Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   January 14, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on January 14, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, Gray, Henson, James, Lane, Lawless, Martin, McChord, Myers, and Stinnett.

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

Ordinances No. 255-2009 thru 274-2009 inclusive and Resolutions No. 780-2009 thru 817-2009 inclusive were reported as having been signed and published, and were ordered to record.

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

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The Mayor stated that information regarding the Haiti Disaster Relief effort had been posted on www.lexingtonky.gov. He encouraged citizens to look over the links provided there. He also stated that nine Lexington-Fayette County fire fighters were on call for potential duty in Haiti, and that Lexington-Fayette County may be called on to provide emergency medical services for evacuees from Haiti. He thanked Rabbi Kline for his efforts.

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Upon motion of Ms. Gorton, seconded by Ms. Crosbie, and passed by unanimous vote, the Minutes of the October 1, 15 and 27, November 5, and 19, and December 3, and 8, 2009 Council Meetings were approved.

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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 was on the docket for second reading.

Mr. Stinnett made a motion, seconded by Mr. Martin, and approved by unanimous vote, to modify the optional redemption language, which modification: (1) moves the initial redemption date to March 1, 2020, (2) subjects those bonds maturing on September 1, 2020 or thereafter to optional redemption, and (3) provides that the bonds may be redeemed in any order of maturity, and that this was not a material change and did not require a new first reading.

Ms. James asked for clarification of the motion. Mr. Stinnett responded.

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 was given second reading as amended.

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

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

Nay: Ellinger, Martin--------------------------------------2

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

Aye: Beard, Blues, Crosbie, Ellinger, Feigel,
Gorton, Gray, Henson, James, Lane,
Lawless, Martin, McChord, Myers, Stinnett------15

Nay: --0

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 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 references 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.

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An Ordinance amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Administrative Officer, Grade 118E in the Div. of Youth Services, effective retroactive to June 22, 2009 was on the docket for first reading.

Mr. Myers asked a question of Ms. Gorton about the current length of the docket for the Council Planning Committee. Ms. Gorton responded.

Upon motion of Mr. Myers, seconded by Ms. James, and approved by unanimous vote, the ordinance was removed from the docket and placed into the Council Intergovernmental Committee.

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

An Ordinance amending Articles 1-5 and 1-4 of the Land Subdivision Regulations to add definitions for "low impact development" and "green infrastructure," and to permit alternative designs for development using low impact development and/or green infrastructure techniques.

An Ordinance changing the zone from a Wholesale & Warehouse Business (B-4) zone to a Highway Service Business (B-3) zone for 1.04 net (1.24

gross) acres, for property located at 1872 Plaudit Place, subject to certain use restrictions imposed as conditions of granting the zone change (Grover C. Huff and Brenda Huff).

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone for 7.35 net (7.60 gross) acres, for property located at 1810 Bryant Rd., subject to certain use restrictions imposed as conditions of granting the zone change (Kaiten Patel).

An Ordinance amending Subsection 12-1(b) PM-106.4.1 of the Code of Ordinances, Lexington-Fayette Urban County Government to provide for criminal fines of not less than $100, no more than $2,500, with each day in violation constituting a separate offense; an alternative civil penalty remedy ranging from $100 to $2,000 based upon the number of violations in existence and inspections performed, as established in the adopted guidelines table; and the assessment of an administrative fee not to exceed $250 for each inspection; amending Subsections 12-1(b) PM - 109.5 and PM - 110.3 of the Code of Ordinances to provide for the assessment of an administrative fee not to exceed $250; amending Subsection 12-7(a) of the Code of Ordinances to provide for the assessment of an administrative fee not to exceed $250 and to change the number of required previous notices of violation from two to one; amending Section 12-8.2 of the Code of Ordinances to increase the criminal fines to not less than $100, nor more than $2,500, with each day in violation constituting a separate offense, and clarifying and consolidating the adopted guidelines table to provide for civil penalties ranging from $100 to $1,000 based upon the number of notices of violation issued in a twelve month period; and amending Subsection 12-8.3(a) of the Code of Ordinances to change the time to appeal the assessment of a nuisance abatement related civil penalty from twenty (20) days to ten (10) days; all effective on March 1, 2010.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Technical Manager Enterprise Solutions, Grade 120E, one (1) position of Financials Manager Enterprise Solutions, Grade 119E, and one (1) position of HCM Manager Enterprise Solutions, Grade 119E, all in the Div. of Enterprise Solutions and abolishing one (1) position of Deputy Director Computer Services, Grade 121E, in the Div. of Computer Services, and appropriating funds pursuant to Schedule No. 99.

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 $105,600 Federal funds, are for the expansion of the LexVan fleet, the acceptance of which obligates the Urban County Government for the expenditure of $26,400 as a local match, appropriating funds pursuant to Schedule No. 100, 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 an award of $1,600 from the Factory Mutual Insurance Co.'s Global Fire Prevention Grant Program, for purchase of cameras for the Fire Investigation Unit of the Div. of Fire and Emergency Services, and appropriating funds pursuant to Schedule No. 101.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Environmental and Public Protection Cabinet, which Grant funds are in the amount of $141,451.69 Commonwealth of Ky. funds, are for the continuation of the Litter Control Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 102, 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. Div. of Emergency Management, which Grant funds are in the amount of $3,215 Commonwealth of Ky. funds, are for the purchase of equipment for the Div. of Fire and Emergency Services Technical Rescue Team's Rescue Squad, the acceptance of which obligates the Urban County Government for the expenditure of $3,215 as a local match, appropriating funds pursuant to Schedule No. 103, 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. 104.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Administrative Specialist, Grade 110N, ending four years from the effective date of passage of this Ordinance, within the Div. of Waste Management, and appropriating funds pursuant to Schedule No. 105.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Bluegrass Community Foundation, 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 $12,429, are for Parenting Education and Teen Esteem Building, for the Div. of Family Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 106, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance creating Article XI of Chapter 2 of the Code of Ordinances to establish the "Keep Lexington Beautiful Commission" as the official local affiliate of Keep America Beautiful, Inc.; specifying the membership of the Commission as thirteen (13) members representing various interested constituencies; providing for 4-year terms for members with initially staggered terms; providing for filling of membership vacancies and appointment of members to one (1) additional term; providing for removal of members; providing that members shall reside in Fayette County; providing for Commission officers and bylaws; providing that the Commission shall meet a minimum of six (6) times per year and for special meetings; and providing the duties and functions of the Commission related to litter prevention, beautification and community improvement, and waste reduction.

An Ordinance amending Section 1 of Ordinance No. 260-2009 amending the schedule of meetings for the Lexington-Fayette Urban County Council for the calendar year 2010, to cancel the joint Planning Commission/Planning Committee meeting on January 26, 2010, to change the time of the Mayor's State of the Merged Government Address on January 26, 2010 to 11:30 a.m., and to change the Intergovernmental Committee and Council Meetings Scheduled for December 14, 2010 to December 7 and December 2, 2010 (respectively).

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Upon motion of Ms. Lawless, seconded by Mr. Blues, and approved by unanimous vote, an Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to provide $750,000 for the Fifth Third Bank Pavilion located at Cheapside Park and appropriating and re-appropriating funds, Schedule No. 110 was placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

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An Ordinance accepting the bid of ICX Tactical Platforms, in the amount of $123,024.25 for a Mobile Surveillance Tower, for the Div. of Police, and appropriating funds pursuant to Schedule No. 108 was on the docket for first reading.

Ms. James asked a question about the bid process.

The ordinance was given first reading and ordered placed on file two weeks for public inspection.

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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 second reading.

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

Aye: Beard, Blues, Crosbie, Ellinger, Feigel,
Gorton, Gray, Henson, James, Lane,
Lawless, Martin, McChord, Myers, Stinnett------15

Nay: ---0

* * *

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

Mr. Lane requested to speak and asked if all the resolutions had been considered in their respective departmental budgets.

Mr. Edward Gardner, Dept. of Law, responded that they were all eligible for second reading.

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

Aye: Beard, Blues, Crosbie, Ellinger, Feigel,
Gorton, Gray, Henson, James, Lane,
Lawless, Martin, McChord, Myers, Stinnett------15

Nay: --0

A Resolution accepting the bid of Marrillia Design and Construction, in the amount of $1,767,879.10, for the Lexington Streetscape Phase One Improvements - Cheapside Park, for the Dept. of Public Works and Development, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Marrillia Design and Construction, related to the bid.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Mr. Raul F. Lagos of 17 tennis racquets, for use at the Div. of Parks and Recreation, at no cost to the Urban County Government.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Clemens Dr. and Twain Ridge Dr.

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 Assessments of Critical Infrastructure Project through May 31, 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 Div. of Police’s Mobile Data Computer Project through March 31, 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 Ky. Div. for Air Quality and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $150,000 Commonwealth of Ky. funds under the Ky. Clean Diesel Grant Program, and are for retrofitting 56 refuse vehicles with a Donaldson Diesel Oxidation Catalyst and a Spiracle Closed Crankcase kit.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Schaeffer Properties, for Coolavin Community Building, increasing the contract price by the sum of $9,960.00 from $361,209.44 to $371,169.44.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. American Water Co., for the Lyric Theater Sprinkler System, at a cost not to exceed $15,958.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Myers Fence, LLC, for the Brighton East Rail Trail Phase I Project, reducing the total cost by the sum of $2,771.73 from $76,178.00 to $73,406.27.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Humanitarium: Center for Culture and Diversity, Inc. ($425), Bluegrass Chapter, American Red Cross ($725), Beaumont Residential Association, Inc. ($500), and Southland Association, Inc. ($1,000), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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Upon motion of Ms. Lawless, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution accepting the bid of Marrillia Design and Construction, in the amount of $715,977.02 for the Fifth Third Bank Pavilion located at Cheapside Park, for the Dept. of Public Works and Development, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Marrillia Design and Construction, related to the bid was placed on the docket and given first reading.

Ms. Crosbie asked questions of Ms. Lawless regarding the resolution.

Ms. Lawless and Mr. Mike Webb, Commissioner of the Dept. of Public Works and Development, responded to the questions and clarified the differences between the two Marrillia Design and Construction bids on the docket.

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

Ms. Feigel asked if the final designs for the Pavilion could be shown to the GTV3 audience. The Mayor responded that the designs could be shown.

Ms. James recognized Mr. Clete Benken, Kinzelman, Kline, Gossman, who was in possession of the final drawings. The Mayor suggested that Mr. Benken work with GTV3 to present the drawings.

Mr. Stinnett asked if there was an urgent time frame for the resolution to be approved.

Ms. Lawless responded that there was.

The drawings were presented to the audience in the Council Chamber and to the GTV3 audience. The Mayor stated that the final design was very similar to the original design for the Pavilion.

Mr. Benken responded that it was similar, and that they had made some alterations in response to feedback that had been given by Downtown stakeholders.

The Council asked questions of Mr. Benken regarding the design. He responded.

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

Aye: Beard, Blues, Crosbie, Ellinger, Feigel,
Gorton, Gray, Henson, James, Lane,
Lawless, Martin, McChord, Myers, Stinnett------15

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 ITT WWW U.S.A., establishing a price contract for submersible sewage pump and electrical motor repairs, for the Div. of Water Quality.

A Resolution accepting the bids of Claunch Construction, LLC, Woodall Construction Co., Inc., Todd Johnson Contracting, Inc., establishing price contracts for Green Acres Neighborhood Curb Inlets Retrofit UPC, for the Div. of Water Quality.

A Resolution accepting the bid of Man O' War Harley-Davidson, establishing a price contract for motorcycle, for the Div. of Police.

A Resolution accepting the bid of Hurst Office Suppliers, establishing a price contract for copier paper, for the Div. of Central Purchasing.

A Resolution accepting the bids of Recreation Supply Co., Inc., Recreonics, Inc., and EMSCO d.b.a. OP Aquatics, establishing price contracts for swimming pool supplies, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Miller Transportation, Inc., establishing a price contract for Charter Bus Services, for the Div. of Parks and Recreation.

A Resolution accepting the bids of Allied Technical Services, Inc., and ITT Water and Wastewater U.S.A. - Flygt Dewatering Div., establishing price contracts for UPC for temporary pumping services, generators, emergency WWTP and equipment rental, for the Div. of Water Quality.

A Resolution accepting the bid of Key to Cleaning, establishing a price contract for Custodial Services - Police Technical Services Bldg., for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Key to Cleaning, establishing a price contract for Custodial Services - Fleet Management, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Central Indiana Truck Equipment, establishing a price contract for Refuse Body, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Somerset Food Service, establishing a price contract for food for Family Care Center (Group I), and Clem's Refrigerated

Foods, establishing a price contract for food for Family Care Center (Group II), for the Div. of Family Services.

A Resolution accepting the bid of Zoll Medical Corp., establishing a price contract for a defibrillator, for the Div. of Fire and Emergency Services.

A Resolution accepting the bids of All Recreation, Inc., Bluegrass Recreational Products, Inc., Burke Playgrounds of KY TN, Countryside Play Structures, Inc., David Williams and Associates, Inc., Elements of Play, Korkat, Inc., Lester Recreation Designs, Miracle Recreation of Ky. and Tenn., and Play and Park Structures, establishing price contracts for outdoor playground equipment, for the Div. of Parks and Recreation.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Affiliation Agreement with the State University of New York, for an internship, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with AIDS Volunteers, Inc., for modification of the scope of work and extension of the Agreement for operation of a tenant based rental assistance program through June 30, 2011.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Georgetown St. Area Neighborhood Association, for extension of the completion date of the Neighborhood Action Match Program Project to 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 a Memorandum of Understanding with the Carnegie Center for Literacy and Learning, to serve as the participating agency in order to obtain and utilize the resources of the Corp. for National Service/Americorps VISTA Program, at a cost not to exceed $1,500 as a required contribution to the Carnegie Center VISTA Network, a consortium of local non-profit groups desiring to advance literacy in Lexington.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease with Everett Hampton, for lease of 2075 Parkers Mill Rd., at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Lease Renewals with the Commonwealth of Ky., for the lease of State Police CDL and Drivers License Offices, at no cost to the Government.

A Resolution authorizing the Commissioner of the Dept. of General Services or his/her designee to sign utility connect and disconnect agreements on behalf of the Lexington-Fayette Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the FY10 Purchase of Service Agreement with Ky. World Trade Center Lexington, Inc., for services related to managing and operating the World Trade Center and trade promotion, trade counseling, and trade assistance, with an effective date of July 1, 2009, at a cost not to exceed $106,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the FY10 Purchase of Service Agreement with the Downtown Lexington Corp., for services related to promoting, marketing, and strengthening the Downtown Area, with an effective date of July 1, 2009, at a cost not to exceed $50,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3 to the Contract with MAC Construction & Excavating, Inc., for the Brighton East Rail Trail Phase I Project, reducing the total cost by the sum of $6,673.54, for a new contract total of $1,228,198.75.

A Resolution authorizing the Div. of Human Resources to internally advertise for the positions of Technical Manager Enterprise Solutions, Financial Manager Enterprise Solutions, and HCM Manager Enterprise Solutions, all in the Div. of Enterprise Solutions.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Occupational Wellness Administrator and Services Agreement with Lexington Urgent Treatment Associates, PLLC, d/b/a Urgent Treatment Clinics, for Occupational Health Services, at a cost not to exceed $3,800, effective January 1, 2010.

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Upon motion of Mr. Blues, seconded by Ms. James, and approved by unanimous vote, a Resolution ratifying the probationary civil service appointments of: Chad Cottle, Director of Enterprise Solutions, Grade 123E, $3,892.59 bi-weekly, in the Div. of Enterprise Solutions, effective December 7, 2009, Gina Dulin, Administrative Specialist Principal, Grade 114E, $2,141.12 bi-weekly, in the Div. of Community Corrections, effective November 18, 2009 was placed on the docket, given first reading and ordered placed on file two weeks for public inspection.

Mr. Myers requested to speak and inquired as to why the resolution was just being placed on the docket that night.

Mr. Rama Dhuwaraha, Chief Information Officer, responded that there had been an oversight by the Div. of Human Resources, and that the positions listed needed to move forward.

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The reports from the Div. of Building Inspection for the 4th Quarter (October – December) of 2009 and for the year 2009 were received and ordered filed.

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Upon motion of Ms. Crosbie, seconded by Mr. Lane, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Mr. James R. Mahan to the Agricultural Extension District Board, with a term to expire 1-1-2012. Also, recommending the reappointment of Ms. Judy Worth to the Agricultural Extension District Board, with a term to expire 1-1- 2013; (2) Recommending the reappointments of Councilmember Chuck Ellinger and Ms. Michelle Kosieniak to the Arboretum Advisory Committee, with terms to expire 1-1-2014; (3) Recommending the appointment of Mr. Matthew T. Smith to the Commission for

Citizens with Disabilities, with a term to expire 1-1-2014; (4) Recommending the appointment of Councilmember Chuck Ellinger, as At-Large Representative, to the Corridors Commission, with a term to expire 8-1-2013; (5) Recommending the reappointments of Rabbi Marc A. Kline and Ms. Melanie A. Tyner-Wilson to the Human Rights Commission, with terms to expire 1-1-2014; (6) Recommending the appointment of Ms. Anissa M. Franklin, as President of Friends of the Lyric, to the Lyric Theatre and Cultural Arts Center Board of Directors, with a term to expire 12-28-2011; (7) Recommending the appointment of Mr. Thomas D. Minter to the Picnic with the Pops Commission, with a term to expire 7-1-2012; (8) Recommending the appointment of Ms. Susan E. Carvalho Chumney to the Sister Cities Program Commission, with a term to expire 1-28-2014; (9) Recommending the appointment of Ms. Elizabeth N. Heichelbech to the Special Events Commission, with a term to expire 6-1-2012. Ms. LuAnn Pelle is no longer serving on the board; and (10) Recommending the appointments of Councilmember Tom Blues, as non-voting member, and Mr. David O'Neil, as Property Value Administrator (non-voting), to the Vacant Property Review Commission, with terms to expire 1-1-2014. Also, recommending the appointment of Mr. James M. Haskins, as elected officer of neighborhood association representative, to the Vacant Property Review Commission, with a term to expire 1-1- 2012.

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The Mayor asked Ms. Linda Rumpke, Commissioner of Finance and Administration, to come forward and to make an announcement.

Ms. Rumpke announced that the Urban County Government had received a favorable bond interest rate which would make a significant difference in the Government's debt service in FY 2011.

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Fire Chief Robert Hendricks stated that Firefighter Matt Howard has committed the offense of At Fault Vehicle Accident Greater Than $1,000 in Damages in violation of KRS 95.450 and Div. of Fire Policy Statement 800.18, in that on the 9th day of October, 2009, he was involved in a motor vehicle accident causing injury while on duty, and operating a vehicle owned and representing the

Lexington Fire Dept. with further complicating factors of three civilians being injured and transported to the hospital, and that the appropriate punishment for this conduct is Forty Hours Suspension Without Pay.

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

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Fire Chief Robert Hendricks stated that Firefighter Floyd Thompson has committed the offense of Misconduct in violation of KRS 95.450 and Division Policy Statements and SOP's, in that on or about the 2nd day of October, 2009, he possessed and left in open space inappropriate images on an SD card at Station 17, and that the appropriate punishment for this conduct is Twenty-Four Hours Suspension Without Pay for Scheduled Work Hours, and a Mandatory Referral and Completion of a Program Designed by the Employee Assistance Program.

Ms. James asked questions of Chief Hendricks.

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

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Ms. Ya'el Brown, Rand Ave., asked the Mayor to please allow the Lexington firefighters to travel to assist the Haiti recovery effort.

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Mr. Bernard McCarthy, Harry Street, spoke about gun fire that he heard in his neighborhood on New Years Eve. He stated his concerns about safety issues and potential property damage.

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Upon motion of Mr. Ellinger, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 8:19 p.m.

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Clerk of the Urban County Council