

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky November 15, 2012

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 15, 2012 at 6:00 P.M. Present were Mayor Jim Gray in the chair presiding, and the following members of the Council: Council Members Blues, Crosbie, Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Martin, McChord, Myers and Stinnett. Absent was Council Member Beard.

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

Resolutions No. 564-2012 thru 600-2012, and Ordinances No. 128-2012 thru 136-2012, inclusive were reported as having been signed and published, and ordered to record. Ordinance No. 137-2012 passed by Operation of Law on October 25, 2012, and was published and ordered to record.

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The Invocation was given by Pastor Jonathon Smith, Lima Drive Seventh Day Adventist Church. The Mayor welcomed Pastor Smith, whom he said had moved to Lexington in September, and had made immediate efforts to become involved in the community.

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Upon motion of Mr. Ellinger, seconded by Ms. Crosbie, the Minutes of the August 30 (corrected), September 27, and October 11, 2012 Council Meetings were approved by unanimous vote.

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The Mayor invited Mr. Myers to join him in recognizing the Tates Creek High School Womens' Soccer Team, 2012 State Champions. The Mayor spoke about the team's accomplishments, and proclaimed November 15, 2012, Tates Creek High School Women's Soccer Day.

Mr. Myers recognized Mr. Bo Lankster, Head Coach, and presented the Commemoration to the Team Captains, Ms. Arly Lankster, Ms. Elaine Simpson, and Ms. Abby Vanbussum.

The Mayor recognized Ms. Jessica Richardson, Senior, who thanked the Mayor and Council for the recognition.

Mr. Lankster thanked the Mayor and Council for recognizing the team. He introduced members of the two teams. Junior Varsity team members include: Ms. Sarah Williams, Ms. Haley Poynter, Ms. Makayla Shearer, Ms. Sophia Daniel, Ms. Jensen Butler, Ms. Sarah Jordan, Ms. McKaylee Copher, Ms. Bailey McNees, Ms. Katherine Hein, Ms. Madison Gayheart, Ms. Kira Turner, Ms. Sydney Isaccs, Ms. Kayla Carter, Ms. Hannah Hillard, Ms. Christine Walraven, and Ms. Danielle Doering. Varsity team members include: Ms. Destinie Graves, Ms. Lauren Perri, Ms. Kylie Russ, Ms. JoJo Gullo, Ms. Alex Tussey, Ms. Mallory Eubanks, Ms. Jordan Chlebowy, Ms. Abby Vanbussum, Ms. Elaine Simpson, Ms. Shelby Williams, Ms. Jessica Richardson, Ms. Ally Poage, Ms. Ashlee Vanhooser, Ms. Hannah Kardos, Ms. Bailey Lankster, Ms. Aaron Lankster, Ms. Mazie Fry, Ms. Arly Lankster, Ms. Katie Workman, Ms. Shelby Williams, Ms. Abriana McKinney, Ms. Ashley Whaley, Ms. Haley Blackburn, Ms. Sarah

Patterson, and Ms. Kayela Caton. Assistant Coaches are Ms. Ally Tucker, Mr. Craig Schroeder, Ms. Kelcie Burke, and Ms. Jordan Parker.

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The Mayor stated November 11 – November 17th was Nurse Practitioner Week. He recognized Dr. Julie Marfell, who accepted a Proclamation in honor of Nurse Practitioner Week. Dr. Marfell thanked the Mayor and Council for the recognition, and recognized all nurse practitioners present. She spoke about the profession, and thanked nurse practitioners for their commitment to their jobs.

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

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

Nay: -----0

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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The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance of the Lexington-Fayette Urban County Government making certain findings concerning and establishing a Development Area for economic development purposes within the Lexington-Fayette Urban County to be known as the 21c Lexington Development Area; approving a Local Participation Agreement between Lexington-Fayette Urban County Government and the Lexington Downtown Development Authority, Inc.; approving a Master Development Agreement among Lexington-Fayette Urban County Government, the Lexington Downtown Development Authority, Inc. and 21c Lexington LLC; establishing an Incremental Tax Special Fund for payment of approved public infrastructure and project costs; designating the Lexington Downtown Development Authority, Inc. as the agency responsible for oversight, administration and implementation of the Development Area; authorizing the Mayor and other officials to take such other appropriate actions as are necessary or required in connection with the establishment of the Development Area; approving submission of a Section 108 Loan Package to the U.S. Dept. of Housing and Urban Development; approving the making of a \$1,000,000 loan to 21c Lexington LLC; and authorizing the

Mayor and other officials to take such other appropriate actions as are necessary or required in connection with Section 108 Loan and the LFUCG Loan.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Code Enforcement Officer Sr., Grade 114E and creating one (1) position of Code Enforcement Officer, Grade 113N, in the Div. of Grants and Special Programs, appropriating funds pursuant to Schedule No. 21, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Planner, Grade 113E and creating one (1) position of Planner Sr., Grade 117E, in the Div. of Planning, appropriating funds pursuant to Schedule No. 23, effective upon passage of Council.

An Ordinance amending Section 2-458 of the Code of Ordinances changing the membership requirements of the Commission for Citizens with Disabilities.

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. 24.

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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 second reading.

The Mayor recognized citizens to make public comment on the resolution out of order.

Mr. Brannon Dunn, Red Clover Lane, spoke on behalf of Community Organized Lexington about the Community Development Block Grant program funds, and distributed a packet of information to the Council.

Ms. Patricia Mohammed, Elm Tree Lane, stated her concerns with the Consolidated Plan and Community Development Block Grant program fund usage.

The resolution was given second reading.

Mr. Ford spoke about the resolution, and stressed the importance of monitoring the project's impact on the low-income community in Lexington.

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

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

Nay: -----0

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Upon motion of Mr. Stinnett, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution approving an Update of Area Designation for the Solid Waste Management Plan for Lexington-Fayette County for 2013-2018, pursuant to KRS 224.43-340 and 224.43-345 was removed from the table and given second reading.

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

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

Nay: -----0

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Upon motion of Mr. Stinnett, seconded by Ms. Henson, and approved by unanimous vote, a Resolution approving and adopting a Solid Waste Management Plan for Lexington-Fayette County for 2013-2018, pursuant to KRS 224.43-340 was removed from the table and given second reading.

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

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

Nay: -----0

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

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

Nay: -----0

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 accepting the bid of J & V Contracting, establishing a price contract for Traffic Sign Installation and Maintenance, for the Div. of Traffic Engineering.

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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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Theodore Adams, Telecommunicator, Grade 111N, \$17.401 hourly, in the Div. of Emergency Management/911, effective upon passage of Council, Amy Harris, Program Administrator, Grade 117E, \$2,003.76 bi-weekly, in the Div. of Youth Services, effective upon passage of Council, Koyuki King, Paralegal, Grade 113N, \$19.876 hourly, in the Dept. of Law, effective upon passage of Council and Daniel Honeycutt, Laboratory Technician, Grade 109N, \$12.339 hourly, in the Div. of Water Quality, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following probationary sworn appointments: Myron Edward, Monica Strzalkowski, Joshua Shirk, Matthew Stinson, Misha Gash, Lia Parker, Brandon Wallen, Alex Nesbit, Michael Poyner, Eric Higgins, Zackary Jennings, Joseph Warth, Lyndel Hester, and Clarence Franklin, Community Corrections Officer, Grade 110N, \$14.344 hourly, in the Div. of Community Corrections, effective upon passage of Council was given first reading.

Mr. Dave Barberie, Dept. of Law, requested on behalf of the Administration that the rules be suspended in order to give second reading to the resolution.

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

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

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

Nay: -----0

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The following resolutions were given first reading. Mr. Clay Mason, Commissioner of the Dept. of Public Safety, requested that the rules be suspended in order to give second reading to the resolutions.

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

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

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

Nay: -----0

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

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a multi-year Land Lease Agreement with Leroy Dale, to provide space for a shelter related to the public safety radio system, at a cost not to exceed \$8,000 in FY2013.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the donation of a Vulcan 6-burner range and casters, valued at \$1,758, from Seedleaf, Inc., for the Parent Education Program at the Family Care Center was given first reading.

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

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

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

Nay: -----0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Quail Run Townhome Association, Inc. (\$550), Palomar

Hills Community Association, Inc. (\$700) and Garden Springs Neighborhood Association, Inc. (\$700), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading.

Upon motion of Mr. Martin, seconded by Ms. Crosbie, the rules were suspended by unanimous vote.

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

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

Nay: -----0

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The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bid of Randle-Davies Construction Co., in the amount of \$446,601.66, for the Brighton East Rail Trail Project - Phase II, for the Div. of Engineering, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with Randle-Davies Construction Co., related to the bid.

A Resolution accepting the bid of Smith Contractors, Inc., in the amount of \$1,039,000, for the West Hickman Waste Water Treatment Plant Odor Control 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 Clarke Power Services, Inc., and Power Train of Ky., establishing price contracts for Synthetic Transmission Fluid, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Hydraulic Specialists, Inc., and Power Train of Ky., establishing price contracts for Hydraulic Cylinder Repair, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Oracle Elevator, in the amount of \$568,775, for Phoenix Building and Police Headquarters Elevator Renovation, for the Div. of Facilities

and Fleet Management, and authorizing the Mayor to execute any necessary Agreement with Oracle Elevator, related to the bid.

A Resolution accepting the bid of Arrow Electric Co., in the amount of \$352,541, for Illuminated Street Name Sign Project - Phase I, for the Div. of Traffic Engineering, and authorizing the Mayor to execute any necessary Agreement with Arrow Electric Co. related to the bid.

A Resolution accepting the bid of SCINA Lawncare Services, LLC, establishing a price contract for snow removal, for the Div. of Facilities and Fleet Management.

A Resolution ratifying the probationary civil service appointments of: Richard Morgan, Engineering Aide Sr., Grade 109N, \$15.794 hourly, in the Div. of Traffic Engineering, effective December 3, 2012; Kristie Thomas, Administrative Specialist, Grade 110N, \$16.953 hourly, in the Div. of Parks and Recreation, effective November 19, 2012, Darrell Doty, Police Analyst, Grade 111N, \$22.091 hourly, in the Div. of Police, effective December 3, 2012 and Kim Nesbitt, Human Resources Generalist, Grade 118E, \$2,760.64 bi-weekly, in the Div. of Human Resources, effective November 29, 2012; ratifying the permanent sworn appointment of: Christopher Young, Police Lieutenant, Grade 317E, in the Div. of Police, effective October 30, 2012.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Earthman, LLC, for decorative streetlights at 420 Cross St., at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Justice, which Grant funds are in the amount of \$65,503 Federal funds under the State Criminal Alien Assistance Program (SCAAP), are for reimbursement of costs related to the incarceration of undocumented criminal aliens, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice 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 \$45,123 Federal funds, are for continuation of the Sexual Assault Nurse Examiner (SANE) Program, the acceptance of which obligates the Urban County Government for the expenditure of \$28,150 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Mutual Aid Agreement with Catlettsburg Refining, LLC, for mutual emergency response assistance by or for the Div. of Fire and Emergency Services, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Modification to Agreement with the Ky. Office of Homeland Security, to permit the purchase of explosive storage boxes for the Bomb Squad Project.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the donation of 10 Graco "Pack N Play" cribs and related instructional materials, valued at \$500, from Safe Kids Fayette County, for distribution to low income families through the Div. of Family Services HANDS Program.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Interlocal Cooperation Agreement with the Jessamine County Sheriff's Office, to provide law enforcement power at homes recently constructed on properties that cross county border lines.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Facility Usage Agreements with various youth baseball leagues, for fall youth baseball.

A Resolution authorizing the Div. of Emergency Management/911 to procure ongoing maintenance, services, repairs, hardware, and software from Applied Digital, a sole source provider, at a cost not to exceed \$25,633 (FY 2013), and authorizing the Mayor to execute any necessary Agreement with Applied Digital Solutions related to the goods and services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Friends of Wolf Run, for activities under the Wolf Run Creek Watershed Based Plan, at a cost not to exceed \$16,000.

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

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Justice, which Grant funds are in the amount of \$345.15 Federal funds, are for the purchase of bulletproof vests for the Fayette County Sheriff's Office, 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 the 2012 Amended Equitable Sharing Agreement and Certification, with the Dept. of Justice and the Dept. of Treasury, to make necessary changes and bring the FY2012 Equitable Sharing Agreement current.

A Resolution amending Section 2 of Resolution No. 430-2012, which accepted the bid of Smith Contractors, Inc. for Expansion Area 2A Wastewater System Improvements to change the amounts charged to the accounts from which payment will be made.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Grant Award Agreement awarding a Class B Education Incentive Grant for a Stormwater Quality Project to Group CJ, LLC, in the amount of \$35,547.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement releasing a storm sewer easement on property located at 3469 Clays Mill Rd.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement releasing a utility easement and streetlight easement on property located at 2250 Old Frankfort Pike.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Grant Award Agreement awarding a Class B Education Incentive Grant for a stormwater quality project at Lansdowne Elementary School to the Board of Education of Fayette County, in the amount of \$3,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Software Maintenance Agreement and End User License Agreement with Horizon Information Systems, Inc., for the software for the Representative Payee Program, for the Dept. of Social Services, at a cost not to exceed \$586.50.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement and Catering Contract with Lexington Center and Hyatt Regency for the annual Police Awards Banquet.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Lease Agreements with AIDS Volunteers, Inc., for the lease of Urban County Government property located at 851 Todds Rd. and 1807 Dalton Ct.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Purchase of Service Agreement with the Lexington Downtown Development Authority, Inc., for services related to the design guidelines for a Design Excellence Program for Downtown Lexington, at a cost not to exceed \$50,000.

A Resolution authorizing the submission of an application for Ky. Economic Development Finance Authority Grant funds for the Bingham McCutchen LLP Economic Development Bond Project in the amount of \$450,000, and authorizing the Mayor to execute and submit a Grant Application and any and all other documents necessary for the submission of the application and development of the Project, including any Agreement with Bingham McCutchen LLP, and to accept the Grant funds if approved.

A Resolution accepting the Response of Public Financial Management, Inc., to RFP No. 25-2012 for consulting services related to the Police and Fire Pension Fund, and authorizing the Mayor to execute an Agreement with Public Financial Management, Inc., related to these services in an amount not to exceed \$149,089.

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Upon motion of Ms. Crosbie, seconded by Mr. Blues, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Ms. Margaret M. Long to the Environmental Hearing Commission, with a term to expire 6-1-2015. Ms. Lisa Johnson is no longer serving; (2) Recommending the reappointment of Councilmember Julian Beard to the Internal Audit Board, with a term to expire 12-31-2014; (3) Recommending the appointments of Ms.

Irene Gooding, as ex-officio member, Director of Grants and Special Programs, Ms. Melissa Lueker, as ex-officio member, Mayor's Office representative, and Councilmember Kevin Stinnett, as ex-officio member, to the Neighborhood Action Match Program Review Board; (4) Recommending the appointments of Mr. Ben G. Blyton and Ms. Bettye S. Burns, as Fayette County Resident representatives, to the Paris Pike Corridor Commission, with terms to expire 7-1-2015 and 7-1-2013, respectively; and (5) Recommending the appointment of Mr. John C. Marquette, as 10th District representative, to the Parks and Recreation Advisory Board, with a term to expire 1-1-2014. Mr. Marquette will fill the unexpired term of Ms. Jill Bertelson.

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The following Communications from the Mayor were received for information only: (1) Temporary appointment of Manwell Benton, Operations Manager, Grade 116E, \$1,759.04 bi-weekly, in the Div. of Waste Management, effective October 15, 2012; (2) Reinstatement of Carissa Kelsey, Family Support Worker Sr., Grade 112N, \$17.306 hourly, in the Div. of Family Services, effective November 20, 2012; (3) Resignation of Robin Goldie, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 16, 2012; (4) Resignation of William Rarick, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 27, 2012; (5) Resignation of Deborah Powell, Life Skills Program Instructor, Grade 110N, in the Div. of Community Corrections, effective September 30, 2012; (6) Resignation of Jared Baird, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 27, 2012; (7) Resignation of Randall Gilbert, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 2, 2012; (8) Resignation of Stephen Powell, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 8, 2012; (9) Resignation of Patricia Jackson, Custodial Worker, Grade 102N, in the Div. of Facilities and Fleet Management, effective October 28, 2012; (10) Resignation of Morris Bradley, Firefighter, Grade 311N, in the Div. of Fire and Emergency Services, effective October 10, 2012; and (11) Resignation of Pamela Dixon, Telecommunicator Sr., Grade 113N, in the Div. of Emergency Management/911, effective October 9, 2012.

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Mr. McChord invited the public and the Council to the Veteran's Day celebration to be held on Sunday, November 18, 2012, 6:30 – 8:30 p.m., at Immanuel Baptist Church.

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Ms. Henson announced that the Salvation Army was seeking celebrating bell ringers to help with holiday collections.

The Council Members challenged each other to help with the effort.

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Upon motion of Ms. Crosbie, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 7:16 p.m.

Clerk of the Urban County Council