

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky November 21, 2013

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 21, 2013 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the council: Council Members Beard, Clarke, Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Mossotti, Myers, Scutchfield, Stinnett, and Akers.

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

Resolutions No. 586-2013 through 611-2013, and Ordinances No. 130-2013 through 136-2013, inclusive, were reported as having been signed and published, and ordered to record.

Lexington- Fayette Urban County Government Council Meeting

Lexington, Kentucky

November 21, 2013

Reverend Mark Randle of the Tates Creek Presbyterian Church was scheduled to present the invocation but was not able to attend. Mr. Farmer gave the Invocation in his place.

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The Mayor joined Ms. Gorton at the podium for two presentations honoring nurses and their contributions. The Mayor and Ms. Gorton presented Dr. Susan Stone and Dr. Julie Marfell, President/Dean and Associate Dean of Family Nursing respectively, of the Frontier Nursing University with a Proclamation honoring them for their ongoing education of nurse-midwives and declaring October 7 through the 13, 2013 Nurse-Midwifery Week. The Mayor and Ms. Gorton then presented Dr. Stone and Dr. Marfell with a Proclamation declaring November 10 through 16, 2013 Nurse Practitioners Week. Dr. Stone and Marfell thanked the city and the Council for their support.

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The Mayor asked Ms. Mossotti to join him for the presentation in recognition of Ms. Eliza Waller who received the Outstanding Youth in Philanthropy Award from the Bluegrass Chapter of the Association of Fundraising Professionals. Ms. Mossotti spoke about Ms. Waller and her accomplishments. Ms. Waller, a Junior at Lexington Catholic High School, spoke about how she began the Service Club at her school as a sophomore and statistics on her club's work in service projects. The Mayor presented Ms. Waller with the Henry Clay Ambassador Award.

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Upon motion of Ms. Gorton, seconded by Ms. Mossotti, and approved by unanimous vote, the Council went into Closed Session at 6:20 P.M. pursuant to KRS 61.810(1)(c) for the purpose of discussion concerning proposed or pending litigation against or on behalf of the Lexington-Fayette Urban County Government.

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Upon motion of Mr. Ellinger, seconded by Mr. Beard, and approved by unanimous vote, the Council returned to Open Session at 7:29 P.M. with the same members present.

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Upon motion of Ms. Gorton, seconded by Mr. Ellinger, the Minutes of the November 7, 2013 Council Meeting were approved by unanimous vote.

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

Aye: Beard, Clarke, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless,
Mossotti, Myers Scutchfield, Stinnett, Akers -----15

Nay: -----0

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Public Service Worker, Grade 106N, in the Div. of Parks and Recreation, appropriating funds pursuant to Schedule No. 27, effective upon passage of Council.

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. 25.

An Ordinance amending Subsections 18C-13(1) and (3) of the Code of Ordinances of the Lexington-Fayette Urban County Government pertaining to the Emergency Medical Advisory Board to provide for twenty members and to add two members of the Div. of Fire and Emergency Services, one paramedic member of the Div. of Fire and Emergency Services who has successfully graduated from the paramedic training and education program, one member of the faculty of the paramedic program, and one student member of the paramedic program; all effective upon date of passage.

An Ordinance amending Section 16-14(c) of the Code of Ordinances related to Special Collections to clarify calls made for requested special pickups.

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An Ordinance repealing those sections and provisions of Ordinance No. 266-2008 (the Lexington Distillery District Development Area TIF) pertaining or related to the development, the project, and/or the creation of an incremental tax special fund and dissolving the fund; maintaining the boundary of the district pending further action of the Urban County Council, and cancelling or terminating the agreements related to Ordinance No. 266-2008 was on the docket for first reading.

Mr. Barry McNees, Lexington Distillery District, spoke about the proposed repeal of the Distillery District Tax Increment Financing District. He introduced several others in attendance, and stated they would yield their time to him. He filed the following exhibit: (1) Handout 'Snapshot of Progress and Stakeholders'.

Ms. Gorton asked questions of Mr. Derek Paulsen, Commissioner of the Dept. of Planning, Preservation and Development, regarding the 'downside' to not activating the TIF. Mr. Paulsen responded about the progress and planning that was done for the District.

The Council discussed the Distillery District TIF.

Ms. Gorton asked questions of Mr. Paulsen regarding the difference between this TIF and the CentrePointe TIF. Mr. Kevin Atkins, Mayor's Office, responded to questions regarding the CentrePointe TIF, and other TIF Districts in Lexington-Fayette County. Mr. David Barberie, Dept, of Law, also responded to questions.

The Council discussed the withdrawal of the TIF and development of the Distillery District.

Ms. Akers made a motion, seconded by Mr. Farmer to table the ordinance until the December 5, 2013 Council Meeting. The motion **failed to pass** by a majority vote of 6-8 (Beard, Clarke, Ford, Kay, Mossotti, Myers, Scutchfield and Stinnett voted **no**.) (Mr. Lane was absent when the vote was taken)

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

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An Ordinance amending Ordinance No. 203-80, as amended by Ordinance Nos. 59-81, 103-86, 237-93, 52-94, 18-96, and 180-2009, relating to the Industrial Revenue/Housing Bond Commission, to rename the Commission the Economic Development Investment Board, to increase the membership from nine (9) to ten (10) members, to replace one at large member with the Chief Development Officer or his or her designee, who shall serve as the chairperson and who shall only vote in the event of a tie, to replace one at large member with a Councilmember and to designate the Councilmembers who serve as the respective chairpersons of the Urban County Council's Economic Development Committee and Budget and Finance Committee as members, to replace one housing industry member with a member from the financial

investment or banking industry, and to add one member from the private equity/venture capital industry was on the docket for first reading.

Upon motion of Mr. Clarke, seconded by Mr. Ellinger, and approved by majority vote, (Mr. Lane was absent when the vote was taken) the ordinance was amended to add one additional at-large member, which will increase the total membership of the board to 11 members.

An Ordinance amending Ordinance No. 203-80, as amended by Ordinance Nos. 59-81, 103-86, 237-93, 52-94, 18-96, and 180-2009, relating to the Industrial Revenue/Housing Bond Commission, to rename the Commission the Economic Development Investment Board, to increase the membership from nine (9) to eleven (11) members, to replace one at large member with the Chief Development Officer or his or her designee, who shall serve as the chairperson and who shall only vote in the event of a tie, to add an additional Councilmember and to designate the Councilmembers who serve as the respective chairpersons of the Urban County Council's Economic Development Committee and Budget and Finance Committee as members, to replace one housing industry member with a member from the financial investment or banking industry, and to add one member from the private equity/venture capital industry was given first reading as amended and ordered placed on file two weeks for public inspection.

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An Ordinance authorizing and directing the Mayor to extend health insurance coverage to qualified adults and their dependents; directing the Chief Administrative Officer to adopt a policy outlining the guidelines for extending coverage; and providing that after adoption of the policy no changes shall be made without notice to the Urban County Council was given first reading.

Upon motion of Mr. Kay, seconded by Ms. Gorton, the rules were suspended by majority vote of 13-1 (Mr. Ellinger voted **no.**) (Mr. Lane was absent when the vote was taken)

The ordinance was given second reading. Upon motion of Ms. Henson, seconded by Ms. Lawless, the ordinance was approved by the following vote:

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

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

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

An Ordinance amending Article 8 of the Zoning Ordinance to create a "flex space project" in the Wholesale and Warehouse Business (B-4) and Light Industrial (I-1) zones. (Urban County Planning Commission).

An Ordinance amending Ordinance No. 148-2012 pertaining to the 21C Development Area, to replace the Lexington Downtown Development Authority, Inc., as the designated agency for oversight, administration, and implementation of the Development Area with the Lexington-Fayette Urban County Government's Dept. of Finance, and to designate the Commissioner of Finance as the authorized agent in all relevant sections of the ordinance and any related agreements or documents, and authorizing the Mayor and/or the Commissioner of Finance, to execute on behalf of the Urban County Government and the Dept. of Finance, any agreements or documents necessary to reflect these amendments.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements in the Div. of Traffic Engineering for funds in the amount of \$2,300 from Neighborhood Development Funds for flashing crosswalk beacons at Fiddler Creek and Clearwater Way, and appropriating and re-appropriating funds, Schedule No. 30.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government for Committee of the Whole appropriations as approved at Work Session November 5, 2013, and appropriating and re-appropriating funds, Schedule No. 29.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government for Economic Contingency appropriations as approved at Work

Session November 5, 2013, and appropriating and re-appropriating funds, Schedule No. 31.

An Ordinance expanding and extending the Full Urban Services District #1 to provide street lighting, street cleaning and garbage and refuse collection, to include the area defined as certain properties on the following streets: Louie Pl., Madison Point Dr., Old Towne Walk, Silver Springs Dr., Town Centre Dr., Towne Square Park, Taborlake Circle, Taborlake Ct., Taborlake Cove, Taborlake Dr., Taborlake Pl., Taborlake Pt., Taborlake Walk, and Taborlake Ridge.

An Ordinance expanding and extending Partial Urban Services District #3 for the Urban County Government for the provision of garbage and refuse collection, to include the area defined as certain properties on the following streets: Blazer Pkwy., Castlebridge Ln., Donnington Ct., and Fountain Ct.

An Ordinance expanding and extending Partial Urban Services District #7 for the Urban County Government for the provision of garbage and refuse collection and street cleaning, to include the area defined as certain properties on the following street: Sorrell Way.

An Ordinance creating Subsection 6-53(b)(4) of the Code of Ordinances relating to the City Employees' Pension Fund to provide for a one-time supplement to pensioners and beneficiaries based on their current annual pension ranging from \$200 to \$700 and a one-time supplement based on their years of service or beneficiary status ranging from \$200 to \$500.

An Ordinance establishing a local economic development program to be known as the Lexington Jobs Fund and providing for its purpose, the Economic Investment Development Board, Program fund protections, priorities, limitations, criteria, an application process, administration by the Chief Development Officer, and a Program fund; all effective upon date of passage.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 28.

An Ordinance pursuant to Section 2-1(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government, adopting a schedule of meetings for the Council for the Calendar Year 2014.

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A Resolution accepting the bid of MAC Construction & Excavating, Inc., in the amount of \$2,607,027, for the Bob-O-Link Trunk Sewer Replacement Project, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Agreement with MAC Construction & Excavating, Inc., related to the bid was on the docket for second reading.

Ms. Rhonda Fister, Free Contracting Inc., spoke concerning the engineer's estimate and the City's selection in awarding bids. Mr. Leach, attorney with Stites & Harbison, representing Free Contracting Inc., spoke about the funds spent on bidding projects.

Mr. Bryan Wickens, Vice President and General Counsel for MAC Construction & Excavating, Inc., spoke concerning the bidding rules.

Mr. Myers made a motion, seconded by Mr. Ellinger, to reject the recommendation of the administration regarding the award of the Bob-O-Link Sewer Replacement Project and remove Resolution No. 6 from the docket with the direction to administration that this project be rebid as soon as possible and that additional language be included in the bid clarifying how unit price mistakes are to be treated.

Ms. Mossotti asked Mr. Charles Martin, Acting Commissioner of the Dept. of Environmental Quality and Public Works, concerning the ability to rebid. Mr. Martin spoke concerning the timeline of the project if it was rebid.

The Mayor asked questions of Mr. Martin concerning the project timeline if rebid. Mr. Martin and Mr. Todd Slatin, Div. of Central Purchasing, spoke concerning the delay involved in rebidding.

The Council discussed the possibility of a rebid.

Mr. Myers asked Mr. David Barberie, Dept. of Law, concerning the Council's ability to overturn an administration recommendation. Mr. Barberie responded.

Mr. Stinnett asked what the administration's stance was on the project and if it had changed since the last council meeting. Ms. Sally Hamilton, Chief Administrative Officer, spoke concerning the administration's position on rebidding.

Mr. Myers' motion resulted in a 7-7 vote. The Mayor broke the tie by voting Aye, passing the motion. (Clarke, Farmer, Ford, Gorton, Henson, Kay and Akers voted **no**.) (Mr. Lane was absent when the vote was taken)

The resolution was removed from the docket.

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

Aye: Beard, Clarke, Ellinger, Farmer, Gorton,
Henson, Kay, Lawless, Mossotti, Myers
Scutchfield, Stinnett, Akers -----13

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

A Resolution accepting the bids of Cunningham Golf Car Co., Inc. and Dever, Inc., establishing price contracts for golf carts, for the Div. of Parks and Recreation.

A Resolution accepting the bids of Traffic Control Products, Inc.; Path Master, Inc.; Baldwin & Sours, Inc.; Traffic Parts, Inc.; Quality Traffic Systems, LLC; and Iron Armour, LLC, establishing price contracts for Traffic Signal and Control Equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of People Plus, Inc., establishing a price contract for Temporary Labor, for the Div. of Emergency Management/911, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with People Plus, Inc., related to the bid.

A Resolution accepting the bid of Robinson Pipe Cleaning Co., establishing a price contract for the annual 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 Robinson Pipe Cleaning Co., related to the bid.

A Resolution accepting the bid of Advertiser Printers, Inc., establishing a price contract for Waste Management Newsletters, for the Div. of Waste Management.

A Resolution accepting the bid of Todd Johnson Contracting, Inc., in the amount of \$1,131,904.45, for the Century Hills Trunk Sewer Replacement Program, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an agreement with Todd Johnson Contracting, Inc., related to the bid.

A Resolution ratifying the Probationary Civil Service Appointments of: Tamoy Carter, Public Service Supervisor, Grade 111N, \$16.207 hourly in the Div. of Family Services, effective upon passage of Council, Scott Dawson, Evidence Technician, Grade 112N, \$19.235 hourly in the Div. Of Police, effective November 18, 2013, Daniel H. Fischer, Administrative Specialist Sr., Grade 112N, \$21.287 hourly in the Div. of Parks and Recreation, effective November 4, 2013, ratifying the Permanent Civil Service Appointments of: Perry White, Equipment Operator Sr., Grade 109N, \$13.025 hourly in the Div. of Waste Management, effective October 21, 2013, Paul Willard, Engineering Technician Sr., Grade 113E, \$2,081.84 biweekly in the Div. of Engineering, effective November 6, 2013.

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 \$53,662 Federal funds under the State Criminal Alien Assistance Program (SCAAP), are for reimbursement of costs related to the incarceration of undocumented criminal aliens, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) (Final) to the Contract with Walter Martin Excavating, Inc. for the Cardinal Ln. Stormwater Improvements Project, increasing the contract price by the sum of \$9,094.47 from \$219,110.00 to \$228,204.47.

A Resolution authorizing the Urban County Council to approve purchase of additional inventory specialist services to be performed by OmniSource Integrated Supply, LLC, for the Div. of Emergency Management/911 under the Metropolitan Medical Response System-2012 Grant in the amount of \$6,000, and under the Chemical Stockpile Emergency Preparedness Program (CSEPP) Grant for Fiscal Year 2013 in the amount of \$6,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with the Board of Education of Fayette County, Ky., for operation of preschool classrooms at the Family Care Center, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Cost Sharing Agreement-Revision No. 1 with Transylvania University for sidewalk reconstruction associated with the Ky. Transportation Cabinet Fourth St. Improvements Project increasing the amount authorized from \$220,000 to an amount not to exceed \$400,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Berea College, for a Student Placement Program to permit nursing students to be placed in the Div. of Youth Services, at no cost to the Urban County Government.

A Resolution authorizing the Div. of Water Quality, on behalf of the Urban County Government, to purchase Flowserve WWR Rotating Assembly Replacement parts for Dewatering Pump #1 at the Town Branch Wastewater Treatment Plant from Delaney & Associates, a sole source provider, at a cost not to exceed \$27,668.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a standard Agreement for Cost Sharing for the Central Ky. 911 Network with the existing members of the network and with any additional jurisdictions approved by Lexington-Fayette Urban County Government's E-911 Board, at no cost to the Urban County Government.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-46, to designate Hiltonia Park as being prohibited to through trucks and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

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 Shady Ln. and McDonald Ave.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Civil Service Appointments: Erin Green, Security Officer, Grade 106N, \$11.150 hourly, Jeffery Marshall, Security Officer, Grade 106N, \$15.437 hourly, both in the Div. of Facilities and Fleet Management, Christopher Woodyard, Staff Assistant Sr., Grade 108N, \$18.344 hourly in the Div. of Police, Jeremy Spencer, Equipment Operator Sr., Grade 109N, \$13.025 hourly in the Div. of Waste

Management, Stephanie Bowling, Recreation Supervisor, Grade 110E, \$1,254.48 biweekly in the Div. of Parks and Recreation, Bryan Radabaugh, Traffic Engineer Manager, Grade 120E, \$2,968.64 biweekly in the Div. of Traffic Engineering, all effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following Probationary Community Corrections Officer Appointments: Kenneth Atkinson, Joseph Austin, Patricia Bridges, Patrick Burus, Connie Cord, Derek Cundiff, William Darnall, Billy Dawson, Dina Deleon, Theodore Fritz, Michael Fuehr, Bethany Garrett, Sandy Gossett, Jarrel Greene, Matthew Higgs, Jasmine Jackson, Zachary Johnson, Chase Jourdan, Jason Kelly, Randy Long, Richard McColloch, Michael Poynter, Nancy Quinette, Brittany Ramsey, Johnnie Ricks, Keith Riley, Matthew Ritchey, John Robinson, John Stamper, Brittany Thomas, Kayla Webb, Lisa Williams, Christopher Willoughby, and Sam Winslow, all Community Corrections Officers, Grade 110N, \$14.340 hourly, in the Div. of Community Corrections, all effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following Unclassified Civil Service Appointment: Vanessa Taylor, Custodian P/T, Grade 102N, \$10.300 hourly in the Dept. of Social Services, effective December 2, 2013 was given first reading.

Upon motion of Ms. Henson, seconded by Ms. Scutchfield, the rules were suspended by a majority vote of 10-2 (Ms. Gorton and Mr. Stinnett voted **no.**) (Mr. Ford, Mr. Lane and Ms. Akers were absent when the vote was taken)

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

Aye: Beard, Clarke, Ellinger, Farmer, Gorton,
Henson, Kay, Lawless, Mossotti, Myers
Scutchfield, Stinnett, -----12

Nay: -----0
(Mr. Ford, Mr. Lane and Ms. Akers were absent when the vote was taken)

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The following resolutions were given first reading. Upon motion of Ms. Scutchfield, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 11-0 (Mr. Stinnett abstained.) (Mr. Lane, Mr. Ford and Ms. Akers were absent when the vote was taken)

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

Aye: Stinnett, Clarke, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless,
Mossotti, Myers -----12

Nay: -----0
(Mr. Ford, Mr. Lane and Ms. Akers were absent when the vote was taken)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Robert H. Williams Cultural Center, Inc. (\$400), One World Films, Inc. (\$1,080), Lansdowne Elementary School PTA, Inc. (\$310), and Lansdowne Neighborhood Association, Inc. (\$1,175), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Villas at Andover HOA, Inc., (\$1,000), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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

A Resolution accepting the bid of E-One, Inc., establishing a price contract for Triple Combination Pumper Fire Trucks, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Saffire Cleaning Service, LLC, establishing a price contract for Custodial Services - Family Care Center, for the Div. of Family Services.

A Resolution accepting the bid of Galls, LLC, establishing a price contract for crowd control equipment, for the Div. of Police.

A Resolution ratifying the Probationary Civil Service Appointments of: Michael Cravens, Attorney, Grade 117E, \$1,957.28 biweekly in the Dept. of Law, effective November 18, 2013, Eric Gentry, Equipment Operator Sr., Grade 109N, \$14.990 hourly in the Div. of Waste Management, effective December 12, 2013, ratifying the Permanent Sworn Appointment of: Allen Culver, Police Sergeant, Grade 315N, \$28.588 hourly in the Div. of Police, effective August 18, 2013.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Emergency Management Agency, which

Grant funds are in the amount of \$22,076 Federal funds and \$3,532 Commonwealth of Ky. funds, are for the Versailles Rd. Campus Storm Shelter, the acceptance of which obligates the Urban County Government for the expenditure of \$3,827.00 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 and submit a Grant Application to the Ky. Emergency Management Agency and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$40,650 Federal funds under the Hazard Mitigation Grant Program, and are for a Weather Radio Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Internal Revenue Service Sponsor Agreement and Civil Rights Assurance, for a Volunteer Income Tax Assistance Program at the Gainesway Center, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with James R. Kemper for property located at 951 Enterprise Dr. for relocation of Div. of Water Quality Maintenance Operations, for an initial term of 48 months with annual rent not to exceed \$86,592.96.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Ky. Utilities (\$94,824.18); Windstream Communications (\$252,108); Ky.-American Water Co. (\$794,387.14); Columbia Gas of Ky. (\$145,561); and Time Warner Cable (\$141,282) for the Urban County Government's share of costs for relocation of utilities for Section II of the Todds/Liberty Rd. Improvement Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a utility easement on property located at 1000 Export St.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the National Police Athletic/Activities League, Inc., 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 \$27,500 Federal funds, and are for participation in the National PAL Mentoring Program, 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 Multivendor Information Technology Recovery Services Contract Documents, with International Business Machines Corp., for Business Continuity and Recovery Services, at an estimated cost not to exceed \$84,360.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Rental Agreement and Catering Contract with Lexington Convention Center and Hyatt Regency, for the Police Awards Banquet, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Transylvania University, for assistance for police related events.

A Resolution authorizing the Dept. of Environmental Quality and Public Works, in collaboration with LexArts, to provide up to \$100,000 in funding for appropriate EcoART projects.

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

A Resolution approving the granting of an inducement to NOHMs Technologies, Inc., pursuant to the Ky. Business Investment Act (KRS Chapter 154.32), whereby the Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees for a term of not longer than ten (10) years from the activation date, subject to the limitations contained in the Act and any

Agreement NOHMs Technologies, Inc., has with the Ky. Economic Development Finance Authority and/or the Urban County Government related to the project, and taking other related action.

A Resolution of the Lexington-Fayette Urban County Government approving the issuance in one or more series by the County of Clark, Ky. of its County Health Facilities Revenue Bonds (Sayre Christian Village Nursing Home, Inc. Project) Series 2013 in an amount not to exceed \$15,750,000 in the aggregate (collectively, the "Bonds"), and the use of the proceeds thereof to assist Sayre Christian Village Nursing Home, Inc. ("Sayre") to refinance a line of credit and a term loan from Central Bank & Trust Co., the proceeds of which were used to finance and refinance the costs of the construction and equipping of a facility for the care of the aged and infirm located at 3840 Camelot Dr., Lexington, Ky.; and to pay costs of issuance.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with United States Special Operation Command, for emergency response to threat or attack on Special Operations Facility.

A Resolution authorizing and directing the Dept. of Finance to designate a fund for the operation and maintenance of the Central Ky. 911 Network.

A Resolution authorizing and directing the Mayor to conduct an employee dependants audit for all health insurance plans during Calendar Year 2014.

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Upon motion of Ms. Gorton, seconded by Mr. Farmer, and passed by majority vote, (Mr. Lane, Mr. Ford and Ms. Akers were absent when the vote was taken) the Communications from the Mayor were approved and are as follows: (1) Recommending the reappointments of Ms. Kimberly H. Bryant and Mr. Jonathon Melton to the Address Enforcement Administrative Hearing Board, with terms to expire 11/1/2015 and 11/1/2016, respectively; and (2) Recommending the appointment of Mr. Alex L. Scutchfield, and the reappointment of Rev. Danny Everett to the Human Rights Commission, with terms to expire 1/1/2017 and 1/1/2018, respectively. Mr. Scutchfield will fill the unexpired term of Ms. Sandra Canon.

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The following Communications from the Mayor were received for information only: (1) Temporary civil service appointment of Evelyn Bologna, Director Parks and

Recreation, Grade 122E, \$3,813.76 bi-weekly, in the Div. of Parks and Recreation, effective December 1, 2013; (2) Temporary civil service appointment of Demetria Kimball Mehlhorn, Program Manager Sr., Grade 120E, \$2,190.24 bi-weekly, in the Div. of Environmental Policy, effective November 1, 2013; (3) Temporary civil service appointment of Michael Tester, Fleet Operations Mgr., Grade 116E, \$2,516.30 bi-weekly, in the Div. of Facilities and Fleet Management, effective November 4, 2013; (4) Temporary civil service appointment of Dave Fender, Public Service Supervisor Sr., Grade 114E, \$1,710.72 bi-weekly, in the Div. of Water Quality, effective November 11, 2013; (5) Temporary civil service appointment of Gary Grimes, Public Service Supervisor Sr., Grade 114E, \$1,643.04 bi-weekly, in the Div. of Water Quality, effective November 11, 2013; and (6) Temporary civil service appointment of Gary James, Public Service Supervisor Sr., Grade 114E, \$1,546.96 bi-weekly, in the Div. of Waste Management, effective October 21, 2013.

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Ms. Gorton spoke about a picture that appeared in the Lexington Herald-Leader of President John F. Kennedy when he visited Lexington in 1960. She also wished everyone a Happy Thanksgiving.

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Mr. Raymond Toussaint spoke on behalf of the Div. of Waste Management workers and drivers, and filed the following exhibit (1) Letter and Petition.

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Upon motion of Mr. Ellinger, seconded by Mr. Myers, and approved by majority vote, (Mr. Ford, Mr. Lane and Ms. Akers were absent when the vote was taken) the meeting adjourned at 10:09 p.m.

Clerk of the Urban County Council