

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky September 3, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on September 3, 2009 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Gray, Henson, James, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Crosbie, Ellinger, Feigel and Gorton. Absent was Council Member Blues.

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

Ordinances No. 164-2009 thru 182-2009 inclusive and Resolutions No. 533-2009 thru 570-2009 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky

September 3, 2009

The Invocation was given by Reverend Dr. Michael Ward, Walnut Hill Church.

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Upon motion of Mr. Stinnett, seconded by Ms. Henson, and passed by unanimous vote, the Minutes of the August 13, 2009 Council Meeting were approved.

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Ms. Marlene Helm, Commissioner of the Dept. of Social Services, gave a presentation on the Summer Youth Employment Program. She introduced three people who participated in the Program: Mr. Sebastian Anderson, who worked for Goodwill Industries, Ms. Sherry Myers, Human Resources Manager of Clark Material Handling Company, and Mr. Paul Cable, Bluegrass Station Avon. Ms. Helm also recognized the Div. of Youth Services staff who managed the program, Ms. Mattie Morton, Ms. Priscilla Gales, Ms. Stephanie Jackson, Ms. Sonia Combs, and Ms. Pat Sidney.

The Mayor expressed thanks for their hard work on behalf of the Urban County Government.

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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 was on the docket for second reading.

Mr. Martin made a motion, seconded by Mr. Lane, and approved by unanimous vote, to amend the ordinance to place the Div. of Enterprise Solutions in the Office of the Chief Information Officer rather than the Div. of Computer Services. Mr. Martin stated that this was not a material change and did not require a new first reading.

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 Office of the Chief Information Officer and authorizing the Div. of Human Resources to internally advertise for the position, appropriating funds pursuant to Schedule No. 51 was given second reading as amended.

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

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

Nay: -----0

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

Aye: Gray, Henson, James, Lane, Martin,
McChord, Myers, Stinnett, Beard, Crosbie,
Ellinger, Feigel, Gorton-----13

Nay: Lawless-----1

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.

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

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

Nay: -----0

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 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 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.

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.

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An Ordinance levying ad valorem taxes for municipal purposes for the Fiscal Year July 1, 2009 through June 30, 2010, on the assessed value of all taxable property within the taxing jurisdictions of the Lexington-Fayette Urban County Government (all taxes on each \$100 of assessed valuation as of the January 1, 2009 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 Service 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, 2010 assessment date was on the docket for first reading.

Ms. Lawless made a motion, seconded by Ms. James, to amend the ordinance to restore the Refuse Collection rate from \$.1431 to its original rate of \$.1590.

The Council asked questions of Mr. Bill O'Mara, Acting Commissioner of the Dept. of Finance and Administration, and Ms. Cheryl Taylor, Commissioner of the Dept. of Environmental Quality, regarding the proposed amendment. The Mayor also responded to questions from the Council.

Mr. Myers made a motion, seconded by Mr. McChord, to call for the question. The motion **failed** to pass by a vote of 7-7 (Gray, Henson, James, Lawless, Beard, Ellinger and Gorton voted **no**).

The Council continued to discuss the proposed amendment to the ordinance.

Ms. Lawless's motion **failed** to pass by a vote of 4-10 (Gray, Henson, Lane, Martin, McChord, Myers, Stinnett, Beard, Crosbie, and Ellinger voted **no**).

An Ordinance levying ad valorem taxes for municipal purposes for the Fiscal Year July 1, 2009 through June 30, 2010, on the assessed value of all taxable property within the taxing jurisdictions of the Lexington-Fayette Urban County Government (all taxes on each \$100 of assessed valuation as of the January 1, 2009 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 Service 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, 2010 assessment date was given first reading and ordered placed on file two weeks for public inspection.

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

An Ordinance creating Section 5-29.3 of the Code of Ordinances, Lexington-Fayette Urban County Government, to establish additional fees to be payable to the Dir. of the Div. of Building Inspection for work commenced before the issuance of certain of the necessary permits, certificates, letters, or other documents required by Chapter 5 of the Code of Ordinances, with the amount of such fees established as being additional and equal to the amount of the original relevant fee but not less than five hundred dollars (\$500) for Sections 5-29(1) through (9), (14) and (15), Section 5-29.1, Section 5-32 and Section 5-67 of the Code of Ordinances; and as being additional and equal to the amount of the original relevant fee for Sections 5-29(10), (11), (12), (13), (16) and (17) of the Code of Ordinances; all effective on October 1, 2009.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of \$250 from Columbia Gas, for future fire prevention programs, and appropriating funds pursuant to Schedule No. 58.

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 \$25,000 Federal funds, are additional funds for the Ticketing Aggressive Cars and Trucks (TACT) Program, the acceptance of which obligates the Urban County Government for the expenditure of \$6,250 as a local match, appropriating funds pursuant to

Schedule No. 59, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Administrative Specialist Pr., Grade 114E, and five (5) temporary positions of Administrative Specialist, Grade 110N, all ending one year from the date of passage of this Ordinance, within the Div. of Water Quality and appropriating funds pursuant to Schedule No. 60.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Homeland Security, which Grant funds are in the amount of \$13,572 Federal funds, are for a Juvenile Fire Setter Program and the purchase of a Fire Extinguishers Trainers Package, the acceptance of which obligates the Urban County Government for the expenditure of \$3,393 as a local match, appropriating funds pursuant to Schedule No. 61, and authorizing and directing 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. 62.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Wilbur Smith & Associates for the Urban County Government Wayfinding Program to extend the existing Contract for the completion of construction drawings at a cost not to exceed \$140,742.52 and appropriating funds pursuant to Schedule No. 64.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$875 from Neighborhood Development Funds in the Div. of Police for Police Activities League, and appropriating and re-appropriating funds, Schedule No. 65.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$390 in the Div. of Traffic Engineering from the Council Capital Funds

for culvert signage to be installed by the Div. of Water Quality in the 11th Council District, and appropriating and re-appropriating funds, Schedule No. 67.

An Ordinance levying ad valorem taxes for purposes of support of the Soil and Water Conservation District for the Fiscal Year July 1, 2009 through June 30, 2010, 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 \$.0004 on each one hundred dollars (\$100) of assessed valuation as of the January 1, 2009 assessment date.

An Ordinance levying ad valorem taxes for purposes of support of the Agricultural Extension Office for the Fiscal Year July 1, 2009 through June 30, 2010, 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 of assessed valuation as of the January 1, 2009 assessment date), as follows: \$.0032 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 \$.0032 on each \$100 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, 2010 assessment date.

An Ordinance, pursuant to a request received from the Lexington-Fayette County Health Dept., levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Dept. for the Fiscal Year July 1, 2009 through June 30, 2010, 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 of assessed value as of the

January 1, 2009 assessment date; and levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Dept. at the rate of \$.028 on each \$100 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, 2010 assessment date.

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Ms. Feigel stated that she had intended to vote 'no' on Ms. Lawless's proposed amendment to an Ordinance levying an ad valorem tax for municipal purposes.

Ms. Crosbie made a motion, seconded by Mr. Martin to suspend the rules to allow Ms. Feigel to change her vote on the amendment in the record. The motion **failed** to pass by a vote of 7-7.

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

Aye: Gray, Henson, James, Lane, Lawless,
Martin, McChord, Myers, Stinnett, Beard,
Crosbie, Ellinger, Feigel, Gorton-----14
Nay: -----0

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.

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A Resolution declaring a Moratorium in the Single Family Residential (R-1A, R-1B, R-1C, R-1D, and R-1E) zones, Townhouse Residential (R-1T) zone, Two-Family Residential (R-2) zone, Planned Neighborhood Residential (R-3) zone, and High Density Apartment (R-4) zone for properties located within the boundaries of the Urban Service Area on the issuance of building permits for additions to existing structures which exceed twenty-five percent (25%) of the square footage of the existing structure, unless the proposed addition would result in a final structure that would not exceed a total of fifteen hundred (1,500) square feet; directing the Div. of Building Inspection to refuse to issue building permits for additions to existing structures which would exceed twenty-five percent (25%) of the square footage of the existing structure, unless the proposed addition would result in a final structure that would not exceed a total of fifteen hundred (1,500) square feet, for the duration of the Moratorium; establishing the purpose of the Moratorium to allow the Urban County Government sufficient time to study existing regulations to protect the character of existing residential neighborhoods within the Urban Service Area; and setting the duration of the Moratorium to be one year or when the Council takes final action on possible amendments to the text of the Zoning Ordinance or map amendments for certain residential areas, whichever event occurs first was on the docket for first reading.

The Council discussed the resolution.

Upon motion of Ms. Crosbie, seconded by Mr. Myers, and approved by unanimous vote, the resolution was removed from the docket.

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

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

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

Nay: -----0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Denham-Blythe Co., Inc., for the Lyric Theatre Project, increasing the contract price by the sum of \$16,313.12 from \$5,560,322.66 to \$5,576,635.78.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Orders to the Contract for the Lyric Theatre Renovation Addition with Denham-Blythe Co., Inc., subject to specific conditions.

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Upon motion of Ms. Henson, seconded by Ms. Crosbie, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with Kroger Limited Partnership I to supply influenza vaccine and administer vaccinations to Lexington-Fayette Urban County Government Employees, at a cost of twenty-two dollars (\$22.00) per employee, not to exceed \$24,300.00 was placed on the docket and given first reading.

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

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

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

Nay: -----0

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Upon motion of Mr. McChord, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Approval of a Closing Agreement between Vulcan Lands, Inc., and the University of Kentucky, which obligates the Urban County Government to construct, maintain, operate and fence a pedestrian/bicycle trail to be known as the Legacy Trail that will be located in close proximity to Vulcan’s Georgetown Road Quarry was placed on the docket and given first reading.

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

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

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

Nay: -----0

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

A Resolution accepting the bid of Bluegrass Contracting Corp., in the amount of \$1,225,006.25, for the Vaughn’s Branch Flood Hazard Mitigation Project, for the Div.’s of Community Development and Engineering, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bluegrass Contracting Corp., related to the bid.

A Resolution accepting the bid of Allen Vanguard Technologies, Inc., establishing a price contract for Ballistic Ensemble, for the Div. of Police.

A Resolution ratifying the probationary civil service appointments of: Susan Plueger, Municipal Engineer Sr., Grade 119E, \$2,771.60 bi-weekly, in the Div. of Water Quality, effective September 14, 2009, Jennifer Bass,

Telecommunicator Sr., Grade 113N, \$17.131 hourly, in the Div. of Emergency Management/911, effective September 14, 2009, Collette LeDuc, Telecommunicator Sr., Grade 113N, \$17.206 hourly, in the Div. of Emergency Management/911, effective September 14, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Dept. of Veterans Affairs, for emergency responses, 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 additional Software License Agreement with New World Systems Corp., for use of software, at a cost not to exceed \$58,560.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Modification of an Agreement with the Ky. Transportation Cabinet, for Operations and Maintenance of Traffic Signals through June 30, 2010, at a cost not to exceed \$300,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Emergency Management Agency and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$108,750 Federal funds, and \$17,400 Commonwealth of Ky. funds, and are for the Lexington-Fayette County Comprehensive Hazard Mitigation Plan.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with REACH, Inc., for an additional \$100,000 for the First-Time Homebuyer's Program, at a cost not to exceed an additional \$100,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Metropolitan Women's Club, Inc. (\$450.00), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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The Mayor stated that he will approach the Student Housing Task Force regarding the completion of their work in order to move the process along.

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The following Communications from the Mayor were received for information only: (1) Resignation of Eric Bradley, Firefighter, Grade 311N, in the Div. of Fire & Emergency Services, effective August 13, 2009; (2) Resignation of Nathanael Sutton, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 21, 2009; (3) Resignation of Barbara Insko, Early Child Care Teacher, Grade 110E, in the Div. of Family Services, effective August 1, 2009; (4) Resignation of James Harmon, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 30, 2009; (5) Resignation of Ronald Denson, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 21, 2009; and (6) Temporary civil service appointment of Donna Byrum, Engineering Technician Pr., Grade 115E, \$1,494.77 bi-weekly, in the Div. of Engineering, effective July 31, 2009.

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Dr. Melinda Rowe, Lexington-Fayette County Health Department, spoke about the importance of influenza vaccines and gave a report on the current status of influenza in the area.

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Ms. Kathy Franklin, Elizabeth Street, stated her concerns regarding a proposed moratorium on building permits in the Elizabeth Street neighborhood, and regarding blacktopping on Elizabeth Street.

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Ms. Kate Savage, Columbia Avenue, Columbia Heights Neighborhood Association, gave a presentation regarding distressed properties in the neighborhood. She also spoke about housing expansion in the neighborhood.

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Ms. Janet Cowen, Columbia Avenue, spoke regarding parking and housing expansion in the Columbia Heights neighborhood.

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Mr. Bernard McCarthy, Harry Street, stated his concerns regarding the new housing to be built for residents who lived in the area of the Newtown Pike Extension.

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Mr. Keith Rogers, Audubon Ave., spoke about his concerns with housing expansion in the Elizabeth Street neighborhood. He stated that he had the only owner-occupied property on the street.

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Mr. Neil Chethik, Arcadia Park, member of the Seven Parks Neighborhood Association, stated his concerns about the housing expansions in the Elizabeth Street neighborhood.

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Mr. Mark Barker, Park Avenue, Columbia Heights Neighborhood Association, stated his concerns regarding demolition standards and zoning issues in the neighborhood and filed the following exhibit: (1) Letter to City Officials.

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Ms. Kathy Pickett, Forest Park Road, spoke concerning additions to rental properties in the Elizabeth Street neighborhood.

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Mr. Harck Pickett, Forest Park Road, spoke concerning rental property additions in the Elizabeth Street neighborhood.

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Mr. Steve Olshewsky, Westwood Court, presented a map of the Westwood Court area in the Elizabeth Street neighborhood, and spoke about additions to rental properties in the area.

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Ms. Joanne Filkins, Westwood Court, stated her concerns regarding trash and noise from the rental properties on her block in the Elizabeth Street neighborhood.

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Ms. Linda Worley, Shawnee Place, spoke concerning the rights of homeowners in the area.

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Mr. David Sams, spoke regarding the ad valorem tax and refuse collection rate. He also stated his concerns about the Div. of Waste Management using temporary employees.

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Upon motion of Mr. Stinnett, seconded by Mr. Myers, and approved by unanimous vote, the meeting adjourned at 9:55 p.m.

Clerk of the Urban County Council