Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky December 8, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on December 8, 2009 at 6:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Stinnett, Beard, Blues, Crosbie, Ellinger, Gorton, Gray, Henson, James, Lane, Lawless, Martin, McChord, and Myers. Absent was Council Member Feigel.

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

Ordinances No. 249-2009 thru 254-2009 inclusive and Resolutions No. 754-2009 thru 779-2009 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky December 8, 2009

The Invocation was given by Rabbi Moshe Smolkin, Ohavay Zion Synagogue.

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

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

Nay: --0

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

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

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

Nay: ---0

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Professional Services Agreement with the Lexington-Fayette County Housing Authority, for community and social services for residents of the Bluegrass-Aspendale Area pursuant to the Hope VI Project, extending the agreement termination date from December 13, 2009 to June 30, 2011.

An Ordinance notwithstanding Section 21-33(a) of the Code of Ordinances providing that employees holding the position of Telecommunicator, Telecommunicator Sr., Telecommunicator Supervisor, and PSAP Manager, in the Div. of Emergency Management/911, may carry over accumulated vacation leave in excess of one hundred and sixty-eight (168) hours at the end of calendar year 2009; providing that these employees shall have their accumulated vacation hours reduced to one hundred and sixty-eight (168) hours on March 31, 2010; and providing that these employees who separate from employment with the Lexington-Fayette Urban County Government prior to March 31, 2010 shall be paid pursuant to Section 21-33(e) of the Code of Ordinances for no more than one hundred and sixty-eight (168) hours plus any hours accumulated for service during the calendar year of 2010.

* * *

The following ordinances were given first reading and ordered placed on file until January 14, 2010 for public inspection.

An Ordinance amending Article 6-5(a) of the Land Subdivision Regulations to amend the utility standards to require new utility lines to be installed below ground, with the exception of major facilities, and to provide standards for such installation.

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Mixed-Use Community (MU-3) zone, for 60.511 net (64.411 gross) acres; from a Single Family Residential (R-1C) zone to a Mixed-Use Community (MU-3) zone, for 0.539 net (1.249 gross) acre; and from a Wholesale & Warehouse Business (B-4) zone to a Mixed-Use Community (MU-3) zone for 0.967 net (1.042 gross) acres, for property located at 780 Red Mile Rd., 790 Red Mile Rd., and a portion of 1200 Red Mile Rd. (Lexington Trots Breeders Association, LLC).

An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone to a Professional Office (P-1) zone for a 2.22 net (2.26 gross) acres, for property located at 1122 Oak Hill Dr., subject to certain use restrictions imposed as conditions of granting the zone change (Oseetah, LLC).

An Ordinance amending Article 17-6 of the Zoning Ordinance to allow temporary signs related to events sponsored by neighborhood associations or owners' associations, to be placed in the rights-of-way of that particular neighborhood, with some limitations to the number, size, and duration of stay.

An Ordinance amending Articles 3, 18-3(a)(1), and 21-6(a) to provide general regulations, landscape and land use buffer requirements, development plan and subdivision plan information and format requirements for the protection of private family cemeteries.

An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of its (A) $68,100,000 General Obligation Public Project

Bonds, Series 2010A (Build America Bonds - Direct Pay) dated the date of delivery [which amount may be increased or decreased by an amount not to exceed ten percent (10%)]; (B) $7,785,000 General Obligation Refunding Bonds, Series 2010B (tax-exempt), dated the date of delivery, [which amount may be increased or decreased by an amount not to exceed ten percent (10%)] and (C) $6,670,000 General Obligation Refunding Bonds, Series 2010C (tax-exempt), dated the date of delivery, [which amount may be increased or decreased by an amount not to exceed ten percent (10%)]; approving forms of the Bonds; authorizing designated officers to execute and deliver the Bonds; authorizing and directing the filing of a Notice with the State Local Debt Officer; providing for the payment and security of the Bonds; authorizing the establishment of certain Funds; authorizing the publicly advertised sale of said Bonds; acceptance of the bids of the Bond Purchasers of the Bonds; authorizing certain other actions with regards to the financing of the Series 2010 Project and the Refundings, including a Continuing Disclosure Agreement and such other documents, agreements or certificates necessary or required for the issuance of the Bonds; designating the Refunding Bonds as qualified tax-exempt obligations and repealing inconsistent 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. 98.

An Ordinance amending Section 17-2 of the Code of Ordinances, Lexington-Fayette Urban County Government, to delete the definition of fire gate and to renumber the remaining subsections, to replace the term numbered with the term assigned an address, to add the term assigned unit number, to replace the term property identification other than a regulation street sign with the term site number, to provide for numbers that contrast with the background on which they are affixed, commercial and industrial building requirements of numbers which are a minimum of ten inches in height and one and three quarter inch stroke to be affixed above or near the main entrance when possible, and to require that postings clearly indicate the proper structure for that address, to add the terms unit number and unit, to provide for review and approval of actions by the Addressing Committee, the adoption of the Addressing Guide for Lexington-Fayette Urban County Government as additional guidance in numbering and addressing properties, and to empower the Commissioner of Public Safety to prescribe, adopt, promulgate and enforce rules and regulations, and to delete Subsection 17-2(g) of the Code of Ordinances pertaining to fire gate numbers; amending Subsection 17-2.1(a) of the Code of Ordinances to add the term or less than two digits and to delete the reference to one number for each twenty-five feet of roadway for newly created properties; amending Subsection 17-2.1(c)(3) to add the term articles; amending Subsection 17-2.1(d) of the Code of Ordinances to delete the term frontage; amending Subsection 17.2-1(e) of the Code of Ordinances to delete the term letters and to add the term approved; amending Subsections 17-3(b) and (c) of the Code of Ordinances to add the term property and to provide that all requests for changes are to be submitted in writing to the Addressing Office of the Div. of Enhanced 911, and are subject to review and determination by the Address Committee, which determination is appealable to the Address Board; amending Subsection 17-4(b) of the Code of Ordinances to change the notice time from five days to ten business days, to delete the reference to fire gate numbers, to specify that obstructions to visibility are violations, to require the temporary posting of numbers during construction, which are to be replaced with the permanent numbers prior to final inspection for occupancy, and to renumber the Subsections accordingly; amending Subsection 17-4.3 of the Code of Ordinances to include appeals of determinations by the Address Committee and renumbering the Subsections accordingly; and amending Subsection 17-4.5 of the Code of Ordinances to include appeals of Address Committee determinations to be made within thirty days, with failure to do so constituting a waiver and final decision; all effective on February 1, 2010.

* * *

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 was given second reading.

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

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

Nay: ---0
(Mr. Myers recused himself when the vote was taken.)

* * *

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

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

Nay: ---0

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 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 in FY 2010.

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.

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A Resolution ratifying the probationary civil service appointments of: Jayne Schalk, Social Worker Sr., Grade 113E, $1,682.56 bi-weekly, in the Div. of

Family Services, effective January 4, 2010; Candace Smith, Public Service Worker, Grade 106N, $11.575 hourly, in the Div. of Waste Management, effective December 21, 2009; Marshawn Cowan, Public Service Worker, Grade 106N, $11.676 hourly, in the Div. of Waste Management, effective December 21, 2009; Richard Boone, Efficiency Analyst, Grade 118E, $2,652.72 bi-weekly, in the Div. of Waste Management, effective December 21, 2009; Stevan Farmer, Municipal Engineer, Grade 119E, $3,088.88 bi-weekly, in the Div. of Water Quality, effective December 21, 2009; approving the unclassified civil service appointments of: William Azevedo, Project Engineering Coordinator, Grade 119E, $3,076.92 bi-weekly, in the Div. of Water Quality, effective November 23, 2009; Kevin Edwards, Social Service Coordinator, Grade 119E, $1,911.44 bi-weekly, in the Div. of Adult Services, effective November 23, 2009; Jeffrey Rice, Administrative Officer Sr., Grade 120E, $2,884.62 bi-weekly, in the Div. of Water Quality, effective December 21, 2009; approving the unclassified civil service salary adjustment in the Office of the Urban County Council of: Donna Jeannette Williams, Aide to Council, Grade 000E, $1,577.28 bi-weekly to $1,813.87 bi-weekly, in the Office of the Urban County Council, effective July 6, 2009 was on the docket for first reading.

Ms. Crosbie made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to amend the resolution to take the following actions: (1) approving the unclassified civil service appointment of Brent Burchett, Aide to Council, at a bi-weekly salary of $1,653.85, in the Office of the Urban County Council effective January 12, 2010; (2) correcting the effective date for Stevan Farmer, Municipal Engineer, Grade 119E, $3,088.88 bi-weekly, in the Div. of Water Quality, to November 16, 2009; (3) ratifying the unclassified civil service appointments made by the Mayor for Rebecca Arledge, Administrative Specialist, Grade 110N, $16.543 hourly, in the Div. of Water Quality, effective November 16, 2009 and Michael Montgomery, Administrative Specialist, Grade 110N, $16.543 hourly, in the Div. of Water Quality, effective November 23, 2009; and (4) correcting Kevin Edwards’ name and grade to Kevin Edmonds, Grade 114E.

A Resolution ratifying the probationary civil service appointments of: Jayne Schalk, Social Worker Sr., Grade 113E, $1,682.56 bi-weekly, in the Div. of Family Services, effective January 4, 2010; Candace Smith, Public Service Worker, Grade 106N, $11.575 hourly, in the Div. of Waste Management, effective December 21, 2009; Marshawn Cowan, Public Service Worker, Grade 106N, $11.676 hourly, in the Div. of Waste Management, effective December 21, 2009; Richard Boone, Efficiency Analyst, Grade 118E, $2,652.72 bi-weekly, in the Div. of Waste Management, effective December 21, 2009; Stevan Farmer, Municipal Engineer, Grade 119E, $3,088.88 bi-weekly, in the Div. of Water Quality, effective November 16, 2009; ratifying the unclassified civil service appointments of: William Azevedo, Project Engineering Coordinator, Grade 119E, $3,076.92 bi-weekly, in the Div. of Water Quality, effective November 23, 2009; Kevin Edmonds, Social Service Coordinator, Grade 114E, $1,911.44 bi-weekly, in the Div. of Adult Services, effective November 23, 2009; Jeffrey Rice, Administrative Officer Sr., Grade 120E, $2,884.62 bi-weekly, in the Div. of Water Quality, effective December 21, 2009, Brent Burchett, Aide to Council, Grade 000E, $1,653.85 bi-weekly, in the Office of the Urban County Council, effective January 12, 2010, Rebecca Arledge, Administrative Specialist, Grade 110N, $16.543 hourly, in the Div. of Water Quality, effective November 16, 2009, Michael Montgomery, Administrative Specialist, Grade 110N, $16.543 hourly, in the Div. of Water Quality, effective November 23, 2009; approving the unclassified civil service salary adjustment in the Office of the Urban County Council: Donna Jeannette Williams, Aide to Council, Grade 000E, $1,577.28 bi-weekly to $1,813.87 bi-weekly, in the Office of the Urban County Council, effective July 6, 2009 was given first reading as amended.

Upon motion of Mr. Stinnett, seconded by Mr. McChord, the resolution was suspended by unanimous vote.

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

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

Nay: ---0

* * *

A Resolution of the Lexington-Fayette Urban County Government authorizing the advertisement for bids and the distribution of the preliminary Official Statement for the purchase of the principal amount of its (A) $68,100,000 General Obligation Public Project Bonds, Series 2010A (Build America Bonds - Direct Pay) [which amount may be increased or decreased by an amount not to exceed ten percent (10%)], (B) $7,785,000 General Obligation Refunding Bonds, Series 2010B (tax-exempt) [which amount may be increased or decreased by an amount not to exceed ten percent (10%)], and (C) $6,670,000 Lexington-Fayette Urban County Government General Obligation Refunding Bonds, Series 2010C (tax-exempt) [which amount may be increased or decreased by an amount not to exceed ten percent (10%)] was given first reading.

Upon motion of Mr. Stinnett, seconded by Mr. McChord, the resolution was suspended by unanimous vote.

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

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

Nay: Ellinger---1

* * *

The following resolutions were given first reading. Upon motion of Mr. Stinnett, seconded by Mr. McChord, the resolutions were suspended by unanimous vote.

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

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

Nay: ---0

A Resolution accepting the bid of Harp Enterprises, Inc., in the amount of $89,760, for voting machines, for the Fayette County Clerk's Office.

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 Pump Station Upgrade at Haley Pike Landfill, increasing the contract price by the sum of $2,400 from $356,416 to $358,816.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Designation of Applicant's Agent designating Commissioner of Finance Linda L. Rumpke as the Urban County Government's authorized agent for the purpose of obtaining certain federal financial assistance under the Disaster Relief Act or the President's Disaster Relief Fund.

A Resolution amending Resolution No. 212-2009, accepting the bid of Claunch Construction, LLC, for the Radcliffe Rd. Stormwater Improvements, to correct the source of funds and to authorize and direct the Mayor to execute an Amended Agreement with Claunch Construction, LLC, which includes provisions related to the American Recovery and Reinvestment Act of 2009.

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 Div. of Police's IED Training 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 and submit a Grant Application to the Cities of Service Coalition and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of

$100,000, and are for funding a Chief Service Officer position for two years for a program to increase volunteerism in the community.

A Resolution supporting the adoption of Disadvantaged Business Enterprise goals consistent with and conforming to the requirements of the American Reinvestment and Recovery Act of 2009, and any regulations, requirements, guidelines, or policies adopted or promulgated by the U.S. Dept. of Transportation, Federal Highway Administration and the Ky. Transportation Cabinet, to the extent necessary to qualify for funding, with such goals being based upon an analysis and review of each project on an individual basis, including consideration of the available pool of Disadvantaged Business Enterprises for each project, and amending Resolution No. 167-91 to the extent it is inconsistent with this resolution.

A Resolution providing that effective December 31, 2009 the Fayette County Attorney's Office, Fayette County Health Dept., Lexington-Fayette County Housing Authority and the Explorium of Lexington shall no longer be eligible to participate in the medical insurance plans provided by the Urban County Government and authorizing and directing the Div. of Human Resources to notify said entities; authorizing the Div. of Human Resources to notify the Carnegie Literacy Center, Convention & Visitor's Bureau, Downtown Development Authority, Downtown Lexington Corp., Lexington-Fayette Urban County Human Rights Commission, Ky. World Trade Center, Ky. League of Cities, Lexington Parking Authority, Lexington Sister Cities, Metro Employees Credit Union, Metro Group Homes (MASH), Nursing Home Ombudsman, One Parent One Family Facility, Partners for Youth, REACH, Inc., and the Lexington Urban League no later than January 1, 2010 that said entities will no longer be eligible to participate in the medical insurance plans offered by the Urban County Government effective December 31, 2010; directing that all Purchase of Service Agreements providing for participation in the medical insurance plans be amended, if necessary; and providing that after December 31, 2010, only Lexington-Fayette Urban County Government employees and retirees shall be eligible to participate in the medical insurance plans offered by the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Garden Springs Elementary School PTA ($400), Bryan Station High School PTSA ($1,000), Bluegrass Community Foundation ($1,500), and Stonewall Neighborhood Association ($500), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

* * *

A Resolution accepting the bid of Fire Training Structures, LLC, in the amount of $259,135, for a Live Fire Training Structure, for the Div. of Fire and Emergency Services was given first reading and ordered placed on file until January 14, 2010 for public inspection.

* * *

Upon motion of Ms. Crosbie, seconded by Mr. Blues, the Communications from the Mayor were approved by unanimous vote and are as follows: (1) Recommending the reappointment of Ms. Kimberly H. Bryant to the Address Enforcement Administrative Hearing Board, with a term to expire 11-1-2013; (2) Recommending the reappointment of Ms. Jessica E. Cobb to the Animal Care & Control Oversight Committee, with a term to expire 1-1-2014; (3) Recommending the appointment of Ms. Marybeth Vallance to the Commission for Citizens with Disabilities, with a term to expire 1-1-2013. The term of Ms. Terri Kanatzar has expired; (4) Recommending the appointment of Councilmember Doug Martin to the Corridors Commission, with a term to expire 8-1-2011; (5) Recommending the reappointment of Ms. Magdalena B. Tinajero to the Human Rights Commission, with a term to expire 1-1-2014; (6) Recommending the appointments of Ms. Glenda H. George and Councilmember Andrea James, as ex-officio members, to the Lyric Theatre and Cultural Arts Center Board of Directors. Also, recommending the appointments of Mr. Kip Cornett as business community representative, Mr. Chester Grundy as University Community or FCPS representative, Mr. Abdul H. Muhammad as business community representative, Ms. Anne Nash as business community representative, Mr. Miles

Osland as artist representative, and Ms. Juanita Betz Peterson as Lyric Theatre Task Force representative, to the Lyric Theatre and Cultural Arts Center Board of Directors, with terms to expire 12-8-2013. Also, recommending the appointments of Ms. Janet Holloway as business community representative, Mr. Robert Jefferson as Lyric Theatre Task Force representative, Dr. Everett McCorvey as artist representative, Ms. Freda Meriwether as Lyric Theatre Task Force representative, and Mr. Gene Woods as business community representative, to the Lyric Theatre and Cultural Arts Center Board of Directors, with terms to expire 12-8-2011; (7) Recommending the appointment of Ms. Marilyn Machara to the Parks and Recreation Advisory Board, with a term to expire 1-14-2014; (8) Recommending the reappointment of Mr. Glen M. Krebs to the Sister Cities Program Commission, with a term to expire 1-28-2014; (9) Recommending the appointment of Mr. Casey W. Dunn to the Social Services Advisory Board, with a term to expire 12-1-2013; and (10) Recommending the appointments of Mr. John W. Clay, Mr. John D. Morgan and Ms. Barbara Sledd to the Water Quality Fees Appeals Board, with terms to expire 12-1-2013. Also, recommending the appointment of Ms. Bonita G. Hall to the Water Quality Fees Appeals Board, with a term to expire 12-1- 2011.

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Mr. Tim Bailey, Woodlawn Way, representing the Project Synergy team, asked the Council to consider carrying over their vacation time, as they had not been able to use vacation hours in the past year. He stated that the work level for the past year had been so heavy as to prevent the team members from using their vacation leave.

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Ms. Mary Fister-Tucker, Director of the Div. of Acounting and Acting Director of the Div. of Budgeting, asked the Council to consider carrying over vacation leave hours for the Project Synergy team members. She stated that it had been necessary to deny vacation leave hours to the team members because of project deadlines and work levels. She stated that about fifteen team members would be affected by the loss of the hours.

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Mr. Myers made a motion, seconded by Ms. Crosbie, to amend the Council Meeting Docket in order to consider new business.

The Mayor asked Mr. Logan Askew, Commissioner of the Dept. of Law, to provide counsel on the issue.

Mr. Myers' motion **passed** unanimously.

Mr. Myers made a motion, seconded by Mr. Stinnett, to reconsider an Ordinance notwithstanding Section 21-33(a) of the Code of Ordinances providing that employees holding the position of Telecommunicator, Telecommunicator Sr., Telecommunicator Supervisor, and PSAP Manager, in the Div. of Emergency Management/911, may carry over accumulated vacation leave in excess of one hundred and sixty-eight (168) hours at the end of calendar year 2009; providing that these employees shall have their accumulated vacation hours reduced to one hundred and sixty-eight (168) hours on March 31, 2010; and providing that these employees who separate from employment with the Lexington-Fayette Urban County Government prior to March 31, 2010 shall be paid pursuant to Section 21-33(e) of the Code of Ordinances for no more than one hundred and sixty-eight (168) hours plus any hours accumulated for service during the calendar year of 2010.

Ms. James asked a question about Mr. Myers' motion. The Mayor responded.

Mr. Myers withdrew his motion, and Mr. Stinnett withdrew his second.

Mr. Myers made a motion, seconded by Ms. Crosbie, to add an ordinance to the docket which would be identical to the above ordinance, but which would approve the extension of vacation leave time past 168 hours through March 31, 2010 for the Project Synergy group.

The Council asked questions about the motion of Mr. Rama Dhuwaraha, Chief Information Officer, Mr. Joseph Kelly, Senior Advisor to the Mayor, Ms. Mary Fister-Tucker, Director of the Div. of Acounting and Acting Director of the Div. of Budgeting, and Ms. Linda Rumpke, Commissioner of the Dept. of Finance and Administration.

Ms. Crosbie offered a friendly amendment to Mr. Myers motion in order to offer an extension of vacation leave past 168 hours through March 31, 2010, to all Lexington-Fayette Urban County Government employees who had been denied vacation leave and had documentation to prove so. The friendly amendment was accepted.

The Council continued to ask questions of Mr. Kelly and Ms. Rumpke.

Mr. Martin offered a friendly amendment to Mr. Myers' motion in order to offer an extension of vacation leave past 168 hours through March 31, 2010, to all Lexington-Fayette Urban County Government employees regardless of denied vacation leave. The friendly amendment was accepted.

Mr. Myers amended his motion to include a provision that division directors must submit an action plan in order to detail the way in which their employees would be able to take their extended vacation leave in the next quarter of 2010.

The Council continued to ask questions of Mr. Kelly, Ms. Rumpke, Mr. Dhuwaraha and Mr. Myers.

The amended motion **passed** by unanimous vote.

An Ordinance notwithstanding Section 21-33(a) of the Code of Ordinances providing that all employees may carry over accumulated vacation leave in excess of one hundred sixty-eight (168) hours at the end of calendar year 2009; providing that these employees shall have their accumulated vacation hours reduced to one hundred sixty-eight (168) hours on March 31, 2010; and providing that these employees who separate from employment with the Lexington-Fayette Urban County Government prior to March 31, 2010 shall be paid pursuant to Section 21-33(e) of the Code of Ordinances for no more than one hundred sixty-eight (168) hours plus any hours accumulated for service during the calendar year of 2010; and requiring that all directors develop an action plan to allow employees to use excess time before the March 31, 2010 deadline was given first reading.

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

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

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

Nay: --0

* * *

Upon motion of Mr. Myers, seconded by Mr. Stinnett, and approved by unanimous vote, the meeting adjourned at 7:32 pm.

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Clerk of the Urban County Council