

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky December 6, 2012

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

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

Resolutions No. 632-2012 thru 668-2012, and Ordinances No. 148-2012 thru 152-2012, inclusive were reported as having been signed and published, and ordered to record.

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The Invocation was given by Ms. Lucia Gilchrist, Shambhala Center of Lexington, who also spoke about the Shambhala Center.

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The Mayor recognized Mr. Steve Feese, Director of the Div. of Waste Management, who spoke about the 2012 Recycle-Bowl. He stated that twenty-two schools had participated, and spoke about the mission of the program. The sponsors of the Recycle-Bowl were Central Kentucky Fiber, The Keep Lexington Beautiful Commission, Wise Recycling, Bluegrass PRIDE, and the LFUCG Div. of Waste Management.

Mr. Feese recognized Mr. Garry Hoover, Fayette County Public Schools, who read the names of the participating schools. Schools earning certificates were: Ashland Elementary, Athens-Chilesburg Elementary, Beaumont Middle, Dixie Elementary, Henry Clay High, Leestown Middle, Mary Todd Elementary, Montessori High, Morton Middle, Paul Lawrence Dunbar, Rosa Parks Elementary, Russell Cave Elementary, and Tates Creek High. Schools earning certificates and prize money were: Lexington Family Care Center, Sayre School, and Rosa Parks Elementary. The schools collecting the most cans were: Lexington Day Treatment Center, Lexington Universal Academy, Montessori Middle, Cardinal Valley Elementary, Christ the King School, and Wellington Elementary.

The Mayor and Mr. Feese handed out the awards and each group was recognized.

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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 was on the docket for second reading.

Ms. Gorton made a motion, seconded by Mr. Myers, and approved by unanimous vote, to amend the ordinance to (1) Schedule the initial meeting of the Public Safety Committee on January 15, 2013 at 2:30 p.m. for the purpose of electing a chair; (2) Schedule the initial meeting of the Social Services Committee on January 22, 2013 at 1:30 p.m.; and (3) Schedule the initial meeting of the Economic Development

Committee of the Whole on February 19, 2013 at 11:00 a.m. instead of January 22, 2013, and that these were material changes and would require a new first reading.

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 was given new first reading as amended.

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

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

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

Nay: -----0

* * *

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

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

Nay: Crosbie-----1

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.

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

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

Nay: -----0

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.

1An 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 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 ordinances were given first reading and ordered placed on file until December 11, 2012, for public inspection.

An Ordinance changing the zone from a Professional Office (P-1) zone to a High Density Apartment (R-4) zone, for 5.77 net (9.93 gross) acres, for property located at 161 and 181 Leestown Center Way. (Mullis Family, LLC) (Council District 12).

An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone (with conditional zoning restrictions) to a High Density Apartment (R-4) zone, for 9.3 net (11.67 gross) acres, for property located at 4250 & 4290 Harrodsburg Rd. and 4113 & 4204 Reserve Road. (Homes by Anderson Tate) (Council District 10).

An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Aging Services Program Manager, Grade 116E, in the Dept. of Social Services, appropriating funds pursuant to Schedule No. 22, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Data Base Administrator, Grade 117E and creating one (1) position of Information Systems Business Analyst, Grade 120E, in the Div. of Enterprise Solutions, appropriating funds pursuant to Schedule No. 29, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Life Skills Program Instructor, Grade 110E and one (1) position of Community Corrections Lieutenant, Grade 114E and creating one (1) position of Life Skills Program Specialist, Grade 113E and one (1) position of Community Reentry Coordinator, Grade 115E in the Div. of Community Corrections, appropriating funds pursuant to Schedule No. 28, effective upon passage of Council.

An Ordinance authorizing the issuance of up to \$3,850,000 of Cultural and Recreational Revenue Bonds, Series 2012 (Anchor Baptist Church, Inc. Project) of the Lexington-Fayette Urban County Government, the proceeds of which shall be loaned to Anchor Baptist Church, Inc. to refinance the commercial loan dated November 26, 2012

between Anchor Baptist Church, Inc. and Fifth Third Bank in which loan refinanced the Lexington-Fayette Urban County Government Cultural and Recreational Revenue Bonds, Series 2009 (Anchor Baptist Church, Inc. Project) which refinanced the Lexington-Fayette Urban County Government Adjustable Rate Demand Industrial Building Revenue Bonds, Series 2007, including penalties and/or premium, the proceeds of which were used to construct, install, acquire, renovate, and equip certain capital improvements to the facilities of Anchor Baptist Church, Inc., providing for the pledge of revenues for the payment of such Bonds, authorizing a Bond Purchase and Loan Agreement appropriate for the protection and disposition of such revenues and to further secure such Bonds; recognizing the Bonds as qualified tax exempt obligations under I.R.C. Section 265(b)(3)(g) (i) and (ii); and authorizing other actions in connection with the issuance of such Bonds.

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. 27.

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Upon motion of Mr. Blues, seconded by Ms. Gorton, and approved by unanimous vote, an Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,000 for the Div. of Parks and Recreation from Neighborhood Development Funds for playground equipment at Masterson Station Park, and appropriating and re-appropriating funds, Schedule No. 31 was placed on the docket, given first reading, and ordered placed on file until December 11, 2012, for public inspection.

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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 was given second reading.

Mr. Beard asked questions of Ms. Sally Hamilton, Commissioner of the Dept. of General Services, regarding the management agreement in the resolution. Ms. Hamilton responded, as well as Mr. Jamshid Bararadan, Director, Div. of Facilities and Fleet Management.

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

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

Nay: -----0

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

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

Nay: -----0

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 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 unencumbered 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.

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.

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A Resolution accepting the bid of BGE, in the amount of \$45,500, for the demolition and site restoration of Berry Hill Pool for the Div. of Parks and Recreation, and authorizing the Mayor to execute any necessary agreement with BGE related to the bid was given first reading.

Upon motion Mr. Myers, 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. Gorton, the resolution was approved by the following vote:

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

Nay: -----0
(Mr. Martin 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 civil service appointment: William Gahafer, Public Service Worker, Grade 106N, \$11.968 hourly, in the Div. of Parks and Recreation, effective upon passage of Council was given first reading.

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

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

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

Nay: -----0
(Ms. Henson recused herself, and Mr. Martin was absent when the vote was taken.)

* * *

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with North Pointe Neighborhood Homeowners Association, Inc. (\$500), Belleau Wood Neighborhood Association, Inc. (\$500), Ashwood Townhouses of Laredo (\$500), Lansdowne Neighborhood Association, Inc. (\$500), Central Ky. Radio Eye, Inc. (\$375), Lansdowne Elementary School PTA, Inc. (\$500), Oaks Condominiums of Lexington, Inc. (\$400) and Friends of Wolf Run, 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 Ms. Lawless, seconded by Mr. McChord, the rules were suspended by unanimous vote.

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

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

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

* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Supplemental Agreement No. 4 with the Ky. Transportation Cabinet, for the acceptance of additional Federal funds for the Clays Mill Rd. Improvements Project in the amount of \$2,480,000, the acceptance of which does not obligate the Urban County Government for the expenditure of funds was given first reading.

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

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

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

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

* * *

The following resolutions were given first reading and ordered placed on file until December 11, 2012, for public inspection.

A Resolution accepting the bids of Bound Tree Medical LLC; and Grogans, Inc., establishing price contracts for emergency medical supplies, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Todd Johnson Contracting, Inc., in the amount of \$1,476,330.16, for the Meadows-Northland-Arlington Neighborhood Improvement Phase 5A, 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 accepting the bid of Marrillia Design and Construction, in the amount of \$189,828, for the Old Frankfort Pike/Alexandria Dr. Rock Wall Project, for the Council Office, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Marrillia Design and Construction, related to the bid.

A Resolution accepting the bid of Paul Miller Ford, Inc., establishing a price contract for reflective vehicle decals, for the Div. of Police.

A Resolution accepting the bid of Smith Contractors, Inc., in the amount of \$1,146,900.00, for the Expansion Area 2A Wastewater System Improvements Contract 2 - Force Main, 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 ratifying the probationary civil service appointments of: Sharrick Edmonds, Public Service Supervisor Sr., Grade 114E, \$1,440.72 bi-weekly, in the Div. of Waste Management, effective October 25, 2012; ratifying the permanent sworn appointments of: Jacqueline Newman, Police Sergeant, Grade 315N, in the Div. of Police, effective July 13, 2012, Dean Marcum, Police Lieutenant, Grade 317E, in the Div. of Police, effective November 14, 2012, Albert Johnson, Police Sergeant, Grade 315N, in the Div. of Police, effective August 20, 2012 and David Biroshchik, Police Lieutenant, Grade 317E, in the Div. of Police, effective August 20, 2012.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Transportation Cabinet, Div. of Maintenance, for traffic signal equipment for the Tates Creek Rd. Sidewalk Improvements Project, at a cost not to exceed \$54,033.48.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Group CJ, LLC, for the Mobility Office Marketing Campaign for FY 2013, at a cost not to exceed \$44,400.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with W. Rogers Co., for the Deep Springs Pump Station and Force Main Upgrade, for the Div. of Water Quality, increasing the contract price by the sum of \$42,104.04 from \$1,786,000.00 to \$1,828,104.04.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Fayette County Public Schools, for transportation services for the Family Care Center's students and their children for the remainder of the 2012-2013 school year, at a cost not to exceed \$40,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Tetra Tech Engineering and Architectural Services, a sole source provider, to prepare the Construction Progress Report for the closure of CP1, CP2, CP3, and associated facilities at the Haley Pike Landfill, at a cost not to exceed \$32,875.

A Resolution authorizing 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 \$108,000 Federal funds, are for Structural Collapse Technician Certification Training (\$53,000) and Hazardous Devices Unit Training (\$55,000), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of \$40,000 Federal funds, are for continuation of the Ticketing Aggressive Cars and Trucks (TACT) Program, the acceptance of which obligates the Urban County Government for the expenditure of \$10,000 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 5-year Lease/Purchase Agreement with Lynn Imaging, a sole source provider, for two (2) iPlan Tables and two (2) scanner/printers, for the Div. of Engineering, at a cost not to exceed \$5,000 in FY 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a Grant from the National Police Athletic/Activities League, Inc., which Grant funds are in the amount of \$1,800 Federal funds, are for operation of the Police Activities League Football 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 an Amendment to Agreement with AIDS Volunteers, Inc., for extension of the Agreement for operation of a Tenant Based Rental Assistance Program through December 31, 2013.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Access Wellness Group, to provide employee assistance for a one (1) year term beginning January 1, 2013.

A Resolution amending Resolution No. 557-2012 pertaining to the purchase of Lucas II Chest Compression Devices and related equipment and services from Physio Control, Inc., to provide for the purchase of \$75,000.25 in devices and related equipment and services, and for future purchases as budgeted.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which Grant funds are in the amount of \$105,456.81 Federal funds, are for support of emergency preparedness activities in Lexington- Fayette County, the acceptance of which obligates the Urban County Government for the expenditure of \$105,456.81 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution adopting the Capacity Assurance Program (CAP) Task Force Report and defining terms and creating procedures consistent with the CAP to provide that properties with a sanitary sewer capacity use of record as of the effective date of this Resolution ("Resolution Date") shall receive a permanent allocation of sanitary sewer capacity in the Urban County Government Sanitary Sewer System ("Sewer Allocation") not exceeding the amount of the previous use of record unless the capacity is voluntarily released; to provide that properties may request a Sewer Allocation upon approval of a Preliminary Subdivision Plan, Final Development Plan, or Amended Final Development Plan ("Qualifying Plan"), developments that may proceed without a Qualifying Plan must have permanent allocation of sewer capacity or credits prior to issuance of a building permit and that no tap-on permit will be granted without

certification of adequate capacity; to provide that, subject to EPA approval, properties for which an "active" Qualifying Plan has been submitted to the Urban County Planning Commission prior to the Resolution Date shall be granted a permanent Sewer Allocation provided the relevant plan is approved by the Commission not later than July 3, 2013; to provide that, subject to EPA approval, residential development properties that have an approved and certified Qualifying Plan after the Resolution Date but before July 3, 2013 may reserve a permanent Sewer Allocation which will be granted up to a maximum annual threshold; to provide that, subject to EPA approval, non-residential development properties that have an approved and certified "active" Qualifying Plan after the Resolution Date but before July 3, 2013 may receive a permanent Sewer Allocation which allocation will be granted provided all tap-on fees are paid by July 3, 2014 with any unused amount of reserved capacity expiring; to provide that properties that receive an approved and certified Qualifying Plan after July 3, 2013 may obtain a Sewer Capacity Allocation in accordance with the CAP and implementing ordinances upon payment of any applicable administrative fee, reservation deposit, and/or capacity charge; to provide that, subject to EPA approval, properties located in Expansion Area #2 will receive permanent Sewer Allocations upon submission of a capacity request; and providing that if any provision of this Resolution is invalidated by the EPA or a court the remaining provisions shall remain in full force and effect.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute four (4) Engineering Services Agreements with HDR Engineering, Inc., GRW Engineers, Inc., Tetra Tech, Inc., and Stantec Consulting Services, Inc. to provide engineering services for wastewater equalization tanks or basins (Category #1 of RFP #33-2012) related to the Consent Decree Remedial Measures Projects.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration, and any other documents necessary, and to accept a Deed for the property located at 3700 Alumni Dr., for multiple sanitary sewer remedial measures projects, and authorizing payment in the amount of \$78,000, plus usual and appropriate closing costs.

A Resolution designating the speed limit on Della Dr. between Appomattox Rd. and Harrodsburg Rd. as 25 miles per hour and authorizing and directing the Div. of

Traffic Engineering to install proper and appropriate signs in accordance with the designation.

* * *
Upon motion of Ms. Gorton, seconded by Mr. Myers, and passed by a majority vote of 14-0 (Mr. Martin was absent when the vote was taken), the Communications from the Mayor were approved, and are as follows: (1) Recommending the reappointment of Council Member Peggy Henson to the City Employees' Pension Fund Board, with a term to expire 12-31-2014; (2) Recommending the appointments of Mr. Jeffery L. Anderson, as Herald Leader representative, and Ms. Sarayarose E. Brewer, Dr. Everett D. McCorvey, and Mr. Robert A. Morris, as at-large representatives, to the Picnic with the Pops Commission, with terms to expire 7-1-2014, 7-1-2014, 7-1-2016, and 7-1-2016, respectively. Ms. Brewer will fill the unexpired term of Mr. Kevin Weaver. Also, recommending the reappointment of Mr. Scott A. Terrell, as Lexington Philharmonic representative, to the Picnic with the Pops Commission, with a term to expire 7-1-2016; and (3) Recommending the reappointment of Council Member Peggy Henson to the Social Services Advisory Board, with a term to expire 12-31-2014.

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Ms. Gorton recognized Mr. McChord during his last meeting, thanked him for his service, and wished him luck in his new endeavors.

The Mayor also thanked Mr. McChord for his service.

Mr. McChord spoke to the citizens and Council about the challenges facing the community, and challenged everyone to work towards excellence. He thanked everyone he had worked with.

* * *
The Mayor announced the Spotlight on Youth Event would take place on December 7, 2012, at 7:00 p.m. at the Lyric Theatre.

* * *
Mr. Farmer sang a song of tribute to the outgoing Council Members: Mr. Tom Blues, Ms. K.C. Crosbie, Mr. Doug Martin, and Mr. Jay McChord.

* * *
Mr. Bernard McCarthy, Harry Street, thanked the out-going Council Members for their service. He spoke about creating a fuel tax that would also apply to electric-powered vehicles. He also spoke about sales tax issues.

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Upon motion of Mr. McChord, seconded by Mr. Ellinger, and approved by a majority vote of 14 – 0 (Mr. Martin was absent when the vote was taken), the meeting adjourned at 7:12 p.m.

Clerk of the Urban County Council