

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky November 29, 2012

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 29, 2012 at 6:00 P.M. Present were Mayor Jim Gray in the chair presiding, and the following members of the Council: Council Members Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, McChord, Myers, Stinnett, Blues, and Crosbie. Absent were Council Members Martin and Beard.

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

Resolutions No. 601-2012 thru 631-2012, and Ordinances No. 138-2012 thru 147-2012, inclusive were reported as having been signed and published, and ordered to record.

Mayor and other officials to take such other appropriate actions as are necessary or required in connection with Section 108 Loan and the LFUCG Loan.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Code Enforcement Officer Sr., Grade 114E and creating one (1) position of Code Enforcement Officer, Grade 113N, in the Div. of Grants and Special Programs, appropriating funds pursuant to Schedule No. 21, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Planner, Grade 113E and creating one (1) position of Planner Sr., Grade 117E, in the Div. of Planning, appropriating funds pursuant to Schedule No. 23, effective upon passage of Council.

An Ordinance amending Section 2-458 of the Code of Ordinances changing the membership requirements of the Commission for Citizens with Disabilities.

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. 24.

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An Ordinance creating a Historic District (H-1) Overlay Zone for approximately 37.85 net (approximately 51.14 gross) acres, for properties located at 106-346 Desha Rd.; 977-1024 Fincastle Rd.; 1003-1058 Fontaine Rd.; 100-314 South Hanover Ave.; 807, 853 & 859 East High St.; 908, 912 & 1000 Richmond Rd.; and 1003-1015 Slashes Rd. (Council District 5) was given first reading, and placed on file until a public hearing to be held at a Special Meeting of the Council on January 22, 2013 at 6:00 PM.

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

An Ordinance amending Article 8-22 of the Zoning Ordinance to allow commercial woodlots, with restrictions, in the Light Industrial (I-1) and Heavy Industrial (I-2) zones.

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: Eminent Dr., Mackinwood

Dr., Malabu Dr., Manitoba Ln., Miles Point Way, Mooncoin Cove, Mooncoin Way, Old Towne Walk, Ridgewater Dr., Sandersville Rd., Towne Square Park, Glendover Rd., and Codell Dr.

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 street: Katherine Place.

An Ordinance expanding and extending Partial Urban Services District #5 for the Urban County Government for the provision of garbage and refuse collection and street lighting, to include the areas defined as certain properties on the following streets: Claridge Dr. and Malvern Rd.

An Ordinance repealing Subsection 13-13(b)(11) of the Code of Ordinances of the Lexington-Fayette Urban County Government pertaining to the licensing of dealers in firearms or deadly weapons and renumbering Subsections 13-13(b)(12) through (32) of the Code of Ordinances; all effective upon the date of passage.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,153,397 for projects receiving UDAG funding and \$20,000 for projects receiving General funds and appropriating and re-appropriating funds, Schedule No. 26.

An Ordinance amending Section 2-201 of the Code of Ordinances relating to the Picnic with the Pops Commission to delete a member from the Horse Park Board and add a member from Keeneland.

An Ordinance creating Section 2-3.2 in Chapter 2 of the Code of Ordinances of the Lexington-Fayette Urban County Government to establish procedures and guidelines for redistricting Council Districts.

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 2013.

An Ordinance amending Subsection 14-72(8) of the Code of Ordinances of the Lexington-Fayette Urban County Government pertaining to operating or playing radios, televisions and other related items in a manner as to create a noise disturbance, and creating Subsection 14-72(11) of the Code of Ordinances to prohibit noise disturbances

emanating from vehicles located in the public right-of-way or on public land which are audible more than ten (10) feet from the vehicle.

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.

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

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

Nay: -----0

A Resolution accepting the bid of Randle-Davies Construction Co., in the amount of \$446,601.66, for the Brighton East Rail Trail Project - Phase II, for the Div. of Engineering, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Randle-Davies Construction Co., related to the bid.

A Resolution accepting the bid of Smith Contractors, Inc., in the amount of \$1,039,000, for the West Hickman Waste Water Treatment Plant Odor Control Improvements, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Smith Contractors, Inc., related to the bid.

A Resolution accepting the bid of Clarke Power Services, Inc., and Power Train of Ky., establishing price contracts for Synthetic Transmission Fluid, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Hydraulic Specialists, Inc., and Power Train of Ky., establishing price contracts for Hydraulic Cylinder Repair, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Oracle Elevator, in the amount of \$568,775, for Phoenix Building and Police Headquarters Elevator Renovation, for the Div. of Facilities and Fleet Management, and authorizing the Mayor to execute any necessary Agreement with Oracle Elevator, related to the bid.

A Resolution accepting the bid of Arrow Electric Co., in the amount of \$352,541, for Illuminated Street Name Sign Project - Phase I, for the Div. of Traffic Engineering, and authorizing the Mayor to execute any necessary Agreement with Arrow Electric Co. related to the bid.

A Resolution accepting the bid of SCINA Lawncare Services, LLC, establishing a price contract for snow removal, for the Div. of Facilities and Fleet Management.

A Resolution ratifying the probationary civil service appointments of: Richard Morgan, Engineering Aide Sr., Grade 109N, \$15.794 hourly, in the Div. of Traffic Engineering, effective December 3, 2012; Kristie Thomas, Administrative Specialist, Grade 110N, \$16.953 hourly, in the Div. of Parks and Recreation, effective November 19, 2012, Darrell Doty, Police Analyst, Grade 111N, \$22.091 hourly, in the Div. of Police, effective December 3, 2012 and Kim Nesbitt, Human Resources Generalist, Grade 118E, \$2,760.64 bi-weekly, in the Div. of Human Resources, effective November 29, 2012; ratifying the permanent sworn appointment of: Christopher Young, Police Lieutenant, Grade 317E, in the Div. of Police, effective October 30, 2012.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Earthman, LLC, for decorative streetlights at 420 Cross St., at no cost to the Urban County Government.

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 \$65,503 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 and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice Cabinet, 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 \$45,123 Federal funds, are for continuation of the Sexual Assault Nurse Examiner (SANE) Program, the acceptance of which obligates the Urban County

Government for the expenditure of \$28,150 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Mutual Aid Agreement with Catlettsburg Refining, LLC, for mutual emergency response assistance by or for the Div. of Fire and Emergency Services, 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 Modification to Agreement with the Ky. Office of Homeland Security, to permit the purchase of explosive storage boxes for the Bomb Squad Project.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the donation of 10 Graco "Pack N Play" cribs and related instructional materials, valued at \$500, from Safe Kids Fayette County, for distribution to low income families through the Div. of Family Services HANDS Program.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Interlocal Cooperation Agreement with the Jessamine County Sheriff's Office, to provide law enforcement power at homes recently constructed on properties that cross county border lines.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Facility Usage Agreements with various youth baseball leagues, for fall youth baseball.

A Resolution authorizing the Div. of Emergency Management/911 to procure ongoing maintenance, services, repairs, hardware, and software from Applied Digital, a sole source provider, at a cost not to exceed \$25,633 (FY 2013), and authorizing the Mayor to execute any necessary Agreement with Applied Digital Solutions related to the goods and services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Friends of Wolf Run, for activities under the Wolf Run Creek Watershed Based Plan, at a cost not to exceed \$16,000.

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 Volunteer Income Tax Assistance Programs at the Gainesway Center and the Central Ky. Job Center, at no cost to the Urban County Government.

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 \$345.15 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 authorizing the Mayor, on behalf of the Urban County Government, to execute the 2012 Amended Equitable Sharing Agreement and Certification, with the Dept. of Justice and the Dept. of Treasury, to make necessary changes and bring the FY2012 Equitable Sharing Agreement current.

A Resolution amending Section 2 of Resolution No. 430-2012, which accepted the bid of Smith Contractors, Inc. for Expansion Area 2A Wastewater System Improvements to change the amounts charged to the accounts from which payment will be made.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Grant Award Agreement awarding a Class B Education Incentive Grant for a Stormwater Quality Project to Group CJ, LLC, in the amount of \$35,547.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement releasing a storm sewer easement on property located at 3469 Clays Mill Rd.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement releasing a utility easement and streetlight easement on property located at 2250 Old Frankfort Pike.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Grant Award Agreement awarding a Class B Education Incentive Grant for a stormwater quality project at Lansdowne Elementary School to the Board of Education of Fayette County, in the amount of \$3,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Software Maintenance Agreement and End User License

Agreement with Horizon Information Systems, Inc., for the software for the Representative Payee Program, for the Dept. of Social Services, at a cost not to exceed \$586.50.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement and Catering Contract with Lexington Center and Hyatt Regency for the annual Police Awards Banquet.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Lease Agreements with AIDS Volunteers, Inc., for the lease of Urban County Government property located at 851 Todds Rd. and 1807 Dalton Ct.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Purchase of Service Agreement with the Lexington Downtown Development Authority, Inc., for services related to the design guidelines for a Design Excellence Program for Downtown Lexington, at a cost not to exceed \$50,000.

A Resolution authorizing the submission of an application for Ky. Economic Development Finance Authority Grant funds for the Bingham McCutchen LLP Economic Development Bond Project in the amount of \$450,000, and authorizing the Mayor to execute and submit a Grant Application and any and all other documents necessary for the submission of the application and development of the Project, including any Agreement with Bingham McCutchen LLP, and to accept the Grant funds if approved.

A Resolution accepting the Response of Public Financial Management, Inc., to RFP No. 25-2012 for consulting services related to the Police and Fire Pension Fund, and authorizing the Mayor to execute an Agreement with Public Financial Management, Inc., related to these services in an amount not to exceed \$149,089.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Christopher Phillips, Administrative Specialist, Grade 110N, \$14.423 hourly, in the Div. of Waste Management, effective upon passage of Council; Tara Gentry, Staff Assistant Sr., Grade 108N, \$14.612 hourly, in the Div. of Building Inspection, effective upon passage of Council; Elizabeth McKinney, Staff Assistant Sr., Grade 108N, \$16.677 hourly, in the Div. of Family Services, effective upon passage of Council; Gabriel Hensley, Environmental Inspector, Grade 113N, \$19.719 hourly, in the Div. of Water Quality,

effective upon passage of Council; Donald Bowen, Maintenance Mechanic, Grade 113N, \$16.512 hourly, in the Div. of Water Quality, effective upon passage of Council; Robert Hall, Maintenance Mechanic, Grade 113N, \$18.233 hourly, in the Div. of Water Quality, effective upon passage of Council and Marcia Woodyard, Staff Assistant, Grade 107N, \$12.977 hourly, 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 appointments: Allen Baldwin, Project Engineering Coordinator, Grade 119E, \$2,788.46 bi-weekly, in the Div. of Water Quality, effective upon passage of Council; William Azevedo, Construction Manager, Grade 122E, \$3,991.84 bi-weekly, in the Dept. of Environmental Quality and Public Works, effective upon passage of Council and Chase Azevedo, Project Engineering Coordinator, Grade 119E, \$2,323.65 bi-weekly, in the Div. of Water Quality, effective upon passage of Council was on the docket for first reading.

Ms. Crosbie made a motion, seconded by Mr. Farmer, to remove the conditional offer to William Azevedo, Construction Manager, Grade 122E, \$3,991.84 bi-weekly, in the Dept. of Environmental Quality and Public Works, effective upon passage of Council from the resolution.

Mr. Richard Moloney, Chief Administrative Officer, explained the need for the removal of the appointment.

Mr. Stinnett asked questions of Ms. Crosbie regarding the motion.

The motion **passed** by a majority vote of 12-1 (Mr. Stinnett voted **no**).

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Christopher Phillips, Administrative Specialist, Grade 110N, \$14.423 hourly, in the Div. of Waste Management, effective upon passage of Council; Tara Gentry, Staff Assistant Sr., Grade 108N, \$14.612 hourly, in the Div. of Building Inspection, effective upon passage of Council; Elizabeth McKinney, Staff Assistant Sr., Grade 108N, \$16.677 hourly, in the Div. of Family Services, effective upon passage of Council; Gabriel Hensley, Environmental Inspector, Grade 113N, \$19.719 hourly, in the Div. of Water Quality, effective upon passage of Council; Donald Bowen, Maintenance Mechanic, Grade 113N, \$16.512 hourly, in the Div. of Water Quality, effective upon passage of Council;

Robert Hall, Maintenance Mechanic, Grade 113N, \$18.233 hourly, in the Div. of Water Quality, effective upon passage of Council and Marcia Woodyard, Staff Assistant, Grade 107N, \$12.977 hourly, 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 appointments: Allen Baldwin, Project Engineering Coordinator, Grade 119E, \$2,788.46 bi-weekly, in the Div. of Water Quality, effective upon passage of Council; and Chase Azevedo, Project Engineering Coordinator, Grade 119E, \$2,323.65 bi-weekly, in the Div. of Water Quality, effective upon passage of Council was given first reading as amended.

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

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

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

Nay: -----0

* * *

The following resolutions were given first reading. Upon motion of Mr. Myers, 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 Ms. Crosbie, the resolutions were approved by the following vote:

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

Nay: -----0

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with ChipsRewards to provide a health incentive program for a three (3) year term, effective upon passage of Council

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a renewal of the Flexible Spending Plan with AmeriFlex for health and

dependent care flexible spending accounts for the period of January 1, 2013 through December 31, 2013.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Girls on the Run, Central Ky. Corp. (\$1,000), Fraternal Order of Police, Bluegrass Lodge Number IV, Inc. (\$1,125), Stonewall Community Association, Inc. (\$500), YMCA of Central Ky. (\$1,000), Black Church Coalition of the Bluegrass, Inc. (\$950), Carnegie Center for Literacy and Learning (\$800), Dr. Roy P. and Juanita Betz Peterson Arts and Education Fund, Inc. (\$1,000), Forest Ridge Maintenance Association, Inc. (\$650), Lafayette High School Wrestling Booster Club (\$750), Assurance for Life, Inc. (\$2,400), CASA of Lexington, Inc. (\$1,000), Georgetown Neighborhood Association, Inc. (\$1,250), Highlands Neighborhood Association (\$700), Firebrook Estates Homeowners Association, Inc. (\$700) and The Southland Association, Inc. (\$700), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading.

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

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

Nay: -----0

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A Resolution ratifying the Dept. of Law's execution, on behalf of the Urban County Government and subject to the approval of the Ky. Public Service Commission, of a Unanimous Settlement Agreement, Stipulation and Recommendation, and any other necessary settlement documents in Ky. Public Service Commission Case No. 2012-00221, pertaining to the rates of the Ky. Utilities Co. was given first reading.

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

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

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

Nay: -----0

* * *

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

A Resolution accepting the bid of Perfection Group, Inc., in the amount of \$39,875, for Air Conditioning Unit for the Town Branch Waste Water Treatment Plant, for the Div. of Water Quality.

A Resolution accepting the bid of Tait Radio Communications, establishing a price contract for Public Safety Radio System Subscriber Units, for the Div. of Police.

A Resolution accepting the bid of Arrow Electric Co., establishing a price contract for Fiber Optic Cable Installation and Repair, for the Div. of Traffic Engineering.

A Resolution ratifying the probationary civil service appointments of: Viola Howard, Administrative Specialist, Grade 110N, \$19.782 hourly, in the Div. of Parks and Recreation, effective December 10, 2012; Evelyn Bologna, Deputy Director Recreation, Grade 120E, \$3,399.04 bi-weekly, in the Div. of Parks and Recreation, effective November 19, 2012 and Daro Handy, Public Service Worker Sr., Grade 107N, \$13.360 hourly, in the Div. of Parks and Recreation, effective October 22, 2012; ratifying the unclassified civil service appointment of: Richard Bello, Juvenile Surveillance Probation Officer, Grade 112N, \$20.000 hourly, in the Div. of Youth Services, effective November 12, 2012; ratifying the probationary sworn appointments of: Rahsaan Berry, Police Sergeant, Grade 315N, \$28.589 hourly, in the Div. of Police, effective December 10, 2012.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Board of Education of Fayette County, for an additional \$6,000 for services under the 2010 Project Safe Neighborhood Program.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with PowerPhone, Inc., for training and related services in

order to obtain emergency medical dispatch certification for employees of the Div. of Emergency Management/911.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Dept. of Fish and Wildlife Resources, Commonwealth of Ky., for maintaining recreational fishing on Jacobson Lake.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Fixed-Price Agreement for natural gas supplied under Columbia Gas of Ky.'s SVGTS tariff, with the lowest responsive bidder, contingent upon a price not to exceed \$6.40 per MCF.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Management Agreement with the Lexington and Fayette County Parking Authority, for the operation and management of the District Courthouse Parking Garage.

A Resolution authorizing the Div. of Emergency Management/911 to procure design, implementation, maintenance, and network services for the Public Safety Radio System from Windstream Communications and/or its affiliates, a sole source provider(s), at a cost not to exceed \$247,000 (FY 2013), and authorizing the Mayor to execute any necessary Agreements with Windstream Communications and/or its affiliates related to these services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of \$16,500 Commonwealth of Ky. funds, are for the purchase of thirty (30) body armor vests, 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 a Product License Agreement with Unicom Systems, Inc. (Macro4), for mainframe software, at a cost not to exceed \$14,000 (FY2013).

A Resolution approving the granting of an inducement to Allylix, 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 Allylix, Inc., has with the Ky. Economic Development Finance Authority related to the project, and taking other related action.

A Resolution approving the granting of an inducement to Nitto Denko Automotive Ky., 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 Nitto Denko Automotive Ky., Inc., has with the Ky. Economic Development Finance Authority related to the project, and taking other related action.

A Resolution approving the granting of an inducement to PremierTox 2.0, 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 PremierTox 2.0, Inc., has with the Ky. Economic Development Finance Authority related to the project, and taking other related action.

A Resolution approving the granting of an inducement to Xact Associates, LLC d/b/a Xact Communications, 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 Xact Associates, LLC d/b/a Xact Communications, has with the Ky. Economic Development Finance Authority related to the project, and taking other related action.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Participating Addendum under the Western States Contracting Alliance Master Agreement No. 1907, with AT&T Mobility National Accounts, LLC, at no additional cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Participating Addendum under the Western States Contracting Alliance

Master Agreement No. S1907, with Sprint Solutions, Inc., at no additional cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. State Police, Commonwealth of Ky., for lease of space at 162 East Main St.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Transportation Cabinet, Commonwealth of Ky., for lease of space at 162 East Main St.

A Resolution accepting the Collective Bargaining Agreement with AFSCME Local 2785 on behalf of Lieutenants and Captains in the Div. of Community Corrections.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement releasing a sanitary sewer access easement on property located at 761 Enterprise Dr.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the 2013 General Term Orders for the Fayette County Clerk and the Fayette County Sheriff, establishing the number of deputies and assistants allowed to each and the compensation allowed to each deputy and assistant, subject to the limits for each category as specified in the General Term Orders and subject to the fees collected by the officers respectively in their seventy-five percent (75%) accounts pursuant to KRS 64.350(1).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Meridian Management Corp., for facility management services for Fayette County Courthouses, at a cost not to exceed \$412,213.

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 \$320,000 Federal funds, are for the Fiber Optic Cable Installation Program, the acceptance of which obligates the Urban County Government for the expenditure of \$80,000 as a local match, and authorizing the Mayor to transfer unencum-bered funds within the Grant budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with the Bluegrass State Games, Inc., for services related to the Bluegrass Summer Games, at a cost not to exceed \$52,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Bluegrass Community Foundation, Inc. (\$1,225) and Dogwood Trace Neighborhood Association, Inc. (\$700), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution approving the granting of an inducement to Delta T Corp. d/b/a Big Ass Fans, 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 Delta T Corp. d/b/a Big Ass Fans, has with the Ky. Economic Development Finance Authority related to the project, and taking other related action.

A Resolution amending Section 4.506 of the Council Rules, related to confirmation of appointments, to delete reference to terms of office that commenced prior to July 1, 1990, and to require that a confirmation hearing be held prior to confirming appointments to the Planning Commission, the Board of Adjustment or the Ethics Commission.

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Upon motion of Ms. Lawless, seconded by Ms. Crosbie, and approved by unanimous vote, a Resolution establishing a Residential Parking Permit Program for the 200 block of Dantzler Ct., from 8:00 a.m. to 5:00 p.m., Monday through Friday excluding holidays; 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 was placed on the docket, given first reading, and ordered placed on file one week for public inspection.

* * *
Upon motion of Mr. Stinnett, seconded by Mr. Myers, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the reappointment of Mr. Jesse L. Robbins, as at-large representative, to the Infrastructure Hearing Board, with a term to expire 2-1-2015; and (2)

Recommending the reappointment of Council Member Ed Lane to the Internal Audit Board, with a term to expire 12-31-2014.

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The following Communications from the Mayor were received for information only: (1) Temporary appointment of Robert Bayert, Director, Div. of Engineering, Grade 123E, \$3,057.68 bi-weekly, in the Div. of Engineering, effective September 3, 2012; (2) Temporary appointment of Robert Clay, Sewer Line Maintenance Superintendent, Grade 116E, \$1,759.04 bi-weekly, in the Div. of Water Quality, effective October 22, 2012; and (3) Transfer of Carol Wagner, Administrative Specialist, from the Div. of Accounting to the Div. of Community Corrections.

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Mr. Farmer announced that a tree-lighting would take place at Ashland on Sunday, December 2, 2012, at 5:00 p.m.

* * *
Ms. Lawless announced that the Chevy Chase Merchants' Association would host an open house from 5-8 p.m. on Friday, November 30, 2012, and that there would be a Pub Crawl in Chevy Chase on December 1, 2012, from 6:30 p.m. to 2:00 a.m., beginning at Bourbon and Toulouse.

She announced that the Woodland Triangle Shops would host an open house during the weekend of December 1st and 2nd.

Ms. Lawless reminded everyone that the GoodGiving Project, at www.goodgiving.com, was on-going.

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Mr. Ford spoke about the accomplishments of Mr. Harry Sykes, and sent his condolences to his family. He stated that services would be held on December 3, 2012.

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Mr. Bernard McCarthy, Harry Street, stated his concerns with the Ky. Business Investment Act resolutions, granting inducements to Lexington-based businesses.

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Upon motion of Ms. Crosbie, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 7:00 p.m.

Clerk of the Urban County Council