

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky October 25, 2012

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on October 25, 2012 at 6:00 P.M. Present were Mayor Jim Gray in the chair presiding, and the following members of the Council: Council Members Beard, Blues, Crosbie, Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Martin, McChord, Myers and Stinnett.

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

Resolutions No. 534-2012 thru 563-2012, and Ordinances No. 122-2012 thru 127-2012, inclusive were reported as having been signed and published, and ordered to record.

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The Invocation was given by Rev. Dr. Thomas H. Peoples Jr., Historic Pleasant Green Missionary Baptist Church.

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The Mayor invited Mr. Blues and Mr. Ford to join him at the podium to recognize honoree Mr. Harry Sykes and his family, especially his wife Mrs. Geraldine Sykes, along with other former City and Urban County Council Members of Lexington.

Mr. Blues and Mr. Ford spoke about the life accomplishments of Mr. Sykes.

The Mayor presented a Commemoration to Mr. Sykes' daughter, Ms. Paula Brown, who thanked everyone for this recognition and Commemoration.

The Mayor proclaimed October 25, 2012 as Harry Sykes Day in Lexington.

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Ms. Gorton made a motion, seconded by Mr. Kay, and approved by unanimous vote, to recess at 6:20 p.m. for the purpose of convening the Committee of the Whole, for the purpose of holding a confirmation hearing for a submitted appointment to the Board of Adjustment.

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Upon motion of Mr. Kay, seconded by Ms. Crosbie, and approved by unanimous vote, the Committee of the Whole was adjourned at 6:37 p.m.

The Mayor called the meeting of the Urban County Council to order, with the same members present.

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Mr. Martin recognized Master Ralph Bright, a Boy Scout in attendance at the meeting and thanked him for coming.

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The Mayor opened a Public Hearing relating to the establishment of the 21c Hotel Development Area.

Ms. Knox Van Nagell, Executive Director, Fayette Alliance, spoke in support of the Project and filed the following exhibit: (1) Letter of Support.

Mr. Jim Browder, President, Lexington Convention and Visitors Bureau, spoke in support of the Project.

There being no more citizens to speak, the Mayor closed the Public Hearing.

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A Resolution approving and adopting a Substantial Amendment to the 2012 Consolidated Plan establishing and approving a new Community Development Block Grant Project, 21c Museum Hotel Lexington, and authorizing the Mayor to submit a Section 108 Loan Application, in the amount of \$6,000,000, to the U.S. Dept. of Housing and Urban Development for the purpose of loaning the funds to 21c Lexington LLC for the project was on the docket for first reading with a public hearing being held.

The Mayor opened the Public Hearing, and recognized Ms. Irene Gooding, Director of the Div. of Grants and Special Programs, who spoke about the project.

Mr. Greg Greenburg, representing 21c, spoke about the 21c Museum Hotel Project planned for Lexington.

Mr. Martin asked questions of Mr. Greenburg about the financials for the project.

The Council continued to ask questions of Mr. Greenburg and Ms. Gooding, and to discuss the project.

The following individuals spoke in support of the project: (1) Mr. Rick Christman, Employment Solutions; (2) Mr. Jim Clark, President, LexArts; (3) Mr. Daryl Smith, Chair of the Bluegrass Workforce Investment Board; and (4) Mr. Tyler Campbell, representing Commerce Lexington.

Mr. David Christianson, Central Ky. Housing and Homelessness Initiative, stated his concerns with the use of the CDBG funds. Mr. Jeff Fugate, Executive Director, Downtown Development Authority, spoke to Mr. Christianson's concerns.

The Mayor recognized Mr. Roger Leonard, Dept. of Housing and Urban Development, Louisville Office, who was present at the meeting.

There being no more citizens to speak, the Mayor closed the Public Hearing at 7:26 p.m.

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

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

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

An Ordinance amending Article 17 of the Zoning Ordinance to transfer enforcement of Article 17 Sign Regulations requirements from the Div. of Building Inspection to the Div. of Planning.

An Ordinance approving and adopting revised regulations for the procurement of personal/professional services on behalf of the Urban County Government through its Div. of Central Purchasing.

An Ordinance relating to sanitary sewers pretreatment and amending Section 16-1(c)(51) of the Code of Ordinances defining "significant violation" by referencing 40 CFR 403.3.1, increasing the time limit to forty-five (45) days for required reports and providing that violation of best management practices may be a significant violation; amending Section 16-(1)(c)(52) to re-define the term "slug" to mean any discharge which has reasonable potential to cause interference or pass through or violates local limits or permit conditions; amending Section 16-45(f) to require that wastewater monitoring and flow measurement facilities be properly operated and provide that failure to do so shall not allow the user to claim unrepresentative sampling; amending Section 16-46(a)(6) to require significant industrial users to notify the Div. of Water Quality of any changes to its facility affecting potential for a slug discharge and increasing slug control plan requirements; amending Section 16-46(g) to require semi-annual reporting to Water Quality and include reporting of data necessary to ensure compliance with the applicable permit; creating Section 16-46(h) of the Code of Ordinances to require permit holders to maintain and make available for inspection records of required monitoring information and any additional records of monitoring associated with "best management practices" established by the Urban County Government, specifying the contents of such records and requiring them to be maintained for at least three (3) years which shall be extended during any related litigation or as required by the Director of Water Quality; creating Section 16-46.2 of the Code of Ordinances to provide that sampling done to comply with sampling requirements in Sections 16-44, 16-44.1, 16-45, and 16-46 must be representative of conditions occurring during the reporting period and specifying sampling techniques which must be followed.

An Ordinance amending Section 21-39(d) of the Code of Ordinances, relating to disability leave to remove the restriction on second employment while an employee is on disability leave.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing two (2) positions of Equipment Operator Sr., Grade 109N and creating one (1) position of Program Manager Sr., Grade 120E, in the Div. of Waste Management, appropriating funds pursuant to Schedule No. 16, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Fleet Systems Manager, Grade 116E, in the Div. of Facilities and Fleet Management, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing three (3) positions of Public Service Worker, Grade 106N, one (1) position of Equipment Operator Sr., Grade 109N and one (1) position of Public Service Supervisor, Grade 111N, and creating two (2) positions of Administrative Specialist, Grade 110N and two (2) positions of Public Service Supervisor Sr., Grade 114E, in the Div. of Waste Management, appropriating funds pursuant to Schedule No. 17, effective upon passage of Council.

An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Juvenile Surveillance Probation Officer, Grade 112N, in the Div. of Youth Services, effective upon passage of Council.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 15.

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An Ordinance changing the zone from a Neighborhood Business (B-1) zone to a Highway Service Business (B-3) zone, for 2.589 net (3.030 gross) acres, for property located at 1949 Nicholasville Rd. and 145 Collins Ln. (Greer Nick Rd. LLC and Greer Nick Rd. II, LLC; Council District 3) was given first reading and ordered placed on file for public inspection until a public hearing to be held at a Special Council Meeting on November 27, 2012, at 6:00 p.m.

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An Ordinance amending Section 14-85(a) of the Code of Ordinances related to towing to amend the definition of operator and create the definitions of drop fee, private impound cost schedule, standard tow, heavy duty tow, and vehicle; creating Section 14-87(3) of the Code of Ordinances related to towing regarding the license holder's responsibility for its employees; amending Section 14-88(1) of the Code of Ordinances related to towing to amend releasing of vehicles to owners; amending Section 14-88(2) of the Code of Ordinances related to towing to require a copy of the private impound cost schedule be provided to owners; creating Section 14-88(3) of the Code of Ordinances related to towing to require all tow drivers to carry copies of the private impound cost schedule; creating Section 14-88(4) of the Code of Ordinances related to towing to prohibit additional fees other than storage fees; creating Section 14-89.1 related to towing regarding notification to the vehicle owner requirements; amending Section 14-90(1) of the Code of Ordinances related to towing regarding a private impound tow truck services retention of the vehicle owner's vehicle records; amending Section 14-90(2) of the Code of Ordinances related to towing to add the license plate numbers, state of insurance, make, model and color of the vehicle to be added to the receipt; amending Section 14-90(4) of the Code of Ordinances related to towing to amend the rate for the maximum charges for tows and storage; amending Section 14-90(6) of the Code of Ordinances related to towing to amend the persons authorized to redeem the vehicle; creating Section 14-90(7) of the Code of Ordinances related to towing regarding a credit card processing fee; creating Section 14-91(7) of the Code of Ordinances related to towing to prohibit storage of vehicles from counties other than Fayette County; amending Section 14-92(1) of the Code of Ordinances related to towing to define the requirements for a tow truck services operator's log; creating Section 14-92(3) of the Code of Ordinances related to towing regarding electronic logs; creating Section 14-92(4) of the Code of Ordinances related to towing regarding retention of logs and files; creating Section 14-92(5) of the Code of Ordinances related to towing regarding subcontracting tow services; creating Section 14-93(11) of the Code of Ordinances related to towing to prohibit tow services from operating any vehicle that has been impounded on a public roadway within Fayette County; creating Section 14-

93(12) of the Code of Ordinances related to towing regarding required contact for hookup to an occupied vehicle was on the docket for first reading.

Upon motion of Ms. Lawless, seconded by Ms. Gorton, and approved by unanimous vote, the ordinance was removed from the docket and referred to the Council Public Safety Standing Committee.

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The following ordinances were given first reading and ordered placed on file until November 15, 2012 for public inspection.

An Ordinance amending Article 1 and Article 8 of the Zoning Ordinance to amend the definition of "banquet facilities" to delete the requirement that the use must take place within a building currently or formerly used as a residence.

An Ordinance amending Article 6 of the Zoning Ordinance to increase the notification requirements for a zone map amendment request (aka zone change application) for properties a distance of 500 feet from the subject property.

An Ordinance closing King St.; determining that all property owners abutting 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 321 Henry, LLC., and O'Nan Properties, LLC, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way.

An Ordinance amending Section 22-5(2) of the Code of Ordinances, abolishing one (1) position of Program Manager Sr., Grade 120E and creating one (1) position of Construction Manager, Grade 122E, in the Dept. of Environmental Quality and Public Works, appropriating funds pursuant to Schedule No. 19, effective upon passage of Council.

Ordinance of the Council of the Lexington-Fayette Urban County Government authorizing and approving the execution and delivery of a Third Supplemental Lease Agreement between the Lexington-Fayette Urban County Airport Board as the Lessor and the Lexington-Fayette Urban County Government as the Lessee relating to the reissuance of an amount not to exceed \$8,000,000 in aggregate principal amount of Lexington-Fayette Urban County Airport Board Variable Rate General Airport Revenue

Refunding Bonds, 2009 Series B (Lexington-Fayette Urban County Government General Obligation) (Non-AMT) all for the purpose of currently refunding all of the Board's outstanding \$16,420,000 Variable Rate General Airport Revenue Refunding Bonds, 2009 Series B (Lexington-Fayette Urban County Government General Obligation) (Non-AMT), at the Blue Grass Airport in Fayette County, Ky.

An Ordinance amending Section 22-5(2) of the Code of Ordinances, abolishing one (1) position of Council Administrative Specialist, Grade 115E and creating one (1) position of Council Staff Specialist, Grade 109N, in the Council Office, appropriating funds pursuant to Schedule No. 20, effective upon passage of Council.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 18.

An Ordinance amending Section 2-465 of the Code of Ordinances of the Lexington-Fayette Urban County Government related to the Corridors Commission to add a nonvoting member from the Office of the Commissioner of Planning, Preservation and Development.

An Ordinance creating Section 14-105 of the Code of Ordinances, Lexington-Fayette Urban County Government, pertaining to civil enforcement of littering violations and providing for classifying the offense of littering proscribed by KRS 512.070(1) as a civil offense pursuant to KRS 512.070(4) and authorizing issuance of civil citations for littering; designating the Environmental Hearing Board as the Code Enforcement Board having authority to determine whether a violation has occurred; establishing administrative procedures to contest citations; fixing civil penalties for littering violations in the following amounts: fifty dollars (\$50), first offense, uncontested; seventy-five dollars (\$75), first offense, contested; two hundred dollars (\$200), second offense, uncontested; three hundred dollars (\$300), second offense, contested; five hundred dollars (\$500), third or subsequent offense, uncontested; and seven hundred and fifty dollars (\$750), third or subsequent offense, contested; designating use of penalty amounts received as follows: seventy-five percent (75%) to Keep Lexington Beautiful for litter education and abatement and twenty-five percent (25%) to the issuing division or agency; authorizing liens and imposing personal liability for civil penalties and costs of

enforcement; amending Subsections 14-10(f)(4) and 14-10(f)(9) of the Code of Ordinances to designate citation officers to enforce this Ordinance; and amending Section 16-76 of the Code of Ordinances to authorize the Environmental Hearing Board to hear matters relating to enforcement of this Ordinance; all effective on January 1, 2013.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with CPS HR Consulting, for written examinations to be used in the recruiting process for the Div. of Police, beginning September 6, 2012 and ending December 31, 2012, at a cost not to exceed \$52,500 was given second reading.

Mr. Stinnett asked for clarification on the amount listed in the resolution. Mr. John Maxwell, Director of the Div. of Human Resources, responded.

Upon motion of Ms. Gorton, and seconded by Ms. Lawless, the resolution was approved by the following vote:

Aye: Beard, Blues, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless,
Martin, Stinnett-----12

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

* * *

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

Aye: Beard, Blues, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless,
Martin, Stinnett-----12

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

A Resolution accepting the bids of Power Train of Ky.; Carquest of Lexington; I.B. Moore Co.; J and B Enterprises, Inc; B.W. Rogers Co. (Fluid Power Products Division); and G and R Industrial Supply, establishing price contracts for hydraulic hose fittings, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of CE Power Solutions of Ky., LLC, establishing a price contract for switch gear maintenance, for the Div. of Water Quality.

A Resolution accepting the bid of Smith Contractors, Inc., in the amount of \$13,442,723, for the Town Branch and West Hickman Waste Water Treatment Plant Electrical, SCADA, Blower/Aeration and Pump Station 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 NAC Heavy Highway, Inc., in the amount of \$433,000, for the Town Branch Waste Water Treatment Plant Dewatered Sludge Conveyor Replacement, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with NAC Heavy Highway, Inc., related to the bid.

A Resolution accepting the bid of Metrohm USA, Inc., in the amount of \$33,077.50, for Automated Water Quality Testing Titrator System, for the Div. of Water Quality.

A Resolution accepting the bid of Guarantee Pest Control, Inc., establishing a price contract for pest control services.

A Resolution accepting the bid of Whayne Supply, Inc., in the amount of \$109,347.92, for Thermally Insulated Weather Enclosure for Backup Generators, for the Div. of Water Quality.

A Resolution ratifying the probationary civil service appointments of: Christopher Dent, Municipal Engineer Sr., Grade 119E, \$2,304.00 bi-weekly, in the Div. of Water Quality, effective October 15, 2012, Roger Daman, Administrative Officer, Grade 118E, \$2,212.16 bi-weekly, in the Div. of Facilities and Fleet Management, effective September 24, 2012 and Donna Byrum, Building Inspector, Grade 113N, \$19.152 hourly, in the Div. of Building Inspection, effective October 8, 2012; ratifying the permanent civil service appointments of: William Evans, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective September 11, 2012, Samuel Futia, Vehicle and Equipment Technician, Grade 113N, in the Div. of Facilities and Fleet Management, effective October 2, 2012 and Sherika Parker, Child Care Program Aide, Grade 107N, in the Div. of Family Services, effective October 2, 2012.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Humana for City Employees Pension Fund for the period of January 1, 2013 through December 31, 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Humana for Police and Fire Retirees Senior Health Plan for the period of January 1, 2013 through December 31, 2013.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Services Agreement with Ecolab Pest Services, for pest elimination services for the Div. of Community Corrections, at a cost not to exceed \$4,940.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Churchill McGee, LLC, for renovation of stockroom and replacing entry ramp for the Div. of Waste Management, increasing the contract price by the sum of \$3,598 from \$61,850 to \$65,448.

A Resolution authorizing the Div. of Emergency Management/911, on behalf of the Urban County Government, to purchase equipment for the Emergency Advisory Radio System, from Information Station Specialists, Inc., a sole source provider, at a cost not to exceed \$42,080, from Federal grant funds.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Claims Payment Agreement with Humana Insurance Co. for health insurance plans for the period of January 1, 2012 through December 31, 2012.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with West End Community Empowerment Project of Lexington, Inc., for space at the Black and Williams Gymnasium.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from S and S Tire of electronic equipment and supplies, for use at the Lexington Fayette Emergency Operations Center.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for the acceptance of additional Federal funds for the Old Frankfort Pike/Alexandria Dr. Stone Fence Project in the amount of \$120,000, the acceptance of

which obligates the Urban County Government for the expenditure of \$30,000 as a local match, and extending the project through June 30, 2013.

A Resolution authorizing the Div. of Traffic Engineering, on behalf of the Urban County Government, to establish a Contract with Iron Armour, LLC, a sole source provider, for purchase of Wavetronix Vehicle Detection Equipment.

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 \$10,000 Commonwealth of Ky. funds, and are for the purchase of EMS equipment for the Div. of Fire and Emergency Services, 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 Certificate of Consideration and accept a Deed conveying a permanent easement across the property located at 345 Bob O Link Dr., for turning access for Waste Management refuse vehicles, in return for replacement of the driveway for the property.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Contract with CPS HR Consulting, for written examinations to be used in the recruiting process for the Div. of Police, changing the completion date from September 1, 2012 to November 30, 2012, at a cost not to exceed \$7,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Bureau of Alcohol, Tobacco, Firearms and Explosives, for reimbursement of overtime and other costs.

A Resolution accepting the Collective Bargaining Agreement with Bluegrass Fraternal Order of Police, Lodge No. 4 on behalf of Police Lieutenants and Captains in the Div. of Police.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Citizens Fire Academy Alumni Association (\$3,155) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of Cross Keys Rd. and Traveller Rd.

A Resolution establishing a Residential Parking Permit Program for the 400 block of Hollywood Dr., 24 hours per day, Monday through Sunday, along the east side of the block; and waiving the provisions relating to the mechanics of designating Residential Parking Permit Areas adopted by Resolution No. 168-90 and amended by Resolution Nos. 450-91 and 433-2006.

A Resolution establishing a Residential Parking Permit Program for the 700 block of Providence Rd., from 8:00 a.m. to 5:00 p.m., Monday through Friday; August 1 through May 15, 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 BCD, Inc., in the amount of \$248,655, for Construction of Softball Field, for the Div. of Parks and Recreation was given first reading.

Upon motion of Mr. Stinnett, seconded by Ms. Gorton, the rules were suspended by a majority vote of 12-0 (Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken.)

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

Aye: Beard, Blues, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless,
Martin, Stinnett-----12

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

* * *

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary sworn appointments: Scott Perrine, Police Sergeant,

Grade 315N, \$28.588 hourly, in the Div. of Police, effective upon passage of Council, Jeffrey Hyer, Police Sergeant, Grade 315N, \$28.588 hourly, in the Div. of Police, effective upon passage of Council and Chadwick Bacon, Police Lieutenant, Grade 317E, \$3,025.14 bi-weekly, 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 appointment: Katherine Toribio, Family Support Worker Sr., Grade 112N, \$15.523 hourly, in the Div. of Family Services, effective upon passage of Council was given first reading.

Ms. Janet Graham, Commissioner of the Dept. of Law, asked that the rules be suspended in order to give second reading to the resolution.

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 12-0 (Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken).

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

Aye: Beard, Blues, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless,
Martin, Stinnett-----12

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

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Lexington-Fayette Urban County Airport Board, for police firearms range was given first reading.

Upon motion of Mr. Ellinger, seconded by Ms. Gorton, the rules were suspended by a majority vote of 12-0 (Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken).

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

Aye: Beard, Blues, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless,
Martin, Stinnett-----12

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

* * *

A Resolution specifying the intention of the Urban County Council to expand and extend the Full Urban Services District #1 to provide street lighting, street cleaning and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these services in this area, which area is defined as certain properties on the following streets: Glendover Rd. and Codell Dr. was given first reading.

Upon motion of Mr. Beard, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 12-0 (Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken).

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

Aye: Beard, Blues, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless,
Martin, Stinnett-----12

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

* * *

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #5 to provide street lighting and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these services in this area, which area is defined as certain properties on the following street: Malvern Rd. was given first reading.

Upon motion of Ms. Henson, seconded by Ms. Gorton, the rules were suspended by a majority vote of 12-0 (Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken).

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

Aye: Beard, Blues, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless,
Martin, Stinnett-----12

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

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Group Sales Agreement with Crowne Plaza for rental of meeting space for the promotional process for Police Sergeants and Lieutenants, at a cost not to exceed \$2,500 was given first reading.

Ms. Janet Graham, Commissioner of the 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 a majority vote of 12-0 (Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken).

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

Aye: Beard, Blues, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless,
Martin, Stinnett-----12

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

* * *

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Management Advisory Group International, Inc., to provide professional human resource management consulting for a compensation study, at a cost not to exceed \$34,050 was given first reading.

Ms. Janet Graham, Commissioner of the Dept. of Law, asked that the rules be suspended in order to give second reading to the resolution.

Upon motion of Ms. Gorton, seconded by Mr. Blues, the rules were suspended by a majority vote of 12-0 (Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken).

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

Aye: Beard, Blues, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless,
Martin, Stinnett-----12

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

* * *

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Neighborhood Council, Inc. (\$600) for the Office of the Urban County Council, at a cost not to exceed the sum stated was given first reading.

Upon motion of Ms. Gorton, seconded by Ms. Lawless, the rules were suspended by a majority vote of 12-0 (Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken).

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

Aye: Beard, Blues, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless,
Martin, Stinnett-----12

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

* * *

A Resolution initiating Zoning Ordinance text amendments to Article 17-7(e) Sign Regulations was given first reading.

Upon motion of Mr. Martin, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 12-0 (Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken).

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

Aye: Beard, Blues, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless,
Martin, Stinnett-----12

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

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A Resolution accepting the bids of J and V Contracting; Dixon Electric, Inc.; and Davis H. Elliott Construction Co., Inc., establishing price contracts for Traffic Sign Installation and Maintenance, for the Div. of Traffic Engineering was on the docket for first reading.

Upon motion of Ms. Gorton, seconded by Mr. Farmer, and approved by a majority vote of 12-0 (Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken), the resolution was amended to remove Dixon Electric, Inc. and Davis H. Elliott Construction Co., Inc. as selected vendors. The Div. of Central Purchasing had indicated that the bid selection committee only intended to select J and V Contracting.

A Resolution accepting the bid of J and V Contracting, establishing a price contract for Traffic Sign Installation and Maintenance, for the Div. of Traffic Engineering was given first reading and ordered placed on file until November 15, 2012 for public inspection.

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The following resolutions were given first reading and ordered placed on file until November 15, 2012 for public inspection.

A Resolution accepting the bid of Bluegrass Towing, Inc., establishing a price contract for towing of LFUCG vehicles, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Saffire Cleaning Service, LLC, establishing a price contract for Custodial Services - Downtown Arts Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Graybar; Anixter, Inc.; and Rexel, Inc., establishing price contracts for Fiber Optic Cable and Control Equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bids of Lexington Quarry Co. and Vulcan Materials Co., establishing price contracts for rock, for the Div. of Streets and Roads.

A Resolution ratifying the probationary civil service appointments of: Tracey McElroy, Staff Assistant Sr., Grade 108N, \$16,400 hourly, in the Div. of Building Inspection, effective November 5, 2012 and Thad Scott, Environmental Enforcement Spec., Grade 115E, \$1,825.68 bi-weekly, in the Div. of Environmental Policy, effective November 19, 2012; ratifying the probationary sworn appointment of: Keith Jackson, Fire Chief, Grade 324E, \$5,410.00 bi-weekly, in the Div. of Fire and Emergency Services, effective June 25, 2012; ratifying the permanent sworn appointment of: Roger Holland, Police Lieutenant, Grade 317E, in the Div. of Police, effective August 20, 2012.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Verdin Co., for

restoration of historic Skuller's Street Clock, for the Div. of Historic Preservation, increasing the contract price by the sum of \$1,000 from \$25,415 to \$26,415.

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 rental of Norsworthy Auditorium for Kiddie Kapers.

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 \$685,000 Federal funds, are for the construction phase of the Grimes Mill Road Bridge Project, 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 the Lease Agreement with Ann Tower Gallery, LTD, for the lease of space at the Downtown Arts Center 141-143 East Main St.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the U.S. Attorney for the District of Columbia, the Metropolitan Police Dept. of Washington, D.C., for the 2013 Presidential Inauguration.

A Resolution authorizing the Div. of Internal Audit to purchase five (5) additional User Licenses from Global Compliance Services, Inc., for use in the LFUCG Ethics Tip Line, and authorizing the Mayor to execute any necessary Addendum or Agreement with Global Compliance Services, Inc., related to the licenses, at a cost not to exceed \$1,500.

A Resolution changing the street names and property address numbers of 253-255 Ann St. to 253 Shropshire Ave., of 664-676 Grot Dr. to 1246 Industry Rd., and of 600 Greenfield Dr. to 3775 Belleau Wood Dr.; and changing the property address numbers of 1535 Lakewood Dr. to 1545 Lakewood Dr., of 1141 Kees Rd. to 1145 Kees Rd., of 659 Lima Dr. to 655 Lima Dr., and of 353-357 Jefferson St. to 357 Jefferson St.; all effective thirty days from passage.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with the Fayette County Board of Education, for use of Winburn Middle School Gym for the Winburn Community Center Program.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Claunch Construction, LLC, for the Green Acres/Hollow Creek Stormwater Treatment Units, to improve drainage, for the Div. of Water Quality, increasing the contract price by the sum of \$2,800 from \$184,000 to \$186,800.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with E. Clark Toleman Real Estate Appraisal Services related to acquisition of sanitary sewer easements and/or real property necessary to implement the Remedial Measures Plan, required by the Consent Decree.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Urgent Treatment Clinics, to provide occupational wellness and services for a three (3) year term beginning January 1, 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Fayette County Public Schools, Div. of Law Enforcement, for sharing of the Mobile Data Network.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Mutual Aid Agreement with Fayette County Public Schools, Div. of Law Enforcement, for mutual aid.

A Resolution accepting the bids of the Allen Company, Inc., Boyd Gambrell Excavating, and E. C. Matthews Company, Inc., establishing construction unit price contracts, for the Div. of Engineering.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with Lexington Center Corp., for use of the Opera House for Kiddie Kapers.

A Resolution accepting the Collective Bargaining Agreement with Lexington Professional Firefighters, IAFF Local 526 on behalf of Fire Majors in the Div. of Fire and Emergency Services.

A Resolution amending Resolution No. 303-2012 establishing a Residential Parking Permit Program for the 1200 block of Kastle Rd. for the portion of the road fronting on 1211-1231 on the west side and 1216-1240 on the east side, from 8:00 a.m. to 4:00 p.m., Monday through Friday, from September 1 through May 31; to add to the Residential Parking Area the remainder of the 1200 block of Kastle Rd. and the portion of the 1300 block fronting on 1304 Kastle Rd., 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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The following Communications from the Mayor were received and on the docket for approval: (1) Recommending the appointment of Mr. Don Knuckles, as 8th District representative, to the Environmental Commission, with a term to expire 10-1-2016; (2) Recommending the appointment of Mr. Leonard C. Brown to the Environmental Hearing Commission, with a term to expire 6-1-2014; (4) Recommending the appointments of Mr. Angel R. Careaga, as business community representative, and Mr. Raymond L. Isenhour, as build/developer representative, to the Greenspace Commission, with terms to expire 7-18-2015 and 7-18-2013 respectively. The terms of Mr. John Park and Mr. Mark McCain have expired; (5) Recommending the appointment of Ms. Nancy Jo Kemper to the Human Rights Commission, with a term to expire 1-14-2014. Ms. Kemper will fill the unexpired term of Ms. Pam Duncan; (6) Recommending the reappointment of Mr. Robert L. McClelland to the Senior Services Commission, with a term to expire 9-1-2016; and (7) Recommending the appointment of Mr. Jonathan Perkins, as citizen representative, to the Tree Board, with a term to expire 4-19-2016.

Upon motion of Ms. Gorton, seconded by Mr. Kay, and approved by a majority vote of 12-0 (Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken), the Communications from the Mayor were amended to add the recommended appointment of Mr. Joseph Smith to the Board of Adjustment, with a term to expire 7-1-2013.

Upon motion of Mr. Blues, seconded by Mr. Lane, the amended Communications from the Mayor were approved by a majority vote of 12-0 (Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken).

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Upon motion of Mr. Blues, seconded by Mr. Lane, and passed by a majority vote of 11-0 (Mr. Martin recused himself, and Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken), the following Communication from the Mayor was approved and is as follows: (3) Recommending the appointment of Mr. Matthew B. Courtney to the Explorium of Lexington Board, with a term to expire 7-1-2014. Mr. Courtney will fill the unexpired term of Mr. Kyle Lake.

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The following Communications from the Mayor were received for information only: (1) Transfer of Vetta Todd, Administrative Specialist, Grade 110N, from the Div. of Accounting to the Div. of Waste Management, effective October 1, 2012; and (2) Reinstatement of Brandon Horseman, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 29, 2012.

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Upon motion of Mr. Lane, seconded by Ms. Lawless, and approved by a majority vote of 12-0 (Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken), an Ordinance establishing operational costs and efficiency goals and policies for Lexington-Fayette Urban County Government was placed into the Council Budget and Finance Standing Committee.

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Ms. Lawless reminded Citizens about all of the upcoming Halloween festivities, and recommended that they check www.lexingtonky.gov for details.

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The Div. of Building Inspection Report for the 3rd Quarter (July - September) of 2012 was received and filed.

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Ms. Robin Osgood, Rose Street, spoke about concerns with the Div. of Police announcing targeted traffic enforcement areas before operating in those areas.

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Upon motion of Mr. Ellinger, seconded by Mr. Stinnett, and approved by a majority vote of 12-0 (Ms. Crosbie, Mr. McChord, and Mr. Myers were absent when the vote was taken), the meeting adjourned at 8:20 p.m.

Clerk of the Urban County Council