

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Minutes - Final

Thursday, November 3, 2011

6:00 PM

Council Chambers

Urban County Council

I. Roll Call

Present 15 - Julian Beard;Tom Blues;Bill Farmer, Jr.;K.C. Crosbie;Chuck Ellinger;Diane Lawless;Doug Martin;Ed Lane;George Myers;Jay McChord;Steve Kay;Kevin Stinnett;Peggy Henson;Linda Gorton and Chris Ford

II. Invocation

Present 14 - Julian Beard;Tom Blues;Bill Farmer, Jr.;Chuck Ellinger;Diane Lawless;Doug Martin;Ed Lane;George Myers;Jay McChord;Steve Kay;Kevin Stinnett;Peggy Henson;Linda Gorton and Chris Ford

Absent 1 - K.C. Crosbie

III. Presentations

[00372-11](#)

2011 World Series Champions - Lexington Cal Ripkin Baseball Teams (10 and 12-year-olds)

IV. Ordinances – Second Reading

1. [00329-11](#)

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone for 5.0 net (5.74 gross) acres, with a conditional use permit, for property located at 564 Asbury Ln. (a portion of), subject to certain use restrictions imposed as conditions of granting the zone change (DMK Development Group, LLC).

A motion was made by Council Member Myers, seconded by Council Member Beard,that this Ordinance be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard;Council Member Tom Blues;Council Member Bill Farmer, Jr.;Council Member Chuck Ellinger;Council Member Diane Lawless;Council Member Doug Martin;Council Member Ed Lane;Council Member George Myers;Council Member Jay McChord;Council Member Steve Kay;Council Member Kevin Stinnett;Council Member Peggy Henson;Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

2. [00330-11](#)

An Ordinance amending Article 17-7(e)(6) of the Zoning Ordinance to allow a third wall-mounted identification or business sign for buildings with two street frontages within a professional office project in the Professional Office (P-1) zone.

A motion was made by Council Member Myers, seconded by Council Member Beard,that this Ordinance be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

3. [00331-11](#)

An Ordinance amending subsection 17-148(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government to limit enforcement to those defects which create a hazard to public safety and to provide for the adoption of enforcement regulations by the Urban County Council, and amending Subsection 17-152(b) of the Code to decrease the maximum civil penalty from \$1,000 to \$500.

A motion was made by Council Member Myers, seconded by Council Member Beard, that this Ordinance be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

4. [00332-11](#)

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. 41.

A motion was made by Council Member Myers, seconded by Council Member Beard, that this Ordinance be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

5. [00335-11](#)

An Ordinance creating and enacting Chapter 9A of the Code of Ordinances of the Lexington-Fayette Urban County Government pertaining to fireworks, and more specifically creating Section 9A-1 of the Code providing for a title; creating Section 9A-2 of the Code defining ancillary fireworks retailer, consumer fireworks, fireworks,

permanent fireworks retailer, and seasonal fireworks retailer; creating Section 9A-3 of the Code prohibiting use or sale except as provided in ordinance and providing additional requirements for use or sale of non-consumer and display fireworks; creating Section 9A-4 of the Code providing for compliance with applicable federal, state and local laws; providing for use between 10 A.M. and 10 P.M. only except on December 31st, July 3rd, July 4th or officially recognized Independence Day, when use allowed until 12 A.M.; prohibiting possession or use by persons under the age of eighteen years; prohibiting use within two hundred feet of any structure, motor vehicle, or any other person or during a ban on burning; providing for compliance with KRS 227.752 storage notification; and providing for responsibility for resultant trash and debris; creating Section 9A-5 of the Code providing for Retail Fireworks Permit and application process including information on applicant and site, proof of other compliances and approvals and insurance coverage, and payment of permit fees per location of \$500 for seasonal fireworks retailer or renewal of permanent fireworks retailer and \$2,500 for initial permanent fireworks retailer; creating Section 9A-6 and 9A-8 of the Code providing for restrictions on permittees and/or retailers including display of permit, no sales to or by those under the age of eighteen years and sales between 8 A.M. and 10 P.M. only; creating Section 9A-7 of the Code providing for suspension or revocation of permits; and creating Section 9A-9 of the Code providing for penalties for violations not to exceed \$1,000, thirty (30) days imprisonment, or both with a minimum fine of \$500 for violations not related to sections 9A-4(a) through (e) or (g), and a minimum fine for all other violations of \$100 for first offense, \$200 for second offense within twelve months and \$500 for a third or greater offense within twelve months; all effective on January 1, 2012.

Ordinance was amended and then approved.

A motion was made by Council Member Myers, seconded by Council Member Beard, that this Ordinance be Approved . The motion carried by the following vote.

Aye: 13 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 1 - Council Member Doug Martin

6. [00270-11](#)

An Ordinance amending Sections 4-12.3(e), 4-21(d) and 4-21.1 of the Code of Ordinances, relating to the Spay and Neuter Fund and Grant Program, to permit an agency designated by the Dept. of Public Safety to operate and administer the program and to retain a portion of license and redemption fees for funding the program.

A motion was made by Council Member Myers, seconded by Council Member Beard, that this Ordinance be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

V. Ordinances – First Reading

7. [00371-11](#) 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. 0043.

Received First Reading

8. [00318-11](#) An Ordinance creating and establishing for bid a non-exclusive telecommunications franchise for the placement of facilities for the generation, transmission, distribution and sale of telecommunications services within the public rights-of-way of Fayette County for a twelve (12) month duration, with an additional extension of time not to exceed six (6) months if a long term franchise is not offered prior to expiration; and providing for compliance with other relevant laws, regulations, standards, and ordinances; definitions; work, materials and construction standards; wire moving and tree trimming; performance bonds; indemnification; insurance; access to property and inspections; notice of filings with the Public Service Commission; no vested rights; limited assignment; notice of foreclosure and bankruptcy; cancellation or termination; violations and penalties; permitting and inspection fees; additional permitting and other requirements for substantial new construction, and bid requirements; all effective on date of passage.

A motion was made by Council Member Ellinger, seconded by Council Member Myers, that this Ordinance be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

9. [00367-11](#)

An Ordinance approving the Dept. of General Services' Policies and Procedures for usage of all facility space owned by the Lexington-Fayette Urban County Government; expressing the Urban County Council's authority to review and approval all leases and subleases and authorizing the Dept. of General Services to manage the leased facilities; providing that all tenants shall pay rent and enter into a standard lease for use of facilities owned by Lexington-Fayette Urban County Government; providing that the stated rental amount for all facilities shall be fair market value; providing that all tenants shall pay their operating expenses including, but not limited to, utilities, insurance, maintenance, janitorial services and repairs; providing that the Urban County Council shall consider grants and subsidies to tenants in the annual budgeting process and providing that all leases expire on the same date.

Received First Reading10. [00302-11](#)

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Safety Specialist, Grade 115E, and creating one (1) position of Administrative Specialist Sr., Grade 112N, in the Div. of Waste Management.

Received First ReadingVI. **Resolutions – Second Reading**1. [00312-11](#)

A Resolution accepting the bid of S & S Truck Tire Center, establishing a price contract for truck tire retreading, for the Div. of Facilities and Fleet Management. (2 Bids, Low)

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

2. [00311-11](#)

A Resolution accepting the bid of MMI of KY, in the amount of \$78,424.82 for Portable Heating System for Municipal Recycling Facility, for the Div. of Waste Management. (1 Bid)

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

3. [00342-11](#)

A Resolution approving and adopting regulations for the Div. of Code Enforcement for sidewalk violations, replacement and repair pursuant to Section 17-148 of the Code of Ordinances of the Lexington-Fayette Urban County Government.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

4. [00374-11](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Federal Emergency Management Agency Integrated Public Alert and Warning System Program Management Office, for management and utilization of various warning systems.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

5. [00263-11](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Customer Services Agreement with Windstream Communications, which is attached hereto and incorporated herein by reference, to provide ISDN dial tone service to the Div. of Emergency Management/911 (229 E. Third St.), at an annual cost not to exceed \$6,000 plus any additional long distance charges.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

6. [00271-11](#)

A Resolution changing the street names and property address numbers of 1 Imperial Ct. to 779 Newtown Pike, of 1765 Hatter Ln. to 1781 Sharkey Way, and of 1839 St. Ives Circle to 3849 Hidden Pond Rd.; changing the property address numbers of 336 and 372 Corral St. to 368 and 374 Corral St., of 231 Elm Tree Ln. to 217 Elm Tree Ln., of 770 Fox Industrial Rd. to 747 Fox Industrial Rd., of 109-111 Church St. to 111 Church St., and of 200 and 206 Burley Ave. to 208 and 202 Burley Ave.; and changing the street name of 786, 790, 794, and 798 Glendover Rd. to 786, 790, 794, and 798 Glendover Ct., all effective thirty days from passage.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

7. [00375-11](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Management Agreement with Meridian Management, for courthouse facilities maintenance, at a cost not to exceed \$36,000.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

8. [00305-11](#)

A Resolution ratifying the probationary civil service appointment of: Beth Florence, Accountant, Grade 113E, \$1,656.40 bi-weekly, in the Div. of Accounting, effective upon passage of Council; approving the probationary sworn appointments of: Gary Harris, Fire Lieutenant, Grade 315N, \$17.786 hourly, Carrie Bowling, Fire Captain, Grade 316N, \$23.039 hourly; Andrew Areaux, Fire Major, Grade 318E, \$3,521.79 bi-weekly, in the Div. of Fire and Emergency Services, effective September 29, 2011.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

9. [00353-11](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Engineering Services Agreements with EA Partners, PLC, Integrated Engineering, PLLC, Nesbitt Engineering, Inc., Palmer Engineering, CDP Engineers, Inc., HDR Engineers, GRW Engineers, Inc., and Tetra Tech, Inc., for stormwater and sanitary sewer projects, for the Div. of Water Quality.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

10. [00344-11](#)

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Rabbit Run/Stonewall Neighborhood Association (\$600), Black Church Coalition of the Bluegrass (\$1,225), Copperfield Neighborhood Association (\$600), ACT Ministries (\$450), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

11. [00345-11](#) 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 Bellefonte Dr. and E. Lowry Ln.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

12. [00295-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Lamar Companies for the production and installation of "Smart 911" billboard advertisements, for the Div. of Emergency Management/911, at a cost not to exceed \$5,650.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

13. [00296-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Advertising Space Rental Contract and any other necessary documents, with Advertising Vehicles for "Smart 911" advertisements to be placed on Lextran buses, for the Div. of

Emergency Management/911, at a cost not to exceed \$6,535.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

14. [00354-11](#)

A Resolution authorizing the Dept. of Environmental Quality and Public Works, on behalf of the Urban County Government, to renew the Contract with Bluegrass PRIDE for the Environmental Public Education Program for a period of one (1) year at no additional cost to the Urban County Government.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

15. [00286-11](#)

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Nursing Home Ombudsman Agency for space in the Senior Citizens Center (1530 Nicholasville Rd.)

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

16. [00288-11](#)

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Auction Listing Contract

with Schrader & Robertson Commercial Auctioneers, LLC, for disposal of surplus properties that have been unsuccessfully advertised for bid, at ten percent (10%) of the gross selling price.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

17. [00301-11](#)

A Resolution authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government and its Div. of Historic Preservation, to concur with the Memorandum of Agreement among the Ky. Finance and Administration Cabinet, the Ky. Community and Technical College System, Bluegrass Community and Technical College and the Ky. State Historic Preservation Office regarding the development of a Bluegrass Community and Technical College, Newtown Pike Campus in Lexington, Fayette County, Ky.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

18. [00293-11](#)

A Resolution approving an Amendment to the Addendum to the Purchase of Service Agreement with Chrysalis House to permit Chrysalis House to use the remainder of funds provided in the Agreement for FY 12 for the treatment of women with substance abuse issues and mental health disorders.

A motion was made by Council Member Gorton, seconded by Council Member Ellinger, that this Resolution be Approved . The motion carried by the following vote.

Aye: 14 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member George Myers; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

VII. Resolutions – First Reading

19. [00291-11](#)

A Resolution accepting the bid of Staples Contract & Commercial, Inc., operating as Staples Advantage, establishing a price contract for office supplies, for all Departments and Divisions of Lexington-Fayette Urban County Government. (9 Bids, Low)

Received First Reading

20. [00357-11](#)

A Resolution accepting the bid of Advanced Mulching Technologies, Inc., d/b/a Eco Gro, in the amount of \$90,827.80, for the McConnell's Trace Greenways Restoration Project, for the Div. of Engineering, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Advanced Mulching Technologies, Inc., d/b/a Eco Gro, related to the bid. (1 Bid)

Received First Reading

21. [00317-11](#)

A Resolution accepting the bids of Municipal Equipment, Inc., Central Indiana Truck Equipment Corp., Refuse Parts Depot, LLC, E-Z Pack Manufacturing, LLC, establishing price contracts for refuse collection truck parts, for the Div. of Facilities and Fleet Management. (4 Bids, Low)

Received First Reading

22. [00356-11](#)

A Resolution accepting the bid of Republic Services of Ky., LLC, establishing a price contract for transportation of leaf and yard waste, for the Div. of Waste Management. (2 Bids, Low)

Received First Reading

23. [00321-11](#)

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following: Alison Murrell, Administrative Specialist Sr., Grade 112N, \$17.198 hourly, in the Dept. of Law, James Gillis, Engineering Technician Principal, Grade 115E, \$2,000.64 bi-weekly, in the Div. of Engineering, authorizing the beginning of the probationary civil service probationary period upon successful completion of a physical or medical

examination as required, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following:
Christian Johnson, Childcare Program Aide - P/T, Grade 107N, \$10.691 hourly, in the Dept. of Social Services, Melissa Caudill, Staff Assistant Sr., Grade 108N, \$11.655 hourly, in the Office of the Coroner, effective upon passage of Council.

A motion was made by Council Member Blues, seconded by Council Member Gorton, that this Resolution be Approved . The motion carried by the following vote.

Aye: 13 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

Abstain: 1 - Council Member George Myers

24. [00368-11](#)

A Resolution ratifying the probationary civil service appointment of: Gerald Parker, Trades Supervisor, Grade 113N, \$25.013 hourly, in the Div. of Parks and Recreation, effective November 7, 2011; ratifying the probationary sworn appointments of: Clayton Roberts, Police Lieutenant, Grade 317E, \$3,025.14 bi-weekly, Matthew Greathouse, Police Sergeant, Grade 315N, \$28.588 hourly, Todd Phillips, Police Sergeant, Grade 315N, \$28.588 hourly, in the Div. of Police, effective upon passage of Council.

Received First Reading

25. [00369-11](#)

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bluegrass Community Action Partnership, Inc. (\$925), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

Received First Reading

26. [00377-11](#)

A Resolution expressing the intent of the Urban County Government to accept Derby Landing into public right-of-way upon return of the amended subdivision plan with signatures of property owners and recording of the plan.

Received First Reading

27. [00324-11](#)

A Resolution authorizing the Mayor, on behalf of the Urban county Government, to execute Change Order No. Two to the Contract with Marrillia Design and Construction, for the Lexington Streetscape Phase One, Vine St. Project, increasing the contract price by the sum of \$14,771.75 from \$1,764,083.82 to \$1,778,855.57.

Received First Reading

28. [00314-11](#) A Resolution authorizing the Mayor, on behalf of the Urban county Government, to execute and submit a Grant Application to the Ky. Energy and Environment Cabinet, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$138,921.33 Commonwealth of Ky. funds, are for continuation of the Litter Abatement 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.

Received First Reading

29. [00315-11](#) A Resolution authorizing and directing 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 \$119,108.21 Federal funds, are for the support of emergency preparedness activities in Lexington-Fayette County, the acceptance of which obligates the Urban County Government for the expenditure of \$119,108.21 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

Received First Reading

30. [00376-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Detention Easement, releasing a portion of a Detention Easement on property located at 158 Louie Place (1700 Leestown Rd.).

A motion was made by Council Member Blues, seconded by Council Member Gorton, that this Resolution be Approved . The motion carried by the following vote.

Aye: 13 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

Abstain: 1 - Council Member George Myers

31. [00378-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement releasing a sanitary sewer easement and a Partial Release of Detention Easement releasing a portion of a detention easement on property located at 1758 Hatter Ln.

A motion was made by Council Member Blues, seconded by Council Member Gorton, that this Resolution be Approved . The motion carried by the following vote.

Aye: 13 - Council Member Julian Beard;Council Member Tom Blues;Council Member Bill Farmer, Jr.;Council Member Chuck Ellinger;Council Member Diane Lawless;Council Member Doug Martin;Council Member Ed Lane;Council Member Jay McChord;Council Member Steve Kay;Council Member Kevin Stinnett;Council Member Peggy Henson;Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

Abstain: 1 - Council Member George Myers

- 32. [00313-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Group Sales Agreement with Hyatt Regency Lexington, for 2012 Bluegrass Invitational Tournament, at a cost not to exceed \$2,500.

Received First Reading

- 33. [00304-11](#) A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Facility Usage Agreements with various youth fall baseball leagues, for youth baseball.

Received First Reading

00382-11

A motion was made by Council Member Blues, seconded by Council Member Gorton,that this Agenda Item be Approved . The motion carried by the following vote.

Aye: 13 - Council Member Julian Beard;Council Member Tom Blues;Council Member Bill Farmer, Jr.;Council Member Chuck Ellinger;Council Member Diane Lawless;Council Member Doug Martin;Council Member Ed Lane;Council Member Jay McChord;Council Member Steve Kay;Council Member Kevin Stinnett;Council Member Peggy Henson;Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

Abstain: 1 - Council Member George Myers

00383-11

A motion was made by Council Member Blues, seconded by Council Member Gorton,that this Resolution be Approved . The motion carried by the following vote.

Aye: 13 - Council Member Julian Beard;Council Member Tom Blues;Council Member Bill Farmer, Jr.;Council Member Chuck Ellinger;Council Member Diane Lawless;Council Member Doug Martin;Council Member Ed Lane;Council Member Jay McChord;Council Member Steve Kay;Council Member Kevin Stinnett;Council Member Peggy Henson;Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

Abstain: 1 - Council Member George Myers

00384-11

A motion was made by Council Member Blues, seconded by Council Member Gorton, that this Resolution be Approved . The motion carried by the following vote.

Aye: 13 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

Abstain: 1 - Council Member George Myers

00385-11

A motion was made by Council Member Blues, seconded by Council Member Gorton, that this Resolution be Approved . The motion carried by the following vote.

Aye: 13 - Council Member Julian Beard; Council Member Tom Blues; Council Member Bill Farmer, Jr.; Council Member Chuck Ellinger; Council Member Diane Lawless; Council Member Doug Martin; Council Member Ed Lane; Council Member Jay McChord; Council Member Steve Kay; Council Member Kevin Stinnett; Council Member Peggy Henson; Council Member Linda Gorton and Council Member Chris Ford

Nay: 0

Abstain: 1 - Council Member George Myers

VIII. Communications From the Mayor

00370-11

1. Recommending the reappointment of Mr. Richard F. Curtis to the Animal Care and Control Oversight Committee, with a term to expire 10-30-2015.
2. Recommending the reappointment of Ms. Lucy Pett to the Carnegie Literacy Center Board of Directors, with a term to expire 10-18-2015.
3. Recommending the reappointment of Ms. Becky L. Reinhold, as Fayette County representative, to the Convention & Visitors Bureau Board of Directors, with a term to expire 9-9-2014.
4. Recommending the appointment of Ms. Terona Cobble-Johnson to the Domestic Violence Prevention Board, with a term to expire 1-1-2015.
5. Recommending the appointment of Ms. Sara M. Fick, as

Casual Riders representative, to the Masterson Station Park Advisory Board, with a term to expire 11-14-2015.

6. Recommending the appointment of Ms. Jessi L. Roberts, as Fayette County School System representative, to the Raven Run Citizens Advisory Board, with a term to expire 1-10-2014. Ms. Roberts will fill the unexpired term of Ms. Hillary McWhorter.
7. Recommending the appointment of Ms. Elizabeth A. Frank to the Senior Services Commission, with a term to expire 9-1-2014. Ms. Frank will fill the unexpired term of Ms. Rosa Martin.

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Linda Gorton, that this Communication be Approved . The motion PASSED by an unanimous vote.

IX. Announcements

X. Public Comments

Adjournment

A motion was made by Council Member Chuck Ellinger, seconded by Council Member Ed Lane, that this be Adjourn . The motion PASSED by an unanimous vote.