Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   November 5, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 5, 2009 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, Henson, James and Lane. Absent were Council Members Gray and Lawless.

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

Ordinances No. 220-2009 thru 226-2009 inclusive and Resolutions No. 646-2009 thru 678-2009 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Rev. Troy Thompson, St. Paul AME Church.

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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 was on the docket for second reading.

Mr. Lane made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to amend the ordinance to authorize and approve the execution of a First Supplemental Lease Agreement with the Lexington-Fayette Urban County Airport Board, instead of a new Lease Agreement. Mr. Lane stated that this was not a material change and did not require a new first reading.

Ordinance of the Council of the Lexington-Fayette Urban County Government (1) authorizing and approving the execution and delivery of a First Supplemental 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 was given second reading as amended.

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

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

Nay: ---0

* * *

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

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

Nay: ---0

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.

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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 Ms. James, to amend the ordinance to require that half of the corporation would be perpetually appointed by the Mayor and approved by the Council, and the other half would be self-appointing after the end of the first term. Mr. Myers stated that this would be a material change and would require a new first reading.

The Council asked questions of Mr. Myers about the motion. Mr. Myers responded.

Ms. James explained the motion in greater detail.

Mr. Blues stated his concerns.

Ms. Shaye Rabold, Chief of Staff, Mayor's Office, spoke about the time frame surrounding the appointments to the Lyric Theatre and Cultural Arts Center Corporation. The Mayor also spoke about the urgency of appointing members to the Corporation.

Mr. Myers made a motion, seconded by Ms. James, and approved by unanimous vote, to table the motion until the end of Resolutions for First Reading in order that new language could be completed and distributed to the Council Members.

Upon motion of Mr. Myers, seconded by Mr. Ellinger, and approved by unanimous vote, the motion was removed from the table.

Mr. Myers clarified the language in the ordinance to be amended by his motion. The motion **passed** by a majority vote of 11-2 (Gorton 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 new first reading as amended.

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

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

Nay: ---0

* * *

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

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of $75,000 Federal funds, are for continuation of the Motor Carrier Safety Assistance Program, the acceptance of which obligates the Urban County Government for the expenditure of $18,750 as a local match, appropriating funds pursuant to Schedule No. 73, 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, which Grant funds are in the amount of $181,107 Federal funds under the State

Criminal Alien Assistance Program (SCAAP), are for reimbursement of costs related to the incarceration of undocumented criminal aliens, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 74, 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, which Grant funds are in the amount of $5,287 Federal funds, are for the purchase of bulletproof vests for the Div. of Police ($1,763), the Div. of Fire and Emergency Services ($1,762), and the Office of the Fayette County Sheriff ($1,762), the acceptance of which obligates the Urban County Government for the expenditure of $3,525 as a local match, appropriating funds pursuant to Schedule No. 76, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of $48,093 Federal funds, are for continuation of the Sexual Assault Nurse Examiner (SANE) Program, the acceptance of which obligates the Urban County Government for the expenditure of $16,031 as a local match, appropriating funds pursuant to Schedule No. 77, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of $311,000 Federal funds, are for the continuation of the Metropolitan Medical Response System (MMRS), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 78, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of $71,854 Federal funds, are for the purchase of equipment for the Div. of Police Mobile Data Computer Network System, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 79, 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 Energy, which Grant funds are in the amount of $2,753,800 Federal funds under the Energy Efficiency and Conservation Block Grant (EECBG) Program, are for Energy Management Technology for monitoring and analyzing LFUCG's energy consumption ($180,000), Energy Retrofits to make energy efficiency improvements to LFUCG's buildings and facilities ($1,112,800), a Community Energy Awareness Program ($297,000), Community Energy Retrofits to provide grants to nonprofit organizations in Fayette County to reduce energy consumption ($314,000), Traffic Management Technology ($500,000), a Community Bike Program ($175,000), the Green Roof Education Program ($25,000), and the Recycling Efficiency Program ($150,000), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 80, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Schaefer Properties, LLC, for the Coolavin Park Community Building, increasing the contract price by the sum of $71,459.44 from $289,750.00 to $361,209.44, and appropriating funds pursuant to Schedule No. 81.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of $80,582 Federal funds, are for the purchase of equipment for the Div. of Police's Hazardous Devices Unit, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 82, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of $117,020 Federal funds, are for the purchase of structural response mitigation equipment, for the Div. of Fire and Emergency Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 83, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of $82,979 Federal funds, are for structural collapse response mitigation certification training for the Div. of Fire and Emergency Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 84, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 75.

* * *

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

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

Nay: ---0

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

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

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

Nay: --0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement and a Lease Agreement with Lexington-Fayette Animal Care and Control, LLC, for animal control services, at a cost not to exceed $1,035,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with the Lexington Humane Society, for administration of the Spay and Neuter Grant Fund program.

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

Transportation Cabinet, to change the agreement number for the Latrobe's Pope Villa Project from C-01248155 to PO2-628-1000002386.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Contracts with Autumn Ridge Neighborhood Association ($4,500), Beaumont Residential Association ($10,000), Courtney Commons Association, Inc. ($1,417), Eastland Parkway Neighborhood Association ($6,640), Harrods Hills Neighborhood Association ($3,750), Palomar Townhomes Owners Association ($6,937), Quail Run Townhouses Association ($4,787), Rabbit Run Homeowners Association ($4,500), Saddle Club Subdivision Homeowners Association ($10,000), Spindletop Subdivision ($900), and Stuart Hall Homeowners Association ($9,569), for carrying out various neighborhood activities and improvements, at a cost not to exceed $63,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and a temporary construction easement from Ronald Martin and Barbara Martin, for the property located at 3461 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,575, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and a temporary construction easement from the Clays Mill Rd. Church of God, for the property located at 3570 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $5,200, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Rachel Savané, d/b/a Savané Silver, Inc., for space located at 130 N. Broadway St., a/k/a The Broadway Shoppes.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Special Warranty Deed conveying certain tracts of land known as Linlee Elementary School, the School Bus Garage Site (which includes Northside Vocational School), Garden Springs Elementary School and Southside Vocational School to the Board of Education of Fayette County, Ky., in consideration of the payment in full of school building revenue bonds issued by the Urban County Government or its predecessor, the County of Fayette, for the construction of improvements to said properties.

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 Environmental Cabinet and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $75,000 Commonwealth of Ky. funds under the 2010 Illegal Open Dump Remediation Grant Program, and are for cleanup of illegal open dumps.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Paducah Police Dept., for the transfer of equipment used for IED Training, purchased with funds awarded by the Ky. Office of Homeland Security, to the Paducah Police Dept.

A Resolution changing the street name and property address number of 3473 Yorkshire Medical Park to 3445 Richmond Rd., effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Marillia Design and Construction, for the McConnell Springs Wetland Demonstration Area, increasing the contract price by the sum of $31,888.60 from $354,226.55 to $386,115.15.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Equitable Sharing Agreement and Certification with the Federal Government, Dept. of Justice, for participation in the Equitable Sharing Program, at no cost to the Urban County Government.

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Upon motion of Ms. Crosbie, seconded by Mr. Ellinger, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Lexington, Ky. Fraternal Order of Firefighters ($750), 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, seconded by Mr. Ellinger, the rules were suspended by unanimous vote.

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

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

Nay: ---0

* * *

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

A Resolution accepting the bid of Dixon Electric, Inc., establishing a price contract for traffic sign installation and maintenance, for the Div. of Traffic Engineering.

A Resolution accepting the bid of ICOR Technology, Inc., establishing a price contract for EOD Backpack Rigging Kits, for the Div. of Police.

A Resolution accepting the bids of Municipal Equipment, Inc., Central Indiana Truck Equipment Corp., J. Edinger & Son, Inc., E-Z Pack Holdings, LLC, and Republic Diesel, establishing price contracts for refuse parts, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Scott Health & Safety c/o Fischer Process Industries and Alpha Controls, Inc., establishing price contracts for Analog Gas Transmitter and 1-4 Channel Receiver, for the Div. of Water Quality.

A Resolution accepting the bid of Claunch Construction, LLC, in the amount of $407,605.70, for the West Hickman Trail Project, for the Div. of Engineering, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Claunch Construction, LLC, related to the bid.

A Resolution accepting the bid of Arrow Electric, establishing a price contract for fiber optic cable installation and repair, for the Div. of Traffic Engineering.

A Resolution accepting the bids of Wesco Distribution, Anixter, Rexel Electrical & Datacom, and Graybar Electric Co., establishing price contracts for fiber optic cable and control equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Davis H. Elliot Construction Co., Inc., establishing a price contract for traffic signal installation for new construction and emergency repairs, for the Div. of Traffic Engineering.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Bluegrass Youth for Christ, Inc. ($150), and Bluegrass Community Action Partnership, Inc. ($800), 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 Facility Usage Contract with the Fayette County Board of Education, for the Police Athletic League, 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 Bluegrass Junior Women's Club of an LCD television and laptop computer, for use at the Div. of Police, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Frantz, Inc., for HVAC Upgrade, increasing the contract price by the sum of $3,527 from $120,290 to $123,817.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with REACH, Inc., for an additional $400,000 for the First-Time Homebuyer's Program, at a cost not to exceed an additional $400,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Elza Construction, for site preparation of property located at 898 Georgetown Rd., increasing the contract price by the sum of $2,624.88 from $540,335.25 to $542,960.13.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with various baseball leagues, for use of baseball fields, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Purchase Contracts, Deeds and other necessary documents, for the purchase of properties with Neighborhood Stabilization Program funds for land banking activities, at a cost not to exceed $1,371,047.

A Resolution ratifying the probationary civil service appointments of: Jonathan Miller, Public Service Worker Sr., Grade 107N, $12.701 hourly, in the Div. of Streets, Roads & Forestry, effective November 9, 2009, Timothy Burnett, Public Service Worker Sr., Grade 107N, $13.299 hourly, in the Div. of Streets, Roads & Forestry, effective November 9, 2009, James Clark, Public Service Worker Sr., Grade 107N, $13.299 hourly, in the Div. of Streets, Roads & Forestry, effective November 9, 2009, Samuel Williams, Director of Streets, Roads & Forestry, Grade 123E, $3,557.70 bi-weekly, in the Div. of Streets, Roads & Forestry, effective November 9, 2009, Keith Martin, Public Service Supervisor, Grade 111N, $18.290 hourly, in the Div. of Streets, Roads & Forestry, effective November 9, 2009, James Webb, Public Service Supervisor, Grade 111N, $20.943 hourly, in the Div. of Streets, Roads & Forestry, effective November 9, 2009, Jayson Barker, Administrative Specialist, Grade 110N, $16.889 hourly, in the Div. of Waste Management, effective November 9, 2009, Chris Quan, Traffic Information Technician, Grade 112N, $17.346 hourly, in the Div. of Traffic Engineering, effective November 9, 2009, Chris Schapley, Traffic Signal Technician Sr., Grade 112N, $18.228 hourly, in the Div. of Traffic Engineering, effective November 9, 2009, Richard Fowler, Traffic Signal Technician Sr., Grade 112N, $19.698 hourly, in the Div. of Traffic Engineering, effective November 9, 2009, Jessica Williams, Budget Analyst, Grade 115E, $1,769.23 bi-weekly, in the Div. of Budgeting, effective December 7, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with the Lexington Art

League, Inc., for use of the Loudon House, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Pohl-Rosa-Pohl, for the Raven Run Tourist Center, increasing the contract price by the sum of $3,690 from $22,584 to $26,274.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with H.W. Lochner, Inc., for right-of-way services for the Newtown Pike Extension Project Mitigation Area, increasing the contract price by the sum of $1,031.25 from $196,650.00 to $197,681.25.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Definitive Relocation Agreement with Windstream Ky. East, LLC, for relocation of utilities for the S. Limestone Streetscape Project, at a cost not to exceed $222,191.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Fiber Optic Cable Relocation Agreement with TW Telecom of Ky., LLC, for relocation of fiber optic cable for the S. Limestone Streetscape Project, at a cost not to exceed $18,886.22.

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 rental of Rupp Arena for the 2009 Ky. Christmas Chorus, at a cost not to exceed $27,000.

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 Citation Blvd. Phase 2 Roadway Project, at a cost not to exceed $7,900,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Military Missions, Inc. ($750), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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Upon motion of Mr. Lane, 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. Claudia A. Marin to the Carnegie Literacy Center Board of Directors, with a term to expire 9-1-2013. The term of Mr. Hart Graves has expired; (2) Recommending the appointments of Ms. Daray C. Everett, as Bluegrass PRIDE representative (voting), and Ms. Dorotha Oatts, as Federated Garden Clubs representative (voting), to the Corridors Commission, with terms to expire 8-1-2013 and 8-1-2011, respectively. Also, recommending the appointments as non-voting members of Ms. Susan C. Bush, Commissioner of Environmental Quality representative, Mr. Bob M. Carpenter, Building Inspection representative, Mr. William J. DiOrio, Utility Industry representative, Mr. Rob Hammons, Lexington Area MPO representative, Mr. Tim R. Queary, Urban Forester representative, Ms. Tracey Thurman, Commissioner of General Services representative, and Mr. Kevin Wente, Commissioner of Public Works and Development representative, to the Corridors Commission. Ms. Bush, Mr. DiOrio, Mr. Queary, and Mr. Wente have terms to expire 8-1-2013, and Mr. Carpenter, Mr. Hammons, and Ms. Thurman have terms to expire 8-1-2011; and (3) Recommending the appointment of Mr. Christopher A. Ford, as 1st District representative, to the Parks and Recreation Advisory Board, with a term to expire 1-14-2013. The term of Ms. Joan Gaines has expired.

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Mr. McChord announced that on Sunday, November 8, 2009, at 11:00 a.m., there would be a Second Sunday activity consisting of a two-hour escorted bicycle ride from the Old Courthouse to and from Veterans Park. He stated that the 11:00 start time was unique as the Veterans' Day Parade was to take place at 3:30 p.m. that afternoon.

*   *   *

Mr. Myers announced that he and the Mayor would be throwing out the first Frisbee at the new Frisbee golf course at River Hill Park, corner of Crosby Drive and Man O' War Blvd., on Saturday, November 7, 2009, at 9:30 a.m.

The Mayor stated that his sons would be in attendance as well.

*   *   *

Police Commander Dwayne Holman, Div. of Police, stated that Officer Matthew G. Jordan has committed the offense of Inappropriate Action in violation of KRS 95.450 and General Order 73-2H, Operational Rules, Section 1.48, Inappropriate Action, in that on the 10th day of August, 2009, he was responding to a non-injury collision on August 10, 2009 at approximately 1845 hours and traveling inbound in the opposing lane of traffic on Clays Mill Rd. at Fairfield Dr. A vehicle being driven by Mrs. Jennifer K. Longworth was attempting to make a left turn into the parking lot of Mary Queen of the Holy Rosary Church. The police vehicle bring driven by Officer Matthew G. Jordan struck her vehicle. Mrs. Longworth advises the officer did not stop after the collision and did not have his lights and siren operating. When she approached Officer Jordan concerning the collision, he was 'short with her.' Mrs. Longworth believes Officer Jordan should have had his emergency equipment operating, he should have stopped to ascertain her condition and he should have shown more concern for her well being. Mrs. Longworth alleges Officer Jordan did not perform his required police duties or take appropriate action during this incident, and that the appropriate punishment for this conduct is Eighty (80) Hours Suspension Without Pay.

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

* * *

Mr. Jeff Jones, Marietta Drive, stated his concerns with a problem he was having as an employee with the Div. of Waste Management, and asked for the Council's assistance regarding a suspension he had received.

The Mayor responded to Mr. Jones and stated that he would have a representative from the Div. of Human Resources respond to him, and asked Ms. Linda Rumpke, Commissioner of Finance and Administration, to follow up with the Div. of Human Resources.

* * *

Mr. Bernard McCarthy, Harry Street, stated his concerns about the construction associated with Streetscape projects. He also stated that developers should be charged impact fees in order to fund infrastructure improvements.

*   *   *

Upon motion of Mr. Martin, seconded by Mr. Ellinger, and approved by unanimous vote, the Council went into closed session at 8:16 p.m. pursuant to KRS 61.810 (1) (c) for the purpose of discussing pending or proposed litigation.

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Upon motion of Mr. Lane, seconded by Ms. Crosbie, and approved by unanimous vote, the Council returned from closed session at 8:20 p.m. with the same members present.

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Upon motion of Ms. Crosbie, seconded by Mr. Ellinger, and approved by unanimous vote, the meeting adjourned at 8:21 p.m.

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Clerk of the Urban County Council