

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky August 30, 2012

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on August 30, 2012 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Martin, McChord, Myers, Stinnett, Beard, Blues, Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, and Lawless. Absent was Council Member Crosbie.

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

Resolutions No. 430-2012 thru 438-2012, and Ordinances No. 97-2012 thru 99-2012, inclusive were reported as having been signed and published, and ordered to record.

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The Invocation was given by Reverend Albert DiGiacomo, Catholic Newman Center.

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The Mayor invited Mr. Farmer to make a presentation in honor of the Eastern Little League Baseball Team, 11 year old All-Stars, District 3 Champions. The Mayor offered congratulations to the coaches, kids, and parents, and declared August 30<sup>th</sup> Eastern Little League All-Stars Day. Mr. Farmer read a proclamation.

Mr. Mike Sanner, Dept. of Law, and team coach and parent, introduced Mr. Greg Young, Manager, Coach Doug Owens, Coach Rob Rumpke, and players, Corey Smith, Joshua Peters, Clay Brumley, Dai'Yan Perkins, Aidan King, Walker Owens, Mathew Kingkade, Montaveon Bean, Marc Rumpke, Will Newberry, Drew Kindy, and Ben Sanner.

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An Ordinance amending Sections 3, 4, and 5 of Ordinance No. 91-2012; removing pay increases for part-time employees, effective retroactive to July 1, 2012 was on the docket for, and received, second reading.

Mr. Stinnett made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to remove the ordinance from the docket, and to place on the docket an Ordinance deleting Section 4 of Ordinance No. 91-2012 relating to school traffic guards. He stated this will result in all other part-time employees, except for employees in the Div. of Parks and Recreation and seasonal employees receiving a 2% raise retroactive to July 1, 2012. He stated the salaries for school traffic guards were being addressed by another ordinance under second reading ordinances, and that this was a material change and would require a new first reading.

An Ordinance deleting Section 4, of Ordinance No. 91-2012, removing pay increases for school traffic guards, effective retroactive to July 1, 2012 was given first reading.

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

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

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

Nay: -----0

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An Ordinance levying ad valorem taxes for municipal purposes for the Fiscal Year July 1, 2012 through June 30, 2013, on the assessed value of all taxable property within the taxing jurisdictions of the Lexington-Fayette Urban County Government (all taxes on each \$100.00 of assessed valuation as of the January 1, 2012 assessment date), as follows: General Services District, \$.0800 on Real Property, including Real Property of Public Service Companies, \$.0990 on Personal Property, including Personal Property of Public Service Companies, noncommercial aircraft, and noncommercial watercraft, \$.1500 on insurance capital, \$.0150 on tobacco in storage, and \$.0450 on agricultural products in storage; Full Urban or Partial Urban Services Districts based on urban services available on Real Property, including Real Property of Public Service Companies, \$.1431 for refuse collection, \$.0210 for street lights, \$.0094 for street cleaning, \$.0920 on insurance capital, \$.0150 on tobacco in storage, \$.0450 on agricultural products in storage; and levying an ad valorem tax for municipal purposes at the rate of \$.0880 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2013 assessment date was given second reading.

Upon motion of Ms. Gorton, and seconded by Mr. Beard, the ordinance was approved by the following vote:

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

Nay: Martin-----1

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An Ordinance levying ad valorem taxes for purposes of support of the Agricultural Extension Office for the Fiscal Year July 1, 2012 through June 30, 2013, on the assessed value of all taxable Real and Personal Property within the taxing jurisdiction of the Lexington-Fayette Urban County Government (all taxes on each

\$100.00 of assessed valuation as of the January 1, 2012 assessment date), as follows: \$.0033 on all taxable Real Property, including Real Property of Public Service Companies, \$.0035 on taxable Personal Property, including Personal Property of Public Service Companies, noncommercial aircraft, and noncommercial watercraft, and excluding inventory in transit, insurance capital, tobacco in storage, and agricultural products in storage; and levying an ad valorem tax for purposes of support of the Agricultural Extension Office at the rate of \$.0035 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2013 assessment date was on the docket for second reading with a public hearing being held.

The Mayor opened the public hearing. There being no one to speak, the Mayor closed the public hearing.

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

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

Nay: -----0

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An Ordinance levying ad valorem taxes for purposes of support of the Soil and Water Conservation District for the Fiscal Year July 1, 2012 through June 30, 2013, on the assessed value of all taxable Real Property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including Real Property of Public Service Companies, at a rate of \$.000433 on each one hundred dollars (\$100.00) of assessed valuation as of the January 1, 2012, assessment date, with the tax bills computed and collected at a rate of \$.0004 on each one hundred dollars (\$100.00) of assessed valuation on the docket for second reading with a public hearing being held.

The Mayor opened the public hearing. There being no one to speak, the Mayor closed the public hearing.

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

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

Nay: -----0

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

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

Nay: -----0

An Ordinance amending Article 2 of the Zoning Ordinance to change the zoning map atlas from the historical series of eighty-one (81) maps to a system utilizing the Lexington-Fayette Urban County Government Geographical Indexing System (GIS) to serve as the official zoning map for the Urban County.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Engineering Technician, Grade 111N, and one (1) position of Staff Assistant Sr., Grade 108N and creating one (1) position of Municipal Engineer Sr., Grade 119E, in the Div. of Engineering, appropriating funds pursuant to Schedule No. 8, effective upon passage of Council.

An Ordinance amending Section 22-53.2(2) of the Code of Ordinances, adjusting the entrance rate and pay scale for Traffic School Guards, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Administrative Specialist Sr., Grade 112N and one (1) position of Staff Assistant Sr., Grade 108N and creating two (2) positions of Administrative Specialist, Grade 110N, in the Div. of Building Inspection, appropriating funds pursuant to Schedule No. 10, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, transferring one (1) position of Engineering Technician, Grade 111N, and its incumbent from the

Div. of Computer Services to the Div. of Engineering, appropriating funds pursuant to Schedule No. 9, effective upon passage of Council.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Skilled Trades Worker, Grade 111N, in the Div. of Community Corrections and amending Section 22-5(2) of the Code of Ordinances, abolishing two (2) positions of Skilled Trades Worker P/T, Grade 000N, appropriating funds pursuant to Schedule No. 11, effective upon passage of Council.

An Ordinance amending Ordinance No. 44-2012 to make the following corrections: deleting "and duplexes" from Section 2, Subsection 2; deleting "but no accessory structure shall be taller at the roof ridge than the height of roof ridge of the primary structure" from Section 2, Subsection 5(a); and deleting "n attached" from Section 2, Subsection 7 (Urban County Planning Commission).

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Deputy Director Recreation, Grade 120E, in the Div. of Parks and Recreation, 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. 7.

An Ordinance adopting the request of the Lexington-Fayette County Health Dept. under KRS 212.755 and levying a special ad valorem public health tax for the Fiscal Year July 1, 2012 through June 30, 2013, on the assessed value of all taxable Real and Personal Property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including Real and Personal Property of Public Service Companies, noncommercial aircraft, noncommercial watercraft, and inventory in transit, and excluding insurance capital, tobacco in storage, and agricultural products in storage, at the rate of \$.028 on each \$100.00 of assessed value as of the January 1, 2012 assessment date; and levying a special ad valorem public health tax at the rate of \$.028 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government, as of the January 1, 2013 assessment date.

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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.

Upon motion of Mr. Stinnett, seconded by Ms. Henson, and approved by unanimous vote, the ordinance was removed from the docket and placed into the Council Planning and Public Works Standing Committee.

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

An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Mixed-Use Community (MU-3) zone, for 2.12 net (3.39 gross) acres, for property located at 1200 Red Mile Rd. (a portion of); and 439, 441, 445, 451, 455, 459, 461, 463 and 471 Nelms Ave. (Lexington Trots Breeders Association, LLC; Council District 11).

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Townhouse Residential (R-1T) zone for 1.009 net (1.458 gross acres), for property located at 99-119 Burley Ave. (Anderson Campus Rental Properties, LLC; Robert C. Hodges; and Anthony McIntire; Council District 3).

An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Administrative Specialist Principal, Grade 114E and three (3) positions of Administrative Specialist, Grade 110N, with terms to expire on September 23, 2014, in the Div. of Water Quality, effective upon passage of Council.

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to accept a donation of \$3,000 from the Grainger Foundation for supplies for the Community Emergency Response Team.

An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of Various Purpose General Obligation Notes, Series 2012C in the aggregate principal amount of \$3,600,000 (which amount may be increased or decreased by an amount of up to ten percent (10%)) for the purpose of financing various projects of the Lexington-Fayette Urban County Government; approving the form of the Series 2012C Notes; authorizing designated officers to execute and deliver the Series 2012C Notes; authorizing and directing the filing of notice with the State

Local Debt Officer; providing for the payment and security of the Series 2012C Notes; creating Note Payment Fund; maintaining the heretofore established sinking fund; authorizing a Certificate of Award for the acceptance of the bid of the note purchaser for the purchase of the Series 2012C Notes; and repealing inconsistent ordinances.

An Ordinance amending Chapter 9A of the Code of Ordinances of the Lexington-Fayette Urban County Government to prohibit the sale and use of certain fireworks and consumer fireworks in Fayette County and further amending Sections 9A-2, 9A-5, and 9A-6 of the Code of Ordinances to delete references to permanent fireworks retailers; amending Section 9A-3 of the Code of Ordinances to define the terms use and sale, to allow the use and sale of consumer fireworks as defined in KRS 227.702(1), and to require compliance with federal, state and local law; deleting Section 9A-4 of the Code of Ordinances in its entirety and renumbering Sections 9A-5 through 9A-9 of the Code; amending Section 9A-5 of the Code of Ordinances to delete certain permits and to change the seasonal retail fireworks fee to \$100.00 per location; amending Section 9A-6 of the Code of Ordinances to specify June 10th through July 7th as the time period for seasonal sales; and amending Section 9A-8 of the Code of Ordinances to increase the fine for companies to \$2,000.00, to provide for up to six (6) months imprisonment, and to establish minimum fines for use of fireworks in the amounts of \$250.00 for a first offense, \$500.00 for a second offense, and \$1,000.00 for a third or greater offense; all effective on date of passage.

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. 12.

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A Resolution ratifying the probationary civil service appointments of: Marcus Ashford, Public Service Supervisor Sr., Grade 114E, \$1,440.72 bi-weekly, in the Div. of Waste Management, effective September 10, 2012, Jimmy Ross, Public Service Supervisor, Grade 111N, \$15.494 hourly, in the Div. of Facilities and Fleet Management, effective September 3, 2012, Phillip Stiefel, Information Systems Service Level Manager, Grade 121E, \$3,101.12 bi-weekly, in the Div. of Enterprise Solutions, effective September 3, 2012, Nanette Lewis, Telecommunicator Supervisor, Grade 116E, \$1,715.04 bi-weekly, in the Div. of Emergency Management/911, effective July



30, 2012, Tamara Walters, Deputy Director Human Resources, Grade 122E, \$3,300.56 bi-weekly, in the Div. of Human Resources, effective August 13, 2012, Christopher Cord, Telecommunicator Supervisor, Grade 116E, \$1,784.08 bi-weekly, in the Div. of Emergency Management/911, effective August 13, 2012, Eric Gentry, Public Service Worker Sr., Grade 107N, \$13.360 hourly, in the Div. of Water Quality, effective September 9, 2012, Andre Scott, Equipment Operator Sr., Grade 109N, \$18.910 hourly, in the Div. of Water Quality, effective September 9, 2012; ratifying the permanent civil service appointments of: Robert L. Bailey, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective July 16, 2012 and John A. Day, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective July 8, 2012; ratifying the probationary sworn appointments of: Brian Dawson, Fire Captain, Grade 316N, \$23.039 hourly, in the Div. of Fire and Emergency Services, effective June 25, 2012 and Michael Henderson, Fire Major, Grade 318E, \$3,521.79 bi-weekly, in the Div. of Fire and Emergency Services, effective June 25, 2012; ratifying the approved Council leave for: Julia Shaw, Police Analyst, Grade 111N, in the Div. of Police, beginning July 23, 2012 through October 20, 2012, David Rawlings, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, beginning July 23, 2012 through October 20, 2012, Charles Johnson, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, beginning May 1, 2012 through July 29, 2012 and Michael Smith, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, beginning July 27, 2012 through October 24, 2012; and unclassified civil service pay increases in the Office of the Urban County Council: Leah Boggs, Aide to Council, Grade 000E, from \$2,098.80 bi-weekly to \$2,131.36 bi-weekly, in the Council Office, effective August 13, 2012 and Tiffany Tatum, Aide to Council, Grade 000E, from \$2,040.00 bi-weekly to \$2,131.36 bi-weekly, in the Council Office, effective August 13, 2012 was on the docket for second reading.

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by unanimous vote, the resolution was amended to remove Andre Scott.

A Resolution ratifying the probationary civil service appointments of: Marcus Ashford, Public Service Supervisor Sr., Grade 114E, \$1,440.72 bi-weekly, in the Div. of Waste Management, effective September 10, 2012, Jimmy Ross, Public Service

Supervisor, Grade 111N, \$15.494 hourly, in the Div. of Facilities and Fleet Management, effective September 3, 2012, Phillip Stiefel, Information Systems Service Level Manager, Grade 121E, \$3,101.12 bi-weekly, in the Div. of Enterprise Solutions, effective September 3, 2012, Nanette Lewis, Telecommunicator Supervisor, Grade 116E, \$1,715.04 bi-weekly, in the Div. of Emergency Management/911, effective July 30, 2012, Tamara Walters, Deputy Director Human Resources, Grade 122E, \$3,300.56 bi-weekly, in the Div. of Human Resources, effective August 13, 2012, Christopher Cord, Telecommunicator Supervisor, Grade 116E, \$1,784.08 bi-weekly, in the Div. of Emergency Management/911, effective August 13, 2012, Eric Gentry, Public Service Worker Sr., Grade 107N, \$13.360 hourly, in the Div. of Water Quality, effective September 9, 2012; ratifying the permanent civil service appointments of: Robert L. Bailey, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective July 16, 2012 and John A. Day, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective July 8, 2012; ratifying the probationary sworn appointments of: Brian Dawson, Fire Captain, Grade 316N, \$23.039 hourly, in the Div. of Fire and Emergency Services, effective June 25, 2012 and Michael Henderson, Fire Major, Grade 318E, \$3,521.79 bi-weekly, in the Div. of Fire and Emergency Services, effective June 25, 2012; ratifying the approved Council leave for: Julia Shaw, Police Analyst, Grade 111N, in the Div. of Police, beginning July 23, 2012 through October 20, 2012, David Rawlings, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, beginning July 23, 2012 through October 20, 2012, Charles Johnson, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, beginning May 1, 2012 through July 29, 2012 and Michael Smith, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, beginning July 27, 2012 through October 24, 2012; and unclassified civil service pay increases in the Office of the Urban County Council: Leah Boggs, Aide to Council, Grade 000E, from \$2,098.80 bi-weekly to \$2,131.36 bi-weekly, in the Council Office, effective August 13, 2012 and Tiffany Tatum, Aide to Council, Grade 000E, from \$2,040.00 bi-weekly to \$2,131.36 bi-weekly, in the Council Office, effective August 13, 2012 was given second reading as amended.

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

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

Nay: -----0

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

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

Nay: Martin-----1

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Homeland Security, Federal Emergency Management Agency, which Grant funds are in the amount of \$2,621,304 Federal funds under the Staffing For Adequate Fire and Emergency Response (SAFER) Grant Program, are for hiring twenty-eight firefighters, 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 was given second reading.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Services Agreement with UK Arboretum for stormwater education and outreach workshops for the Div. of Environmental Policy, at a cost not to exceed \$50,000.

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

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

Nay: -----0

A Resolution accepting the bid of Nugent Sand Co., establishing a price contract for sand for golf courses, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Amron International, Inc., establishing a price contract for Dry Suits for Public Safety Diving Program, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Kiesler Police Supply, Inc, establishing a price contract for Soft Body Armor, for the Div. of Police.

A Resolution accepting the bid of TEM Group, Inc., in the amount of \$148,812, for a Generator for Fire Station No.1, for the Div. of Fire and Emergency Services, and authorizing the Mayor, on behalf of the Urban County Government, to enter into any necessary agreement related to the bid.

A Resolution accepting the bid of Lagco, Inc., in the amount of \$124,451, for the Andover Trunk Sewer No. 16 Fairway, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Agreement with Lagco, Inc., related to the bid.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Lexington Fayette Urban County Human Rights Commission, for lease of space at 162 East Main St.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with Fayette County Board of Education, for use of Dunbar Track for the Hershey's Track Meet, at a cost not to exceed \$84.50.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Lexington Downtown Development Authority, for lease of space at 101 East Vine St.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. Three (3) to the Contract with CDP Engineers, Inc., for the Clays Mill Road Improvement Project, increasing the contract price by the sum of \$73,012 from \$1,067,727 to \$1,140,739.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Statement of Compliance with the Commonwealth of Ky., Transportation Cabinet, for bridge posting requirements.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Energy and Environment Cabinet, which Grant funds are in the amount of \$112,000 Commonwealth of Ky. funds under the Ky. Recycling Grant Program, are for the purchase of a comingled sorting line, the acceptance of which obligates the Urban County Government for the expenditure of \$28,000 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 Change Order No. One (1) to the Contract with Mitchell Construction Management for the improvement project at Fire Station No. 6, increasing the contract price by the sum of \$2,100 from \$54,000 to \$56,100.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. of Waste Management, 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 \$3,000 Commonwealth of Ky. funds, and are for disposal or recycling of waste tires, 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 an Amendment to Agreement with the Ky. Transportation Cabinet, for the acceptance of additional Federal funds for the Tates Creek Road Sidewalk Improvements Project in the amount of \$250,000, the acceptance of which obligates the Urban County Government for the expenditure of \$62,500 as a local match, and extending the project through June 30, 2013.

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 use of Tates Creek Middle School Gym for the Teen Initiative Program, at a cost not to exceed \$633.75.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with Fayette County Board of Education, for

rental of Tates Creek Middle School Gym for Teen Initiative Activities, at a cost not to exceed \$1,087.50.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Lagco, Inc., for energy efficiency improvements to Black and Williams Community Center, for the Div. of Environmental Policy, increasing the contract price by the sum of \$3,000 from \$426,040 to \$429,040.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Right of Way with Columbia Gas of Ky., Inc., for a pipeline and service connections over and through Masterson Station Park relating to widening of Leestown Rd.

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 the ESP and REAL programs.

A Resolution accepting the Response of Immediate Response Spill Technologies, for a Hazardous Materials Cost Recovery and Supply Program, for the Div. of Fire and Emergency Services, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Immediate Response Spill Technologies, related to the RFP and Response, 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 the Fayette County Commonwealth Attorney's Office, for a "Fast Track" Prosecutor for the Street Sales Drug Enforcement Project, at a cost not to exceed \$57,914.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Supplemental Agreement No. 2 with the Ky. Transportation Cabinet, for the acceptance of additional Federal funds for the Brighton East Trail Project in the amount of \$256,000, the acceptance of which obligates the Urban County Government for the expenditure of \$64,000 as a local match.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Downtown Lexington Corporation, for lease of space at 101 East Vine St.

A Resolution authorizing the Urban County Government to rename the Valley Park Neighborhood Building to the Jesse Higginbotham Neighborhood Center, pursuant to the Div. of Parks and Recreation Naming Policy.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Lexington and Fayette County Parking Authority, for lease of space at 101 East Vine St.

A Resolution authorizing the Div. of Revenue, on behalf of the Urban County Government, to purchase document imaging provider and related services from VeBridge, a sole source provider, at a cost not to exceed \$55,000, and authorizing the Mayor to sign any necessary agreement related to the services.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1), to the Contract with Disponette Service Co., Inc., for Charles Young Center repairs increasing the contract price by the sum of \$2,800 from \$182,600 to \$185,400.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facilities Use Agreement with St. Luke United Methodist Church, for space for the Meeting the Challenges and Opportunities of Aging Conference, at no cost to the Urban County Government.

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 Andover Trunk Sewer Project, at a cost not to exceed \$57,261.06.

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 721 Roland Ave., for the Stream Stabilization Project, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of Ky. for cost-sharing for relocation of

sanitary sewer lines in the 400 block of Rose Ln. for the Div. of Water Quality, at a cost not to exceed \$103,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Contract Amendment Number One (1) to the Contract with Third Rock Consultants, Inc., for the Wolf Run Watershed Plan, increasing the contract price by the sum of \$13,500 from \$177,200 to \$190,700.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Public Schools, for the provision of meals to students at the Day Treatment and Family Care Centers, at a cost not to exceed \$5,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Internal Revenue Service Criminal Investigation, for reimbursement of expenses.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept funds in the amount of \$22,517 from Ky. Utilities, as approved by the Ky. Clean Fuels Coalition, for the purchase of an electricity-powered vehicle.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Harshaw Trane, for Police Headquarters HVAC, increasing the contract price by the sum of \$726.27 from \$97,117.73 to \$97,844.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Paladin, Inc., for additional energy assessment services for the Energizing the Arts Program, increasing the contract price by the sum of \$1,987.50 from \$46,182.50 to \$48,170.00.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Lynn Imaging for a Wide-Format Scanner/Printer/Copier for the Div. of Water Quality, at a cost not to exceed \$1,920.

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 Boston Rd. and Wyndam Hills Dr.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Center for Family and Community Services, for facility management, programs and services at the Charles Young Community Center, at no cost to the Urban County Government was on the docket for first reading.

Mr. Blues asked questions of Ms. Sally Hamilton, Commissioner of the Dept. of General Services, regarding the services being offered and the entities being housed at the Charles Young Center. Ms. Hamilton responded, and also introduced several members of the Charles Young Center Board, Mr. Alvin Seals, Ms. Sharon Reed, Ms. Joyce Parks, Mr. Charles Fields, and facility director, Dr. Regina Berry.

Mr. Myers asked questions of Ms. Hamilton about the lease requirements for the entities occupying the Charles Young Center. Ms. Hamilton and Ms. Beth Mills, Commissioner of the Dept. of Social Services, responded.

Ms. Hamilton asked Dr. Berry to speak about the outcomes to be measured at the Charles Young Center.

The Council continued to discuss the issue and to ask questions of Ms. Hamilton.

Mr. Myers made a motion, seconded by Mr. McChord, to amend the agreements associated with the entities being engaged to provide programs in the Charles Young Center, to one-year rather than three-year term agreements, with renewal subject to evaluation by the Council.

The Council discussed the motion, and to ask questions of Ms. Hamilton.

Mr. Kay asked questions of Mr. David Barberie, Dept. of Law, regarding the terms of the agreements.

The Mayor spoke about the motion, and responded to questions from Mr. Myers.

The motion **failed** by a vote of 3-9 (Mr. Beard, Mr. Blues, Mr. Farmer, Ms. Lawless, Mr. Kay, Mr. Stinnett, Ms. Henson, Ms. Gorton, and Mr. Ford voted **no**, and Mr. Martin was absent when the vote was taken.)

The resolution was given first reading. Upon motion of Mr. Ford, seconded by Ms. Lawless, the rules were suspended by a majority vote of 13-0 (Mr. Martin recused himself when the vote was taken).

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

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

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

\* \* \*

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Community Action Council for programs and services at the Charles Young Community Center, at no cost to the Urban County Government was given first reading.

Upon motion of Mr. Ford, seconded by Ms. Lawless, the rules were suspended by a majority vote of 13-0 (Mr. Martin recused himself when the vote was taken).

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

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

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

\* \* \*

The following resolutions were given first reading. Upon motion of Mr. Ford, seconded by Ms. Lawless, the rules were suspended by unanimous vote.

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

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

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

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Dept. of Social Services, for programs and services at the Charles Young Community Center, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Professional Life Coach, LLC, for programs and services at the Charles Young Community Center, at no cost to the Urban County Government.

\* \* \*

The following resolutions were given first reading. Mr. David Barberie, Dept. of Law, requested on behalf of the Administration, that the rules be suspended in order to give second reading to the resolutions.

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

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

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

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

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: Bryan Young, Public Service Worker Sr., Grade 107N, \$11.668 hourly, in the Div. of Water Quality, effective upon passage of Council, James Sloan, Microcomputer Support Specialist, Grade 113N, \$18.917 hourly, in the Div. of Computer Services, effective upon passage of Council and Roger Wright, Attorney Sr., Grade 121E, \$2,957.92 bi-weekly, in the Dept. of Law, effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following probationary sworn appointments: Jacob Diaz, Andrew Cizek, Timothy Buckenroth, Forrest Palmer, Shawn Lawson, Timothy McDermott, Johnathan Taylor, Michael Shields, Amanda Arbogast, Byron Bradford, David Dunn, A.J. Laughlin, Jonathan Stipp, Brandon Logan, Tyler Overly, John Gerardi, Brentley Wuest, Steven Lizer, Scott Lambert and Isaac Allen, Firefighter, Grade 310N, \$14.424 hourly, in the Div. of Fire and Emergency services, effective upon passage of Council, Bradley Williams and David Richardson, Police Sergeant, Grade 315N, \$28.588 hourly, in the Div. of Police effective upon passage of Council; authorizing the Div. of Human Resources to make a conditional offer to the following unclassified civil

service appointment: Albert Beatty, Deputy Coroner, Grade 112N, \$16.400 hourly, in the Office of the Coroner, effective upon passage of Council.

A Resolution of the Lexington-Fayette Urban County Government authorizing the advertisement for bids and the distribution of a Preliminary Official Statement for the purchase of the principal amount of its \$3,600,000 Various Purpose General Obligation Notes, Series 2012C (which amount may be increased or decreased by an amount of up to ten percent (10%)).

\* \* \*

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Second Amendment to the System Maintenance Agreement with Lexington Call Mobile, Incorporated, a sole source provider, for maintenance of the 800 Megahertz Analog Trunked Radio Communication System, to extend the term up to three additional years beginning September 1, 2012, at a cost not to exceed \$134,138.25 in FY2013 was 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 resolution.

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

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

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

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

\* \* \*

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

A Resolution accepting the bid of Blackhawk Enterprise, Inc., establishing a price contract for video equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Precision Survey Supply, in the amount of \$122,728, for a Three Dimensional Laser Scanning System for the Div. of Police.

A Resolution accepting the bid of Martin's Sanitation Service, Inc., establishing a price contract for pump and hauling services, for the Div. of Water Quality.

A Resolution ratifying the probationary civil service appointments of: James York, Telecommunicator, Grade 111N, \$15.451 hourly, in the Div. of Emergency Management/911, effective August 27, 2012, Steve Zahn, Equipment Operator Sr., Grade 109N, \$18.300 hourly, in the Div. of Water Quality, effective September 9, 2012, Charles Sayre, Traffic Signal Technician Sr., Grade 112N, \$23.727 hourly, in the Div. of Traffic Engineering, effective September 10, 2012, Michael Cook, Skilled Trades Worker, Grade 111N, \$21.437 hourly, in the Div. of Parks and Recreation, effective September 10, 2012, Joseph Davis, Public Service Supervisor, Grade 111N, \$19.310 hourly, in the Div. of Parks and Recreation, effective September 10, 2012, Sharon Buford, Administrative Specialist Principal, Grade 114E, \$1,853.44 bi-weekly, in the Div. of Police, effective September 10, 2012 and Gregory Lubeck, Engineering Section Manager, Grade 120E, \$2,774.96 bi-weekly, in the Div. of Water Quality, effective September 17, 2012.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. State Police, Commercial Vehicle Enforcement Division, 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 \$75,000 Federal funds, and are for continued operation of the Motor Carrier Safety Assistance Program (MCSAP), the acceptance of which obligates the Urban County Government for the expenditure of \$18,750 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 a Purchase of Service Agreement and a Lease Agreement with Lexington-Fayette Animal Care and Control, LLC, for animal control services, at a cost not to exceed \$1,095,980.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Insight Business, for cable Internet service at 2269 Frankfort Ct., at a cost not to exceed \$3,540.

A Resolution authorizing the Div. of Water Quality, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to purchase two 12"

Full Flare - Weir End - WEMCO Hydrogritters for Headworks located at the Town Branch Water Treatment Plant from Weir Specialty Pumps c/o Sullivan Environmental Technologies, a sole source provider, at a cost not to exceed \$81,000, and authorizing the Mayor to sign any necessary agreement related to the services.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Renewal of the Engineering Services Agreement with Hazen and Sawyer, P.S.C. to provide for Sanitary Sewer Capacity, Management, Operations and Maintenance Program (CMOM) deliverables for Consent Decree implementation, at a cost not to exceed \$500,000.

A Resolution authorizing the Div. of Water Quality to accept a payment adjustment, owed to employees of Tobacco Rose Farm for the SSA Group I Sewershed Field Activities-Manhole Raising due to prevailing wage requirements, in the amount of \$5,419.70.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Humanities Council, Inc. (\$900) and the ALS Association Ky. Chapter, Inc. (\$475), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Energy and Environment Cabinet, for operation of the 2012 Waste Tire Amnesty Program in Lexington-Fayette County, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Energy and Environment Cabinet, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$146,023.33 Commonwealth of Ky. funds, are for continuation of the Litter Abatement Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Ky. River Foothills Development Council, for lease of space at 1055 Industry Rd.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Programmatic Agreement with the Ky. State Historic Preservation Officer and the Advisory Council on Historic Preservation, for historic preservation compliance in the administration of HUD-funded grants in the Div. of Grants and Special Programs, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Central Ky. Housing and Homeless Initiative (\$1,100), TREE Fund (\$425), Historic Woodward Heights Neighborhood Association (\$500) and Pralltown Neighborhood Association, Inc. (\$500), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

\* \* \*

Upon motion of Mr. Stinnett, seconded by Mr. Farmer, and passed by a majority vote of 13-0 (Mr. McChord was absent when the vote was taken), the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Mr. James Kyner, as area resident representative, to the Dunbar Neighborhood Center Board, with a term to expire 3-20-2016; and (2) Recommending the appointment of Mr. Adam P. Sovkoplak, as Bracktown Neighborhood Association representative, to the Masterson Station Park Advisory Board, with a term to expire 5-1-2015. The term of Mr. Coleman Crawford has expired.

\* \* \*

The following Communications from the Mayor were received for information only: (1) Transfer of Van Hurst, Heavy Equipment Technician, Grade 113N, from the Div. of Facilities and Fleet Management to the Div. of Fire and Emergency Services, effective September 10, 2012; and (2) Temporary appointment of Jennifer Hollon, Paralegal, Grade 113N, \$20.277 hourly, in the Dept. of Law, effective August 20, 2012.

\* \* \*

The Mayor announced that Mr. Louis Stout, Chair of the Board of Adjustment, was in the hospital, and that he was in everyone's thoughts and prayers.

\* \* \*

Mr. Brian Schlifke, Winding Drive, passed around a handout entitled 'A Citizen's Scorecard', and spoke about his perception of Lexington in 2011 and 2012, specifically with regard to economic factors.

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Mr. Bernard McCarthy, Harry Street, spoke about the proposed renovation of the Lexington Center. He stated that the funds could be better used in housing the homeless population. He also spoke about employment in energy fields, and stated his preference for one-way over two-way streets.

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Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by a majority vote of 13-0 (Mr. McChord was absent when the vote was taken), the meeting adjourned at 8:06 p.m.

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Deputy Clerk of the Urban County Council