

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky May 17, 2012

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on May 17, 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, Henson, Kay, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues and Crosbie.

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

Resolutions No. 210-2012 thru 246-2012, and Ordinances No. 54-2012 thru 57-2012, inclusive were reported as having been signed and published, and ordered to record.

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The Invocation was given by Chaplain Donovan Stewart, Div. of Police.

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The Mayor introduced Commander Thomas Kubeck, Military Order of the Purple Heart, USA, and proclaimed Lexington as a Purple Heart City. The Mayor spoke about the proclamation, and about the sacrifices of the members of our military. The Mayor announced that several military veteran groups were represented in the audience, including the Order of the Purple Heart and American Legion Post 8.

Commander Irvin Lyons Jr., who was thought not to be available that evening, was able to come, and was introduced by Commander Kubeck. Commander Lyons Jr., made comments about military veterans. He thanked the Mayor and Council for recognizing veterans.

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The Mayor invited Mr. McChord to join him at the podium, and invited Mr. James Cecil forward. The Mayor stated Mr. Cecil was the last survivor in Central Kentucky of his platoon of approximately seventy men from the area in World War II. The Mayor proclaimed May 17, 2012 as James Cecil Day.

Mr. McChord spoke about his relationship Mr. Cecil, and about remembering those who have served. Mr. Cecil thanked The Mayor for the honor, and spoke about his experiences. He also spoke about the local activities of the Marine Corps.

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Mr. Blues made a motion, seconded by Ms. Henson, to separate 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 from the list of ordinances for second reading for reading and voting purposes.

Mr. Farmer asked questions of Mr. Blues regarding the need to separate the ordinance. Mr. Blues explained his motion.

The motion **passed** by unanimous vote.

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 was given second reading.

Upon motion of Mr. Ellinger, and seconded by Mr. Beard, the ordinance **failed** to pass by the following vote:

Aye: Ellinger, Farmer, Ford, Lawless, Kay,
Crosbie-----6

Nay: Gorton, Henson, Lane, Martin, Myers,
Stinnett, Beard, Blues-----8
(Mr. McChord was absent when the vote was taken.)

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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 was on the docket for second reading.

Mr. Stinnett stated his concerns about the ordinance.

Mr. Stinnett made a motion, seconded by Mr. Lane, to table the ordinance until October 31, 2012, or until the Pension Task Force makes a recommendation to the Council and identifies alternative revenue sources and changes in benefits, whichever is sooner.

Mr. Martin asked questions of Ms. Jane Driskell, Commissioner of the Dept. of Finance, regarding the bonds in the ordinance.

The Council continued to ask questions of Ms. Driskell. The Mayor also responded to questions, and asked Ms. Driskell to confirm information regarding the structure of the pension fund.

The motion **failed** to pass by a vote of 7-8 (Farmer, Ford, Gorton, Henson, Kay, Lawless, Beard, and Crosbie voted **no**).

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 was given second reading.

Mr. Martin made a motion, seconded by Mr. Myers, and approved by a majority vote of 14-1 (Mr. Farmer voted **no**), to separate the ordinance from the list of second reading ordinances for voting purposes.

Mr. Martin stated that he was voting against the ordinance because he had voted against the budget.

Upon motion of Mr. McChord, seconded by Mr. Blues, the ordinance was approved by the following vote:

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lawless, Beard, Blues, Crosbie-----10

Nay: Lane, Martin, McChord, Myers, Stinnett-----5

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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. 67 was on the docket for second reading.

Upon motion of Mr. Ford, seconded by Mr. Ellinger, and approved by unanimous vote, the ordinance was amended to remove Budget Journal 59908 for Charles Young

Community Center, and that this was not a material change and did not require a new first reading.

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 was given second reading as amended.

Upon motion of Mr. McChord, and seconded by Mr. Blues, the ordinance was approved by the following vote:

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues, Crosbie-----15

Nay: -----0

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

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues, Crosbie-----15

Nay: -----0

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.

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.

An 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 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 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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The following ordinances were given first reading and ordered placed on file until June 7, 2012 for public inspection.

An Ordinance amending Ordinance No. 37-2012, relating to the creation of the Dept. of Planning, Preservation and Development, to correct a typographical error in Section 4 to reflect the correct number of staff assistant positions.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of HCM Manager Enterprise Solutions, Grade 119E and creating one (1) position of Information Systems Service Level Manager, Grade 121E in the Div. of Enterprise Solutions.

An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of its Industrial Building Revenue Bonds, Series 2012 (Transylvania University Project) in an aggregate principal amount not to exceed \$10,350,000, and the loan of the proceeds thereof to Transylvania University for the purpose of financing various additions and improvements to the campus of the University; authorizing the execution and delivery on behalf of the Urban County Government of (1) a Trust Indenture pursuant to which the Bonds will be issued, (2) a Loan Agreement between the Urban County Government, as Lender, and Transylvania University, as Borrower, providing for loan repayments sufficient to pay the principal of and interest on the Bonds as the same become due, (3) a Bond Purchase Agreement providing for the sale of the Bonds on a negotiated basis, and (4) an Official Statement relating to the Bonds; and taking other related action.

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. 71.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$2,000 in the Div. of Code Enforcement from the Neighborhood Development funds for sidewalk repair and replacement match grant fund for property owners in the Fourth Council District, and appropriating and re-appropriating funds, Schedule No. 72.

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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 was given second reading.

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

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues-----14

Nay: -----0
(Ms. Crosbie recused herself when the vote was taken.)

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

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues, Crosbie-----15

Nay: -----0

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 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.

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.

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.

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

Mr. McChord asked questions of Mr. Ford regarding the costs in the resolutions. Mr. Ford, and Mr. Richard Moloney, Chief Administrative Officer, responded.

Mr. Martin asked questions about of Mr. Jamshid Baradaran, Director of the Div. of Facilities and Fleet Management, about the bids in the resolutions.

The Council continued to discuss the resolutions and to ask questions of Mr. Ford, Mr. Baradaran, Mr. Moloney, and Ms. Sally Hamilton, Commissioner of the Dept. of General Services.

Mr. Lane asked if it was critical to suspend the rules for second reading at the current time. Mr. Baradaran stressed the need for completing the projects on a specific timeframe required by the grant funds being used.

Mr. Ford spoke about the projects, and the grant funds being used to complete them. He also spoke to the other councilmembers' concerns.

Mr. Myers stated his concern with the reallocation of unused CDBG funds, and spoke about the need for a policy that would govern the reallocation of unused funds or funds that could not be used in time for a project to be completed. He asked for an update on CDBG funds at the next meeting of the Council's Community Development and Social Services Committee.

The Council continued to discuss the issue and to ask questions of Mr. Ford, Mr. Baradaran, Mr. Moloney, and Ms. Hamilton.

Ms. Henson asked for a list to be compiled of monies allocated, and in which Council districts they were allocated. The Mayor responded.

The Council continued to discuss the issue and to ask questions of Mr. Ford, Mr. Baradaran, Mr. Moloney, and Ms. Hamilton.

Mayor Gray asked Mr. Ford if he could clarify what would happen with the funding if it was not used in a timely fashion.

Ms. Hamilton stated the project for the roof was less critical than the HVAC project, and if the Council felt more comfortable waiting on the roof project that would be acceptable.

The Council continued to discuss the issue.

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

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues-----14

Nay: -----0
(Ms. Crosbie was absent when the vote was taken.)

A Resolution accepting the bid of Pearce-Blackburn Roofing, in the amount of \$61,210, for the gymnasium roof replacement for Charles Young Center for the Dept. of General Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Pearce-Blackburn Roofing, related to the bid.

A Resolution accepting the bid of Disponette Service Co., Inc., in the amount of \$182,600, for HVAC replacement for Charles Young Center, for the Div. of Facilities and Fleet Management.

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A Resolution accepting the bid of Bluegrass Fire Equipment, establishing a price contract for fire helmets, for the Div. of Fire and Emergency Services 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. Lane, seconded by Mr. Ellinger, the rules were suspended by unanimous vote.

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

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues-----14

Nay: -----0
(Ms. Crosbie was absent when the vote was taken.)

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary sworn appointments: Jennifer Rosa, Adrean Robinson, Felice Smith, Robert Shouse, Joseph Price, Jamie Poynter, Tiffany Rexroat, Bethany Rayburn, Codey Zipperle, Chad Young, Austin Southworth, Donald Sifford,

Gregory Taylor, Vina Taylor, Thomas Woolums, Dorothy Watkins, Joseph Dulsky, Andrew Colgin, Lucas Ellis, Tron Edwards, Jared Baird, Jason Wilson, John Casey, Andrew Butler, Steven Kelly, Leticia Harper, Steven Parker, Daniel Kimball, Rayford Gilbert, Britaney Fleming, Randall Gilbert and LaLaneah Bailey, Community Corrections Officer, Grade 110N, \$14.340 hourly, in the Div. of Community Corrections, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: LaLaneah Bailey, Microcomputer Support Specialist, Grade 113N, \$20.990 hourly, in the Div. of Police, effective upon passage of Council 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 Ms. Gorton, the rules were suspended by unanimous vote.

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

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues-----14

Nay: -----0
(Ms. Crosbie was absent when the vote was taken.)

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A Resolution accepting the bid of Centerpoint Energy Services, establishing a Fixed Price Contract for natural gas supplied pursuant to Columbia Gas of Ky., Inc.'s Delivery Service Tariff, at a price not to exceed NYMEX plus \$0.21 per Decatherm, for the Div. of Community Corrections, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement 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. Lane, seconded by Ms. Gorton, the rules were suspended by unanimous vote.

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

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues-----14

Nay: -----0
(Ms. Crosbie was absent when the vote was taken.)

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A Resolution accepting the response of Buy Rite Technologies, Inc., to RFP No. 10-2012 - Reverse Auction Services, for the Div. of Central Purchasing, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Buy Rite Technologies, Inc., related to the RFP, with all associated fees and costs to be paid by participating vendors was given first reading.

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

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

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues-----14

Nay: -----0
(Ms. Crosbie was absent when the vote was taken.)

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Attorney's Office, for the Fayette County Attorney's Office to conduct a driver's education program at the Old Frankfort Pike Landfill, at no cost to the Urban County Government was given first reading.

Upon motion of Ms. Gorton, 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. McChord, the resolution was approved by the following vote:

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Blues-----14

Nay: -----0
(Ms. Crosbie was absent when the vote was taken.)

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The following resolutions were given first reading and ordered placed on file until June 7, 2012 for public inspection.

A Resolution accepting the bid of W. Rogers Company, in the amount of \$4,313,000.00, for the Wolf Run Pump Station Relocation - Contract A, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with W. Rogers Company, related to the bid.

A Resolution accepting the bid of J.R. Horn Co., LLC, establishing a price contract for sandblasting and painting of existing final clarifier mechanisms, for the Div. of Water Quality, and authorizing the Mayor to execute any related agreement.

A Resolution accepting the bid of Windstream Communications, Inc., establishing a price contract for telephone maintenance, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Herrick Co., Inc., in the amount of \$244,650, for the West Hickman Thickener #2 Replacement, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Agreement with Herrick Co., Inc., related to the bid.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute four Agreements with the Ky. Office of Homeland Security, for extension of the Special Operations, Hazardous Materials and Technical Rescue Equipment Project; the Hazmat Training Project; the Hazardous Devices Unit Robot Upgrade Project; and the Dynamic Entry Training Project through December 31, 2012, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security, for extension of the FY 2012 Metropolitan Medical Response System (MMRS) Project through December 31, 2012, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Eighth Amendment to Agreement with AmeriNational Community Services, Inc., for loan servicing for the HOME and CDBG Housing

Rehabilitation and Homeownership Programs to extend the agreement through June 30, 2014, at an additional cost not to exceed \$60,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security, for extension of the FY 2011 Metropolitan Medical Response System (MMRS) Project through December 31, 2012, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Newtown Pike Landscaping Project through June 30, 2013, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Safe Routes to School Project through June 30, 2013, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from former Planning Commission Chair Walter May of seven planning related books and publications, for use by the Div. of Planning, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with ABR Construction, Inc., for the Lexington Mall Sanitary Sewer Trunk Realignment, increasing the contract price by the sum of \$6,028.06 from \$555,431.65 to \$561,459.71.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with U.S. Geological Survey, for the continuing and ongoing maintenance and operation of existing stream flow and precipitation gauges, at a cost not to exceed \$115,740.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. 1 to the Engineering Services Agreement with Strand Associates, Inc., for the Lexington Distillery District Improvements Program Feasibility Study, for streetscapes improvements and the Town Branch Trail along the

corridor from Oliver Lewis Way to S. Forbes Rd., increasing the contract amount by the sum of \$83,202 from \$418,000 to \$501,202.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Development Agreement with the Fayette County Local Development Corporation, for transfer of properties located at 440 and 445 Chestnut St., acquired under the Neighborhood Stabilization Program, for rehabilitation and construction by the Corporation for rental housing for low-income households.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Thomson West, for on-line legal research and publications, for the Dept. of Law, at a cost not to exceed \$35,000 on an annual basis.

A Resolution establishing a Residential Parking Permit Program for the 1200 block of Kastle Rd. for the following addresses only: 1211 - 1231, on the west side and 1216 - 1240 on the east side, from 8:00 a.m. to 4:00 p.m., Monday through Friday; from September 1 through May 31; 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.

A Resolution amending Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council, amending Section 2.204 providing that the Council may consider and act on any matter referred to a Council committee.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Lansdowne Elementary School PTA, Inc. (\$575) and Southern Heights Neighborhood Association (\$770), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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Upon motion of Mr. Ellinger, seconded by Mr. Blues, and passed by majority vote (Ms. Crosbie was absent when the vote was taken), the Communication from the Mayor was approved and is as follows: (1) Recommending the appointment of Mr. John W. Girvin, as Lexington Lion's Club representative, to the Masterson Station Park Advisory Board, with a term to expire 5-1-2016.

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The following Communications from the Mayor were received for information only: (1) Resignation of Terry Bryan, Public Service Worker, Grade 106N, in the Div. of

Parks and Recreation, effective April 4, 2012; (2) Resignation of Michelle Toole, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 7, 2012; (3) Resignation of Kelli Fee, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 3, 2012; (4) Resignation of Sailesh Babhania, Police Officer/Trainee, Grade 311N, in the Div. of Police, effective April 19, 2012; (5) Resignation of Christopher Clements, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 13, 2012; and (6) Resignation of Matthew Million, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 13, 2012.

Ms. Lawless asked questions of Mr. Clay Mason, Commissioner of the Dept. of Public Safety, about the resignations from the Div. of Community Corrections, and what the authorized strength level was at the Division. Mr. Mason responded with information about the new class of Community Corrections Officers being trained.

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Mr. Brian Schlifke, Winding Drive, submitted the following exhibit: (1) Paper entitled 'A Citizen's Concern.' He spoke about debt and bonding issues, and quoted figures from the current LFUCG budget. He thanked Mr. Martin, Ms. Jane Driskell, Commissioner of the Dept. of Finance, Ms. Susan Combs, Div. of Accounting, and Mr. Jonathan Hollinger, Council Office, for their work on Mr. Martin's presentation regarding the Police and Fire Pension Fund. He also thanked the Mayor and Council for acknowledging Mr. James Cecil during presentations.

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Mr. Robert Dalton, Douglass Avenue, spoke about Armed Forces Day on May 19, and about a celebration coming up for the Armed Forces, with proceeds going to the Wounded Warrior Program. He also spoke about the Veterans Retraining Assistance Program, signed into law in 2011.

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Upon motion of Mr. Ellinger, seconded by Mr. McChord, and approved by majority vote (Ms. Crosbie was absent when the vote was taken), the meeting adjourned at 8:12 p.m.

Deputy Clerk of the Urban County Council