Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky August 27, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on August 27, 2009 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Gorton, Gray, Henson, James, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, and Feigel.

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

Ordinances No. 157-2009 thru 163-2009 inclusive and Resolutions No. 531-2009 thru 532-2009 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky August 27, 2009

The Invocation was given by Reverend Cynthia Cain, Unitarian Universalist Church of Lexington.

* * *

Ms. Lawless made a motion, seconded by Ms. Crosbie, to suspend the rules to allow public comment out of order. The motion **failed to pass** by a vote of 9-6, 10 votes being required in order to suspend the rules (Lane, McChord, Myers, Stinnett, Beard and Feigel voted **no**.)

* * *

An Ordinance changing the zone from a Two Family Residential (R-2) zone to a Townhouse Residential (R-1T) zone for 0.21 net (0.24 gross) acre; and from a Planned Neighborhood Residential (R-3) zone to a Townhouse Residential (R-1T) zone for 0.73 net (0.81 gross) acres, for property located at 310 Romany Rd. (Paul V. & Judy A. Paternostro) was given second reading.

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

Aye: Gorton, Gray, Henson, James, Lane,
Lawless, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Feigel-------------------14

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

* * *

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Administrative Officer, Grade 118E, one (1) position of Operations Manager, Grade 116E, one (1) position of Public Service Supervisor Sr., Grade 114E, one (1) position of Enforcement Officer, Grade 110N, one (1) position of Equipment Operator Sr., Grade 109N, and one (1) position of Public Service Worker, Grade 106N, in the Div. of Waste Management; amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Security Officer, Grade 106N and two (2) positions of Security Officer P/T, Grade 106N and amending Section 22-5(2) of the Code of Ordinances creating two (2) positions of Security Officer P/T, Grade 106N in the

Div. of Facilities and Fleet Management, effective retroactive to June 22, 2009 was on the docket for second reading.

Ms. Henson made a motion, seconded by Mr. Lane, and approved by unanimous vote, to amend the ordinance to remove the creation of two part-time civil service security officers. Ms. Henson stated that these positions would be created as non-civil service positions, that this was not a material change and would not require new first reading.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Administrative Officer, Grade 118E, one (1) position of Operations Manager, Grade 116E, one (1) position of Public Service Supervisor Sr., Grade 114E, one (1) position of Enforcement Officer, Grade 110N, one (1) position of Equipment Operator Sr., Grade 109N, and one (1) position of Public Service Worker, Grade 106N, in the Div. of Waste Management; amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Security Officer, Grade 106N and amending Section 22-5(2) of the Code of Ordinances creating two (2) positions of Security Officer P/T, Grade 106N in the Div. of Facilities and Fleet Management, effective retroactive to June 22, 2009 was given second reading as amended.

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

Aye: Gorton, Gray, Henson, James, Lane,
Lawless, Martin, McChord, Myers, Stinnett,
Beard, Blues, Crosbie, Ellinger, Feigel---------15

Nay: ---0

* * *

An Ordinance authorizing the issuance of up to $12,800,000 of Educational Building Revenue Refunding and Improvement Bonds, Series 2009 (The Lexington Christian Academy, Inc. Project) of the Lexington-Fayette Urban County Government, the proceeds of which shall be loaned to The Lexington Christian Academy, Inc. to finance and refinance the construction, renovation, installation, improvement, and equipping of improvements suitable for use in furtherance of the educational and recreational purposes of The Lexington Christian Academy, Inc.; providing for the pledge of revenues for the payment of such Bonds, authorizing a Bond Purchase and Loan Agreement appropriate for the protection and disposition of such revenues and to further secure such Bonds; recognizing the Bonds as qualified tax exempt obligations under I.R.C. Section 265(b)(3)(G) (i) and (ii); and authorizing other actions in connection with the issuance of such Bonds 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 Ms. Crosbie, the ordinance was approved by the following vote:

Aye: Gorton, Gray, Henson, James, Lane,
Lawless, Martin, McChord, Myers, Stinnett,
Beard, Blues, Crosbie, Ellinger, Feigel---------15

Nay: ---0

* * *

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

Aye: Gorton, Gray, Henson, James, Lane,
Lawless, Martin, McChord, Myers, Stinnett,
Beard, Blues, Crosbie, Ellinger, Feigel---------15

Nay: ---0

An Ordinance changing the zone from a Wholesale & Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone for 4.63 net (6.07 gross) acres, for property located at 1837 and 1844 Plaudit Place, subject to certain use restrictions imposed as conditions of granting the zone change (KYROB II, LLC).

An Ordinance accepting the bid of Altec Industries, in the amount of $86,171.00, for an Aerial Cable Placer and Truck, for the Div. of Facilities and Fleet Management, and appropriating funds pursuant to Schedule No. 48.

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. 39.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Health Clinic Director, Grade 118E, one (1) position of Health Clinic Nurse - RN Supervisor, Grade 116E, one (1) position of Administrative Specialist Principal, Grade 114E, one (1) position of Health Clinic Nurse - RN, Grade 114E, one (1) position of Administrative Specialist, Grade 110N, one (1) position of Certified Medical Assistant, Grade 110N, and one (1) position of Staff Assistant Sr., Grade 108N, and amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Health Clinic Nurse - RN - P/T, Grade 114E and one (1) position of Staff Assistant P/T, Grade 107N, all within the Div. of Family Services and appropriating funds pursuant to Schedule No. 40.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Municipal Engineer Sr., Grade 119E and one (1) position of Staff Assistant Sr., Grade 108N, and abolishing one (1) position of Municipal Engineer, Grade 117E, and one (1) position of Treatment Plant Operator, Grade 113N and amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Municipal Engineer Sr. - P/T, Grade 119E and creating one (1) temporary position of Project Engineering Coordinator, Grade 119E, ending on June 25, 2013 all within the Div. of Water Quality and appropriating funds pursuant to Schedule No. 41.

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

An Ordinance 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 $446,400.00 Federal funds under the Congestion Mitigation and Air Quality Improvement Program (CMAQ), are for construction of the Gainesway Trail, the acceptance of which obligates the Urban County Government for the expenditure of $111,600.00 as a local match appropriating funds pursuant to Schedule No. 42, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of $150,000.00 Federal funds, for the continuation of the Street Sales Drug Enforcement Project, the acceptance of which obligates the Urban County Government for the expenditure of $50,000.00 as a local match, appropriating funds pursuant to Schedule No. 43, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of $40,583.00 Commonwealth of Ky. funds from the Law Enforcement Service Fee Program, are for support of the cost of police overtime hours for a Traffic Alcohol Patrol, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 44, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Supplemental Agreement No. 3 with the Ky. Transportation Cabinet, accepting a Grant in the amount of $360,000.00 Federal funds, for the Loudon Ave. Improvements Project, the acceptance of which obligates the Urban County Government for the expenditure of $90,000.00 as a local match, appropriating funds pursuant to Schedule No. 45, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Lexington-Fayette Urban County Health Dept., which Grant funds are in the amount of $414,712.00 Federal funds, are for the Home Network Project at the Family Care Center, the acceptance of which obligates the Urban County Government for the expenditure of $31,750.00 as a local match, appropriating funds pursuant to Schedule No. 46, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of $300.00 from Marcella Nazario, for books and supplies for the Early Start Program at the Family Care Center, and appropriating funds pursuant to Schedule No. 47.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $380.00 in the Div. of Streets, Roads, and Forestry from the Neighborhood Development Funds for connecting sidewalks in the Courtney Commons Neighborhood Association, and appropriating and re-appropriating funds, Schedule No. 49.

An Ordinance amending Section 14-83(3) of the Code of Ordinances to revise the membership of the Stone Wall Appeals Board to consist of the members of the Board of Architectural Review serving ex officio.

An Ordinance amending Ordinance No. 203-80, as amended by Ordinance Nos. 59-81, 103-86, 237-93, 52-94 and 18-96, relating to the Industrial Building Revenue Bonds to remove the Lexington Economic Development Commission as a nominating organization and increase the number of at-large members from three (3) to four (4).

An Ordinance amending Section 25-20(2) of the Code of Ordinances removing African Americans of Lexington Emerge (A.A.L.E.) as a nominating organization and replacing it with the John Rowe Chapter of the National Bar Association and directing the Council Clerk, pursuant to KRS 65.003(5)(b), to submit a copy of this ordinance and proof of publication to the Dept. for Local Government within twenty-one (21) days of its passage.

* * *

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

An Ordinance pursuant to Section 21-26.1 of the Code of Ordinances approving the promotion and twelve percent (12%) pay increase for David Loney, Deputy Director of Fleet, Grade 120E, due to his experience and exceptional qualifications.

An Ordinance pursuant to Section 21-26.1 of the Code of Ordinances approving the promotion and twenty-three percent (23%) pay increase for Kevin

Bennett, Program Manager Sr., Grade 120E, Div. of Waste Management, due to his experience and exceptional qualifications.

Ms. Lawless asked that more information be provided on the preceding ordinances before the next meeting of the Council.

* * *

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

An Ordinance pursuant to Ordinance No. 197-2002 adjusting the salaries of employees occupying the position of Administrative Specialist Sr., Staff Assistant Sr., Customer Service Supervisor, Administrative Specialist, Information Systems Specialist Sr., Microcomputer Support Specialist, Telecommunicator, Planner, Family Support Worker Sr., Laboratory Technician, Engineering Technician, Public Service Worker, Public Service Worker Sr., Skilled Trades Worker, Equipment Operator Sr., Treatment Plant Operator, and Telecommunicator Sr., in various divisions, after review pursuant to the Pay Equity Ordinance, effective retroactive to the dates described in each item; and appropriating funds pursuant to Budget Schedule No. 55.

An Ordinance pursuant to Ordinance No. 197-2002 adjusting the salaries of employees occupying the position of Telecommunicator Sr., Equipment Operator Sr., Public Service Supervisor Sr., and Administrative Specialist Sr., in various divisions, after review pursuant to the Pay Equity Ordinance, effective retroactive to the dates described in each item; and appropriating funds pursuant to Budget Schedule No. 56.

An Ordinance pursuant to Ordinance No. 197-2002 adjusting the salaries of employees occupying the position of Planner Sr., GIS Specialist, Accountant Sr., Equipment Operator Sr., and License Inspector, in various divisions, after review pursuant to the Pay Equity Ordinance, effective retroactive to the dates described in each item; and appropriating funds pursuant to Budget Schedule No. 57.

Mr. Blues asked questions of Mr. William O’ Mara, Acting Commissioner of the Dept. of Finance, regarding the preceding ordinances.

* * *

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

An Ordinance changing the zone from a Light Industrial (I-1) zone to a Planned Neighborhood Residential (R-3) zone for a 6.93 net (7.15 gross) acres, for property located at 1700 Leestown Rd. (a portion of), subject to provision of a landscape buffer imposed as a condition of granting the zone change (Dennis Anderson INV 1700, LLC).

An Ordinance amending Subsection (1) of Section 5-76 of the Code of Ordinances of the Lexington-Fayette Urban County Government to increase the fees as follows: rough wire inspection fee from $35.00 to $45.00 for first 10 circuits; rewire inspection fee from $35.00 to $45.00 for service change inspection; final inspection fee from $35.00 to $45.00 for service and fixtures up to 10 circuits; temporary inspection fee from $35.00 to $45.00; apartment - rough wire fee from $35.00 to $45.00 for first unit - 1 building, and from $9.00 to $12.00 for each additional unit; apartments final inspection fee from $35.00 to $45.00 for first unit, and from $9.00 to $12.00 for each additional unit; and changing the term trailer service to manufactured or mobile home service and increasing the fee from $35.00 to $45.00 for inspections without state approval; all effective on September 1, 2009.

An Ordinance approving and adopting a program amendment for use of HOME Investment Partnerships (HOME) Project funds in the 2009 Consolidated Plan to establish a new project, the Equestrian View Project, appropriating funds pursuant to Schedule No. 50, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Section 18A-1 of the Code of Ordinances creating a definition for special event permit; amending Section 18A-15 providing that the holder of a local taxicab permit may request a special event permit for a specified time frame and modify the identification scheme of one (1) or more vehicles of its fleet and providing that upon expiration of the permit, the local taxicab permit holder shall have five (5) days to return to the original identification scheme of its fleet of vehicles.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Environmental Outreach Specialist, Grade 115E, in the Div. of Environmental Policy.

An Ordinance amending Section 21-5(2) of the Code of Ordinances creating the Div. of Enterprise Solutions and creating one (1) position of Dir. of Enterprise Solutions, Grade 123E, in the Div. of Computer Services and authorizing the Div. of Human Resources to internally advertise for the position, appropriating funds pursuant to Schedule No. 51.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Juvenile Justice, which Grant funds are in the amount of $15,275 Federal funds under the Juvenile Accountability Block Grant Program, are for programs designed to promote greater accountability in the Juvenile Justice System, the acceptance of which obligates the Urban County Government for the expenditure of $1,697 as a local match, appropriating funds pursuant to Schedule No. 52, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of $10,000.00 Federal funds, are additional funds for participation in assessments of critical infrastructure in Fayette County, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 53, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

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. 54.

An Ordinance amending Sections 11-15, 11-18, 11-20, 11-21, and 11-29 of the Code of Ordinances, Lexington-Fayette Urban County Government, to provide the Commissioner of Health, Health Officer, and Officer of the Day the authority to issue and enforce orders; and amending Section 11-15 of the Code of Ordinances, Lexington-Fayette Urban County Government to provide the Div.

of Police the authority to aid any member of the Health Dept. regarding enforcement.

* * *

The following resolutions were given second reading. Upon motion of Mr. Lane, seconded by Mr. Stinnett, the resolutions were approved by the following vote:

Aye: Gorton, Gray, Henson, James, Lane,
Lawless, Martin, McChord, Myers, Stinnett,
Beard, Blues, Crosbie, Ellinger, Feigel---------15

Nay: --0

A Resolution accepting the bid of Quadmed, Inc., establishing a price contract for Transport Ventilators, for the Div. of Emergency Management/911.

A Resolution accepting the bid of D&W Environmental, Inc., establishing a price contract for Recycling Dumpsters for Schools, for the Div. of Waste Management.

A Resolution accepting the bid of The Trophy Center, establishing a price contract for Trophies, Plaques, and Silver, for the Div. of Parks and Recreation.

A Resolution accepting the bids of Montgomery Tractor Sales, Inc., Central Equipment Company, Reynolds Farm Equipment D/B/A Reynolds Golf and Turf, Price's Tractor Sales, Inc., and Alamo Sales Corp., establishing price contracts for tractor and mower parts, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Klosterman Baking Company, Inc., establishing a price contract for Bakery Products, for the Div. of Parks and Recreation.

A Resolution accepting the bid of ADS, LLC, in the amount of $536,794.00, for the SSA Group 2/3 Sewershed Field Activities - Flow Monitoring Services Contract 2, for the Div. of Water Quality, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with ADS, LLC, related to the bid.

A Resolution accepting the bids of BudsGunShop.com D/B/A Buds Police Supply, Galls, Grants Tactical, Gulf States Distributors, Ky. Uniforms, Inc., and

U.S. Cavalry, establishing price contracts for Police Recruit Equipment, for the Div. of Police.

A Resolution accepting the bid of Lexington Foodservice, establishing a price contract for concession products, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Woolpert, in the amount of $2,933,902.20, for the SSA Group 2/3 Sewershed Field Activities - Field Services - Contract 3, for the Div. of Water Quality, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Woolpert, related to the bid.

A Resolution accepting the bid of Tobacco Rose Farm Construction & Development Services, in the amount of $1,381,531.00, for the SSA Group 2/3 Sewershed Field Activities - Raising Manhole Covers - Contract 4, for the Div. of Water Quality, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Tobacco Rose Farm Construction & Development Services, related to the bid.

A Resolution of the Lexington-Fayette Urban County Government requesting that the Ky. Economic Development Finance Authority issue Industrial Building Revenue Bonds to finance an Industrial Building Project in Lexington-Fayette County for Goodwill Industries of Ky., Inc.

A Resolution of the Lexington-Fayette Urban County Government approving the application of the Lexington Christian Academy, Inc. for educational building revenue refunding and improvement bonds related to an Industrial Building Project; undertaking the issuance of educational building revenue refunding and improvement bonds to finance and refinance the project; authorizing the execution of a Memorandum of Agreement relating to the project and the bonds; and taking other preliminary action.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, for property interests needed for the Leesway Dr. Sanitary Sewer Project, at a cost not to exceed $5,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, for property interests needed for the Beverly Ave. Sanitary Sewer Project, at a cost not to exceed $50,000.00.

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 extension of the FY2007 Fiber Optic Cable Installation Project through June 30, 2010, 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 Mental Health Services Agreement with Bluegrass Regional Mental Health - Mental Retardation Board, Inc., for court ordered mental health evaluations of clients referred to the Div. of Youth Services, at a cost not to exceed $2,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Knight Foundation and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $4,000.00, and are for continuation of the Another Chance Program, for the Div. of Youth Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute two (2) Partial Releases of Easements, releasing portions of sanitary sewer easements on property located at Sandlake & Estates Properties, Section 2, Lot 2, and at Lot 1, 105 Sand Lake Dr.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with Consolidated Baptist Church, for use of the Andrew Center, at a cost not to exceed $728.90.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Ky. Dept. of Military Affairs, for utilization of the Dept. of Military Affairs Radio Communications System, 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 Internal Revenue Service, for reimbursement of certain police expenses, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with G & G Paving and Construction, Inc., for the Valley Park Parking Renovation Project, increasing the contract price by the sum of $9,376.50 from $40,700.00 to $50,076.50.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Power of Attorney appointing Kimra Cole, the Commissioner of General Services, as Attorney-In-Fact to act for the Urban County Government in connection with the U.S. Dept. of Agriculture Farm Service Agency and Community Credit Corporations Programs with regard to all Urban County Government owned real property subject to the Programs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with NAMI Lexington, Inc. ($875.00), Alpha Beta Lambda Chapter of Alpha Phi Alpha ($850.00), Meadow-Loudon Neighborhood Association ($250.00) and Beaumont Presbyterian Church of Lexington, Ky., Inc. ($250.00), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution amending Section 1 of Resolution No. 500-2009, which ratified probationary civil service appointments, correcting the salary of Dann Dettman, Environmental Compliance Coordinator, Grade 119E, from $2,289.28 bi-weekly to $2,389.28 bi-weekly, in the Div. of Environmental Policy, effective July 6, 2009.

A Resolution amending Section 2 of Resolution No. 517-2009, which ratified probationary civil service appointments, correcting the salary of Angela Mullins, Probation Officer, Grade 110N, from $16.062 hourly to $15.062 hourly, in the Div. of Community Corrections, effective July 20, 2009.

A Resolution making a Declaration of Official Intent with respect to reimbursement from subsequent borrowings of temporary advances made for Capital Expenditures for implementation of the time and labor, payroll conversion of Project Synergy in the approximate amount of $600,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Berkley Appraisal Co., for appraisal services for Citation Blvd. Phase II, at a cost not to exceed $50,550.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with Ky. Utilities Co., for relocation of utilities for the Liberty Todds Rd. Reconstruction, increasing the contract price by the sum of $48,318.45 from $96,782.00 to $145,100.45.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Central Rock Mineral Co., LLC (ATS Construction), for Loudon Ave. Improvements Project, increasing the contract price by the sum of $356,025.23 from $4,604,017.13 to $4,960,042.36.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with MAC Construction & Excavating, Inc., for Meadows/Northland/Arlington Public Improvements Design Phase 3B, increasing the contract price by the sum of $24,976.85 from $1,209,895.44 to $1,234,872.29.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of eleven (11) complete used Federal Signal outdoor warning sirens from the Madison County Emergency Management Agency.

* * *

A Resolution ratifying the probationary civil service appointments of: Chera Mattox, Eligibility Counselor, Grade 110E, $1,161.10 bi-weekly, in the Div. of Adult Services & Tenant Services, effective September 14, 2009, Robert Andrews, Hostler, Grade 104N, $13.596 hourly, in the Div. of Police, effective

August 17, 2009, Victor Obonyo, Computer Analyst, Grade 115E, $1,472.00 bi-weekly, in the Div. of Computer Services, effective August 31, 2009, Alecia Smith, Administrative Specialist, Grade 110N, $16.540 hourly, in the Div. of Water Quality, effective August 17, 2009, Kristina Stambaugh, Program Administrator, Grade 117E, $2,357.12 bi-weekly, in the Dept. of Social Services, effective August 3, 2009, Charles Neal, Public Service Worker Sr., Grade 107N, $13.167 hourly, in the Div. of Water Quality, effective July 20, 2009, Clarence Steele, Public Service Supervisor Sr., Grade 114E, $1,842.32 bi-weekly, in the Div. of Waste Management, effective August 10, 2009, Rebecca Weems, Program Manager Sr., Grade 120E, $2,634.61 bi-weekly, in the Div. of Waste Management, effective July 20, 2009; ratifying the probationary sworn appointments of: John Barnott, Rick Branham, Jerome Brown, Shane Callahan, Eric Campbell, Daniel Clemons, Kevin Clemons, Adam Davis, Joseph Elliot, Chris Gaidzik, Jeffrey Hallman, John Harris Jr., Jesse Holman, Michael Hurt, Jeffrey Hylton, Schlondia Jackson, Mark Lucas, Stephen Parker, Richard Peak, Anthony Releford, Matthew Schwarberg, Erin Sherrill, Christopher Spears, Charlton Sweazy, David Waters, Gary Weddington II, Firefighter, Grade 111N, $17.027 hourly, in the Div. of Fire and Emergency Services, effective August 31, 2009, Jason Walton, Fire Lieutenant, Grade 315N, $17.268 hourly, in the Div. of Fire and Emergency Services, effective July 20, 2009, Leslie Fryman, Fire Captain, Grade 316N, $22.368 hourly, in the Div. of Fire and Emergency Services, effective July 20, 2009; ratifying the permanent sworn appointments of: Jonathan Abbott, Christopher Burlile, Christopher Carrington, Charles Davis, Bryan Durman, Mark Evans, Joseph Felinski, Robert Fraser, Timothy Fritz II, Christopher Harris, Brad Hawkins, Ryan Holland, Jeffrey Howard Jr., John Linton, Christopher Mason, Brian Misik, Brandon Muravchick, Jason Newman, James Norris, Jesse Palmer, Richard Rader, Marcus Sell, Aaron Sharrard, Donna Shepherd, Kevin Sloas, Tyler Smith, Sean Stafford, John Steele III, Michael Taulbee, Nicholas Whitcomb, James Winter, Police Officer, Grade 311N, in the Div. of Police, effective June 10, 2009; approving the unclassified civil service appointment of: Shannon Gordon, Social Worker, Grade 111E, $1,677.76

bi-weekly, in the Dept. of Social Services, effective August 31, 2009; approving the unclassified civil service salary adjustment in the Office of the Urban County Council of: Ronald Scott Seymour, Aide to Council, Grade 000E, $1,856.80 bi-weekly to $1,923.08 bi-weekly, in the Office of the Urban County Council, effective June 1, 2009; approving the voluntary demotion of: Scott Kelly, Client Assessment Counselor, Grade 112E, $1,346.35 bi-weekly, in the Div. of Adult Services & Tenant Services, effective August 24, 2009 was on the docket for second reading.

Ms. Henson made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to amend the Resolution to include ratifying the probationary sworn appointment of Christopher Lawson, Firefighter, Grade 111N, $17.027 hourly in the Div. of Fire and Emergency Services, effective August 31, 2009. Ms. Henson stated that this was a material change and required a new first reading.

A Resolution ratifying the probationary civil service appointments of: Chera Mattox, Eligibility Counselor, Grade 110E, $1,161.10 bi-weekly, in the Div. of Adult Services & Tenant Services, effective September 14, 2009, Robert Andrews, Hostler, Grade 104N, $13.596 hourly, in the Div. of Police, effective August 17, 2009, Victor Obonyo, Computer Analyst, Grade 115E, $1,472.00 bi-weekly, in the Div. of Computer Services, effective August 31, 2009, Alecia Smith, Administrative Specialist, Grade 110N, $16.540 hourly, in the Div. of Water Quality, effective August 17, 2009, Kristina Stambaugh, Program Administrator, Grade 117E, $2,357.12 bi-weekly, in the Dept. of Social Services, effective August 3, 2009, Charles Neal, Public Service Worker Sr., Grade 107N, $13.167 hourly, in the Div. of Water Quality, effective July 20, 2009, Clarence Steele, Public Service Supervisor Sr., Grade 114E, $1,842.32 bi-weekly, in the Div. of Waste Management, effective August 10, 2009, Rebecca Weems, Program Manager Sr., Grade 120E, $2,634.61 bi-weekly, in the Div. of Waste Management, effective July 20, 2009; ratifying the probationary sworn appointments of: John Barnott, Rick Branham, Jerome Brown, Shane Callahan, Eric Campbell, Daniel Clemons, Kevin Clemons, Adam Davis, Joseph Elliot, Chris Gaidzik, Jeffrey Hallman, John Harris Jr., Jesse Holman, Michael Hurt, Jeffrey Hylton, Schlondia Jackson, Mark Lucas, Stephen Parker, Richard Peak, Anthony Releford, Matthew Schwarberg, Erin Sherrill, Christopher Spears, Charlton Sweazy, David Waters, Gary Weddington II, Christopher Lawson, Firefighter, Grade 111N, $17.027 hourly, in the Div. of Fire and Emergency Services, effective August 31, 2009, Jason Walton, Fire Lieutenant, Grade 315N, $17.268 hourly, in the Div. of Fire and Emergency Services, effective July 20, 2009, Leslie Fryman, Fire Captain, Grade 316N, $22.368 hourly, in the Div. of Fire and Emergency Services, effective July 20, 2009; ratifying the permanent sworn appointments of: Jonathan Abbott, Christopher Burlile, Christopher Carrington, Charles Davis, Bryan Durman, Mark Evans, Joseph Felinski, Robert Fraser, Timothy Fritz II, Christopher Harris, Brad Hawkins, Ryan Holland, Jeffrey Howard Jr., John Linton, Christopher Mason, Brian Misik, Brandon Muravchick, Jason Newman, James Norris, Jesse Palmer, Richard Rader, Marcus Sell, Aaron Sharrard, Donna Shepherd, Kevin Sloas, Tyler Smith, Sean Stafford, John Steele III, Michael Taulbee, Nicholas Whitcomb, James Winter, Police Officer, Grade 311N, in the Div. of Police, effective June 10, 2009; approving the unclassified civil service appointment of: Shannon Gordon, Social Worker, Grade 111E, $1,677.76 bi-weekly, in the Dept. of Social Services, effective August 31, 2009; approving the unclassified civil service salary adjustment in the Office of the Urban County Council of: Ronald Scott Seymour, Aide to Council, Grade 000E, $1,856.80 bi-weekly to $1,923.08 bi-weekly, in the Office of the Urban County Council, effective June 1, 2009; approving the voluntary demotion of: Scott Kelly, Client Assessment Counselor, Grade 112E, $1,346.35 bi-weekly, in the Div. of Adult Services & Tenant Services, effective August 24, 2009 was given new first reading as amended.

Upon motion of Ms. Henson, seconded by Ms. Feigel, the rules were suspended by unanimous vote.

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

Aye: Gorton, Gray, Henson, James, Lane,
Lawless, Martin, McChord, Myers, Stinnett,
Beard, Blues, Crosbie, Ellinger, Feigel---------15

Nay: ---0

* * *

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

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

Aye: Gorton, Gray, Henson, James, Lane,
Lawless, Martin, McChord, Myers, Stinnett,
Beard, Blues, Crosbie, Ellinger, Feigel---------15

Nay: ---0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Gall's of twelve (12) insulated bags, for use at the Div. of Police, 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 Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Lane Use Controls/Reversible Lane Project through June 30, 2010, 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 Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the South Elkhorn Trail Project through June 30, 2010, 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 Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Versailles Rd. Corridor Enhancements Project through June 30, 2010, 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 Certificate of Consideration, and any other documents necessary, and accept a Deed conveying 6.786 acres of property located at or near 1501 Deer Haven Ln., for the Brighton East Rail Trail, at no cost to the Urban County Government.

* * *

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

A Resolution accepting the bid of Office Depot, Inc., establishing a price contract for Office Supplies, for the Div. of Central Purchasing.

A Resolution accepting the bid of Mary's Cleaning Service, establishing a price contract for Custodial Services - Gainesway Police RC, PAL, Empowerment and Community Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of TeraBlue, Inc., in accordance with the provisions of Ordinance No. 240-2008, creating and offering for sale a franchise for the operation of a non-exclusive telecommunications system in Fayette County through December 8, 2011, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with TeraBlue, Inc., incorporating the terms and conditions of Ordinance No. 240-2008.

A Resolution accepting the bids of Asplundh Tree Expert Co., Virginia Turf Management Associates, Inc., Lexington Tree Service, Inc., Big Beaver Tree Service, Inc., Tree Pro, Inc., Core Services, LLC, Classic Cut Lawn and Landscape Service, Inc., Tree Tech Services, Inc., and Swartz Mowing, Inc., establishing price contracts for Tree Removal, for the Div. of Streets, Roads and Forestry.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Commonwealth Inspection Bureau, Inc., for electrical inspection services, to provide for a reduction in the minimum number of inspectors and vehicles in certain instances, 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 Amendment to the Software Product License Agreement with Granicus, Inc., for maintenance and support of the video web streaming and Council Chambers voting system for FY2010, and an additional year, subject to sufficient funds being appropriated for the additional year, reducing the cost to $29,640.00 ($2,470.00 per month).

A Resolution initiating a Land Subdivision Regulations text amendment for Planning Commission consideration and recommendation to amend the utility standards in Article 6-5(a) of the Land Subdivision Regulations to require utility lines to be installed below ground with the exception of major facilities and providing standards for such installation.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the U.S. Dept. of Justice, Drug Enforcement Administration, for continuation of the DEA Task Force, 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 Memorandum of Understanding with the University of Ky., for reimbursement for traffic control costs, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Lexington Local Investment Commission (Lexlinc) ($550), American Lung Association of Ky., Inc. ($350), YMCA of Central Ky. Beaumont Centre Branch ($400), ACT Ministries, Inc. ($650), The Temple of Prayer of God in Christ, Inc. ($475), Winburn Neighborhood Association, Inc. ($500) and Russell Cave Church of Christ, Inc. ($300), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution ratifying the probationary civil service appointment of: Cyndra Brown, Administrative Specialist Pr., Grade 114E, $1,467.20 bi-weekly, in the Div. of Community Development, effective August 17, 2009; ratifying the probationary sworn appointments of: Guy Green, Police Lieutenant, Grade 317E, $2,937.03 bi-weekly, in the Div. of Police, effective August 31, 2009, Christopher Morrow, Police Sergeant, Grade 315N, $27.755 hourly, in the Div. of Police, effective August 31, 2009; approving the unclassified civil service appointments of: Eldar Agayev, Tyson Carroll, Robert Chinn, David Collins, James Cox, Ira

Duncan, Daniel Florence, George Halls, Jonathan Holliday, Olivia Loyd, Danny McGuire, Ryan Raker, Doman Ruggles, Michael Steele, Eric Stroud, Joshua Talbert, Brian Voll, Chad Wilson, Ricky Yates Jr., Police Trainee, Grade 311N, $17.135 hourly, in the Div. of Police, effective August 31, 2009, Logan Stricker, Police Trainee, Grade 311N, $17.135 hourly, in the Div. of Police, effective September 2, 2009.

A Resolution approving the Report of the Audit Examination of the Lexington-Fayette Urban County Government Sheriff's Settlement - 2008 taxes, for taxes collected as of April 23, 2009, and granting the Sheriff a Quietus.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with HH General Contractor, Inc., for the Police Health Care Center, increasing the contract price by the sum of $39,505 from $75,950 to $115,455.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Maintenance Agreement with New World Systems Corp., for software maintenance, at a cost not to exceed $221,178.

A Resolution changing the street name and property address number of 241 Clark St. to 240 Corral St., of 240 Clark St. to 105 Spruce St., of 609-611, 615, and 619-621 Tipton Alley to 532, 536, and 535 Poplar St., of 1764, 1768, and 1772 Alysheba Way to 3000, 3008, and 3009 Atkinson Ave., of 2747 Liberty Rd. to 1744 Alysheba Way, and of 2545 Georgetown Rd. to 2420 Spurr Rd.; changing the property address numbers of 807 Oak Hill Dr. to 809 Oak Hill Dr., of 427 Stoll Poole Ct. to 423 Stoll Poole Ct., of 721 Shropshire Ave. to 717 Shropshire Ave., of 1424 Highlawn Ave. to 1428 Highlawn Ave., of 120, 121, and 234 Ford Pl. to 215, 221, and 224 Ford Pl., and of 332 and 601-603 Chestnut St. to 330 and 601 Chestnut St.; and changing the street name of 220 Clark St. to 220 Corral St.; all effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Kathy H. Witt, Sheriff of Fayette County, for the collection of the Urban Service District taxes for the 2009 property tax year, at a cost not to exceed $350,000, with payment net from collections.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Paramedic Training Program Agreement with the City of Paris Fire Dept., for participation by the City of Paris Fire Dept. in the Program, at no cost to the Urban County Government.

A Resolution amending Section 1 of Resolution No. 465-2009, which authorized and directed the Mayor, on behalf of the Urban County Government, to approve Collins & Co., Inc., as the third party claims administrator, to provide workers' compensation claims services for the Urban County Government for FY 2009, at an annual cost of $139,200.00.

A Resolution accepting the bid of Gershman, Brickner & Bratton, Inc., in the amount of $1,655,596, for Waste Management Routing Software and Implementation Services, for the Div. of Waste Management, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement, as necessary, with Gershman, Brickner & Bratton, Inc., related to the bid.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Black Church Coalition of the Bluegrass, Inc. ($1,275) and Bluegrass Blue Bombers Sports, Inc. ($300), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Div. of Human Resources to internally advertise for a GIS Specialist position in the Div. of Computer Services.

* * *

Upon motion of Ms. Gorton, seconded by Ms. Crosbie, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Mr. Leslie K. Kimbrough to the Airport Board, with a term to expire 1-1-2013. Mr. Kimbrough will fill the unexpired term of Mr. Robert Dawson; (2) Recommending the appointments of Ms. Donna A. Collins, Ms. Ann S. Gerald, Ms. Susan M. Humphrey, Mr. Mark J. Onishi and Ms. JoEllen Wilhoite to Bluegrass Crimestoppers, Inc., with terms to expire 3-31-2013; (3) Recommending the reappointments of Ms. Carolyn M.

Hackworth, Ms. Phyllis A. MacAdam and Ms. Merrie K. Winfrey to the Carnegie Literacy Center Board of Directors, with terms to expire 9-1-2013; (4) Recommending the appointments of Mr. Nick L. Alexakos, Dr. Michael DiBiasie, MD, and Ms. Anna F. McGlone to the Citizen Corps Council, with terms to expire 8-1-2012; (5) Recommending the appointments of Council Member Julian Beard, representing 4th, 7th or 8th Districts, Council Member Tom Blues, representing 1st, 2nd, or 6th Districts, Mr. Vincent Bingham, At-Large member, Council Member Cheryl Feigel, representing 3rd, 5th or 11th Districts, and Dr. David Stevens, At-Large member, to the Corridors Commission, with terms to expire 8-1-2012, 8-1-2011, 8-1-2013, 8-1-2013, and 8-1-2010, respectively; (6) Recommending the appointment of Mr. Larry B. Forester to the Court Appointed Special Advocate Board (CASA), with a term to expire 6-11-2011. Also, recommending the reappointment of Ms. Cameron C. Shoaf to the Court Appointed Special Advocate Board (CASA), with a term to expire 6-11-2011; (7) Recommending the appointment of Mr. Harry T. Richart III to the Courthouse Area Design Review Board, with a term to expire 6-30-2013. Mr. Stephen Kelly no longer serves on the Board; (8) Recommending the appointment of Ms. Lynda M. Thomas to the Downtown Development Authority Board, with a term to expire 1-15-2012. Ms. Thomas fills the unexpired term of Mr. David Mohney; (9) Recommending the reappointments of Ms. Ryan C. Daugherty, Mr. Brian C. Hill, Ms. Deborah B. Hill, and Mr. Damon W. Snyder to the Greenspace Commission, with terms to expire 7-18-2013; (10) Recommending the appointment of Dr. Nadia Rasheed, MD to the Human Rights Commission, with a term to expire 1-1-2013; (11) Recommending the reappointment of Ms. Zina Merkin to the Masterson Station Park Advisory Board, with a term to expire 5-1-2013; (12) Recommending the appointment of Mr. Rama Dhuwaraha to the Sister Cities Program Commission, as ex-officio member. Ms. Susan Straub no longer serves on the Board; (13) Recommending the appointment of Mr. Rick Christman to the Transit Authority Board, with a term to expire 6-30-2013; (14) Recommending the reappointment of Mr. Brent Bruner to the Urban County Arts Review Board, with a term to expire 3-1-2013; and (15) Recommending the appointment of Mr.

William H. Wilson to the Planning Commission, with a term to expire 7-1-2013. The term of Mr. Randall Vaughn has expired.

* * *

Ms. Molly Davis, Elizabeth Street, representing the Elizabeth Street Neighborhood Association, thanked Council Member Lawless for her work on behalf of the Elizabeth Street neighborhood and stated her concerns regarding new additions to homes on Westwood Court. She asked for a moratorium on these types of additions in the neighborhood.

* * *

Mr. Harck Pickett, Forest Park Road, spoke in support of a moratorium on additions to homes on Westwood Court in the Elizabeth Street neighborhood.

* * *

Ms. Anne Marie Stamatiadis, Barberry Lane, President of the Seven Parks Neighborhood Association, spoke in support of the Elizabeth Street Neighborhood Association and their concerns regarding additions to homes in the neighborhood.

* * *

Ms. Kathy Franklin, Elizabeth Street, stated her concerns regarding additions to rental properties in the Elizabeth Street neighborhood.

* * *

Mr. Steve Olshewsky, Westwood Court, stated his concerns regarding additions to rental properties on Westwood Court, and also his concerns regarding trash and parking in the Elizabeth Street neighborhood.

* * *

Mr. Bernard McCarthy, Harry Street, stated his concerns about traffic congestion.

* * *

Mr. Dave Cooper, former President of the Elizabeth Street Neighborhood Association, stated his concerns about additions being added to rental homes in the area, and spoke about zoning regulations which the additions may be violating.

* * *

Mr. Jimmy Mains, Westwood Court, stated his concerns about cars being over-parked in the Elizabeth Street neighborhood.

* * *

Ms. Kathy Pickett, Forest Park Road, spoke about large additions being added to rental homes on Forest Park Road. She also stated that she understood the properties had plans to pave the backyards for parking lots.

* * *

The Council and the Mayor discussed the issues brought forth by the members of the Elizabeth Street Neighborhood Association.

* * *

Upon motion of Ms. Crosbie, seconded by Mr. Stinnett, and approved by unanimous vote, the meeting adjourned at 8:33 p.m.

____

Clerk of the Urban County Council