

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky December 1, 2011

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on December 1, 2011 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, and Crosbie.

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

Resolutions No. 515-2011 thru 531-2011, and Ordinances No. 144-2011 thru 147-2011, inclusive were reported as having been signed and published, and ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky

December 1, 2011

In lieu of an Invocation, the Mayor asked that everyone stand for a moment of silence.

*

*

*

The Mayor introduced Mr. Steve Feese, Director of the Div. of Waste Management, who spoke about the 2011 Cash for Cans School Recycling Contest. He thanked program sponsors: Bluegrass PRIDE, The Tracy Farmer Institute for Sustainability and the Environment, Wise Recycling, Phinix LLC, Central Kentucky Fiber, Goodwill Industries, Seedleaf, Keep Lexington Beautiful, Habitat for Humanity and Fayette County Public Schools.

Mr. Feese introduced Mr. Gary Hoover, Fayette County Public Schools, and Ms. Maxine Rudder, Bluegrass PRIDE, who read out the names of the participating schools and winners of prizes in various categories. The following schools participated in the program, and were recognized with a certificate: Ashland Elementary, Athens-Chilesburg Elementary, Cassidy Elementary, Crawford Middle, Deep Springs Elementary, Dixie Elementary, Lexington Family Care Center, Locust Trace AgriScience Farm-Fayette County Tech High, Henry Clay High, Leestown Middle, Lexington Day Treatment Center, Morton Middle, Rosa Parks Elementary, Russell Cave Elementary, Tates Creek Middle, and Temple Adath Israel Preschool. Winners in the category of Highest Number of Cans per Student, who received a monetary award, were Montessori High School, Sayre School, and Veterans Park Elementary. Winners in the category of Most Cans Collected, who received a monetary award, were Lexington Universal Academy, Meadowthorpe Elementary, Paul Lawrence Dunbar High, Christ the King School, Wellington Elementary, Montessori Middle School, and Cardinal Valley Elementary.

Mr. Feese spoke about recycling and congratulated everyone for their hard work.

*

*

*

The Mayor announced that representatives of Liberty Mutual were in attendance to present a \$10,000.00 check to the Div. of Fire and Emergency Services, as winner of the Pledge for Fire Safety Award.

Mr. Joey Doom, Liberty Mutual representative, spoke about the award and congratulated the Div. of Fire and Emergency Services.

Battalion Chief Marshall Griggs, Div. of Fire and Emergency Services, thanked the community for their support, and Ms. Susan Straub, Mayor's Office, for her help in getting the word out to the employees and community. He spoke about projects for which the money would be allocated.

* * *

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

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

Nay: -----0

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. 45.

An Ordinance closing the right-of-way located between the properties at 444 Fayette Park and 503 Willy St.; determining that all property owners abutting the portion of the walk way to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed transferring the former right-of-way to the abutting owner, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Director of Litigation, Grade 123E, and amending Section 22-5(2) of the Code of Ordinances, creating two (2) positions of Attorney, Grade 117E, from date of passage to December 31, 2015, all in the Dept. of Law.

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: Calypso Breeze Dr., Carducci St., Coroneo Ln., Falling Leaves Ln., Firethorn Place, Golden Bell Place, Greenville Terrace, Grey Lag Way, Hardwood Rd., Kiawah Dr., Magnolia Gardens Place, Polo Club Blvd., Sandhurst Cove, Seneca Park, Sir Barton Way, Sperling Dr., Sunflower St., Tea Olive Way, and Towne Square Park.

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: Blue Bonnet Ct., Blue Bonnet Dr., Golden Trophy Trail, Waveland Museum Ln., and Winthrop Dr.

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: Albany Rd., Albemarle Rd., and Halifax Ct.

An Ordinance amending Ordinance No. 218-2010 expanding and extending Partial Urban Services District #5 to remove certain properties on Springhill Dr. and changing the Urban Service Districts on said properties back to Urban Services District #2 and Urban Services District #4 respectively to correct a clerical error.

* * *

An Ordinance closing a portion of Manor Dr.; determining that all property owners abutting the portion of the street to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed transferring the former right-of-way to the abutting owners, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way was given first reading.

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

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

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

Nay: -----0

*

*

*

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 2012 was on the docket for first reading.

Mr. Myers made a motion, seconded by Mr. Farmer, and approved by unanimous vote, to amend the ordinance to move the March 13, 2012 meeting of the Council Social Services Committee to March 20, 2012, and the March 20, 2012 meeting of the Council Environmental Quality Committee to March 13, 2012.

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 2012 was given first reading as amended and ordered placed on file until December 6, 2011 for public inspection.

*

*

*

An Ordinance amending Section 16-15(f) of the Code of Ordinances related to refuse collection to exempt peace officers performing their official duties from this Section was given first reading.

Mr. Beard asked for clarification of the intent of the ordinance of Mr. Keith Horn, Dept. of Law. Mr. Horn responded.

The ordinance was ordered placed on file until December 6, 2011 for public inspection.

*

*

*

The following ordinances were given first reading and ordered placed on file until December 6, 2011 for public inspection.

An Ordinance amending Article 8-1(d) of the Zoning Ordinance to allow an historic house museum as a conditional use in the A-R zone.

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Professional Office (P-1) zone for 0.99 net (1.19 gross) acres, with dimensional variances, for property located at 154, 158-162 N. Ashland Ave., subject to certain use restrictions imposed as conditions of granting the zone change (The Lexington Hearing and Speech Center, Inc.).

An Ordinance amending Section 21-5(2) of the Code of Ordinances, changing the job title of one (1) position of Human Resources Manager, Grade 119E, to one (1) position of Payroll Manager, Grade 119E, in the Div. of Accounting.

An Ordinance creating Subsection 14-10(f)(11) of the Code of Ordinances, Lexington-Fayette Urban County Government, to provide for the enforcement of violations of Article 13 of the Zoning Ordinance by the Director of Historic Preservation and Historic Preservation Specialist(s); effective January 1, 2012.

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. 46.

An Ordinance approving and adopting regulations for the procurement of personal/professional services on behalf of the Urban County Government through its Div. of Central Purchasing; effective January 1, 2012.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Engineering Technician Principal, Grade 115E, abolishing two (2) positions of Engineering Technician, Grade 111N, and two positions of Laboratory Technician, Grade 109N, and creating one (1) position of Electrician, Grade 114N, one (1) position of Maintenance Mechanic, Grade 113N and two (2) positions of Laboratory Technician Sr., Grade 112N, and amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Staff Assistant Sr., Grade 108N, all in the Div. of Water Quality, and appropriating funds pursuant to Schedule No. 47.

*

*

*

Ms. Lawless made a motion, seconded by Ms. Crosbie, to place on the docket an Ordinance accepting the bid of TP Mechanical Contractors, in the amount of \$111,129, for a water heater for the Div. of Community Corrections, and appropriating funds pursuant to Schedule No. 48.

Mr. Farmer asked questions of Mr. Clay Mason, Commissioner of the Dept. of Public Safety, regarding the need for the equipment. Mr. Mason responded.

Mr. Stinnett asked questions of Ms. Elizabeth McGee, Div. of Budgeting, regarding the budget amendment required by the ordinance. Ms. McGee responded.

Ms. Gorton asked additional questions of Mr. Mason. Mr. Mason and Mr. Keith Horn, Dept. of Law, responded.

The motion passed by unanimous vote.

The ordinance was given first reading and ordered placed on file until December 6, 2011 for public inspection.

*

*

*

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

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

Nay: -----0

A Resolution accepting the bid of Lagco, Inc., in the amount of \$426,040, for the Black and Williams Center Energy Efficiency Improvements, for the Div. of Environmental Policy, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Lagco, Inc., related to the bid.

A Resolution accepting the bids of Rhythm Engineering, LLC; Iron Armour, LLC; Signal Control Products, Inc.; and Path Master, Inc., establishing price contracts for adaptive traffic signal and control equipment, for the Div. of Traffic Engineering.

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

A Resolution ratifying the probationary civil service appointments of: Winona Embry, Payroll Manager, Grade 119E, \$2,586.96 bi-weekly, in the Div. of Accounting, effective December 7, 2011, and Karen Beatty, Administrative Specialist Sr., Grade 112N, \$22.213 hourly, in the Div. of Traffic Engineering, effective November 21, 2011; ratifying the permanent civil service appointment of: Connie Hayes, Staff Assistant Sr., in the Div. of Purchasing, effective July 17, 2011.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Humanitarium (\$475) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing the Mayor, the Fire Chief, and the Director, Div. of Emergency Management/911, on behalf of the Urban County Government and pursuant to KRS Chapter 39F, to execute a Statement of Affiliation pertaining to the establishment and designation of the Urban County Government's Div. of Fire and

Emergency Services' Special Operations Technical Rescue Team as the recognized Rescue Squad for Fayette County, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Contract with Woodall Construction Co., Inc., for the Lexington Streetscape Phase One Improvements, E. Main St. Streetscape Project, increasing the contract price by the sum of \$60,601.05 from \$2,646,542.45 to \$2,707,143.50.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Three to the Contract with Woodall Construction Co., Inc., for the Lexington Streetscape Phase One Improvements, E. Main St. Streetscape Project, increasing the contract price by the sum of \$55,938.35 from \$2,707,143.50 to \$2,763,081.85.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two, to the Contract with Charles Deweese Construction, for the Lexington Streetscape Phase One W. Main St. Project, decreasing the contract price by the sum of \$3,272.25 from \$1,930,561.75 to \$1,927,289.50.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Regulator Easement and Right of Way Agreement with Columbia Gas of Ky., Inc., granting a pipeline easement.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Paramedic Training Program Agreement, with Jessamine County Emergency Medical Service, for paramedic training, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ad-Success, for the Mobility Office Marketing Campaign for FY 2012, at a cost not to exceed \$44,400.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with AMEC Environment and Infrastructure, Inc. (formerly known as AMEC Earth and Environmental, Inc.), for additional Brownfield Site Assessment Services, at a cost not to exceed an additional \$246,430.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 (Final) to the Contract with Marrillia Design and Construction, for the Maxwell St. Sidewalk and Bike Lane Project, increasing the contract price by the sum of \$52,480.53 from \$308,438.21 to \$360,918.74.

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 \$267,609 Federal funds, are for the continuation of the Metropolitan Medical Response System (MMRS), 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. Div. of Emergency Management, Dept. of Military Affairs, 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 \$8,000 Commonwealth of Ky. funds, and are for the purchase of equipment for the Dive/Water Rescue 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 and directing the Mayor, on behalf of the Urban County Government, to accept four (4) Grants from the Ky. Office of Homeland Security, which Grant funds are in the amount of \$360,800 Federal funds under the 2011 State Homeland Security Grant Program, are for the purchase of Special Operations, Hazardous Materials and Technical Rescue Equipment (\$121,000); a specialized training class for HazMat units (\$23,800); the purchase of equipment for the Hazardous Devices Unit (\$161,000); and training in dynamic entry for the Ky. Explosive Incident Response Task Force (\$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 and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Board of Emergency

Medical Services, 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 \$11,000 Commonwealth of Ky. funds, and are for the purchase of EMS equipment, the acceptance of which does not obligate the Lexington-Fayette 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 Statement of Work and Master Services Agreement with Global Compliance Services, Inc., for installation and administration of the Fraud Tip Line, at a cost not to exceed \$5,175.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for use of Winburn Middle School Gymnasium, at a cost not to exceed \$285.05.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Pilgrim Baptist Church, for parking, at a cost not to exceed \$1,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a National Safety Council DDC Private Sub-Agency Training Agreement with the Tennessee Regional Safety Council, Inc., establishing the Div. of Risk Management as an authorized agent to teach training programs to employees, at an annual cost not to exceed \$55.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Xavus Solutions, LLC, for the purchase and maintenance of a data collection program for the Senior Center, at a cost not to exceed \$7,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Hazen and Sawyer, P.S.C., to provide for Sanitary Sewer Capacity, Management, Operations and Maintenance Program (CMOM) deliverables for Consent Decree Implementation, at a cost not to exceed \$287,500.

*

*

*

A resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Jennifer Newton, Social Worker, Grade 113E, \$1,387.20 bi-weekly, in the Dept. of Social Services, John Day, Equipment Operator, Sr., Grade 109N, \$15.089 hourly, in the Div. of Waste Management, Robert Bailey, Equipment Operator Sr., Grade 109N, \$18.750 hourly, in the Div. of Waste Management, Donald Myers, Equipment Operator Sr., Grade 109N, \$12.097 hourly, in the Div. of Waste Management, Ricky Johnson, Equipment Operator Sr., Grade 109N, \$12.459 hourly, in the Div. of Waste Management, and Joseph Higgins, Equipment Operator Sr., Grade 109N, \$12.459 hourly in the Div. of Waste Management; authorizing the Div. of Human Resources to make a conditional offer to the following probationary sworn appointments: Roman Sorrell, Jeffery Brangers, Robert Sinnott, Chase Allen, Stephanie McClain, Cliff Godbold, Kenneth Brown, Jr., Ronald Mossotti, Steven Jude, Anthany Beatty, Jr., Ronald Willis, Kelly Shortridge, Anthony Sullivan, Robert Holland, Jason Mitchell, Nichole Gibson, Benjamin Riggs, Aisha Johnson, Ryan White, Alejandro Zaglul, Mary Shofner, Weslee Farley, Meredith Myers, Brian Weir, Kalan Perdue, Philip Toms, Benjamin Fielder, Sailesh Babhania, Jared Carroll, Kendall Buford, and Adam Peak, Police Officer, Grade 311N, \$17.649 hourly, in the Div. of Police; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Megan Hempfling, Staff Assistant Sr., Grade 108N, \$13.461 hourly, in the Div. of Family Services, effective upon passage of Council was given first reading.

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

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

Aye: Farmer, Gorton, Henson, Kay, Lane,
Lawless, Myers, Stinnett, Beard, Blues-----10

Nay: -----0
(Mr. Ellinger, Mr. Ford, Mr. Martin, Mr. McChord, and Ms. Crosbie were absent when the vote was taken.)

* * *

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the National Police Athletics 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 \$15,000 Federal funds, and are for Police Activities League Mentoring Program, for the Div. of Police was given first reading.

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

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

Aye: Farmer, Gorton, Henson, Kay, Lane,
Lawless, Myers, Stinnett, Beard, Blues-----10

Nay: -----0
(Mr. Ellinger, Mr. Ford, Mr. Martin, Mr. McChord, and Ms. Crosbie were absent when the vote was taken.)

* * *

The following resolutions were given first reading and ordered placed on file until December 6, 2011 for public inspection.

A Resolution accepting the bid of Brenntag Mid-South, Inc., establishing a price contract for odor control chemicals, for the Div. of Water Quality.

A Resolution accepting the bids of Valk Manufacturing Co., in the amount of \$5,760; J. Edinger and Sons, Inc., in the amount of \$8,614.72; and Central Parts Warehouse, in the amount of \$1,990, for snow plow parts, for the Div. of Streets and Roads.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Bluegrass Community Foundation (\$300), Forest Ridge Maintenance Association, Inc., (\$150) and Speigle Hill Community Center (\$400), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution ratifying the probationary civil service appointments of: Leslie Jarvis, Director of Human Resources, Grade 123E, \$3,461.54 bi-weekly, in the Div. of Human Resources, effective December 5, 2011 and Robert Harris, Public Service Supervisor, Grade 111N, \$20.625 hourly, in the Div. of Parks and Recreation, effective November 28, 2011; ratifying the probationary sworn appointments of: Shawn Campbell, Community Corrections Captain, Grade 115E, \$2,522.40 bi-weekly, in the Div. of Community Corrections, effective November 28, 2011.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of \$40,000 Federal funds, are for 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 unencum-bered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Justice, which Grant funds are in the amount of \$129,533 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 two Amended Memoranda of Agreement with Fayette County Public Schools, for operation of the National School Lunch Program through the end of the current school year and the Child Care Food Program through December 30, 2011, at the Family Care Center and the Day Treatment Center.

A Resolution approving the granting of an Inducement to CMSText, LLC, pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by CMSText, LLC, for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act and any Agreement CMSText, LLC, 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 GE Lighting, LLC, pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County

Government agrees to forego the collection of one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by GE Lighting, LLC, for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act and any Agreement GE Lighting, LLC, 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 Shatterbox, LLC, pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by Shatterbox, LLC, for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act and any Agreement Shatterbox, LLC, has with the Ky. Economic Development Finance Authority related to the Project, and taking other related action.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Internal Revenue Service Sponsor Agreement with Civil Rights Assurance, for Volunteer Tax Assistance Programs at the Central Ky. Job Center and the Family Care Center, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to the North Limestone Neighborhood Association, Inc., to develop an Environmental Improvement Plan for the Limestone/Loudon Area, at a cost not to exceed \$50,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to the Spindletop Community Association Inc., to improve water quality in the subdivision pond with a bottom aerator, hold educational seminars on the Royal Springs Aquifer and topics related to what residents can do to improve water quality, stencil

neighborhood storm drains, and hold a stream cleaning event, at a cost not to exceed \$2,180.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Hazen and Sawyer, P.S.C. for the Sanitary Sewer Assessment Reports and Remedial Measures Plans, extending the current Contract through FY 2012 and increasing the contract price by the sum of \$1,500,000 from \$2,000,000 to \$3,500,000.

A Resolution authorizing the Div. of Water Quality to purchase Allen-Bradley Automation Equipment to upgrade the blower system at the Town Branch Wastewater Treatment Plant, from CED of Lexington (as distributor for Rockwell Automation), at a cost not to exceed \$42,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Housing and Urban Development, which Grant funds are in the amount of \$1,430,000 Federal funds, are for continuation of the Housing Opportunities for Persons with AIDS Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing and directing the Mayor to execute a three (3) year agreement with AIDS Volunteers, Inc.; for continuation of the project, at a cost not to exceed \$1,391,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Court Appointed Special Advocate, Inc., Fayette Family Courts, the Cabinet for Health and Family Services and the Fayette County Attorney's Office, outlining the relationship among the parties concerning the operation of the Court Appointed Special Advocates Program, at no cost to the Urban County Government.

A Resolution accepting Software Development, Inc., as the entity to perform billing services for Emergency Medical Services, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Software Development, Inc., for these services, at a cost not to exceed 3.5% of the

receipts from the previous calendar year, which are estimated to be \$214,000.00 for Fiscal Year 2012.

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 an Amended 2010 Equitable Sharing Agreement with the Dept. of Justice, Dept. of the Treasury, amending the 2010 Agreement.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amended 2011 Equitable Sharing Agreement with the Dept. of Justice, Dept. of the Treasury, amending the 2011 Agreement.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute lease renewals with the Commonwealth of Ky., for the lease of State Police CDL and Drivers License Offices, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Infrastructure) Incentive Grant to the Bluegrass Stockyards, LLC., to design and construct four stormwater control facilities and collaborate with UK, Locust Trace Agri-Science Farm, and Fayette County Extension Office and Conservation District in allowing the site to be used by students for research and environmental learning, at a cost not to exceed \$150,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant to the Friends of Wolf Run, Inc., to perform stream cleanups, removal of invasive plant species, and planting of native vegetation along Wolf Run and its tributaries at various volunteer selected stewardship sites; provide education outreach through communication with streamside property owners and installation of educational signage at stewardship sites; and purchase of a multi-parameter water quality meter, at a cost not to exceed \$11,770.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive

Grant to the Lansdowne Neighborhood Association, Inc., to develop a conceptual plan to address stormwater runoff and streambank erosion in the tributary running from Zandale Dr. to West Hickman Creek and organize educational opportunities for residents, at a cost not to exceed \$10,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B (Education) Incentive Grant to Group CJ, LLC., to collaborate with WKYT-TV and EKYT-CW, to write, produce and air approximately twenty 30-second education commercial messages for a "Doing the Green Thing" campaign, at a cost not to exceed \$34,650.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for use of Jesse Clark Middle School Gym, for the Basketball Program, at a cost not to exceed \$8,012.40.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Don Jacobs Volkswagen of a 2012 Volkswagen Beetle Turbo Edition, for use at the Div. of Police, at no cost to the Urban County Government.

A Resolution accepting and approving Harris Corp. as the provider of the First Responder Radio System for the Dept. of Public Safety, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute the System Purchase Agreement, System Maintenance Agreement, Software FX Agreement, Software License Agreement and any other necessary agreements or documents with Harris Corp. related to this project at a total project cost not to exceed \$18,148,232, subject to sufficient funding in future fiscal years, and payment in Fiscal Year 2012 not to exceed \$3,204,258.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Baby Health Services, Inc. (\$250), and R.A.R.E. Innercity Ministries, Inc. (\$250), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

*

*

*

Upon motion of Mr. Ford, seconded by Mr. Myers, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Mtani Catering, LLC, for provision of meals

under the Child Care Food Program at the Family Care Center, at a cost not to exceed \$1.20 for each lunch, \$0.90 for each breakfast, and \$0.70 for each snack was placed on the docket, given first reading, and ordered placed on file until December 6, 2011 for public inspection.

*

*

*

Mr. Ford made a motion, seconded by Ms. Henson, to place on the docket a Resolution approving the Recommendations of the Charles Young Center Task Force Report and directing that the recommendations be implemented as soon as possible.

Ms. Crosbie stated that she had to leave to attend another meeting, and would not be able to vote on Mr. Ford's motion. Mr. Martin also stated that he had to leave to fulfill another obligation, and apologized to the citizens in attendance waiting to speak.

The following citizens spoke in favor of reopening the Charles Young Center: (1) (1) Ms. Patricia Muhammad, Friends of Colonel Charles Young Center; (2) Mr. Nam Oshun; (3) Mr. Corey Dunn, W. 6th Street, who presented a video to the Council; (4) Mr. Quinton Roberts, Mammoth Drive, who also introduced the boy in the video; (5) Mr. Duane Pierce, Mead Court; (6) Mr. Charles Fields, Shropshire Avenue; (7) Mr. Brannon Dunn, Red Clover Lane; (8) Ms. Sharon Reed, Pemberton Street; (9) Ms. Darlene Madison, Curley Avenue; (10) Mr. Carl White, Chestnut Street; (11) Mr. Ed Prentice, Fox Harbor Drive; (12) Ms. Leah Parker, Majestic View Walk; and (13) Mr. Henry Kenyon, Douglas Avenue.

Mr. Blues spoke about Mr. Ford's motion and asked questions of Mr. Ford about the Task Force Recommendations. Mr. Ford responded. Mr. Blues also asked questions of Mr. Keith Horn, Dept. of Law, regarding the recommendations.

The Council discussed the motion, and asked questions of Mr. Ford.

At the request of Council, Mr. Ford reviewed the recommendations as follows: (1) Establish a Charles Young Center Advisory Board (CYCAB) to prioritize and govern community-based programs and services at Charles Young Center (CYC); (2) Lexington-Fayette Urban County Government (LFUCG) to retain ownership of Charles Young Center and to partner with the community to house preferred activities and/or programming; (3) LFUCG and the CYC Advisory Board to initiate a formal process by soliciting Request for Qualifications (RFQ) from any and all interested parties for programmatic and service programs to be facilitated at CYC; (4) LFUCG to appropriate

\$173,000 for preliminary short-term facility capital needs at CYC, including handicapped accessibility/ADA compliance measures. Furthermore, the Community Development Block Grant (CDBG) is the recommended funding source. Please see Appendix E – Community Development Block Grant Program; and (5) To incorporate the ‘Ann Street Greenspace Footprint’ (0.896 acres) into official Charles Young Park land plat, for the purpose of developing off street parking and other recreational uses.

The Mayor asked Mr. Ford would speak to Task Force Recommendation #4. Mr. Ford explained that there is possible funding and he called on Ms. Irene Gooding, Director of the Div. of Grants and Special Projects, to speak about funding possibilities.

Ms. Gooding spoke about funding possibilities with CDBG funds.

The Mayor and Mr. Ford spoke to Ms. Gooding's comments.

The Council discussed the issue and asked questions of Mr. Ford and Ms. Gooding.

Mr. Blues asked a question of Mr. Horn.

Mr. Kay spoke to the motion.

Mr. Stinnett called for the question.

Mr. Ford's motion **passed** by a majority vote of 12-0 (Mr. Ellinger, Mr. Martin and Ms. Crosbie were absent when the vote was taken.)

The resolution was given first reading and ordered placed on file until December 6, 2011 for public inspection.

*

*

*

Upon motion of Mr. Beard, seconded by Mr. Farmer, and approved by unanimous vote, a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the 2012 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) was placed on the docket, given first reading, and ordered placed on file until December 6, 2011 for public inspection.

*

*

*

The following Communications from the Mayor were received for information only: (1) Resignation of Cheryl Taylor, Commissioner, Dept. of Environmental Quality and Public Works, effective November 25, 2011; (2) Resignation of Adam Tuska, Community Corrections Officer, Div. of Community Corrections, effective November 3, 2011; and (3) Resignation of Sheila Hupp, Administrative Officer, Office of the Chief Administrative Officer, effective November 11, 2011.

*

*

*

Upon motion of Mr. Stinnett, seconded by Mr. Myers, and approved by a majority vote of 11-0 (Mr. Ellinger, Mr. Martin, Mr. McChord and Ms. Crosbie were absent when the vote was taken), the meeting adjourned at 8:42 p.m.

Clerk of the Urban County Council