Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   October 15, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on October 15, 2009 at 7:00 P.M. Present were Vice-Mayor Jim Gray in the chair presiding in the absence of Mayor Newberry, and the following members of the Council: Council Members Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, and Henson. Absent was Council Member James.

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

Ordinances No. 211-2009 thru 219-2009 inclusive and Resolutions No. 611-2009 thru 645-2009 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Rabbi Marc Kline, Temple Adath Israel.

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Council Member Jay McChord introduced a young man working on his Eagle Scout designation, Mr. Quinn Lackey. He stated that Mr. Lackey needed to be a part of city government as a part of his Eagle Scout work, and that he would be joining the Council behind the dais for the evening.

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The Vice-Mayor stated that if there was no objection from the Council Members, those in the public requesting to speak on a specific resolution would be allowed to speak at the time of the consideration of the resolution.

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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 was on the docket for second reading.

Upon motion of Ms. Crosbie, seconded by Mr. Ellinger, the ordinance was tabled by unanimous vote.

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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 was on the docket for second reading with a Public Hearing being held.

The Vice-Mayor opened the Public Hearing.

There being no one to speak, the Vice-Mayor closed the Public Hearing.

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

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

Nay: --0

* * *

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

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

Nay: --0

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 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).

*   *   *

An Ordinance enacting Article XXI of Chapter 2 of the Code of Ordinances to authorize the organization of a non-profit Ky. 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 Ky. 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 designees to serve as incorporators; and authorizing the submission of an application for tax exempt status to the Internal Revenue Service was on the docket for second reading.

Mr. Myers made a motion, seconded by Mr. McChord, to amend the ordinance to require that all appointments to the Lyric Theatre and Cultural Arts Center Corporation board shall be made by the Mayor subject to confirmation by the Council. Mr. Myers stated that the current Ordinance gives the board authority to make appointments after the terms of the initial directors expire, and that this was a material change and required a new first reading.

Mr. Lane spoke about the motion.

Ms. Crosbie requested to speak and asked questions of Ms. Shaye Rabold, Chief of Staff, Mayor’s Office.

Ms. Gorton spoke about the differences in different types of fundraising entities associated with the government. She asked questions of Ms. Raybold.

Mr. Myers called for a point of order, and stated that Ms. Rabold could only respond to questions. The Vice-Mayor stated that discussion should continue.

The Council continued to discuss the motion.

Mr. Martin asked questions of Ms. Rabold and of Mr. Logan Askew, Commissioner of the Dept. of Law.

The Council continued to discuss the motion.

Ms. Rabold requested to speak and stated that there was a time frame for fundraising that would be affected if the ordinance was tabled.

Ms. Gorton asked if the discussion of the motion could be moved to the October 20, 2009 Work Session.

The Vice-Mayor made comments about the motion, and answered questions from Mr. Myers.

Mr. Askew stated that there was a Special Council Meeting scheduled for October 27, 2009, and that the ordinance could possibly be brought back for consideration at that meeting in order to accommodate the compressed time frame.

Ms. Lawless requested to speak and asked questions of Mr. Askew and Ms. Rabold.

The Council continued to discuss the motion.

Ms. Feigel requested to speak and asked questions of Ms. Rabold.

The motion **passed** by a majority vote of 12-2 (Lane and Martin voted **no)**.

An Ordinance enacting Article XXI of Chapter 2 of the Code of Ordinances to authorize the organization of a non-profit Ky. 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 Ky. 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 designees to serve as incorporators; and authorizing the submission of an application for tax exempt status to the Internal Revenue Service was given first reading as amended and ordered placed on file until November 5, 2009 for public inspection.

* * *

An Ordinance amending Articles 17-3(18), 17-4(d), and 17-6(c) of the Zoning Ordinance to modify the provisions for commercial real estate signs was on the docket for first reading.

Mr. Martin made a motion, seconded by Mr. Beard, and approved by a majority vote of 13-0 (Mr. Lane recused himself when the vote was taken.) to remove the ordinance from the docket and to refer it to the Council Planning Committee.

The Council discussed potential topics of discussion regarding the ordinance for the Planning Committee.

* * *

The following ordinances were given first reading and ordered placed on file until November 5, 2009, for public inspection.

An Ordinance amending Articles 17-7(p) and creating Article 28-5(h)(6) of the Zoning Ordinance to modify the Mixed-Use Community (MU-3) zone to allow additional uses; to alter lot, height, and yard requirements; to modify the special provisions; and to increase the allowable signage in the MU-3 zone.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Minority Program Coordinator, Grade 119E, in the Div. of Central Purchasing.

An Ordinance amending Section 12-82 of the Code of Ordinances of the Lexington-Fayette Urban County Government to clarify and further define the purpose of the Vacant Property Review Commission to include duties related to abandoned urban properties and assisting the Lexington-Fayette Urban County Landbank Authority and the Urban County Council; amending Section 12-83 of the Code of Ordinances to remove the nominating requirements and to change the membership to include one representative who is a home builder or owner of rental property within the Urban County of the Home Builder’s Association of Lexington, one representative holding an elected position within a neighborhood association, one non-voting Urban County Council member, and one non-voting member of the Fayette County Property Valuation Administrator’s office, and to preclude an officer or employee of the Urban County Government whose duties include enforcement of housing, building, plumbing, fire or related codes from serving on the Commission; amending Section 12-86 of the Code of Ordinances to clarify that the five voting members of the Commission constitute a quorum; amending Section 12-89 of the Code of Ordinances to clarify the findings to be a certification process pursuant to State law, the timing of the appeal, and the receipt of the notice, and to eliminate the requirement of an offer to purchase to be made by the Commission; amending Section 12-90 of the Code of Ordinances to include a designated agent, to change the term recommendation to certification, and to provide for an appeal process for an owner or other party in interest of abandoned urban property as determined pursuant to Chapter 7, Article IV of the Code of Ordinances on the basis that the property was incorrectly classified, with appeals to be filed within thirty days of the date the notice was mailed and hearings attempted to be scheduled and heard within thirty days of the receipt of the appeal, all effective upon date of passage.

An Ordinance amending Section 2-468 of the Code of Ordinances related to the Corridors Commission to amend the requirement of a quorum to be a majority of the voting appointed members.

An Ordinance creating Section 10-33.1 in Article III of Chapter 10 of the Code of Ordinances of the Lexington-Fayette Urban County Government to prohibit within the Urban Services boundary the slaughter of any animal, including for personal consumption, in any area visible, at ground level, from a street, sidewalk or neighboring properties; defining the term "slaughter"; and providing a penalty for violation.

An Ordinance amending Section 4-2(a) of the Code of Ordinances, relating to the care and treatment of animals, to amend the definitions for "adequate shade" and "adequate shelter."

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. 72.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating two (2) temporary positions of Evidence Technician, Grade 112N and one (1) temporary position of Police Analyst, Grade 111N, for a term of two years and ending on November 1, 2011, within the Div. of Police.

Ordinance of the Council of the Lexington-Fayette Urban County Government (1) authorizing and approving the execution and delivery of a Lease Agreement between the Lexington-Fayette Urban County Airport Board as the Lessor and the Lexington-Fayette Urban County Government as the Lessee relating to the issuance and sale of an amount not to exceed $75,000,000 in aggregate principal amount of (A) Lexington-Fayette Urban County Airport Board General Airport Revenue Refunding Bonds, 2009 Series A-1 (Lexington-Fayette Urban County Government General Obligation)(Non-AMT); (B) Lexington-Fayette Urban County Airport Board General Airport Revenue Refunding Bonds, 2009 Series A-2 (Lexington-Fayette Urban County Government General Obligation)(Non-AMT); and (C) Lexington-Fayette Urban County Airport Board Variable Rate General Airport Revenue Refunding Bonds, 2009 Series B (Lexington-Fayette Urban County Government General Obligation)(Non-AMT), all for the purpose of refunding (i) all of the Board’s outstanding $46,395,000 Variable Rate General Airport Revenue and Revenue Refunding Bonds, 2008 Series A (Lexington-Fayette Urban County Government General Obligation)(AMT) and (ii) a portion of the Board’s outstanding $26,235,000 Variable Rate General Airport Revenue and Revenue Refunding Bonds, 2008 Series B (Lexington-Fayette Urban County Government General Obligation)(Non-AMT), at the Blue Grass Airport in Fayette County, Ky.

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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 was on the docket for second reading.

Mr. Beard made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to amend the resolution to add the word 'the' between 'of' and 'one percent', in order to clarify the language, and stated that this was not a material change and would not require a new first reading.

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 the 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 was given second reading as amended.

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

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

Nay: ---0

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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 second reading.

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

Aye: Lane, Martin, McChord, Myers, Stinnett,
Beard, Crosbie, Ellinger, Feigel, Gray,
Henson--11

Nay: Lawless, Blues, Gorton---------------------------3

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

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

Nay: Gray---1

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.

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

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

Nay: --0

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 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.

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 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.

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Ms. Feigel called for a point of order regarding the change of a vote after voting has been completed. Mr. Stinnett responded that it was necessary for the Chair to close the voting, and up until that point, votes could be changed.

* * *

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, and Two-Family Residential (R-2) zone, for properties located within the boundaries of the Third Council District, excluding any properties lying within a Neighborhood Character Design Overlay (ND-1) zone or an Historic Overlay (H-1) zone, 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; and setting the duration of the moratorium to be six (6) months 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 Vice-Mayor recognized Mr. Harcke Pickett, Forest Park Rd., who spoke in favor of the Resolution and thanked the Council for their work on the issue.

The resolution was given first reading. Upon motion of Ms. Lawless, seconded by Mr. Martin, the rules were suspended by unanimous vote.

The resolution was given second reading.

The Council discussed the resolution.

Upon motion of Ms. Feigel, seconded by Mr. Martin, and approved by unanimous vote, the resolution was separated from the list of suspended resolutions for voting purposes.

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

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

Nay: Feigel--1

* * *

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

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

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

Nay: ---0

Resolution of the Lexington-Fayette Urban County Government accepting the lowest and best bid received for the purchase of $35,960,000 principal amount of Lexington-Fayette Urban County Government Taxable Sewer System Revenue Bonds, Series 2009 (Build America Bonds - Direct Pay) and providing for the interest rates and bond maturities in respect of such Series 2009 Bonds and taking other related actions.

A Resolution endorsing the 2010 Census and notifying the Urban County Government's Partner Agencies of such endorsement.

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 137 Northwood Dr. from Joseph and Angela Gullett, for the Northwood Dr. Stormwater Project, and authorizing payment in the amount of $113,200, plus usual and appropriate closing costs.

A Resolution ratifying the probationary civil service appointment of: Thomas Thompson, Security Officer, Grade 106N, $14.765 hourly, in the Dept. of General Services, effective October 26, 2009; and 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 19, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Ky. Council on Economic Education, Inc. ($1,650), and Bryan Station High School PTSA, Inc. ($1,000), 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 and submit a Grant Application to the Ky. Energy and Environment Cabinet and to provide any additional information requested in connection with this Grant Application, which Grant funds are for continuation of the Litter Abatement Grant Funding Program in Fayette County - FY2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Homeland Security and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $7,500 Federal funds from the Fire Prevention and Safety Grant Program, and are for public education materials, for the Div. of Fire and Emergency Services.

A Resolution authorizing and approving the purchase of Excess Liability Insurance from Ironshore Insurance Ltd. through the Ky. League of Cities for the term of November 1, 2009 to July 1, 2010, at a cost not to exceed $433,250, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute all necessary documents to accomplish the same.

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 the 911 Coordinator/ Commercial Mobile Radio Service Board, for modification of the Agreement for expansion of the Central Ky. 9-1-1 network to permit the participation of additional public service answering points and to extend the Agreement through August 31, 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County

Attorney's Office, for employment of a full-time Gang Enforcement Specialist, at a cost not to exceed $144,000 in Justice Assistance Recovery Grant Funds.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Office of the Fayette County Sheriff, for employment of a full-time Sergeant to serve as Extradition Coordinator, at a cost not to exceed $135,000 in Justice Assistance Recovery Grant Funds.

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The following resolutions were given first reading and ordered placed on file until November 5, 2009, for public inspection.

A Resolution accepting the bid of Fire Alarm Pros, LLC, establishing a price contract for Fire Alarm Monitoring and Maintenance, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Worldwide Equipment, Inc., establishing a price contract for Refuse Cabs & Chassis, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Chesley Associates, Inc., in the amount of $34,900, for Progressive Cavity Pumps, for the Div. of Water Quality.

A Resolution accepting the bid of Lagco, Inc., in the amount of $30,774, for North Pointe Detention Basin Repair, for the Div. of Water Quality, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lagco, Inc., related to the bid.

A Resolution accepting the bid of People Plus, Inc., establishing a price contract for Temporary Labor, for the Div. of Emergency Management/911, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with People Plus, Inc., related to the bid.

A Resolution accepting the bid of ZKB Construction Service, LLC, establishing a price contract for Snow Removal - various locations, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Lex Press, establishing a price contract for newsletters for Waste Management, for the Dept. of Environmental Quality.

A Resolution accepting the bids of Athens Paper Co., Xpdex/Saafeld, Interboro Packaging, Baumann Paper Co., and Paper Products, Inc./Diversified Distribution Co., establishing price contracts for Janitorial Supplies, for the Div. of Facilities and Fleet Management.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bluegrass Community Foundation ($1,400), 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 accept a donation from Ky.'s Div. of Emergency Management of Vital Sign Monitors, for use at the Div. of Fire and Emergency Services, at no cost to the Urban County Government.

A Resolution authorizing the purchase of Heil Python Multipack Refuge Truck Bodies from Central Indiana Truck Equipment Corp., a sole source provider, at a cost not to exceed $161,358 each and total cost not to exceed $3,872,592.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with U.S. Geological Survey, for the continuing and ongoing maintenance and operation of existing stream flow and precipitation gauges, at a cost not to exceed $86,910.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Volunteers of America of Ky., Inc., for support of emergency housing for homeless families, at a cost not to exceed $8,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a utility easement on property located at 1051-1131 Floyd Dr.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Strand Associates, Inc., for the feasibility study and engineering design of the Legacy

Trail Project, increasing the contract price by the sum of $40,700 from $1,069,300 to $1,110,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with CMH of Ky., Inc., d/b/a Luv Homes #853, for temporary housing for the Newtown Pike Extension Project, increasing the contract price by the sum of $90,262.72 from $718,243.76 to $808,506.48.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Woodall Construction Co., Inc., for the Southend Park Temporary Housing Development for the Newtown Pike Extension Project, increasing the contract price by the sum of $42,010.30 from $792,745.53 to $834,755.83.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an assignment of a License Agreement with the Cincinnati, New Orleans and Texas Pacific Railway Co. and Progressive Capital Group, LLC, for a public sanitary sewer under railway property at 524 Angliana Ave., at no cost to the Urban County Government.

A Resolution requesting that the Legislature amend KRS 512.080 to expressly authorize urban county governments and other local governments to issue civil fines for unlawfully posting advertisements, posters, notices or other matters to public property; and hereby notifying Governor Steve Beshear, Senate President David L. Williams, House Speaker Greg Stumbo, and Fayette County's legislators of this Resolution and authorizing and directing the Director of Government Relations to take any other appropriate action consistent with the intent of this Resolution.

A Resolution adopting a naming policy for the Lexington-Fayette Urban County Government Div. of Parks and Recreation facilities.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with the Lexington Center Corp., for use of the Opera House, at a cost not to exceed $9,100.

A Resolution changing the street name and property address number of 925 Newtown Pike to 603 Adcolor Dr., of 651 W. New Circle Rd. to 1501 Colesbury Circle, of 2496 Fortune Dr. to 2101 Cornerstone Dr., of 961 ½ Delaware Ave. to 400 Dallas Ave., of 515 Lagonda Ave. to 1115 Delaware Ave., of 4068 Haley Rd. to 4179 Hedger Ln., of 811 Star Shoot Pkwy. to 2585 Liberty Rd., of 956 Midnight Pass to 1152 Monarch St., of 1699 Redd Rd. to 4825 Paynes Mill Rd., of 201 W. Reynolds Rd. to 243 Ruccio Way, of 194 St. Ann Dr. to 189 St. Phillip Dr., and of 215 Patterson St. to 150 Tucker St.; changing the property address numbers of 270 Argonne Circle, Units A & B, to 270 Argonne Circle, Suites 102 and 101, of 3871 Branham Park to 3853 Branham Park, of 3589-3673 Combs Ferry Rd. to 3583 Combs Ferry Rd., of 1101-1115 Delaware Ave. to 1107 Delaware Ave., of 707-709 Downs Ave. to 707 Downs Ave., of 106-116 Esplanade to 112 Esplanade, of 890-894 E. High St. to 890 E. High St., of 1401 ¼ Highlawn Ave. to 1403 Highlawn Ave., of 631 N. Limestone to 629 N. Limestone, of 364 Longview Plaza to 356 Longview Plaza, of 1203 Monroe Ave. to 1207 Monroe Ave., of 336-340 Richmond Ave. to 340 Richmond Ave., and of 457 (a/k/a Plat N, Slide 498, Lot 22), 455, 457 (a/k/a Plat N, Slide 497, Lot 23), and 461 Weston Park to 455, 457, 461, and 463 Weston Park; and changing the street name of 1700, 1701, 1704, and 1705 Lindy Ln. to 1700, 1701, 1704, and 1705 Lindy Ct., and of 4000, 4001, and 4004 Lochmere Pl. to 4000, 4001, and 4004 Lochmere Ct.; all effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Ky. Institute for International Studies, for Spanish Instruction, at a cost not to exceed $29,994.

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Upon motion of Mr. Ellinger, 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 Ms. Shelley R. Bendall to the Animal Care and Control Oversight Advisory Board, with a term to expire 1-1-2012. Ms. Bendall will fill the unexpired term of Ms. Stephanie Bell; (2) Recommending the appointments of Ms. Karen Angelucci as Tree Board

Representative, Ms. Kenzie Gleason as Alternative Modes of Transportation Representative (non-voting), and Mr. Jarrod Stanley as Ky. Transportation Cabinet District 7 Office Representative, to the Corridors Commission, with terms to expire 8-1-2011, 8-1-2013, and 8-1-2013 respectively; (3) Recommending the appointment of Mr. Wayne Masterman to the Parking Authority Board, with a term to expire 6-1-2013. The term of Mr. Lenard Cox has expired; and (4) Recommending the reappointment of Ms. LaToi Mayo, representing the John Rowe Chapter of the National Bar Association, to the Ethics Commission, with a term to expire 9-1-2013.

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The report from the Div. of Building Inspection for the 3rd Quarter (July – September) of 2009 was received and ordered filed.

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Assistant Chief William Henderson, Div. of Police, stated that Officer Jerrell L. Strong had committed the offense of Conformance to Laws in violation of KRS 95.450 and General Order 73-2H, Operational Rules, Section 1.01, Conformance to Laws, in that on the 23rd day of May, 2009, he allegedly was arrested in Clark County, Indiana, at approximately 0358 hours and charged with Operating While Intoxicated and Operating with a Blood Alcohol Content of .15% or above. Commander Alan D. Martin received information verifying that on 08-19-2009, the charge was amended to ‘Reckless Driving’, a Class B Misdemeanor. The fine was ordered waived; court cost was assessed at $164. A 180-day sentence was ordered suspended with the defendant placed on standard terms of probation for one (1) year. Probation can be by ‘mail in’. The standard terms of probation ordered a $1,000 drug interdiction fee be assessed, the defendant attend CAP (City Alcohol Program) and VIP (Victim Impact Panel), and attend ten (10) AA (Alcoholics Anonymous) Meetings within ninety (90) days. The defendant must pay the amount of $1,164 by 11-06-2009. Commander Alan D. Martin alleges the information received advises Officer Strong pled guilty in the Clark County (IN) Court system to a Class B Misdemeanor on 08-19-2009, and that the appropriate punishment for this conduct is Sixty (60) Days

Suspension Without Pay – and – Mandatory Employee Assistance Program (EAP).

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

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Assistant Chief William Henderson, Div. of Police, stated that Officer André L. Grider has committed the offense of Misconduct in violation of KRS 95.450 and General Order 73-2H, Operational Rules, Section 1.02, Misconduct, in that on the 31st day of July, 2009, he allegedly was at a residence located at 507 Lake Tower Drive #417 at approximately 1430 hours. This is the apartment of Ms. Angela M. Robinson. Detective Franz Wolff and Officers John Carmichael and Brian Martin (both temporarily assigned to BOI) came to this same location to conduct a burglary investigation. Ms. Angela M. Robinson was suspected of being a friend of the suspect they were looking for. The detectives thought the suspect might be with her or she may know where he is. When detectives arrived at the apartment, they observed a white unmarked police cruiser in the lot. Once inside the apartment, detectives discovered Officer André Grider with Ms. Robinson. According to information received, Officer Grider was in uniform. Detectives at the scene considered Officer Grider's presence there inappropriate and it generated concerns among them. Lieutenant Pape alleges Officer André Grider was on duty at the time of the incident and was working an overtime assignment which would not have required him to be at the apartment. Lieutenant Pape alleges Officer Grider was at the apartment for personal reasons unrelated to the assignment being worked. According to Lieutenant Pape, Officer Grider's actions reflect poorly upon him among other officers and reflect discredit upon him as a member of the Division, and that the appropriate punishment for this conduct is Ten (10) Hours Suspension Without Pay.

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

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Ms. Lawless announced that the Mentelle Park Neighborhood Association would have their meeting on October 20, 2009.

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Ms. Lawless stated that she had seen a segment on the Today Show about Adam Bender, Lexington resident. She congratulated the Bender family on the story.

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Ms. Lawless announced that the Elizabeth Street Neighborhood Association meeting would be held on October 20, 2009, at 7:00 p.m. at the First Christian Church on Audubon Ave.

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Ms. Lawless reminded the public of safety procedures to be followed in order to prevent the spread of the H1N1 virus.

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Ms. Crosbie reminded the Council of the Citizens' Police Academy Chili Cook-Off, being held immediately following the October 15th Council Meeting.

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Mr. Bernard McCarthy, Harry Street, stated his concerns about offering inducements to business through tax incentives. He also suggested that all new construction projects have an impact fee added to their permit fee in order to pay for new public infrastructure.

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Upon motion of Ms. Gorton, seconded by Ms. Crosbie, and approved by unanimous vote, the meeting adjourned at 9:13 p.m.

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Clerk of the Urban County Council