Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky October 1, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on October 1, 2009 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members James, Lane, Lawless, Martin, McChord, Myers, Stinnett, Blues, Crosbie, Ellinger, Feigel, Gorton, and Henson. Absent were Council Members Beard and Gray.

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

Ordinances No. 198-2009 thru 210-2009 inclusive and Resolutions No. 596-2009 thru 610-2009 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky October 1, 2009

The Invocation was given by Mr. Arty Greene, Administrative Aide to the Mayor.

* * *

Upon motion of Mr. Blues, seconded by Mr. Ellinger, and passed by majority vote (Mr. Martin was absent with the vote was taken), the Minutes of the September 3 and September 17, 2009 Council Meetings were approved.

* * *

An Ordinance amending Section 5-29 of the Code of Ordinances of the Lexington-Fayette Urban County Government to provide for the Dir. of the Div. of Building Inspection to receive fees for the issuance of a required certificate, letter, or other documentation; deleting the twenty-five dollar ($25) fee for a grading permit and establishing a twenty-five dollar ($25) fee for a Certificate of Occupancy, a ten dollar ($10) fee for a Home Office Certificate, a twenty-five dollar ($25) fee for a Zoning & Use Verification Letter, and a twenty-five dollar ($25) minimum fee for a Residential Paving Permit and renumbering all of the subsections of this section accordingly; amending Section 5-29.3 of the Code of Ordinances to renumber all of the subsections to correspond to the deletion of the Grading Permit; all effective on January 1, 2010 was given second reading.

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

Aye: James, Lane, Lawless, Martin, Stinnett,
Blues, Crosbie, Ellinger, Feigel, Gorton,
Henson-----------------------------------------------11

Nay: McChord, Myers-----------------------------------------2

* * *

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

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

Nay: ---------------------------------------------------------0

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures related to FY 2009 year end expenses and appropriating and re-appropriating funds, FY 2009 Schedule No. 166.

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. 63.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Code Enforcement Officer, Grade 113N and creating one (1) position of Nuisance Control Officer, Grade 111N, in the Div. of Code Enforcement, and appropriating funds pursuant to Schedule No. 66.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Social Worker, Grade 111E, with a three (3) year term, within the Div. of Community Corrections.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Microcomputer Support Specialist, Grade 113N, with a one (1) year term, within the Div. of Police.

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

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Administrative Officer, Grade 118E and creating one (1) position of Efficiency Analyst, Grade 118E, in the Div. of Waste Management.

An Ordinance accepting the private street, Forest Springs Ct., as a public street pursuant to the Private Street Acceptance Policy contingent upon the Banbury Homeowners Association satisfactorily completing the resurfacing of all pavement with 1.5 inch overlay, accepting responsibility for all non-street common areas and structures, including the street lights, concrete or grass medians, and any street pavers, fencing, and landscaping, bearing the cost of new or replacement street signs, and recording a final record plat within one year of passage of this ordinance dedicating the street as a public right of way and a note assigning maintenance of common areas outside the public right of way to the Homeowners Association.

* * *

Upon motion of Ms. James, seconded by Mr. Lane, and approved by unanimous vote, an Ordinance enacting Article XXI of Chapter 2 of the Code of Ordinances to authorize the organization of a non-profit Kentucky Corporation to be called the "Lyric Theatre and Cultural Arts Center Corporation" for the purpose of overseeing the management of and programming for the Lyric Theatre and any and all other appropriate purposes; providing that the corporation shall consist of fifteen (15) appointed members and shall have all the powers conferred upon a corporation organized under Chapter 273 of the Kentucky Revised Statutes dealing with non-stock non profit corporations, including all powers necessary and proper to fulfill and further the purpose of said corporation; authorizing the Mayor or his designee to serve as incorporators; and authorizing the submission of a application for tax exempt status to the Internal Revenue Service was placed on the docket, and given first reading.

Ms. James spoke about the details of the ordinance.

Ms. James made a motion, seconded by Ms. Feigel, to suspend the rules for the purposes of giving second reading to the ordinance. The motion **failed** to pass by a vote of 7-6 (Lane, McChord, Myers, Stinnett, Ellinger, and Feigel voted **no**).

The ordinance was ordered placed on file two weeks for public inspection.

* * *

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

An Ordinance changing the zone from a Two-Family Residential (R-2) zone to a High Density Apartment (R-4) zone for 1.288 net (1.49 gross) acres, for property located at 1612 Versailles Rd., subject to certain use restrictions imposed as conditions of granting the zone change (Homestead Nursing Center, LLC).

Ordinance of the Lexington-Fayette Urban County Government authorizing and providing for the issuance of $35,805,000 principal amount of taxable Sewer System Revenue Bonds, Series 2009 (Build America Bonds - Direct Pay), dated the date of delivery (subject to plus or minus 10% adjustment as to principal upon the sale thereof) for the purpose of financing a major capital expenditure program for the construction of sanitary sewer facilities; setting forth the terms and conditions upon which said Series 2009 Bonds are to be issued and outstanding; making certain amendments to Ordinance No. 96-2001 adopted on May 3, 2001 and relating to the Urban County Government's Sewer System Refunding Revenue Bonds, Series A and B of 2001 and taking other related actions.

An Ordinance authorizing the issuance of up to $4,065,000 of Cultural and Recreational Revenue Bonds, Series 2009 (Anchor Baptist Church, Inc. Project) of the Lexington-Fayette Urban County Government, the proceeds of which shall be loaned to Anchor Baptist Church, Inc. to finance the cost of refunding the Lexington-Fayette Urban County Government Adjustable Rate Demand Industrial Building Revenue Bonds, Series 2007, including penalties and/or premium, the proceeds of which were used to construct, install, acquire, renovate, and equip certain capital improvements to the facilities of Anchor Baptist Church, 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.

An Ordinance removing certain properties on the following streets from the Partial Urban Services District #3 for the Urban County Government for the provision of garbage and refuse collection: Gess Property (Chilesburg) Unit 2A, Castlebridge Ln.; Gess Property (Chilesburg) Unit 2A, Muldoon Dr.; Gess Property (Chilesburg) Unit 2A, Ruby Ln.; Gess Property (Chilesburg) Unit 2B, Castlebridge Ln.; Gess Property (Chilesburg) Unit 2B, Thadeus Ct.; Gess Property (Chilesburg) Unit 2C, Durning Rd.; establishing and placing these properties in General Urban Services District #2 for Police and Fire protection;

and providing that future garbage and refuse collection service by the Urban County Government is subject to request by said properties pursuant to notes on the final record plats of Gess Property (Chilesburg) Units 2A, 2B, and 2C, and compliance with Urban County Government procedures for expansion of Urban Services; all effective January 1, 2010.

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, FY 2009 Schedule No. 167.

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. 68.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Justice, which Grant funds are in the amount of $441,600 Federal funds under the 2009 Recovery Act Edward Byrne Memorial Competitive Grant Program: Hiring of Civilian Law Enforcement (Support Personnel), are for the Lexington Redeployment Project, for the Div. of Police, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 69, 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 U.S. Dept. of Justice, Office on Violence Against Women, which Grant funds are in the amount of $400,000 Federal funds from the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, are for continuation of a project designed to hold perpetrators of domestic violence accountable for their actions through investigation, arrest and prosecution, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 70, and authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing and directing the

Mayor to execute Sub-Recipient Agreements with Bluegrass Domestic Violence Program ($52,000), Bluegrass Rape Crisis Center ($8,000), Legal Aid of the Bluegrass ($5,000), Ky. Probation and Parole ($6,000), University of Ky. Center on Drug and Alcohol Research ($4,000), and Fayette County Domestic Violence Prevention Board ($10,000).

* * *

A Resolution ratifying the probationary civil service appointments of: Crystal Clay, Administrative Specialist Sr., Grade 112N, $21.583 hourly, in the Div. of Environmental Policy, effective September 21, 2009, Jamshid Baradaran, Director of Facilities and Fleet Management, Grade 123E, $3,960.00 bi-weekly, in the Div. of Facilities and Fleet Management, effective August 31, 2009, Mario Cheek, Telecommunicator Sr., Grade 113N, $16.660 hourly, in the Div. of Emergency Management/911, effective September 28, 2009, Jason Million, Maintenance Mechanic, Grade 113N, $16.660 hourly, in the Div. of Water Quality, effective September 28, 2009, Joyce Thomas, Administrative Officer Sr., Grade 120E, $3,019.92 bi-weekly, in the Dept. of General Services, effective October 19, 2009; ratifying the probationary Community Corrections Officer appointments of: Justin Auton, Carl Bush, Joe Clark, Jamie Conover, Tabatha Davidson, Richard Frans, Toby Haden, Steve Hess, Michael Hill Jr., Douglas Holloway, James Holloway, Brandon Horseman, Eli Johnston, Bennie Jones Jr., Jabari Jones, James Keel, Dennis Lojewski, Jennifer Maxwell, Kristi McCoy, Kristin Mitchell, Thomas Niehaus, Sam Norris, Michael Tolson, Ronald Willis, Virginia Cox, Ronald Nunemaker, William Rarick, William Smedley, Jerrod Stump, Ryan Oller, Chelsey Woodrum, Community Corrections Officer, Grade 110N, $14.340 hourly, in the Div. of Community Corrections, effective September 28, 2009; approving the unclassified civil service appointment of: Linda Rumpke, Commissioner of Finance and Administration, Grade 211E, $4,807.70 bi-weekly, in the Dept. of Finance and Administration, effective October 15, 2009; approving the unclassified civil service appointment to the Office of the Urban County Council of:  Robert Clue, Aide to Council, Grade 000E, $2,038.40 bi-weekly, in the Office of the Urban County Council, effective August 31, 2009 was on the docket for second reading.

Ms. Gorton made a motion, seconded by Mr. Lane, and approved by unanimous vote, to amend the resolution to remove the unclassified civil service appointment of Linda Rumpke, Commissioner of Finance and Administration, Grade 211E, $4,807.70 bi-weekly, in the Dept. of Finance and Administration, effective October 15, 2009.

A Resolution ratifying the probationary civil service appointments of: Crystal Clay, Administrative Specialist Sr., Grade 112N, $21.583 hourly, in the Div. of Environmental Policy, effective September 21, 2009, Jamshid Baradaran, Director of Facilities and Fleet Management, Grade 123E, $3,960.00 bi-weekly, in the Div. of Facilities and Fleet Management, effective August 31, 2009, Mario Cheek, Telecommunicator Sr., Grade 113N, $16.660 hourly, in the Div. of Emergency Management/911, effective September 28, 2009, Jason Million, Maintenance Mechanic, Grade 113N, $16.660 hourly, in the Div. of Water Quality, effective September 28, 2009, Joyce Thomas, Administrative Officer Sr., Grade 120E, $3,019.92 bi-weekly, in the Dept. of General Services, effective October 19, 2009; ratifying the probationary Community Corrections Officer appointments of: Justin Auton, Carl Bush, Joe Clark, Jamie Conover, Tabatha Davidson, Richard Frans, Toby Haden, Steve Hess, Michael Hill Jr., Douglas Holloway, James Holloway, Brandon Horseman, Eli Johnston, Bennie Jones Jr., Jabari Jones, James Keel, Dennis Lojewski, Jennifer Maxwell, Kristi McCoy, Kristin Mitchell, Thomas Niehaus, Sam Norris, Michael Tolson, Ronald Willis, Virginia Cox, Ronald Nunemaker, William Rarick, William Smedley, Jerrod Stump, Ryan Oller, Chelsey Woodrum, Community Corrections Officer, Grade 110N, $14.340 hourly, in the Div. of Community Corrections, effective September 28, 2009; approving the unclassified civil service appointment to the Office of the Urban County Council of: Robert Clue, Aide to Council, Grade 000E, $2,038.40 bi-weekly, in the Office of the Urban County Council, effective August 31, 2009 was given second reading as amended.

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

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

Nay: --------------------------------------------------------0

* * *

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

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

Nay: --------------------------------------------------------0

A Resolution accepting the bid of Smith Services, Inc., establishing a price contract for switch gear maintenance, for the Div. of Water Quality.

A Resolution accepting the bid of Strawser Construction,Inc., in the amount of $110,160, for asphalt emulsion slurry seal, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Pavement Technology, Inc., in the amount of $165,000 for asphalt surface maintenance with asphalt rejuvenating agent, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of C & R Asphalt, LLC, in the amount of $93,000, for the 2009 Cracksealing Project, for the Div. of Streets, Roads and Forestry.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with Ky. Utilities Co., for outdoor lighting service, at a cost not to exceed $2,603.04.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Friends of the Lexington Mounted Police, Inc., of conference registration and lodging, for use at the 2009 North American Police Equestrian Championship, at no cost to the Urban County Government.

A Resolution amending Resolution No. 440-2009, which accepted and adopted the Financial Audit Report prepared by Blue & Co., LLC, for the audit of the Family Care Center Health Clinic, to correct the period of time covered by the audit.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Commonwealth Attorney's Office, for a "Fast Track" prosecutor for the Street Sales Enforcement Project, at a cost not to exceed $51,664.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. of Emergency Management and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $2,016,048.75 Federal funds and $322,567.80 Commonwealth of Ky. funds, and are for the acquisition and demolition of fourteen (14) residential properties in the Lafayette Parkway/ Southbend/ Lone Oak area.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Chrysalis House ($950), North Limestone Neighborhood Association, Inc. ($1,000), and Joyland Neighborhood Association ($550) 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 an Administrative Specialist Sr. in the Div. of Building Inspection.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Simon and Co., Inc., for services related to federal matters and funding as further provided in the 2009-10 Work Plan, at a cost not to exceed $39,000.

A Resolution initiating a Zoning Ordinance text amendment for Planning Commission consideration and recommendation, to amend Article 17-6 of the Zoning Ordinance to allow for limited temporary signs in the rights-of-way of residential neighborhoods.

A Resolution amending Section 2 of Resolution No. 284-2009, which authorized and directed the Mayor to execute Certificates of Consideration and other necessary documents, for property interests needed for the Sugar Mill Mitigation Project, at a cost not to exceed $411,520, to increase the cost by $4,000, for a total of $415,520.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Renewal to the Annual Program Management Services Agreement with Tetra Tech, Inc., for the continued performance of services related to the EPA Consent Decree, and authorizing initial payment of funds in an amount not to exceed $1,440,000, and any further payments pursuant to the terms of the Agreement.

A Resolution specifying the intention of the Urban County Council to expand and extend the Full Urban Services District #1 to provide street lighting, street cleaning and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these services in the area, which area is defined as certain properties on the following streets: Millikin Property (Shady Hills), Treeline Way; Tuscany, Unit 4-A, Summerfield, Meeting St., Patchen Wilkes Dr., Tuscany, Unit 4-B, Summerfield, Sandhurst Cove; Battery St., Patchen Wilkes Dr.; Tuscany, Unit 4-C, Summerfield, Battery St.; Mahon Property Lot 1, Mooncoin Way; Tuscany, Unit 4-E, Summerfield, Patchen Wilkes Dr.; Newtown Springs LCC, Unit 1, Sec 2, Newtown Center Way; Beaumont Farm, Unit 1, Sec 5, Beaumont Centre Circle, Midnight Pass; Sharkey Property Unit 4, Sec 1, Louie Pl.; Weil & Baker Property, Russell Cave Rd.; Richardson Property Unit 5, Sec 2, Hannah Todd Pl.; Bluegrass Aspendale Phase 3, Race St., Fourth St., Cunningham Ln., Julia Way, Shropshire Ave.; Fifth St., Nelson Ave., Mustang Crossing Dr.; Lochmere Estates (Maple Ridge) Unit 1-B, Sec 1, Lochmere Pl.; Gess Property, Unit 5-C, Sec 2; Honeycomb Trail; Gess Property, Unit 5-D, Sec 2, Marlberry Pl.; Gess Property, Unit 5-E, Sec 2, Maidencane Dr.; Newmarket Unit 4-B, Brick House Ln.; Mahon Property Unit 1-B, Man O’ War Blvd., Spencer Park, Parker Meadows, Madison Point Dr.; Mahon Property Unit 1-C, Parker Meadows, Victoria Way, Madison Point Dr.; Greendale Hills Unit 3, Merluna Dr., Crescenzio Rd., Cielo Vista Rd.; Gess Property, Unit 11A, Larkhill Ln., Markus Trail, Bulrush Trace; Sunny Slope Farm Unit 3, Phase 2, Silverbell Trace, Kelli Rose Way; Tuscany, Unit 4-F (Summerfield), Sandhurst Cove; Calumet Terrace Subdivision, Lot 8 & 9, Viley Rd.; Blackford Property Phase 3, Unit 1A, Sec 2, Blackford Pkwy.; Blackford Property Phase 3, Unit 1-B, Sec 2, Cornelius Trace, Blackford Pkwy.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #3 to provide garbage and refuse collection; finding a need for this service in the area included; finding the ability of the Urban County Government to provide this service in this area, which area is defined as certain properties on the following streets: Sharkey Property Unit 3, Sec 2, Towne Square Park, Meadow Oaks (Ashford Oaks), Unit 1-B, Sec 1, Bobwhite Trail; Marshall Property Unit 2-I, Sec 1, McConnells Trace, Bruce Properties, Corinthian Ct.; Lochmere Estates (Maple Ridge) Unit 1-B, Sec 2, Lochmere Pl.; Denton Farms, Inc Unit 3, Sec A, Somersly Pl., Wentworth Pl.; Sunny Slope Farm Townhomes, Silverbell Trace, Lochmere Estates (Maple Ridge) Unit 1-A, Lochmere Pl.; Marshall Property Unit 2-I, Sec 2, McConnells Trace; Hamburg Place Farm, Sir Barton Way.

* * *

Upon motion of Ms. Lawless, seconded by Mr. Blues, and approved by unanimous vote, a Resolution authorizing the acceptance of a donation in the amount of $750,000 from Fifth Third Bank, through the Downtown Lexington Corp. Foundation, for the naming rights to the pavilion located at Cheapside Park for a term of fifteen years and designated in four locations on the pavilion, pursuant to the proposed naming policy for Lexington Parks and Recreation, and providing that the donor shall have the right to use the pavilion at least five (5) times per year for the specified term was placed on the docket and given first reading.

Mr. Martin extended his sincere thanks to Fifth Third Bank.

Ms. Feigel asked a question about the procedure for obtaining naming rights. The Mayor and Ms. Gorton responded.

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

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

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

Nay: ----------------------------------------------------------0

* * *

Upon motion of Mr. McChord, seconded by Ms. Henson, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Willow Oak Neighborhood Association ($500), for the Office of the Urban County Council, at a cost not to exceed the sum stated was placed on the docket and given first reading.

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

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

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

Nay: ----------------------------------------------------------0

* * *

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

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

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

Nay: ----------------------------------------------------------0

A Resolution accepting the bid of Tennis Technology, in the amount of $140,550, for the Shillito Park Tennis Court Renovation, for the Div. of Parks and Recreation, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Tennis Technology, related to the bid.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Brownfields Assessment Grant Application to the Environmental Protection Agency and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $400,000 Federal funds, and are for assessment of hazardous substance sites and petroleum contaminated sites.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Office of Homeland Security, for modification of the Metropolitan Medical Response Systems (MMRS) Project to permit the use of $10,000 for a media campaign to prepare the community for the H1N1 flu season.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and accept Deeds conveying greenway parcels for property located in the Blackford Property Subdivision, 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 accept a Deed conveying Fee Simple Right of Way and a temporary construction easement from Charles Hoge Hockensmith and Charles Parker Hockensmith, for the property located at 3565 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $27,000, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Constitution Cheerleading Team, Inc. ($350), Friends of McConnell Springs ($525), and Bluegrass

Greenworks, Inc. ($700), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Statement of Work - Consulting Services Agreement, with ACL Services Ltd., a sole source provider, for software and programming consulting services (data mining) for the Office of Internal Audit, at a cost not to exceed $51,837, and other related expenses provided for in the Agreement.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. State Police, for the transfer of equipment purchased with Federal funds to the State Police for responding to IED incidents, 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 Ky. State Police, for the transfer of equipment purchased with Federal funds to the State Police for bomb squad training, 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 Commonwealth of Ky., for distribution of the assets of Fayette County Legal Aid, Inc.

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 Company, LLC (ATS Construction) for the Loudon Ave. Improvements Project, increasing the contract price by the sum of $155,718.96 from $4,960,042.36 to $5,115,761.32.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2, to the Contract with Herrick Co., Inc., for Town Branch Waste Water Treatment Plant Chlorination Equipment Replacement, increasing the contract price by the sum of $15,200 from $258,343 to $273,543.

A Resolution requiring prior approval by the Urban County Council of the location of any additional radio towers that are erected as part of the E911 Radio System upgrade and/or replacement.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Lexington-Fayette Housing Authority, for construction of an entrance sign for the Equestrian View neighborhood as part of the Bluegrass-Aspendale Hope VI Project, 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 to accept a Deed for the property located at 529 E. Third St. from Faith Community Housing Foundation, Inc., and to transfer the property to the Lexington-Fayette County Housing Authority for the Hope VI Project, and authorizing payment in the amount of $16,000, plus usual and appropriate closing costs.

* * *

A Resolution authorizing and directing the Dept. of Law to institute a declaration of rights action against the Lexington Herald-Leader to determine the legality of the rates being charged by the Lexington Herald-Leader for statutorily required publishing and to seek any other appropriate relief was given first reading.

Mr. Myers made a motion, seconded by Mr. Martin, to suspend the rules for the purposes of giving second reading to the resolution. The motion **failed** to pass by a vote of 7-6 (James, Lawless, Blues, Feigel, Gorton, and Henson voted **no**).

The resolution was ordered placed on file two weeks for public inspection.

* * *

A Resolution ratifying the probationary civil service appointments of: Charles Napier, Security Guard, Grade 106N, $14.765 hourly, in the Dept. of General Services, effective September 29, 2009; Tracey Thurman, Administrative Officer, Grade 118E, $2,353.36 bi-weekly, in the Dept. of General Services, effective October 5, 2009; Rickie Caldwell, Administrative Officer, Grade 118E, $2,867.84 bi-weekly, in the Dept. of General Services, effective

September 28, 2009; Shainey McFarland, Social Worker, Grade 111E, $1,529.44 bi-weekly, in the Div. of Youth Services, effective September 28, 2009; Ben Turpin, Deputy Director of Building Maintenance, Grade 121E, $3,059.92 bi-weekly, in the Div. of Facilities and Fleet Management, effective September 14, 2009; approving leave of absence for: Ardonna Angel, Telecommunicator Sr., Grade 113N, in the Div. of Emergency Management/911 requests 90 day Council Leave from June 28, 2009 through September 25, 2009; approving the unclassified civil service appointments of: Bonita Hall, Administrative Specialist Pr., Grade 114E, $1,749.60 bi-weekly, in the Div. of Water Quality, effective September 21, 2009; Tammy Bullock, Holori Morgan, Joyce Probus, Elizabeth Irwin, Administrative Specialist, Grade 110N, $16.543 hourly, in the Div. of Water Quality, effective September 21, 2009 was on the docket for first reading.

Ms. Henson made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to amend the resolution to delete the approval of 90-day Council Leave for Ardonna Angel, Telecommunicator Sr., Grade 113N, in the Div. of Emergency Management/911 as this leave had already been approved by Council.

A Resolution ratifying the probationary civil service appointments of: Charles Napier, Security Guard, Grade 106N, $14.765 hourly, in the Dept. of General Services, effective September 29, 2009; Tracey Thurman, Administrative Officer, Grade 118E, $2,353.36 bi-weekly, in the Dept. of General Services, effective October 5, 2009; Rickie Caldwell, Administrative Officer, Grade 118E, $2,867.84 bi-weekly, in the Dept. of General Services, effective September 28, 2009; Shainey McFarland, Social Worker, Grade 111E, $1,529.44 bi-weekly, in the Div. of Youth Services, effective September 28, 2009; Ben Turpin, Deputy Director of Building Maintenance, Grade 121E, $3,059.92 bi-weekly, in the Div. of Facilities and Fleet Management, effective September 14, 2009; approving the unclassified civil service appointments of: Bonita Hall, Administrative Specialist Pr., Grade 114E, $1,749.60 bi-weekly, in the Div. of Water Quality, effective September 21, 2009; Tammy Bullock, Holori Morgan, Joyce Probus, Elizabeth Irwin, Administrative Specialist, Grade 110N, $16.543

hourly, in the Div. of Water Quality, effective September 21, 2009 was given first reading as amended and ordered placed on file two weeks for public inspection.

*                                        *                                        *

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

A Resolution accepting the bid of Whayne Supply, establishing a price contract for grader rental, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of American Messaging Services, LLC, establishing a price contract for pager rental, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of R & B Cleaning Services, establishing a price contract for Custodial Services - Day Treatment Center, for the Div. of Facilities and Fleet Management.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from the Citizen Police Academy Association and the Bluegrass Crime Stoppers of a Scotsman Ice Machine, for use at the Police Training Center, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Ky.'s Div. of Emergency Management of backboards and shelter tents, for use at the Div. of Fire and Emergency Services, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Authorization for Access with T-Mobile USA, Inc., for access to Kirklevington Park, 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 Hyatt Regency Lexington, for Bluegrass Invitational Wheelchair Basketball Tournament, at a cost not to exceed $2,700.

A Resolution approving the granting of an inducement to Florida Tile, Inc., pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County

Government agrees to forego the collection of one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by Florida Tile, Inc., for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act, and any agreement Florida Tile, Inc., has with the Ky. Economic Development Finance Authority related to the project; and taking other related action.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with the Fayette County Board of Education, for the Kiddie Kapers Program, at a cost not to exceed $837.25.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Cricket Communication, Inc., to repair and refurbish the Valley Park Tennis Courts in exchange for two year naming rights for the Tennis Courts in Cricket's name, pursuant to the Div. of Parks and Recreation naming policy.

Resolution of the Lexington-Fayette Urban County Government, authorizing the Sewer Revenue Bond Financing of (I) a Capital Expenditures Program for the financing of additions, extensions and improvements to the sanitary sewer system of the Lexington-Fayette Urban County Government, (II) funding necessary reserves and providing for costs of issuance and underwriting discount with respect to such Bonds and (III) stating the reasonable expectation of the Urban County Government to reimburse itself for capital expenditures made in respect of such Capital Expenditures Program prior to its issuance of Sewer Revenue Bonds.

A Resolution accepting the proposal of PRA Government Services, LLC d/b/a RDS, to provide tax revenue discovery and recovery services, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Revenue Enhancement Agreement with PRA Government Services, LLC d/b/a RDS, for performance of such services, at a cost based upon a contingency fee on amounts collected pursuant to the Agreement at a rate not to exceed thirty-five percent (35%).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Special Construction Agreement with AT&T Southeast, for relocation of overhead facilities to underground for the S. Limestone Streetscape Project, at a cost not to exceed $9,755.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Definitive Relocation Agreement with Ky. Utilities, for relocation of overhead facilities to underground for the S. Limestone Streetscape Project, at a cost not to exceed $1,252,727.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Dixon Electric, for Town Branch Waste Water Treatment Plant Primary Effluent Pump Station Emergency Generator, decreasing the contract price by the sum of $95.42 from $360,656.00 to $360,560.58.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lexington Opera Society, Inc. ($475), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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 Rookwood Pkwy. Stormwater Improvement Project, at a cost not to exceed $3,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a greenway from Ball-Bryant, LLC, for property located at 6500 Man O' War Blvd. in the Blackford Property Subdivision, 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 Partial Release of Easement, releasing a portion of a sanitary sewer easement on property located at 149 Old Towne Walk.

*			*			*

Upon motion of Mr. Lane, seconded by Ms. Crosbie, and passed by unanimous vote, the Communication from the Mayor was approved and is as follows: (1) Recommending the appointment of Ms. Kyna R. Koch to the Housing Authority Board, with a term to expire 6-22-2013. The term of Mr. Ted Renaker has expired.

*			*			*

Fire Chief Robert Hendricks stated that Firefighter Brian Harris has committed the offense of being Absent Without Leave in violation of KRS 95.450 and LFD Policy Statements and SOP's, in that on the 7th day of August, 2009, he allegedly was 75 minutes late reporting to work, without having contacted supervisors, and that the appropriate punishment for this conduct is a Written Reprimand.

Upon motion of Ms. Gorton, and seconded by Ms. Crosbie, the disciplinary action was approved by unanimous vote.

*			*			*

Fire Chief Robert Hendricks stated that Firefighter Cathi Duerson has committed the offense of being Absent Without Leave in violation of KRS 95.450 and LFD Policy Statements and SOP's, in that on the 7th day of September, 2009, she allegedly was 9 hours and 30 minutes late reporting to work, without having contacted supervisors, and that the appropriate punishment for this conduct is a Written Reprimand.

Upon motion of Mr. Blues, and seconded by Ms. Gorton, the disciplinary action was approved by unanimous vote.

*			*			*

Ms. Crosbie announced that the Fire Prevention Parade was to take place on Monday, October 5th, at 6:00 p.m.

*			*			*

Ms. Lawless stated her thanks to the Downtown Lexington Corporation for their involvement and for arranging the large gift from Fifth Third Bank.

She recognized Ms. Renee Jackson and Ms. Jessica Gies from the Downtown Lexington Corporation.

Ms. Jackson announced that there would be a press conference on October 2nd at 10:00 a.m. at the Fifth Third Bank at 250 W. Main St., on the 4th floor.

Ms. Gies thanked the Council for their efforts.

* * *

Mr. McChord thanked Ms. Jackson and Ms. Gies from the Downtown Lexington Corporation for their efforts.

* * *

Mr. McChord reminded the public that the Second Sunday event would be held on October 11th, and thanked all those involved.

* * *

Mr. Joe Graviss, owner of the S. Limestone St. McDonald's Restaurant, thanked the Council for coming to see the S. Limestone Streetscape Project, and for visiting with neighbors and businesses in the area. He expressed his frustration with the process, and asked for help from the Council in instigating an expeditious conclusion to the construction project. He also pointed out several points in the contract with the contractor for the S. Limestone Streetscape Project which could speed the project.

Ms. Lawless made a motion, seconded by Mr. Ellinger, and approved by a majority vote of 12-1 (Mr. Martin voted **no**), to approve an additional two minutes for Mr. Graviss's presentation.

Mr. Graviss continued his presentation.

Ms. Lawless made a motion, seconded by Ms. James, to approve an additional one minute for Mr. Graviss's presentation. The motion **failed** to pass by a majority voice vote.

* * *

Mr. Bernard McCarthy, Harry Street, spoke about road capacity in downtown Lexington, and also suggested that impact fees be charged to the owners of rental properties with large additions.

* * *

Mr. Lewis Cobb, Second Street, thanked the Council for their efforts to improve Lexington-Fayette County. He encouraged them to continue to do their best.

* * *

Upon motion of Mr. Stinnett, seconded by Mr. Myers, and approved by unanimous vote, the meeting adjourned at 8:17 p.m.

______________________________________

Clerk of the Urban County Council