

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky October 11, 2012

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on October 11, 2012 at 6:00 P.M. Present were Vice-Mayor Linda Gorton in the chair presiding in the absence of Mayor Gray, and the following members of the Council: Council Members Stinnett, Beard, Blues, Ellinger, Farmer, Ford, Henson, Kay, Lane, Lawless, Martin and McChord. Absent were Council Members Crosbie and Myers.

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

Resolutions No. 510-2012 thru 533-2012, and Ordinances No. 118-2012 thru 121-2012, inclusive were reported as having been signed and published, and ordered to record.

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The Invocation was given by Rev. Stephanie Moon McCormick, Central Christian Church.

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Ms. Gorton recognized Ms. Peggy Henson, 11th District Councilmember, who spoke about the Keep Lexington Beautiful Commission and The Great American Cleanup event. She introduced Ms. Patricia Knight, who gave details on the 2012 Great American Cleanup.

Ms. Knight recognized representatives of Clark Materials and Modern Properties, who provided significant assistance with the Cleanup. She presented Certificates of Recognition to Clark Materials and Modern Properties, and announced that Coca-Cola also deserved recognition, but could not be in attendance at the meeting.

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Ms. Gorton recognized a group of Boy Scouts in the audience, working on citizenship projects.

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An Ordinance amending Subsection 14-72(6)(a) of the Code of Ordinances of the Lexington Fayette Urban County Government to add a requirement of a noise disturbance across a dwelling unit boundary was given second reading.

Mr. Blues asked questions about of Mr. Clay Mason, Commissioner of the Dept. of Public Safety, regarding the intent of the ordinance. Mr. Mason responded.

The Council continued to ask questions of Mr. Mason.

Mr. Blues made a motion, seconded by Mr. Beard, to remove the ordinance from the docket and refer it to the Council Public Safety Standing Committee.

Mr. Lane made additional comments regarding the ordinance.

The motion **passed** by unanimous vote.

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

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

Nay: -----0

An Ordinance amending Article 23A-9(k) of the Zoning Ordinance to amend the requirements of the Community Center (CC) zone to allow a building to exceed 50,000 square feet in size.

An Ordinance changing the zone from a High Density Apartment (R-4) zone to a Lexington Center Business (B-2B) zone, for 1.86 net (2.46 gross) acres, for property located at 410 Patterson St. and 522 and 540 West Maxwell St. (Pleasant Green Baptist Church of Lexington, Inc.; Council District 3).

An Ordinance amending Article 16 of the Zoning Ordinance to clarify off-street parking requirements when the Urban County Council designates a "Pedestrian-Oriented Business District."

Ordinance of the Council of the Lexington-Fayette Urban County Government (1) Authorizing and approving the execution and delivery of a Second 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 issuance and sale of an amount not to exceed \$25,000,000 in aggregate principal amount of (a) Lexington-Fayette Urban County Airport Board General Airport Revenue Refunding Bonds, 2012 Series A (Lexington-Fayette Urban County Government General Obligation) (AMT); and (b) Lexington-Fayette Urban County Airport Board General Airport Revenue Refunding Bonds, 2012 Series B (Lexington-Fayette Urban County Government General Obligation) (Non-AMT), all for the purpose of refunding (i) All of the Board's outstanding \$26,235,000 Variable Rate General Airport Revenue and Revenue Refunding Bonds, 2008 Series B (Lexington-Fayette Urban County Government General Obligation) (Non-AMT) and (ii) A portion 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 Sections 8-4(1), 8-4(4)(a), 8-4(5)(a), 8-4(5)(c), 8-4(5)(e), 8-5(1), 8-5(2), 8-5(2)(b), 8-5(2)(c), 8-5(2)(e), 8-5(3), 8-5(4), 8-6(4), 8-6(10), 8-6(11), 8-6(13)(a)(ix)(d), 8-6(13)(a)(x), 8-6(14)(a), 8-7(5), 8-7(6), 8-8(1), 8-8(2), 8-9(1), 8-9(6) of the Code of Ordinances related to mining and/or quarrying to change the responsible division from Building Inspection to the Div. of Engineering; amending Section 8-4(4)(a) of the Code of Ordinances related to mining and/or quarrying to increase the permit fee to an amount based on the costs to the Urban County Government in performing annual inspections, assessed on a per acre basis and including the costs of any necessary consultants, and providing that the operator is responsible if the actual costs exceed the annual fee and that the Urban County Government shall refund any difference if the actual costs are less than the annual fee; amending Section 8-4(5)(d) of the Code of Ordinances related to mining and/or quarrying to increase the renewal fee from \$6.00 an acre to \$18.00 an acre; amending Section 8-6(14) of the Code of Ordinances related to mining and/or quarrying to delete the word "building"; amending Section 8-7(2) of the Code of Ordinances related to mining and/or quarrying to delete the phrase "another copy to the Div. of Building Inspection"; amending Section 8-7(7) of the Code of Ordinances related to mining and/or quarrying to delete the phrase "the Div. of Building Inspection"; amending Section 8-9(1) of the Code of Ordinances related to mining and/or quarrying to delete the phrase "the Div. of Engineering and/or".

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. 14.

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An Ordinance amending Article 1 and Article 8 of the Zoning Ordinance to define adult day care centers and to regulate such facilities as a conditional use in the P-1, B-1, B-2, B-2A and P-2 zones was on the docket for first reading.

Mr. Kay made a motion, seconded by Mr. Ellinger, to remove the ordinance from the docket and to refer it to the Council Planning and Public Works Standing Committee.

Mr. Farmer asked questions of Mr. Kay regarding his intent in referring the ordinance to the Planning and Public Works Committee. Mr. Kay responded.

Ms. Gorton spoke to the issue, and gave some clarifying information.

Mr. Ford spoke about his concern with the motion.

The Council continued to discuss the motion and the ordinance.

The motion **passed** by unanimous vote.

The following citizens stated concerns with the ordinance: (1) Ms. Karen Coke, Cabinet for Health and Family Services, and residence in Fayette County, Starling Drive; (2) Ms. Celeste Collins, Blue Grass Area Agency on Aging and Independent Living, Perimeter Drive; (3) Ms. Rebecca Keeth, Active Day Adult Day, Regency Road; and (4) Ms. Mary Lynn Spalding, Christian Care Communities, Towne Park Way, Louisville, Ky.

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

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

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

An Ordinance relating to sanitary sewers pretreatment and amending Section 16-1(c)(51) of the Code of Ordinances defining "significant violation" by referencing 40 CFR 403.3.1, increasing the time limit to forty-five (45) days for required reports and providing that violation of best management practices may be a significant violation; amending Section 16-(1)(c)(52) to re-define the term "slug" to mean any discharge which has reasonable potential to cause interference or pass through or violates local limits or permit conditions; amending Section 16-45(f) to require that wastewater monitoring and flow measurement facilities be properly operated and provide that failure to do so shall not allow the user to claim unrepresentative sampling; amending Section 16-46(a)(6) to require significant industrial users to notify the Div. of Water Quality of any changes to its facility affecting potential for a slug discharge and increasing slug

control plan requirements; amending Section 16-46(g) to require semi-annual reporting to Water Quality and include reporting of data necessary to ensure compliance with the applicable permit; creating Section 16-46(h) of the Code of Ordinances to require permit holders to maintain and make available for inspection records of required monitoring information and any additional records of monitoring associated with "best management practices" established by the Urban County Government, specifying the contents of such records and requiring them to be maintained for at least three (3) years which shall be extended during any related litigation or as required by the Director of Water Quality; creating Section 16-46.2 of the Code of Ordinances to provide that sampling done to comply with sampling requirements in Sections 16-44, 16-44.1, 16-45, and 16-46 must be representative of conditions occurring during the reporting period and specifying sampling techniques which must be followed.

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

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

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

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

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

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

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The following resolutions were on the docket for second reading. Mr. Stinnett made a motion, seconded by Mr. McChord, to table the resolutions and to place them into the Waste Management Task Force for consideration, to be returned after the Task Force makes its report and recommendations.

The motion **passed** 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.

A Resolution approving and adopting a Solid Waste Management Plan for Lexington-Fayette County for 2013-2018, pursuant to KRS 224.43-340.

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

Nay: -----0

A Resolution accepting the bid of Whyne Supply Co., in the amount of \$19,565.19, for West Hickman Waste Water Treatment Plant Generator Control Panel and Installation, for the Div. of Water Quality.

A Resolution accepting the bid of Whyne Supply Co., in the amount of \$13,196.78, for Generator Engine Monitoring Gateway, for the Div. of Water Quality.

A Resolution accepting the bids of Orr Safety Corp. and Bluegrass Uniforms, Inc., establishing price contracts for breathing apparatus, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Key to Cleaning, establishing a price contract for Custodial Services - Recycling Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Scott Barnhill, in the amount of \$23,876, for the installation of an entrance wall/arch at Jacobson Park, for the Div. of Parks and Recreation, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement with Scott Barnhill, related to the bid.

A Resolution accepting the bid of Prominent Systems, Inc., in the amount of \$15,970, for Picadome Pump Station Air Scrubber Media Removal, Disposal and Replacement, for the Div. of Water Quality.

A Resolution accepting the bid of Ron Cooper Co., Inc., establishing a price contract for Record Keeping Supplies for the Fayette County Clerk.

A Resolution accepting the bid of Radio Communications Systems, Inc. d/b/a RCS Communications, establishing a price contract for communications system maintenance, for the Div. of Police and authorizing the Mayor to sign any necessary agreement related to the bid.

A Resolution accepting the bid of Herrick Co., Inc., establishing a price contract for demolition, removal, and replacement of Clarifier Scum Baffles and Weirs, for the Div. of Water Quality.

A Resolution accepting the bids of Path Master, Inc.; Baldwin and Sours, Inc.; Traffic Parts, Inc.; and Quality Traffic Systems, establishing price contracts for Traffic Signal and Control Equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Todd Johnson Contracting, Inc., in the amount of \$184,631.05, for the Roland Ave. Stream Stabilization Project, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Agreement with Todd Johnson Contracting, Inc., related to the bid.

A Resolution ratifying the probationary civil service appointments of: Joel Ragland, Trades Worker Sr., Grade 109N, \$18.942 hourly, in the Div. of Streets and Roads, effective October 15, 2012, Rebecca Crawford, Administrative Specialist Sr., Grade 112N, \$22.658 hourly, in the Div. of Parks and Recreation, effective September

10, 2012, Randall Naylor, Code Enforcement Supervisor, Grade 116E, \$2,164.72 bi weekly, in the Div. of Grants and Special Programs, effective September 10, 2012 and Frank Mabson, Administrative Specialist, Grade 110N, \$14.423 hourly, in the Div. of Water Quality, effective October 15, 2012.

A Resolution authorizing the Div. of Engineering, on behalf of the Urban County Government, to purchase design services for the Northland Meadows Arlington Phase 5B Project from ECSI LLC, a sole source provider, at a cost not to exceed \$24,966.20.

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 Cardinal Lane Stormwater Improvement Project, at a cost not to exceed \$6,815.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Apprisen, for a Financial Literacy Education Program, at a cost not to exceed \$36,000.

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 \$100,000 Commonwealth of Ky. funds, are for the Tates Creek Rd. and Lansdowne Dr. Traffic Signal 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 and directing the Mayor, on behalf of the Urban County Government, to execute any documents necessary to transfer the properties located at 311 Nelson Ave., 544 Ohio St., 829 Whitney Ave., 330 Georgetown Place, and 449 Race St., acquired under the Neighborhood Stabilization Program, to Seedleaf, Inc., for use as community garden space.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. 2 to the Engineering Services Agreement with BTM Engineering, Inc., for the Tates Creek Rd./Lansdowne Dr. Traffic Signal Project, increasing the contract amount by the sum of \$2,600 from \$127,978 to \$130,578.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Use Agreement with the Lexington Public Library, for

occasional use of the Farish Theater for a one-year period, at no cost to the Urban County Government.

A Resolution approving the Dept. of Social Services' Partner Agency application, scoring rubric and schedule for application/review and directing that there will be no funding cap during the FY14 application process.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Mutual Aid Agreements with Georgetown Police Dept., Magoffin County Sheriff's Office and Salyersville Police Dept., for mutual aid.

A Resolution authorizing the Div. of Fire and Emergency Services, on behalf of the Lexington-Fayette Urban County Government, to purchase Lucas II Chest Compression Devices and related equipment and services from Physio Control, Inc., a sole source provider (distributor), at a cost not to exceed \$44,885.25 (CSEPP funds), and authorizing the Mayor to sign any necessary Agreement related to the services.

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 \$132,000 Federal funds, are for design of Polo Club Blvd. at Deer Haven Ln. and Todds Rd., the acceptance of which obligates the Urban County Government for the expenditure of \$33,000 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 execute and submit a Grant Application to the Lumina Foundation, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$10,000, and are for a Latina Education Support Project at the Family Care Center, the acceptance of which obligates the Urban County Government for the expenditure of \$8,600 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 the Salvation Army (\$1,100) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Brad Mecham, Building Inspector, Grade 113N, \$18.504 hourly, in the Div. of Building Inspection, effective upon passage of Council, Daniel Arnold, Treatment Plant Operator, Grade 113N, \$16.993 hourly, in the Div. of Water Quality, effective upon passage of Council, Ralph Ortt, Treatment Plant Operator, Grade 113N, \$25.169 hourly, in the Div. of Water Quality, effective upon passage of Council, Alicia Boyd, Internal Auditor, Grade 118E, \$2,669.20 bi-weekly, in the Office of Internal Audit, effective upon passage of Council, José Rincon, Laboratory Technician, Grade 109N, \$14.313 hourly, in the Div. of Water Quality, effective upon passage of Council and Latricia Jones, Telecommunicator, Grade 111N, \$14.943 hourly, in the Div. of Emergency Management/911, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil service appointment: Sharon Moore, Social Worker Sr., Grade 113E, \$2,041.04 bi-weekly, in the Div. of Adult and Tenant Services, effective upon passage of Council was given first reading.

Ms. Glenda George, Dept. of Law, asked that the rules be suspended in order to give second reading to the resolution.

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

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

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

Nay: -----0
 (Mr. Ford was absent when the vote was taken.)

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit applications to the Ky. Infrastructure Authority (KIA), and to provide any additional information requested in connection with the applications, for Low Interest State Revolving Fund Loans in the following amounts to facilitate the following projects: \$6,000,000 for the Expansion Area 2A Class A Pump Station and Trunk Sewer Project, \$21,641,030 for the Town Branch Wastewater

Treatment Flow Equalization Storage Tanks - Phase I Project, \$1,630,843 for the Century Hills Trunk Sewer Replacement Project, \$807,432 for the Eastlake Trunk Sewer Replacement Project, \$4,476,997 for the West Hickman Trunk Sewer Replacement Project A, \$3,279,149 for the Woodhill Trunk Sewer Replacement Project, \$9,428,670 for the Wolf Run Flow Equalization Storage Tank Project, \$1,925,226 for the Bob-O-Link Trunk Sewer Replacement Project, \$2,320,406 for the Wolf Run Trunk Sewer Replacement - Phase A Project, \$447,032 for Various Stormwater Management Projects - Phase 1, \$3,524,500 for Various Stormwater Management Projects - Phase 2, and \$926,000 for the Anniston-Wickland SW Improvement - Phase 3 was given first reading.

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

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

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

Nay: -----0
(Mr. Ford was absent when the vote was taken.)

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Pasadena Neighborhood Association (\$300), Cardinal Valley Neighborhood Association (\$500) and Temple of Prayer Church of God in Christ (\$100), 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 Mr. Blues, the rules were suspended by unanimous vote.

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

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

Nay: -----0
(Mr. Ford was absent when the vote was taken.)

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A Resolution initiating various Zoning Ordinance Text Amendments to Article 1 General Provisions and Definitions; Article 8 Schedule of Zones; Article 11 Interchange Service Business Zone; Article 12 Planned Shopping Center Zone; Article 16 General Regulations for Parking, Loading Areas, Garages, Automobile Service Stations, Vehicle Sales Lots and Stacking Area; to authorize automobile and refueling stations for the dispensing of compressed natural gas or any liquefied petroleum was given first reading.

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

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

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

Nay: -----0
(Mr. Ford was absent when the vote was taken.)

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Skaps Industries for the closure of the Haley Pike Landfill, increasing the contract price by the sum of \$32,298.75 from \$834,201.72 to \$866,500.47 was given first reading.

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

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

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

Nay: -----0
(Mr. Ford was absent when the vote was taken.)

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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 bids of Power Train of Ky.; Carquest of Lexington; I.B. Moore Co.; J and B Enterprises, Inc; B.W. Rogers Co. (Fluid Power Products

Division); and G and R Industrial Supply, establishing price contracts for hydraulic hose fittings, for the Div. of Facilities and Fleet Management.

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

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

A Resolution accepting the bid of NAC Heavy Highway, Inc., in the amount of \$433,000, for the Town Branch Waste Water Treatment Plant Dewatered Sludge Conveyor Replacement, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with NAC Heavy Highway, Inc., related to the bid.

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

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

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

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

Management, effective October 2, 2012 and Sherika Parker, Child Care Program Aide, Grade 107N, in the Div. of Family Services, effective October 2, 2012.

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

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

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

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

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

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

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

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

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation

Cabinet, for the acceptance of additional Federal funds for the Old Frankfort Pike/Alexandria Dr. Stone Fence Project in the amount of \$120,000, the acceptance of which obligates the Urban County Government for the expenditure of \$30,000 as a local match, and extending the project through June 30, 2013.

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

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Board of Emergency Medical Services, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$10,000 Commonwealth of Ky. funds, and are for the purchase of EMS equipment for the Div. of Fire and Emergency Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent easement across the property located at 345 Bob O Link Dr., for turning access for Waste Management refuse vehicles, in return for replacement of the driveway for the property.

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

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

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

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

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

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

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

A Resolution establishing a Residential Parking Permit Program for the 700 block of Providence Rd., from 8:00 a.m. to 5:00 p.m., Monday through Friday; August 1 through May 15, and waiving the provisions relating to the mechanics of designating Residential Parking Permit Areas adopted by Resolution No. 168-90 and amended by Resolution Nos. 450-91 and 433-2006.

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Upon motion of Mr. Stinnett, seconded by Mr. McChord, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointments of Mr. Gregory D. Beard, Mr. Jason M. Cullen, Ms. Monica M. King, Mr. Michael W. Littrell, and Ms. Lindsay H. Thurston, to the Bluegrass Crimestoppers Inc., with terms to expire 3-21-2014, 3-21-2015, 3-31-2013, 3-21-2016, and 3-21-2015, respectively. Mr. Beard, Mr. Cullen, Ms. King and Ms. Thurston will fill the unexpired terms of Mr. Edward Fuller, Mr. Ronald Watson, Ms. JoEllen Wilhoite, and Mr. Bill Rhoads. Mr. Littrell will fill a vacancy; (2) Correcting the member terms on the Domestic Violence Prevention Board of Ms. Rashmi Adi Brown

and Dr. T.K. Logan to be through 1-1-2013, per Section 7.02 of the Urban County Government Charter; (3) Recommending the appointment of Mr. Gregory B. Ladd to the Environmental Hearing Commission, with a term to expire 6-1-2013. The term of Mr. Ralph Hill has expired; (4) Recommending the appointment of Ms. Timi A. Goodman to the Library Board of Advisors, with a term to expire 1-1-2013. Ms. Goodman will fill the unexpired term of Mr. Lawrence Smith; and (5) Recommending the reappointment of Ms. Minna K. Katz-Brown to the Senior Services Commission, with a term to expire 9-1-2016.

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The following Communications from the Mayor were received for information only: (1) Transfer of Carol Wagner, Administrative Specialist, Grade 110N, from the Div. of Community Corrections to the Div. of Accounting, effective October 8, 2012; (2) Resignation of Austin Southworth, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 28, 2012; (3) Resignation of Kyle Hite, Police Officer Recruit, Grade 311N, in the Div. of Police, effective August 28, 2012; (4) Resignation of Donna Cornett, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 1, 2012; (5) Resignation of Andrew Dixon, Public Service Worker Sr., Grade 107N, in the Div. of Streets and Roads, effective September 4, 2012; (6) Resignation of Jan Tevis, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 8, 2012; (7) Resignation of Johanna Loughery, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 9, 2012; (8) Resignation of Syglenda Faulkner, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective September 9, 2012; (9) Resignation of Lonnie O'Day, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective September 14, 2012; (10) Resignation of Carisa Kelsey, Family Support Worker Sr., Grade 112N, in the Div. of Family Services, effective September 14, 2012; (11) Resignation of Michael Sharp, Police Sergeant, Grade 315N, in the Div. of Police, effective September 15, 2012; and (12) Resignation of John Wood, Public Service Worker Sr., Grade 107N, in the Div. of Streets and Roads, effective September 20, 2012.

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Ms. Gorton announced the Div. of Grants and Special Programs would hold a Public Hearing on Thursday, October 25, 2012, at 6:00 p.m. in the Council Chamber to hear public comment on a substantial amendment to the 2012 Consolidated Plan to establish a Section 108 Loan in the amount of \$6,000,000 for the renovation of Fayette National Bank Building, located at 159-67 West Main Street.

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Mr. Bernard McCarthy, Harry Street, stated his concerns with returning the Town Branch Creek to the surface in downtown Lexington.

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Upon motion of Mr. Ellinger, seconded by Mr. Kay, and approved by unanimous vote, the meeting adjourned at 7:13 p.m.

Clerk of the Urban County Council