette County Health Dept., for additional funds in the amount of \$41,208 for the Home Network Project at the Family Care Center.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of \$2,120,336 Commonwealth of Ky. funds, are for Police Training Incentive Funds, 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 and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Commission on Fire Protection, Personnel, Standards and Education, which Grant funds are in the amount of \$2,006,685 Commonwealth of Ky. funds, are for Training Incentive Funds for firefighters, 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 an Engineering Services Agreement with Stantec Consulting Services, Inc., for the Sanitary Sewer Capacity Assurance Plan (CAP) required by the Consent Decree, at a cost not to exceed \$1,012,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with NAMI Lexington (KY), Inc., for rental space at 498 Georgetown St. within the Black & Williams Neighborhood Center.

A Resolution authorizing the Div. of Human Resources to internally advertise for vacant positions, if requested by the Division Director, from the date of passage of this Resolution through December 31, 2012, and authorizing the Div. of Human Resources to advertise externally if a qualified internal applicant pool does not exist within the first week of any internal advertisement.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of \$460,000 Federal funds, are for the ITS/CMS (Intelligent Transportation System/Congestion Management System Improvements Project), the acceptance of which obligates the Urban County Government for the expenditure of \$115,000 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution amending Resolution No. 90-2012, increasing the maximum amount to be paid to Tactical Energetic Entry Systems, LLC, for Dynamic Entry Training for the Div. of Police, from \$35,000 to \$39,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Homeland Security and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$629,600 Federal funds under the 2012 Assistance to Firefighters Grant Program, and are for the purchase of a ladder truck.

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 \$294.79 Federal funds, are for the purchase of bulletproof vests for the Fayette County Sheriff's 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 changing the street names and property address numbers of 3591 Leestown Rd. to 238 Locust Farm Rd. and 627 West Fourth St. to 500 Newtown Pike; changing the property address number of 425 East Sixth St. to 427 East Sixth St.; and changing the street name of 3700 Tates Creek Rd. to 3700 Old Tates Creek Pike, all effective thirty days from passage.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Claunch Construction, LLC, for Meadows/Northland/Arlington Public Improvements Design, Phase 3D, increasing the contract price by the sum of \$21,239.80 from \$787,999.10 to \$809,238.90.

A Resolution of the Lexington-Fayette Urban County Government authorizing the advertisement for bids and the distribution of a preliminary official statement for the purchase of the principal amount of its (i) \$31,000,000 Taxable General Obligation Pension Funding Bonds, Series 2012A (which amount may be increased or decreased by an amount of up to ten percent (10%)); and (ii) various purpose General Obligation Refunding Bonds, series 2012B in a principal amount not to exceed \$10,000,000.

A Resolution amending the Residential Parking Permit Program for the 400 block of S. Upper St., from 7:00 a.m. to 5:00 p.m., Monday through Friday; to 24 hours per day restriction 7 days per week; and waiving the provisions relating to the mechanics of designating residential parking permit areas adopted by Resolution No. 168-90 and amended by Resolution Nos. 450-91 and 433-2006.

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Upon motion of Mr. Farmer, seconded by Mr. Blues, and approved by unanimous vote, a Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of Preston Ave. and Menifee Ave. and the intersection of Bassett Ave. and Menifee Ave

was placed on the docket, given first reading, and ordered placed on file one week for public inspection.

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Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the reappointment of Ms. Roszaly M. Akins to the Airport Board, with a term to expire 1-1-2016; (2) Recommending the appointment of Mr. Tyrone D. Tyra, as Commerce Lexington representative, to the Industrial Revenue Bond Review Committee, with a term to expire 9-27-2015; (3) Recommending the appointments of Rev. Willis G. Polk, Mr. Royce Pulliam and Ms. Holly B. Wiedemann to the Lexington Center Corporation, with terms to expire 2-28-2016; (4) Recommending the appointment of Mr. Lawrence T. Smith to the Library Board of Trustees, with a term to expire 7-20-2014. Mr. Smith will fill the unexpired term of Ms. Lynda Thomas; (5) Recommending the reappointments of Ms. Janet S. Holloway, as business community representative, and Mr. Robert R. Jefferson, as business community representative, to the Lyric Theatre and Cultural Arts Center Corporation, with terms to expire 12-8-2015 and 12-8-2013, respectively. Mr. Jefferson will fill the unexpired term of Ms. Anne Nash; (6) Recommending the reappointment of Ms. Mary H. Simons, as Georgetown Rd. Corridor representative, to the Masterson Station Park Advisory Board, with a term to expire 5-1-2016; (7) Recommending the reappointment of Mr. Gregory A. Bibb, as Commerce Lexington representative, to the Rural Land Management Board, with a term to expire 4-1-2016; and (8) Recommending the reappointment of Mr. Tyrone D. Tyra to the Transit Authority Board, with a term to expire 6-30-2016.

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Mr. Lane thanked Mr. Terry Johnson for his service as a representative on the Parks Advisory Board, and stated that Mr. Johnson's term would be over on June 1, 2012.

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Mr. Bernard McCarthy, Harry Street, spoke about changing one-way streets to two-way streets. He also spoke about the safety of cyclists and pedestrian in traffic.

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Ms. Carron Woodrum, Bennett Avenue, spoke about changing one-way streets to two-way streets, and her objection to the streets being changed. She also spoke about the city's hiring of a consulting firm to study downtown traffic flow.

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Upon motion of Mr. Ellinger, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 7:04 p.m.

Deputy Clerk of the Urban County Council