

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky July 5, 2012

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on July 5, 2012 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Kay, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Ellinger, Farmer, Ford Gorton, and Henson. Absent was Council Member Crosbie.

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

Resolutions No. 309-2012 thru 344-2012, and Ordinances No.73-2012 thru 80-2012, inclusive were reported as having been signed and published, and ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky July 5, 2012

Mr. Farmer introduced the Rev. Ron Edmonson, Senior Pastor of Immanuel Baptist Church, who offered the Invocation.

\* \* \*

The Mayor stated a group of students from Winburn Middle School were in attendance to be recognized for their achievements on National History Day. A video about the program was presented. The Mayor welcomed the students' teachers: Ms. Theresa Buczek and Ms. Michelle Cason. He introduced Mr. Kent Whitworth, Director of the Kentucky Historical Society.

Mr. Whitworth spoke about the National History Day program and introduced Ms. Cheryl Caskey, National History Day Program Coordinator, who explained more about the Award. Council Member Ford also spoke about the program and the achievements of the students. Ms. Caskey introduced the award-winners: Ms. Neha Kedambi, Ms. Meenakshi Singhal (not in attendance), Ms. Joanna Slusarewicz who was represented by her father, Mr. Paul Slusarewicz, Mr. Daryn Smith, and Ms. Jamie Smith.

\* \* \*

An Ordinance amending Section 24-51 of the Code of Ordinances relating to inmate medical fees to increase the co-payment an inmate pays for medical care from five dollars (\$5.00) to fifteen dollars (\$15.00), to require an inmate to pay the cost of prescription medication if the prescription is fourteen dollars and ninety-nine cents (\$14.99) or less and to pay a co-payment of fifteen dollars (\$15.00) if the prescription costs more than fourteen dollars and ninety-nine cents (\$14.99), to include a booking fee of thirty-five dollars (\$35.00), and to provide that any fees received shall be used to help offset the costs of operating the detention center was on the docket for second reading.

Ms. Lawless made a motion, seconded by Mr. Kay, to amend the ordinance to include: "if a negative balance is maintained, and a subsequent deposit is made to an inmate's account by a third party other than the inmate, no more than 50% of the deposit shall be used to offset the negative balance, and if any inmate is acquitted of any of the charges for which they were arrested and incarcerated, they will have their \$35.00 booking fee returned." She explained the intent of the amendment.

Ms. Gorton asked Ms. Lawless to repeat the motion. Ms. Lawless did so.

Ms. Gorton asked questions of Mr. Rodney Ballard, Director of the Div. of Community Corrections. Mr. Ballard responded.

The Council continued to ask questions of Mr. Ballard regarding the motion on the floor. Ms. Lawless also responded to questions.

Ms. Lawless withdrew the portion of the motion regarding the refund of the \$35.00 booking fee. Mr. Kay, as seconder, asked questions about the motion.

Ms. Lawless withdrew her initial motion, and replaced it with a motion to amend the ordinance to include: "if a negative balance is maintained, and a subsequent deposit is made to an inmate's account by a third party other than the inmate, no more than 50% of the deposit shall be used to offset the negative balance." Mr. Kay seconded the motion.

Ms. Gorton asked questions of Mr. Ballard and Ms. Lawless regarding the motion.

Ms. Lawless spoke again about putting the second portion of the original motion into Committee.

Mr. Stinnett asked questions of Mr. Ballard.

The motion **failed** by a vote of 4-10 (Lane, Martin, McChord, Myers, Stinnett, Beard, Blues, Farmer, Ford and Gorton voted **no**.)

The following citizens spoke about the proposed changes in the Community Corrections fees: (1) Mr. Corey Dunn, Pimlico Parkway; (2) Mr. James "Thunderbolt" Mason, Jr., Lexington resident; (3) Mr. Michael Ide, Devonia Avenue; (4) Ms. Shaye Simonec, Aylesford Place; and (5) Mr. Drew Duncan, Woodland Avenue.

An Ordinance amending Section 24-51 of the Code of Ordinances relating to inmate medical fees to increase the co-payment an inmate pays for medical care from five dollars (\$5.00) to fifteen dollars (\$15.00), to require an inmate to pay the cost of prescription medication if the prescription is fourteen dollars and ninety-nine cents (\$14.99) or less and to pay a co-payment of fifteen dollars (\$15.00) if the prescription costs more than fourteen dollars and ninety-nine cents (\$14.99), to include a booking fee of thirty-five dollars (\$35.00), and to provide that any fees received shall be used to help offset the costs of operating the detention center was given second reading.

Mr. Ford made a motion, seconded by Mr. Beard, and approved by unanimous vote, to separate the ordinance from the list of ordinances for second reading for voting purposes.

Mr. Farmer made a motion, seconded by Ms. Gorton, to approve the ordinance.

Mr. Ford, Mr. Kay and Ms. Lawless spoke about the ordinance and expressed their concerns.

Ms. Lawless asked if the time was appropriate to make a motion to place into the Council Public Safety Committee the issue of inmate accounts and only 50% of any funds placed into a commissary account being taken by Community Corrections. The Mayor asked if Ms. Lawless wished to wait until after Ms. Henson had spoken on the issue. She stated she would wait.

Ms. Henson asked a question of Mr. Ballard about inmate account practices. Mr. Ballard responded.

Mr. Stinnett asked questions of Mr. Ballard about the medical care at the Detention Center.

Mr. McChord made a point of order that there was already a motion on the floor. The Mayor accepted the point of order and asked that the Clerk conduct the roll call vote.

The ordinance was approved by the following vote:

Aye: Lane, Martin, McChord, Myers, Stinnett,  
Blues, Ellinger, Farmer, Gorton, Henson-----10

Nay: Kay, Lawless, Beard, Ford-----4

\* \* \*

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

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

Nay: -----0

An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a Neighborhood Business (B-1) zone for 0.225 net (0.273 gross) acre, for property located at 763 Lane Allen Rd. (Sable Holdings, LLC).

An Ordinance amending Articles 13-4 and 13-9 of the Zoning Ordinance to update membership provisions of the Historic Preservation Commission and references to codes for properties within the Historic Overlay (H-1) zone.

An Ordinance amending Article 8-20(b) of the Zoning Ordinance to add retail sales of automotive parts with storage and distribution of inventory to other local establishments under the same ownership in the Highway Service Business (B-3) zone.

An Ordinance amending Subsections 16-16.2(c), 16-64(c), and 16-404(4) of the Code of Ordinances of the Lexington-Fayette Urban County Government to provide for a penalty for unpaid bills after fifteen (15) days and interest at the statutory rate; creating Sections 16-16.4, 16-64.1, and 16-404.1 of the Code to provide for a two (2) year period effective August 1, 2012 within which to file a claim for refund and a claims process; creating Subsection 16-59(b)(3) of the Code to provide for billing credits; amending Section 16-63 of the Code to provide for monthly billings and billing adjustments within two (2) years; amending Subsection 16-64(a) of the Code to provide for assessment of fees or expenses incurred as a result of discontinuing water service; and amending Subsection 16-408(2) of the Code relating to the membership of the Water Quality Fees Board; all effective August 1, 2012.

An Ordinance pursuant to Sections 3.02(24) and 6.12 of the Charter of the Lexington-Fayette Urban County Government transferring the Div. of Engineering and the incumbents in all authorized positions as well as all vacant positions from the Dept. of Environmental Quality and Public Works to the Dept. of Planning, Preservation and Development at their current job classification, pay grade and salary.

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. 1.

\* \* \*

The following ordinances were given first reading and ordered placed on file until July 10, 2012 for public inspection.

An Ordinance amending Section 2-243(2) of the Code of Ordinances related to the Raven Run Citizens Advisory Board to include the word ecological as a purpose; amending Section 2-244 of the Code of Ordinances related to the Raven Run Citizens Advisory Board to delete Garden Club of Lexington and the phrase selected from the

Fayette County School System and replace them with a Lexington Garden Club and a current or former educator from a Fayette County School.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Skilled Trades Worker, Grade 111N and one (1) position of Public Service Worker, Grade 106N and creating one (1) position of Administrative Specialist, Grade 110N in the Div. of Parks and Recreation, appropriating funds pursuant to Schedule No. 2, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing two (2) positions of Public Service Worker, Grade 106N, and creating one (1) position of Operations Manager, Grade 116E, in the Div. of Waste Management, appropriating funds pursuant to Schedule No. 003, effective upon passage of Council.

An Ordinance amending Sections 21-25, 22-22, 22-5, 22-53.2, and 23-28 of the Code of Ordinances providing a two percent (2%) structure movement to the salary schedules applicable to Classified Civil Service Employees, Unclassified Civil Service Employees, including Council staff, and traffic school guards, and a two percent (2%) increase to the maximum of the pay range of Program Assistant - PT, providing that all Classified and Unclassified Civil Service Employees, except seasonal employees in Account 332, who receive a satisfactory score on their performance evaluation, pursuant to Sections 21-29(d) and 22-26(5) of the Code of Ordinances, shall receive a two and a half percent (2.5%) pay increase if their salary is less than \$39,700.00 and a two percent (2%) pay increase if their salary is greater than \$39,700.00; amending Section 23-32(d) of the Code of Ordinances modifying the existing step structure for the positions of Police Chief, Grade 324E, and Fire Chief, Grade 324E; increasing the salary by two percent (2%) of one (1) position of Friend of the Court, Grade 000, within the Office of the Circuit Judges, one position of ABC Administrator - PT, Grade 000, within the Office of Alcohol Beverage Control, three (3) positions of Law Clerk - PT, Grade 000, within the Department of Law, three (3) positions of Skilled Trade Worker - PT, Grade 000, within the Division of Community Corrections, one (1) position of Park Patrol Coordinator - P/T, within the Div. of Parks and Recreation, and two hundred twenty-nine (229) positions of Program Assistant - P/T, within the Div. of Parks and Recreation, all to become effective retroactive to July 2, 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. 4.

\* \* \*

Upon motion of Mr. Stinnett, seconded by Mr. McChord, and approved by unanimous vote, an Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone for 18.23 net and gross acres, for property located at 3435 McFarland Lane, subject to certain use restrictions imposed as conditions of granting the zone change (The Fairways at Andover, LLC), was placed on the docket, given first reading, and ordered placed on file until July 10, 2012 for public inspection.

Mr. Stinnett clarified that he did not wish to place the ordinance on the docket with a public hearing.

\* \* \*

A Resolution changing the street names and property address numbers of 1400 Corona Dr. to 4513 Clubhouse Dr.; 2980 Mahala Ln. to 3048 Drexel Pass; 772 ½ Shelby Ave. to 913 Highland Dr.; 454 E. Maxwell St. to 304 Transylvania Park, 1076 Wyndham Hills Dr. to 3964 Wyndham Ridge; changing the property address number of 1360, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1414, 1413, 1416, 1415, 1416 ½, 1417, 1418, 1420, 1426, 1428, 1430, 1432, 1434, 1436, 1437, 1438, 1441-1443, 1440, 1442, 1447-1449, 1450, 1453, and 1457-1459 Elizabeth Street to 1351, 1484, 1485, 1488, 1489, 1492, 1493, 1496, 1497, 1500, 1505, 1506, 1509, 1512, 1513, 1516, 1517, 1521, 1525, 1529, 1533, 1537, 1541, 1545, 1546, 1549, 1550, 1557, 1561, 1562, 1565, 1570, and 1574 Elizabeth St., 4986 Newtown Pike to 4980 Newtown Pike, 3200 Nicholasville Rd. to 3220 Nicholasville Rd., 570-576 Quin Shearer Ct. to 576 Quin Shearer Ct., and 2051 Richmond Rd. to 2041 Richmond Rd.; and changing the street names of 336, 338, 340, 342, 344, 346, and 348 Campsie Pl. to 336, 338, 340, 342, 344, 346, and 348 Campsie Ct.; all effective thirty days from passage was given second reading.

Ms. Lawless asked a question of Mr. David Lucas, Director of Enhanced 911 in the Div. of Emergency Management/911, about the process for changing addresses. Mr. Lucas responded.

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

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

Nay: -----0

\* \* \*

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a FY2013 Purchase of Service Agreement with Lexington's Children's Museum, Inc. d/b/a Explorium of Lexington, to provide education and cultural experience for children and their caregivers, at a cost not to exceed \$169,000, subject to sufficient funds being appropriated was given second reading.

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

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

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

\* \* \*

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

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

Nay: -----0

A Resolution accepting the bid of Universal Environmental Services, establishing a price contract for used oil recycling, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Ecolab, Inc., establishing a price contract for laundry dispensing system and supplies, for the Div. of Community Corrections.

A Resolution accepting the bid of Bluegrass Mailing Data and Fulfillment Services, establishing a price contract for print and mailing services - Sewer, Landfill and Water Quality Fees, for the Div. of Revenue.

A Resolution accepting the bids of Commercial Services, Inc. d/b/a Signs Now; Rocal, Inc.; and Saf-Ti-Co, Inc., establishing price contracts for Sanitary Sewer

Overflow (SSO) signs, for the Div. of Water Quality, and authorizing the Mayor to execute any related Agreements.

A Resolution ratifying the probationary civil service appointment of: Alicia Smith, Administrative Specialist Sr., Grade 112N, \$18.194 hourly, in the Div. of Human Resources, effective June 18, 2012.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute seven (7) Releases of Easements releasing various streetlight, sanitary sewer, storm and drainage easements on various properties located on Weston Park.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Dept. of Military Affairs, Div. of Emergency Management, for extension of the Southbend-Lone Oak Dr.-Lafayette Parkway Flood Mitigation Project through September 14, 2012 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 Bluegrass Regional Mental Health-Mental Retardation Board, Inc., d/b/a Comprehensive Care Center, for mental health services for inmates at the Detention Center, at a cost not to exceed \$881,265.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Central Business Systems, for mail equipment and maintenance, at a cost not to exceed \$3,107.28.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Lexington-Fayette County NAACP Branch, for lease of space at the Black and Williams Neighborhood Center located at 498 Georgetown St.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Urban League of Lexington-Fayette County, for lease of space at Black & Williams Neighborhood Center at 498 Georgetown St.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Lexington-Fayette Urban County Human Rights Commission, for purchase of services for FY 2013, at a cost not to exceed \$200,260.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Education, Div. of School and Community Nutrition, 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 \$79,000 Federal funds, are for participation in the Child Care Food Program at the Family Care Center, 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 Sublease and Management Agreement (Contract #4730) with Lexington Arts and Cultural Council, Inc., for management and operation of the Downtown Arts Center.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Letter Agreement with Dean Dorton Allen Ford, PLLC, for preparation of the Sheriff's Settlement for the 2011 Property Tax Year, at a cost not to exceed \$15,000 in FY 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Pedal the Planet, Inc., of 3 Fix-It Stations, for use at Legacy Trail, at no cost to the Urban County Government.

A Resolution amending Section 1 of Resolution No. 333-2006 which authorized and directed the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying permanent storm sewer and temporary construction easements from David Freeman for property located at 695 Woodward Ln., for the Wilderness Rd./Woodward Ln. Sanitary Sewer Project, changing the cost from no cost to the Urban County Government to \$1,796.85, plus usual and appropriate closing costs.

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 permanent sanitary sewer and temporary construction easements from Sheldon T. and Janet L. Reynolds, for the property located at 683 Woodward Ln., for the Wilderness

Rd./Woodward Ln. Sanitary Sewer Project, and authorizing payment in the amount of \$849.90, plus usual and appropriate closing costs.

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 permanent sanitary sewer and temporary construction easements from Ronald and Rose Crim, for the property located at 679 Woodward Ln., for the Wilderness Rd./Woodward Ln. Sanitary Sewer Project, and authorizing payment in the amount of \$261.90, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Justice and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$129,533 Federal funds under the State Criminal Alien Assistance Program (SCAAP), and are for reimbursement of costs related to the incarceration of undocumented criminal aliens.

A Resolution authorizing Dean Dorton Allen Ford, PLLC to conduct a financial audit of all Lexington-Fayette Urban County Government Funds for Fiscal Year 2012 for an amount not to exceed \$124,000, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement or documents with Dean Dorton Allen Ford, PLLC related to the audit.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement releasing a portion of a sanitary sewer easement on property located at 4101 Tates Creek Rd.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Bluegrass Workforce Investment Board, 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 \$115,000 Federal funds, and are for a Workforce Investment Act Project for the Div. of Youth Services, the acceptance of which obligates the Urban County Government for the expenditure of \$33,940 as a local match, 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 a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of \$2,721,700 Federal funds, are for the Legacy Trail Phase III, the acceptance of which obligates the Urban County Government for the expenditure of \$680,425 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with RCC Consultants, Inc., a sole source provider, for technical systems review services, at a cost not to exceed \$35,820.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with CDP Engineers, Inc., for the Loudon Avenue Sidewalk Project, for the Div. of Engineering, at a cost not to exceed \$44,652.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Department of Military Affairs, Div. of Emergency Management, for extension of the Comprehensive Hazard Mitigation Plan Update Project through June 30, 2014, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Modification #3 to the Neighborhood Stabilization Program Funding Agreement with the Ky. Dept. for Local Government, for \$27,072 in additional Federal funds for unanticipated program costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the University of Louisville Research Foundation, for extension of the Agreement for Hazard Mitigation Planning Services through June 30, 2013.

A Resolution authorizing the Div. of Emergency Management/911, on behalf of the Urban County Government, to purchase Zumro non ambulatory roller systems on carts with accessories under the Metropolitan Medical Response System Project and the Chemical Stockpile Emergency Preparedness Program from Advance Eco Systems, Inc., a sole source provider, at a cost not to exceed \$48,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Five to the Contract with Woodall Construction Co., Inc., for the construction of Clays Mill Rd. Improvements Project, increasing the contract price by the sum of \$76,318.31 from \$3,674,372.29 to \$3,750,690.60.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with M2D Design Group, for the Gainesway Trail Project, for the Div. of Engineering, at a cost not to exceed \$43,825.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Div. of Forestry, which Grant funds are in the amount of \$10,000 Federal funds, are for the treatment of ash trees on publicly managed lands, 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 a New Case Document, Amendment to Plan Management Agreement, and Amendment to Group Stop-Loss Policy Extension with Humana Insurance Co. for the administration of health care claims for the period of January 1, 2012 through December 31, 2012.

A Resolution approving the communication of the Chief Administrative Officer relating to the petition for recognition of the American Federation of State, County and Municipal Employees, Council 62, for the purpose of meeting and conferring.

\* \* \*

The following resolutions were given first reading and ordered placed on file until July 10, 2012 for public inspection.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Purchase of Service Agreements for FY2013 with Commerce Lexington (\$457,000), Downtown Lexington Corporation (\$42,710), Ky. World Trade Center (\$110,000), Lexington Ky. Chapter of SCORE (\$5,540), Lyric Theatre and Cultural Arts Center, Inc. (\$150,000), Bluegrass Area Development District (\$75,110), and Lexington Downtown Development Authority, Inc. (\$211,230), at a total cost not to exceed \$1,051,590.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Grant Agreement with the University of Ky. Research Foundation for acceptance of \$10,000 for implementation of a collision reporting quality control project.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Encroachment Agreement with CSX Transportation, Inc., for the Wolf Run Pump Station Expansion and Relocation Project, for the Div. of Water Quality, at a cost not to exceed \$4,250.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept deeds for property interests needed for the Shadeland East/Ecton Park Sanitary Sewer Improvements Project, at a cost not to exceed \$73,267.50.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Concession/Donation Agreement with Fayette County Cooperative Extension District Board, for the Fayette County Cooperative Extension District Board's donation and use of a livestock barn at Masterson Station Park Fairgrounds.

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 Protiviti, Inc., for a comprehensive audit of the Peoplesoft System, at a cost not to exceed \$110,766.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Purchase of Service Agreements with Baby Health Service (\$12,500), Bluegrass Community Action Agency (\$19,500), Bluegrass Domestic Violence Program (\$63,750), Bluegrass Rape Crisis Center (\$31,220), Bluegrass Technology Center (\$24,870), Carnegie Literacy Center (\$21,000), Center for Women, Children and Families (\$80,000), Chrysalis House (\$103,700), Community Action Council (\$147,975), Hope Center (\$666,000), Ky. Pink Connection (\$24,375), Ky. Refugee Ministries (\$31,519), M.A.S.H. Services of the Bluegrass (\$120,870), Mission Lexington, Inc. (\$24,961), Moveable Feast Lexington (\$24,700), Nursing Home Ombudsman Program (\$33,750), Prevent Child Abuse Ky. (\$10,756), Salvation Army (\$224,400), Sunflower Kids (\$14,157), Urban League of Lexington-Fayette County

(\$63,375), and YMCA of Central Ky. (\$15,000), to provide services to the public, at a cost not to exceed \$1,758,378.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Education and Outreach Contract with Bluegrass PRIDE for recycling, waste management, energy efficiency, and water public education programs for the Div. of Environmental Policy, at a cost not to exceed \$599,980.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Clean Fuels Coalition and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$22,517 from Ky. Utilities, and are for the purchase of an electricity-powered vehicle.

A Resolution approving the renewal of the Engineering Services Agreement with Tetra Tech, Inc., to provide annual Program Management Services for Consent Decree implementation and MS4 Permit Compliance, at a cost not to exceed \$816,000.

A Resolution approving the selection of AU Associates as the developer for the Southend Park Village Housing Development as part of the Newtown Pike Extension Project.

A Resolution authorizing the Div. of Emergency Management/911 to obtain support services for its Emergency Notification System from Dialogic Communications Corp (DCC) d/b/a Cassidian Communications, a sole source provider, at a cost not to exceed \$36,551.20, and authorizing the Mayor to execute any necessary documents.

A Resolution authorizing the Mayor or his designee, on behalf of the Urban County Government, and in order to expedite the initial completion of the Public Safety Radio System, to execute any necessary documents with the Federal Communications Commission.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, and in order to expedite the initial completion of the Public Safety Radio System, to execute up to six (6) agreements and/or leases and any other necessary related documents for use of radio tower sites for the system, contingent upon the agreements or leases containing appropriate provisions as determined by the Departments of Public Safety and Law and not exceeding a cumulative annual amount of \$60,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant application to the U.S. Department of Justice and to provide any additional information requested in connection with this Grant application, which Grant funds are in the amount of \$248,624 Federal funds, and are for a Violent Gang and Gun Crime Reduction (Project Safe Neighborhoods) Program.

A Resolution approving and authorizing an Assistance Agreement between the Lexington-Fayette Urban County Government and the Ky. Infrastructure Authority to provide \$10,500,000 of loan funds for wastewater system improvements.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit seven (7) Grant applications to the Ky. Office of Homeland Security and to provide any additional information requested in connection with these Grant applications, which Grant funds are in the amount of \$1,923,968.00 Federal funds under the 2012 State Homeland Security Grant Program, and are for the purchase of search and rescue equipment for the Div. of Fire and Emergency Services (\$94,920); Structural Collapse Technician (SCT) Certification Training (\$53,788); a Mobile Data Computer Project for the Div. of Police (\$709,660); the purchase of narrowband capable mobile radio units (\$900,000); an Emergency Response Unit (ERU) Equipment Project (\$23,000); Hazardous Devices Unit Training (\$55,000); and a Hazardous Devices Unit Equipment Project (\$87,600).

A Resolution initiating various Zoning Ordinance text amendments to authorize moving enforcement of Article 17, the Sign Ordinance, from the Div. of Building Inspection to the Div. of Planning.

A Resolution authorizing and directing the Dept. of Law to institute condemnation proceedings in Fayette Circuit Court to obtain permanent sanitary sewer and temporary construction easements at 2280 Hume Rd. for the Expansion Area 2A Pump Station and Force Main Project.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Winburn Neighborhood Association, Inc. (\$500), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with YMCA of Central Ky. (\$250), Smithtown Community

Neighborhood Association (\$500), Dunbar Advisory Council (\$800) and Common Good (\$750), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

\* \* \*

Mr. Kay made a motion, seconded by Mr. Farmer, to place on the docket a Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointment: Drew Hale, Financial Coordinator, Grade 112N, \$16.023 hourly, in the Div. of Grants and Special Programs, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Keri Allen, Staff Assistant Sr., Grade 108N, \$11.655 hourly in the Dept. of Social Services, effective upon passage of Council.

Mr. Lawless asked a question of Mr. Kay regarding the motion. Mr. Kay and Ms. Glenda George, Dept. of Law, responded.

The motion was approved by unanimous vote.

The resolution was placed on the docket, given first reading, and ordered placed on file until July 10, 2012 for public inspection.

\* \* \*

Upon motion of Mr. Kay, seconded by Mr. Blues, and approved by unanimous vote, a Resolution ratifying the probationary civil service appointments of: Tim Jackson, Public Service Worker, Grade 106N, \$11.676 hourly, in the Div. of Parks and Recreation, effective June 25, 2012, Guy Stone, Public Service Supervisor, Grade 111N, \$19.942 hourly, in the Div. of Parks and Recreation, effective July 16, 2012, Ashley Case, Human Resources Manager, Grade 119E, \$2,142.96 bi weekly, in the Div. of Human Resources, effective July 2, 2012, Sheila Lewis-Collins, Engineering Technician Sr., Grade 113E, \$1,446.88 bi weekly, in the Div. of Water Quality, effective July 9, 2012 and Tonia Walters, Administrative Specialist, Grade 110N, \$14.443 hourly, in the Div. of Revenue, effective July 9, 2012; ratifying the unclassified civil service appointment of: Gerald Florence, Microcomputer Specialist, Sr., Grade 113N, \$20.990 hourly, in the Div. of Police, effective July 2, 2012; ratifying the probationary sworn appointments of: John Walters, Fire Captain, Grade 316N, \$23.039 hourly, in the Div. of Fire and Emergency Services, effective June 1, 2012 and Gregory Beck, Fire Captain,

Grade 316N, \$23.039 hourly, in the Div. of Fire and Emergency Services, effective June 1, 2012; ratifying the approved Council leave for: Dora Bryant, Administrative Specialist, Sr., Grade 112N, in the Div. of Building Inspection, beginning June 17, 2012 thru July 17, 2012 and unclassified civil service pay increases in the Office of the Urban County Council: Dina Melvin, Aide to Council, Grade 000E, increase from \$1,986.96 bi weekly to \$2,115.38 bi weekly, effective July 2, 2012 was placed on the docket, given first reading, and ordered placed on file until July 10, 2012 for public inspection.

\* \* \*

Upon motion of Mr. Ellinger, seconded by Ms. Henson, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Richard M. Hopgood to the Airport Board with a term to expire 7-15-2016; and (2) Recommending the reappointment of Patrick Brewer to the Planning Commission with a term to expire 7-1-2016.

\* \* \*

The following Communications from the Mayor were received for information only: (1) Approving voluntary demotion for Robert Hendricks, Firefighter, Grade 311N, \$10.911 hourly, in the Div. of Fire and Emergency Services, effective June 25, 2012; (2) Reinstatement of Stephen Sword, Producer, Grade 113N, \$19.277 hourly, in the Div. of Government Communications, effective July 2, 2012; and (3) Acting Assignment of Thad Scott, Code Enforcement Supervisor, Grade 116E, \$1,549.12 bi-weekly, in the Div. of Code Enforcement, effective June 6, 2012.

\* \* \*

Mr. Blues spoke about the issue of fireworks, and what the Council had heard from constituents on the issue.

Mr. Blues made a motion, seconded by Mr. Martin, to refer to the Council Public Safety Standing Committee the issue of banning the sale and ignition of consumer fireworks and to consider the question of enforcement of prohibition of fireworks if that were to be a recommendation of the Public Safety Committee.

The motion was approved by unanimous vote.

\* \* \*

Ms. Lawless thanked everyone, especially Urban County Government personnel and Downtown Lexington Corporation personnel, for their work on the July 4<sup>th</sup> festivities downtown.

She also asked about the timeline for a new Police Recruit class. Mr. Clay Mason, Commissioner of the Dept. of Public Safety, stated the names for the class would be presented at the next Council meeting.

\*

\*

\*

Mr. Ford offered congratulations to Mr. Keith Jackson, Chief of the Div. of Fire and Emergency Services, on his official status. He commented on the historic nature of his appointment, and the quality of his leadership.

The Mayor echoed Mr. Ford's comments.

\*

\*

\*

Mr. Greg Capillo, North Hanover Avenue, spoke about the ordinance just passed by Council that adjusted the fees at the Detention Center.

\*

\*

\*

Upon motion of Mr. Stinnett, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 7:59 p.m.

---

Clerk of the Urban County Council