Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky December 3, 2009

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

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

Ordinances No. 237-2009 thru 248-2009 inclusive and Resolutions No. 714-2009 thru 753-2009 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Reverend Kenneth J. Golphin, Presiding Elder of the 13th Episcopal District of the African Methodist Episcopal Church.

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Ms. Stephanie Hong, Partners for Youth, made a presentation to the winners of the Partners for Youth/Toyota Scholarship Awards. Councilmember Linda Gorton recognized and congratulated those winners in attendance at the meeting: Tarunjeet Soundh, Jaelyn Coles, Hugo Velasquez, Jordan Yates, Brittany Lindsey, Anna Tussey and Oscar Alcaraz. Not in attendance were Maria Garcia and Leila Trejo.

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Ms. Cheryl Taylor, Commissioner, Div. of Environmental Quality, made a presentation on the U.S. Mayors' Cans for Cash aluminum beverage can recycling contest. She stated that Lexington-Fayette County had participated in this program for four straight years, and that the contest runs from October 1 through October 31 each year. The program was coordinated by the Bluegrass Partnership for a Green Community, created by the University of Kentucky, Fayette County Public Schools, the Lexington-Fayette Urban County Government, Bluegrass PRIDE and other community partners. Twenty public and private Fayette County schools participated, and recycled over 157,000 aluminum beverage cans.

Maxine Rudder of Bluegrass PRIDE and Garry Hoover with Fayette County Public Schools recognized the top schools who received certificates and monetary awards: Athens-Chilesburg Elementary School, Booker T. Washington School Academy, Cassidy Elementary School, Henry Clay High School, Jesse Clark Middle School, Lafayette High School, Mill Creek Elementary School, The Learning Center, Lexington Christian Academy Junior High, Providence Montessori School, Sayre School, Christ the King School, Lexington Universal Academy, Veteran's Park Elementary School, Cardinal Valley Elementary School, Dixie Elementary School, Lexington Day Treatment Center, Ashland

Elementary School, Picadome Elementary School, and Montessori Middle School.

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An Ordinance of the Lexington-Fayette Urban County Council relating to (I) the refunding of (A) the $6,300,000 Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds (Roman Catholic Diocese of Lexington Project), Series 2005A, (B) the $4,735,000 Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds (Roman Catholic Diocese of Lexington Project), Series 2005B and (C) the $5,000,000 Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds (Roman Catholic Diocese of Lexington Project), Series 2008 and (II) the financing of the acquisition, construction, equipping and installation of the completion of an approximately 61,120 square foot three-story addition to Sts. Peter and Paul Middle School and completion of renovation of both the Sts. Peter and Paul Elementary and Middle Schools (collectively, the "Project"); (III) agreeing to undertake the issuance of Lexington-Fayette Urban County Refunding Revenue Notes in three series, and a Lexington Revenue Note in one series in an aggregate amount not to exceed $20,409,000 (the "Notes") (IV) approving and authorizing the execution and delivery of (A) a Loan Agreement among the Lexington-Fayette Urban County Government, Roman Catholic Diocese of Lexington and PNC Bank, National Association (B) the Notes, and (C) any and all other related documents; and (V) authorizing the taking of other related action was on the docket for second reading with a Public Hearing to be held.

The Mayor opened the Public Hearing.

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

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

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

Nay: ---0

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

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

Nay: ---0

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

An Ordinance expanding and extending Partial Urban Services District #3 for the Urban County Government for the provision of garbage and refuse collection, to include the area defined as certain properties on the following streets: Sharkey Property Unit 3, Sec 2, Towne Square Pk., Meadow Oaks (Ashford Oaks), Unit 1-B, Sec 1, Bobwhite Trail; Marshall Property Unit 2-I, Sec 1, McConnells Trace, Bruce Properties, Corinthian Ct.; Lochmere Estates (Maple Ridge) Unit 1-B, Sec 2, Lochmere Pl.; Denton Farms, Inc. Unit 3, Sec A, Somersly Pl., Wentworth Pl.; Sunny Slope Farm Townhomes, Silverbell Trace; Lochmere Estates (Maple Ridge) Unit 1-A, Lochmere Pl.; Marshall Property Unit 2-I, Sec 2, McConnells Trace; Hamburg Place Farm, Sir Barton Way.

An Ordinance providing that roll cart garbage and refuse collection shall be provided to property described in Gess Property Units 2A, 2B, and 2C, in accordance with Chapter 16 of the Code of Ordinances.

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. 86.

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An Ordinance of the Lexington-Fayette Urban County Government making certain findings concerning and establishing a Development Area for economic development purposes within the downtown of the Lexington-Fayette Urban County to be known as the Showprop Lexington Development Area; approving a Local Participation Agreement between Lexington-Fayette Urban County Government and the Dept. of Finance and Administration of the Lexington-Fayette Urban County Government; establishing an Incremental Tax Special Fund for payment of redevelopment assistance, approved public infrastructure costs, land preparation, demolition and clearing costs, and financing costs; designating the Lexington-Fayette Urban County Government’s Dept. of Finance and Administration as the Agency responsible for oversight, administration, and implementation of the Development Area; and authorizing the Mayor and other officials to take such other appropriate actions as are necessary or required in connection with the establishment of the Development Area was on the docket for second reading.

Mr. Blues made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to amend the Ordinance to provide an amended and corrected Exhibit “A” – Development Area Description and Map, which will also replace Exhibit “A” to the Local Participation Agreement, that this change would clarify that a portion of Angliana Ave. was to be included in the development area and that this was a material change and would require a new first reading.

Ms. James asked questions of Mr. Blues regarding the motion. Ms. Chris Westover, attorney representing Showprop Lexington, LLC, responded to the questions.

An Ordinance of the Lexington-Fayette Urban County Government making certain findings concerning and establishing a Development Area for economic development purposes within the downtown of the Lexington-Fayette Urban County to be known as the Showprop Lexington Development Area; approving a Local Participation Agreement between Lexington-Fayette Urban County Government and the Dept. of Finance and Administration of the Lexington-Fayette Urban County Government; establishing an Incremental Tax Special Fund for payment of redevelopment assistance, approved public infrastructure costs, land preparation, demolition and clearing costs, and financing costs; designating the Lexington-Fayette Urban County Government’s Dept. of Finance and Administration as the Agency responsible for oversight, administration, and implementation of the Development Area; and authorizing the Mayor and other officials to take such other appropriate actions as are necessary or required in connection with the establishment of the Development Area was given first reading as amended.

Ms. James commented on the Showprop Development Plan and the tax-increment financing for the project, and expressed her concerns about the project.

Upon motion of Mr. Ellinger, seconded by Mr. Lane, the rules were suspended by majority vote of 10-4 (Blues, Gorton, James and Lawless voted **no**).

Ms. James asked a question of Mr. Lane about the ordinance.

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

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

Nay: James---1

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The following ordinances were given first reading and ordered placed on file until December 8, 2009 for public inspection.

An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Computer Analyst Supervisor, Grade 117E, in the Div. of Computer Services and creating one (1) position of Database Administrator, Grade 117E, in the Div. of Enterprise Solutions and appropriating funds pursuant to Schedule No. 85.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Administrative Specialist Sr., Grade 112N and abolishing one (1) position of Administrative Specialist, Grade 110N, in the Div. of Emergency Management/911, authorizing the Div. of Human Resources to advertise internally and appropriating funds pursuant to Schedule No. 87.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with REACH, Inc., for use of Neighborhood Stabilization Program Funds for the Douglass Heights Redevelopment Project, at a cost not to exceed $525,000, and appropriating funds pursuant to Schedule No. 88.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Administrative Officer Sr., Grade 120E, ending three years from the effective date of passage of this Ordinance, within the Div. of Water Quality and appropriating funds pursuant to Schedule No. 90.

An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Recreation Manager, Grade 114E, and creating one (1) position of Sr. Adult and Therapeutic Recreation Services Administrator, Grade 116E, in the Div. of Parks and Recreation and appropriating funds pursuant to Schedule No. 91.

An Ordinance pursuant to Section 2-1(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government, adopting a schedule of meetings for the Council for the calendar year 2010.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Public Information Officer, Grade 118E, ending two years from the effective date of passage of this Ordinance, within the Div. of Police.

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. 89.

An Ordinance amending Section 21-5(2) of the Code of Ordinances transferring one (1) position of Public Service Supervisor, Grade 114E and two (2) positions of Equipment Operator Sr., Grade 109N from the Div. of Traffic Engineering to the Div. of Streets, Roads and Forestry, transferring the incumbents and appropriating funds pursuant to Schedule No. 92.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Dept. of Criminal Justice Training, which Grant funds are in the amount of $80,000 Federal funds, for the Cold Case Pilot Project, appropriating funds pursuant to Schedule No. 93; and authorizing the Mayor to transfer unencumbered funds within the Grant Budget, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Dept. of Criminal Justice Training for participation in the Cold Case Pilot Project.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which Grant funds are in the amount of $112,984.68 Federal funds, are for the FY2010 Emergency Management Assistance Project, the acceptance of which obligates the Urban County Government for the expenditure of $112,984.68 as a local match, appropriating funds pursuant to Schedule No. 94, 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 an Agreement with the University of North Florida Training and Service Institute, Inc., for training courses, at a cost not to exceed $12,500, and appropriating funds pursuant to Schedule No. 95.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with Lexington Center Corp., for space for the Celebration of Disability Expo and Medicaid Waiver Fair, at a cost not to exceed $1,400, and appropriating funds pursuant to Schedule No. 96.

An Ordinance amending Subsection 14-10(f)(10) of the Code of Ordinances, Lexington-Fayette Urban County Government, pertaining to enforcement of violations of Sections 17-2 through 17-4 of the Code of Ordinances and Section 6-8(k) of the Land Subdivision Regulations of the Zoning Ordinance, to add citation officers and to clarify that the enforcement positions may be assigned to the Dept. of Public Safety.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of $6,375,000 Federal funds arising from the American Recovery and Reinvestment Act, are for Phase 1 of the Legacy Trail Project ($2,650,000), Phase 2 of the Legacy Trail Project ($2,430,000) and the Downtown Streetscape Project ($1,295,000), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 97, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Section 1 of Ordinance 188-2009 correcting a clerical error and changing the percentage of the salary increase for Kevin Bennett from twenty-three percent (23%) to thirty and one tenths (30.1%) or $2,919.93 bi-weekly, retroactive to September 3, 2009.

An Ordinance requiring appointees to boards, agencies, and commissions covered by the provisions of Article Seven (7) of the Charter and which require Council confirmation for appointment of members to take an oath of office or oath by affidavit, unless exempt by law, within thirty (30) days of Council confirmation and requiring that the Oath By Affidavit Form be submitted to the Office of the Council Clerk within fourteen (14) days of completion.

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

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

Nay: ---0

A Resolution accepting the bid of G4S Justice Services, Inc., establishing a price contract for Electronic Monitoring of Inmates, for the Div. of Community Corrections.

A Resolution accepting the bid of Amteck of Ky., Inc., establishing a price contract for maintenance of outdoor warning sirens, for the Div. of Emergency Management/911.

A Resolution accepting the bid of L-M Asphalt Partners, Ltd. d/b/a ATS Construction, establishing a price contract for asphalt, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Midsouth Baseball, Inc., establishing a price contract for Baseball Field Drying Conditioners, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Landpro, establishing a price contract for the Community Corrections Scenic Corridor Tree Project, for the Dept. of Public Safety and the Div. of Community Corrections.

A Resolution accepting the bid of Brenntag Mid-South, establishing a price contract for odor control chemicals, for the Div. of Water Quality.

A Resolution ratifying the probationary civil service appointments of: Dustin Baker, GIS Specialist, Grade 114N, $19.855 hourly, in the Div. of Computer Services, effective November 9, 2009, Lee McKinney, Electronic Computer Controls Specialist, Grade 113N, $25.013 hourly, in the Div. of Community Corrections, effective November 9, 2009, Kent Dornbrock, Golf

Course Superintendent Sr., Grade 116E, $2,354.64 bi-weekly, in the Div. of Parks and Recreation, effective November 9, 2009; ratifying the unclassified civil service appointment of: Jerry Boyd, Security Officer, Grade 106N, $10.367 hourly, in the Div. of Facilities and Fleet Management, effective November 23, 2009.

A Resolution of the Lexington-Fayette Urban County Council authorizing the execution of a Memorandum of Agreement between Lexington-Fayette Urban County Government and Roman Catholic Diocese of Lexington, a non-profit organization relating to (I) the refunding of (A) the $6,300,000 Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds (Roman Catholic Diocese of Lexington Project), Series 2005A and (B) the $4,735,000 Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds (Roman Catholic Diocese of Lexington Project), Series 2005B and (C) the $5,000,000 Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds (Roman Catholic Diocese of Lexington Project), Series 2008 and (II) the financing of the acquisition, construction, equipping and installation of the completion of an approximately 61,120 square foot three-story addition to Sts. Peter and Paul Middle School and completion of renovation of both the Sts. Peter and Paul Elementary and Middle Schools (collectively, the "Project"); agreeing to undertake the issuance of Lexington-Fayette Urban County Refunding Revenue Notes in three series, and a Lexington Revenue Note in one series in an aggregate amount not to exceed $20,409,000 at the appropriate time to pay for costs of the Project; and taking other preliminary action.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Administrative Office of the Courts, for the Div. of Community Corrections to conduct urine testing for Fayette County Drug Courts.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Greenberg Traurig, LLP, for assisting the Div. of Community Corrections with negotiation of a new per diem for housing federal prisoners, at a cost not to exceed $45,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Schroeder Construction, Inc., for the Cadentown/Versailles Rd. Sanitary Sewer Improvements Project, increasing the contract price by the sum of $119,819.49 from $696,637.75 to $816,457.24.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Strand Associates, Inc., for process and control improvements at Town Branch Wastewater Treatment Plant, West Hickman Wastewater Treatment Plant and all pump stations, at a cost not to exceed $2,859,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for use of Jesse Clark Middle School, at a cost not to exceed $4,001.30.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Utilities Co., to attach banner equipment to poles, 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 Facility Usage Contract with Fayette County Board of Education, for use of Yates Elementary Gym, at a cost not to exceed $4,080.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with MES Enterprises, LLC, to adjust the monthly rental schedule to provide for a lump sum rental payment in the amount of $22,790.62.

A Resolution authorizing and directing the Dept. of Finance and Administration, beginning Fiscal Year 2011, to designate a fund of up to $200,000 per fiscal year, to be funded by the actual amount of collections of nuisance abatement costs and civil penalties issued by the Div. of Code

Enforcement, in order to fund abatement related activities by the Div. of Code Enforcement.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Assignment of Scenic and Conservation Easements with the Fayette County Rural Land Management Board, Inc., for assignment of the Scenic and Conservation Easements on the Mary E. Wharton Nature Sanctuary at Floracliff, 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 Purchase of Service Agreement, with Bluegrass State Games, Inc., for implementation of the Bluegrass State Games, Inc., at a cost not to exceed $52,500.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-46, to designate David Dr. as being prohibited to through trucks; authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

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 permanent sanitary sewer easement for the property located at 2550 Winchester Rd., as part of the Hamburg East Development, at no cost to the Urban County Government.

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A Resolution endorsing the University of Ky.'s creation of an office devoted to off-campus student housing issues and of a Student Housing in Partnership Program, which would encourage landlords to maintain their properties in a condition that exceeds the applicable life, health, safety, property and nuisance laws, ordinances, codes, and regulations and focus on eliminating problems that are associated with student housing; and hereby notifying Dr. Lee Todd and the University of Ky., Board of Trustees of this Resolution and authorizing and directing the appropriate Urban County Governmental personnel to cooperate with and assist the Student Housing Office and the Program and to take other appropriate action consistent with the intent of this Resolution was given first reading.

Upon motion of Mr. Stinnett, seconded by Ms. Crosbie, the rules were suspended by a majority vote of 11-1 (Ellinger voted **no**) (Mr. Lane and Mr. McChord were absent when the vote was taken.)

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

Aye: Myers, Stinnett, Beard, Blues, Crosbie,
Ellinger, Gorton, Gray, Henson, James,
Lawless, Martin--12

Nay: --0
(Mr. Lane and Mr. McChord were absent when the vote was taken.)

* * *

Upon motion of Ms. Crosbie, seconded by Mr. Ellinger, and approved by majority vote (Mr. Lane and Mr. McChord were absent when the vote was taken), a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Loaned Fire Apparatus Risk Allocation Agreement with Pierce Manufacturing, Inc., at no cost to the Government was placed on the docket and given first reading.

Upon motion of Mr. Stinnett, seconded by Ms. Crosbie, the rules were suspended by a majority vote of 11-1 (Ellinger voted **no**) (Mr. Lane and Mr. McChord were absent when the vote was taken.)

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

Aye: Myers, Stinnett, Beard, Blues, Crosbie,
Ellinger, Gorton, Gray, Henson, James,
Lawless, Martin--12

Nay: --0
(Mr. Lane and Mr. McChord were absent when the vote was taken.)

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Upon motion of Mr. Myers, seconded by Ms. Gorton, and approved by majority vote (Mr. Lane and Mr. McChord were absent when the vote was taken), a Resolution accepting the bid of Claunch Construction, LLC, in the amount of $951,604, for the Shilito Park Paved Trails (Shilito and Lafayette Trails), for the Div. of Parks and Recreation, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Claunch Construction, LLC, related to the bid was placed on the docket and given first reading.

Upon motion of Mr. Stinnett, seconded by Ms. Crosbie, the rules were suspended by a majority vote of 11-1 (Ellinger voted **no**) (Mr. Lane and Mr. McChord were absent when the vote was taken.)

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

Aye: Myers, Stinnett, Beard, Blues, Crosbie,
Ellinger, Gorton, Gray, Henson, James,
Lawless, Martin--12

Nay: --0
(Mr. Lane and Mr. McChord were absent when the vote was taken.)

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Upon motion of Mr. Stinnett, seconded by Ms. Gorton, and approved by majority vote (Mr. Lane and Mr. McChord were absent when the vote was taken), a Resolution of the Lexington-Fayette Urban County Government stating the reasonable expectation to reimburse Lexington-Fayette Urban County Government for capital expenditures made for certain general governmental purposes which are made prior to the issuance of Build America Bonds was placed on the docket and given first reading.

Mr. Ellinger made a motion, seconded by Mr. Blues, to separate the resolution from the list of suspended resolutions. The motion **failed** to pass by a vote of 6-6 with the Mayor breaking the tie by voting against the motion. (Myers, Stinnett, Beard, Blues, James and Martin voted **no**) (Mr. Lane and Mr. McChord were absent when the vote was taken.)

Upon motion of Mr. Stinnett, seconded by Ms. Crosbie, the rules were suspended by a majority vote of 11-1 (Mr. Ellinger voted **no**) (Mr. Lane and Mr. McChord were absent when the vote was taken).

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

Aye: Myers, Stinnett, Beard, Blues, Crosbie,
Ellinger, Gorton, Gray, Henson, James,
Lawless, Martin--12

Nay: ---0
(Mr. Lane and Mr. McChord were absent when the vote was taken.)

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Upon motion of Ms. Gorton, seconded by Ms. Crosbie, and approved by majority vote (Mr. Lane and Mr. McChord were absent when the vote was taken), a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Board of Emergency Services, 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 $10,000 Commonwealth of Ky. funds, and are for the purchase of EMS Equipment, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

Upon motion of Mr. Stinnett, seconded by Ms. Crosbie, the rules were suspended by a majority vote of 11-1 (Ellinger voted **no**) (Mr. Lane and Mr. McChord were absent when the vote was taken.)

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

Aye: Myers, Stinnett, Beard, Blues, Crosbie,
Ellinger, Gorton, Gray, Henson, James,
Lawless, Martin--12

Nay: ---0
(Mr. Lane and Mr. McChord were absent when the vote was taken.)

* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a four year Fixed Pricing and related Agreements with Pictometry Int'l Corp., a sole source provider, for the lease of oblique aerial photography, viewing software, site licenses and traditional aerial photography, and supporting maintenance and professional services, subject to sufficient funds being appropriated in future fiscal years, at a cost not to exceed $88,143 in FY 2010 was on the docket for first reading.

Mr. Myers made a motion, seconded by Mr. McChord, and approved by unanimous vote, to amend the Resolution to provide for an agreement up to six years at a total cost not to exceed $347,372, and a FY 2010 cost not to exceed $52,065.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Pictometry Int'l Corp., a sole source provider, for the lease of oblique aerial photography, viewing software, site licenses and traditional aerial photography, and supporting maintenance and professional services for up to six years, subject to sufficient funds being appropriated in future fiscal years, at a cost not to exceed $52,065.00 in FY 2010 was given new first reading as amended and ordered placed on file until December 8, 2009 for public inspection.

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The following resolutions were given first reading and ordered placed on file until December 8, 2009 for public inspection.

A Resolution accepting the bid of Labor Works Lexington LLC, establishing a price contract for Temporary Labor - Materials Recycling Facility, for the Div. of Waste Management.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of fitness equipment from Transylvania University, for use by 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 Change Order No. One to the Contract with Watermark Construction, LLC, for the Town Branch Trail Phase II Construction Project, decreasing the contract price by the sum of $15,624.32 from $185,502.70 to $169,878.38.

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 Martin Luther King Day at a cost not to exceed $9,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with South Lexington Babe Ruth, Inc. ($1,000), Lexington Humane Society ($500), and Lexington Center Participants Council, Inc. ($400), 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 an Agreement with M.A.S.H. Services of the Bluegrass, Inc., for operation of the M.A.S.H. Drop Inn Facility, at a cost not to exceed $180,000 in Grant funds from the U.S. Dept. of Health and Human Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Lease Agreements with Area Health Education Center, Bluegrass Community Action Agency, Community Reinvestment Alliance, Legal Aid of the Bluegrass, Lexcare, Lexington Fayette County Urban League, National Alliance for the Mentally Ill, National Association for the Advancement of Colored People, and West End Community Empowerment Program (WECEP), for use of space at the Black and Williams Neighborhood Center.

A Resolution ratifying the probationary civil service appointments of: Tammi Hudson, Operations Manager, Grade 116E, $2,292.72 bi-weekly, in the Div. of Waste Management, effective December 7, 2009; Mitchell Kissick, Internal Auditor, Grade 118E, $1,899.92 bi-weekly, in the Office of Internal Audit, effective December 7, 2009; James Quinn, Internal Auditor, Grade 118E, $2,760.32 bi-weekly, in the Office of Internal Audit, effective December 7, 2009; Jeffrey Cravens, Operations Manager, Grade 116E, $2,000.00 bi-weekly, in the Div. of Waste Management, effective December 7, 2009; David Adamovich, Treatment Plant Operator/Apprentice, Grade 113N, $15.074 hourly, in the Div. of Water Quality, effective December 7, 2009; David Brazelton, Trades Worker Sr., Grade 109N, $17.472 hourly, in the Div. of Streets, Roads & Forestry, effective December 7, 2009; Tonia Walters, Staff Assistant Sr., Grade 108N, $13.130 hourly, in the Div. of Facilities & Fleet Management, effective December 7, 2009;

approving the unclassified civil service appointment of: Barbara Stiefel, Staff Assistant Sr., Grade 108N, $12.500 hourly, in the Div. of Water Quality, effective November 23, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the 2010 General Term Orders for the Fayette County Clerk and the Fayette County Sheriff, establishing the number of deputies and assistants allowed to each and the compensation allowed to each deputy and assistant, subject to the limits for each category as specified in the General Term Orders and subject to the fees collected by the officers respectively in their seventy-five (75%) accounts pursuant to KRS 64.350(1).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Statement of Concurrence with Louisville Metro Government allowing its use of an Emergency Radio System frequency, subject to Louisville Metro Government correcting any interference problems related to such use, 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. One (Final) to the Contract with Randle-Davies Construction Co., for construction of the Town Branch Trail Phase 1B, decreasing the contract price by the sum of $30,248.78 from $224,109.20 to $193,860.42.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 9 to the Contract with Entran (formerly known as American Consulting Engineers, PLC) for professional services for the Newtown Pike Extension Project, increasing the contract price by the sum of $605,853 from $5,461,116.51 to $6,066,969.51.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Contract with Marillia Design and Construction, for McConnell Springs Wetland Development Area, increasing the contract price by the sum of $10,602.00 from $386,115.15 to $396,717.15.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Definitive Relocation Agreement with Insight Ky. Partners II, LP, for relocation of fiber optic and coaxial cable to underground for the S. Limestone Streetscape Project, at a cost not to exceed $450,000.

A Resolution pursuant to Code of Ordinances Section 18-66 designating the speed limit on Alexandria Dr. between Versailles Rd. and Viley Rd. as 25 miles per hour and designating the speed limit on Delmont Dr. as 25 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designations.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Use Agreement with the Dept. of Criminal Justice Training, for use of facilities for training, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Contract #5797 (Resolution No. 693-2006) with Ky. Theatre Management Group, Inc., extending the term of management for an additional thirteen months.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a User Agreement with the Ky. State Police, for use of an information system, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Office of Homeland Security, for extension of the Metropolitan Medical Response Systems (MMRS) Project through June 30, 2010, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Office of Homeland Security, for extension of the Bomb Squad Enhancement Project through June 30, 2010, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Office of Homeland Security, for extension of the IED Attack Deterrence Project through June 30, 2010, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with ACT Ministries, Inc. ($100), Bluegrass Community Foundation, Inc. ($525), Central Ky. Radio Eye, Inc. ($500), and One World Films, Inc. ($575), 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 Certificates of Consideration and other necessary documents, and to accept Deeds for easements needed for the S. Limestone Streetscape Project, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Central Ky. Area Drug Task Force ($3,000), Asbury College ($9,500), Hollingsworth and James, LLC ($10,000), Board of Education of Fayette County, Ky. ($28,175), Fayette County Commonwealth Attorney ($11,000), Kenton County Commonwealth Attorney ($11,500), and Commonwealth Attorney for Lincoln, Pulaski, and Rockcastle Counties ($7,500), for performance of services under the 2008 Project Safe Neighborhood Grant, at a cost not to exceed the amounts indicated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Community Action Council for Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc., for use of Community Development Block Grant funds for energy efficiency improvements to private housing owned and occupied by income-eligible households, at a cost not to exceed $245,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Loan Agreement with Russell School Community Service Center, Inc., for use of Community Development Block Grant funds for the rehabilitation of the Russell Elementary School property, at a cost not to exceed $200,000.

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Ms. Lawless thanked the Mayor for touring the 3rd District with her on Wednesday, December 2, 2009.

The Mayor complimented the 3rd District and thanked Ms. Lawless for the opportunity

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Mr. Martin announced that children could meet Santa Clause at the Beaumont Clubhouse Sunday, December 6, 2009, at 2 p.m. He asked that everyone bring an unwrapped toy for the Toys for Tots Program.

* * *

Mr. Martin announced that the Firebrook Homeowners Association would be offering a hands-on holiday class on Sunday, December 9 and 10, 2009, from 7-8:30 p.m. Reservations are required.

* * *

Mr. Martin announced that the Southland Christmas tree lighting would be on December 4, 2009 at 5:30 p.m. at the fire station on Southland Drive.

* * *

Mr. Bernard McCarthy, Harry St., spoke about security in private homes. He stated that his house had been broken into and robbed over the Thanksgiving weekend. He asked that more police protection be assigned to the North End.

* * *

Ms. Deborah Jo Robinson, Gingermill Lane, on behalf of the Div. of Enhanced 911, spoke about the loss of earned vacation hours which they were informed about by their Division Director. She stated her concerns about the danger of eliminating vacation hours for the Enhanced 911 staff, and about the stress associated with their jobs. She made suggestions for how the employees could be compensated in lieu of the vacation hours.

* * *

Ms. Tracy Wells, Nice Drive, stated her concerns about the loss of carryover vacation time in the Div. of Enhanced 911. She stated that she works night shift, and needs the vacation time in order to spend time with her child.

* * *

Ms. Crosbie requested to speak and asked about the timeline for division directors to make determinations about their budgets. The Mayor responded to question, and addressed the rumors about layoffs which had been circulating.

The Mayor offered to have Mr. Tim Bennett, Commissioner, Dept. of

Public Safety, make a presentation at the Tuesday Work Session regarding the memorandum sent to the Div. of Enhanced 911 employees.

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Mr. Stinnett stated that the discussion was out of order per the Council Rules. Mr. Stinnett made a motion, seconded by Mr. Myers, to adjourn the meeting. The motion failed by a majority voice vote.

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The Mayor stated that the Council could vote to amend the agenda at that point. The discussion resumed.

Ms. Lawless spoke to the Div. of Enhanced 911 staff, and thanked them for bringing the matter to the Council's attention.

Ms. James spoke about the memorandum sent to the Div. of Enhanced 911 employees. She stated that the memorandum she saw stated that no Urban County Government employees would be able to roll over excess vacation time. She asked for guidance in addressing the issue. The Mayor responded that the Tuesday Work Session would be the most appropriate place to discuss the issue.

*   *   *

Ms. Crosbie made a motion, seconded by Ms. Gorton, and approved by majority vote (Mr. Lane and Mr. McChord were absent when the vote was taken) to add a presentation to the following Tuesday's Work Session on the issue from Mr. Bennett, Commissioner, Dept. of Public Safety.

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Mr. Stinnett clarified the Council Rules regarding the amendment of the meeting agenda.

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Upon motion of Ms. Crosbie, seconded by Ms. Gorton, and approved by majority vote (Mr. Lane and Mr. McChord were absent when the vote was taken), the meeting adjourned at 8:30 p.m.

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Clerk of the Urban County Council