Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky January 28, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on January 28, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Crosbie, Ellinger, Feigel, Gorton, Gray, Henson, James, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard and Blues.

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

Ordinances No. 1-2010 thru 8-2010 inclusive and Resolutions No. 1-2010 thru 12-2010 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Mr. Arty Greene, Administrative Aide to the Mayor.

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Upon motion of Ms. Crosbie, seconded by Ms. Gorton, and passed by majority vote (Ms. James was absent when the vote was taken), the Minutes of the January 14, 2010 Council Meeting were approved.

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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 was on the docket for second reading.

The Council asked questions of Mr. Mike Sanner, Dept. of Law, regarding the Ordinance.

Upon motion of Mr. Martin, seconded by Ms. Feigel and approved by unanimous vote, the Ordinance was amended to replace the word ‘no’ with the word ‘nor’ in the third line of the synopsis of the Ordinance. Mr. Martin stated that this was not a material change and did not require a new first reading.

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, nor 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 was given second reading as amended.

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

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

Nay: --0

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

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

Nay: --0

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 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.

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).

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.

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

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Transportation Cabinet, for $177,350 in State funds for infrastructure improvements for the Isaac Murphy Memorial Garden, and appropriating funds pursuant to Schedule No. 109.

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. 107.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Energy and Environment Cabinet, which Grant funds are in the amount of $174,125 Federal funds, for the Wolf Run Creek Watershed Based Plan, the acceptance of which obligates the Urban County Government for the expenditure of $116,083 as a local match, appropriating funds pursuant to Schedule No. 111, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Administrative Officer, Grade 118E, 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. 112.

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Upon motion of Ms. Gorton, seconded by Ms. Crosbie, and approved by unanimous vote, 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 was removed from the docket and placed onto the February 11, 2010 Council Meeting docket.

* * *

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 was on the docket for second reading.

Ms. James made a motion, seconded by Mr. Myers, and approved by unanimous vote, to amend the Resolution to change the project identified to the Meadows/Northland/Arlington Public Improvements Design Phase 3B Project, and that this was not a material change and did not require a new first reading.

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 Meadows/Northland/Arlington Public Improvements Design Phase 3B Project, reducing the total cost by the sum of $6,673.54, for a new contract total of $1,228,198.75 was given second reading as amended.

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

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

Nay: ---0

* * *

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 was given second reading.

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

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

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

* * *

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

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

Nay: ---0

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 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 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, and Gina Dulin, Administrative Specialist Principal, Grade 114E, $2,141.12 bi-weekly, in the Div. of Community Corrections, effective November 18, 2009 was on the docket for second reading.

Mr. Blues made a motion, seconded by Ms. Henson, and approved by unanimous vote, to amend the Resolution to correct the salary of Chad Cottle, Director of Enterprise Solutions, Grade 123E, from $3,892.59 bi-weekly to $3,982.59 bi-weekly, in the Div. of Enterprise Solutions, effective December 7, 2009, and that this was a material change and would require a new first reading.

A Resolution ratifying the probationary civil service appointments of: Chad Cottle, Director of Enterprise Solutions, Grade 123E, $3,982.59 bi-weekly, in the Div. of Enterprise Solutions, effective December 7, 2009, and Gina Dulin, Administrative Specialist Principal, Grade 114E, $2,141.12 bi-weekly, in the Div. of Community Corrections, effective November 18, 2009 was given a new first reading as amended.

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

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

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

Nay: ---0

* * *

A Resolution providing that each Councilmember shall reserve at least $5,000 of his or her cost center budget so that the remaining balance of the

Councilmember's cost center shall not be less than $5,000 on the last day of Fiscal Year 2010 (June 30, 2010) and providing that Vice Mayor, Jim Gray, as head of the Council Office, shall maintain a minimum balance of $43,300 in the Council Office budget on the last day of Fiscal Year 2010 (June 30, 2010) was on the docket for first reading.

Mr. Lane made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to amend the Resolution to remove the text 'and providing that Vice Mayor, Jim Gray, as head of the Council Office, shall maintain a minimum balance of $43,300 in the Council Office budget on the last day of Fiscal Year 2010 (June 30, 2010).'

A Resolution providing that each Councilmember shall reserve at least $5,000 of his or her cost center budget so that the remaining balance of the Councilmember's cost center shall not be less than $5,000 on the last day of Fiscal Year 2010 (June 30, 2010) was given a new first reading as amended.

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

The resolution was given second reading.

Ms. Lawless stated her concerns about the resolution, and asked for additional financial information.

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

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

Nay: Lawless---1

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A Resolution authorizing and directing the Div. of Streets, Roads, and Forestry to allocate funds available for resurfacing of streets among all council districts based on the total percentage of roads rated 65 or less according to the Pavement Rating Index was given first reading.

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

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

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

Nay: Lawless---1

* * *

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

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

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

Nay: ---0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 1 to the Contract with Sherman Carter Barnhart PSC, for the Anniston/Wickland Stormwater Project, for the Div. of Water Quality, increasing the contract price by the sum of $81,950 from $55,000 to $136,950.

A Resolution changing the street name and property address numbers of 125 and 135 Moore Dr. to 2555 and 2535 Nicholasville Rd., effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Horse Park for the use of facilities in which to perform training exercises for the Div. of Fire and Emergency Services, at no cost to the 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 Tremont Ave. and Kastle Rd.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Machinex Technologies, Inc., for new equipment at the Materials Recovery

Facility, for the Div. of Waste Management, increasing the contract price by the sum of $345,455 from $3,516,455 to $3,861,910.

* * *

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

A Resolution accepting the bid of Central Ready Mix, establishing a price contract for Wet Mix Concrete, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Harrod Concrete and Stone Co., establishing a price contract for Wet Mix Concrete - Supplemental, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Mignone Communications, Inc. d/b/a Phillips Brothers Printers, establishing a price contract for printing of 2010 Fun Guide, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Bluegrass International Trucks, establishing a price contract for Heavy Duty Cab and Chassis for Snow Removal Dump Trucks, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of ODB, establishing a price contract for Sweeper Brooms, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Tri-County Ford Mercury, Inc., in the amount of $97,014, for Pickup Trucks equipped with Snow Removal Equipment, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Stoltzfus Steel Mfg., establishing a price contract for Open Top Roll Recycling Containers, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of East Jordan Iron Works, Inc., and JR Hoe & Sons, establishing price contracts for Iron Casting, for the Div. of Water Quality.

A Resolution accepting the bids of Arrow Magnolia Int'l, Inc., Aulick Chemical Solutions, Inc., Biomagic, Inc.; Siemens Water Technologies Corp., Source Technologies, LLC, and U.S. Peroxide, LLC, establishing price contracts for Odor Removal Products for Wastewater Treatment, for the Div. of Water Quality.

A Resolution accepting the bid of People Plus, Inc., establishing a price contract for temporary labor for various divisions, 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 People Plus, Inc., related to the bid.

A Resolution accepting the bid of Nor-Com, Inc., establishing a price contract for Security Cameras and Equipment, for the Dept. of General Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Rural and Inner City Adopt-A-Spot Program Agreements with Christ United Methodist Church, BSA #220 ($1,304.12); Christ Centered Church, BSA #59 ($1,567.20); Immanuel Baptist Church, BSA #41 ($1,231.68); Rosemont Baptist Church, BSA #98 ($1,157.40); Beaumont Presbyterian, BSA #279 ($1,038.28); Greater Faith Apostolic Church, BSA #238 ($1,103.60); First Alliance Church ($1,265.40); Bluegrass Chapter Order of Demolay ($1,332.32); Christian Youth Fellowship ($1,942.51); Phillips Memorial Church ($2,191.56); Brown & Brown Assoc. ($772.00); Boy Scout Troop #103 ($298.85); Boy Scout Troop #13 ($1,992.32); Boy Scout Troop #186 ($273.95); Boy Scout Troop #382 ($448.27); Girl Scout Troop #336 ($636.12); and Tates Creek Presbyterian Church BS Troop 226 ($921.44); for participation in the Adopt-A-Spot Roadway Cleanup Program, at a cost not to exceed $20,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Rayna Ortwein, d/b/a Simply Love Studio, LLC, for space located at 128 N. Broadway St., a.k.a. The Broadway Shoppes.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (Final) to the Contract with Spectrum Construction Services, Inc., for the Gainesway Pond and Educational Trail Project, for the Div. of Water Quality, increasing the contract price by the sum of $11,136.68 from $857,668.37 to $868,805.05.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with

Garney Construction, Inc., for the North Elkhorn Force Main Project, for the Div. of Water Quality, increasing the contract price by the sum of $316,910.38 from $11,451,451.00 to $11,768,361.38.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Professional Services Agreement with Berkley Appraisal Co., for appraisal services for Citation Blvd. Phase II, for the Div. of Community Development, increasing the Professional Services Agreement price by the sum of $2,750 from $50,550 to $53,300.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Blue Grass Council of Boy Scouts of America, Inc. ($650), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing the Director of Parks and Recreation to apply for a Malt Beverage License for sale of malt beverages at Kearney Hill Links Golf Course and the Gay Brewer, Jr., Golf Course at Picadome.

A Resolution ratifying the probationary civil service appointments of: Leroy Edwards, Equipment Operator Sr., Grade 109N, $12.459 hourly, in the Div. of Waste Management, effective February 1, 2010; Jesse Lambert, Equipment Operator Sr., Grade 109N, $12.097 hourly, in the Div. of Waste Management, effective February 1, 2010; Keith Thomas, Equipment Operator Sr., Grade 109N, $16.500 hourly, in the Div. of Waste Management, effective February 1, 2010; Fred Crouch, Equipment Operator Sr., Grade 109N, $16.500 hourly, in the Div. of Waste Management, effective February 1, 2010; Anthony Morton, Equipment Operator Sr., Grade 109N, $12.581 hourly, in the Div. of Waste Management, effective February 1, 2010; Christopher Fulz, Equipment Operator Sr., Grade 109N, $12.459 hourly, in the Div. of Waste Management, effective February 1, 2010; James Stengel, Equipment Operator Sr., Grade 109N, $13.186 hourly, in the Div. of Waste Management, effective February 1, 2010; Shelia Lewis-Collins, Environmental Inspector, Grade 113N, $17.511 hourly, in the Div. of Water Quality, effective January 18, 2010; Demetria Kimball, Environmental Inspector, Grade 113N, $18.075 hourly, in the Div. of Water Quality, effective February 22, 2010; Timothy Burnett, Equipment Operator Sr., Grade 109N, $18.750 hourly, in the Div. of Waste Management, effective February 1, 2010; Joseph Higgins, Equipment Operator Sr., Grade 109N, $13.307 hourly, in the Div. of Waste Management, effective February 1, 2010; Jonathan Covey, Equipment Operator Sr., Grade 109N, $16.500 hourly, in the Div. of Waste Management, effective February 1, 2010; Ronricus Henry, Equipment Operator Sr., Grade 109N, $18.363 hourly, in the Div. of Waste Management, effective February 1, 2010; Gordon Mitchell, Public Service Worker, Grade 106N, $15.434 hourly, in the Div. of Waste Management, effective February 1, 2010; Glen Vanzant, Public Service Worker, Grade 106N, $11.262 hourly, in the Div. of Waste Management, effective February 1, 2010; Ronald Warner, Enforcement Supervisor, Grade 113N, $19.723 hourly, in the Div. of Waste Management, effective January 18, 2010; Jada Griggs, Environmental Initiatives Specialist, Grade 115E, $1,746.56 bi-weekly, in the Div. of Environmental Policy, effective February 1, 2010; Casey Kaucher, Associate Traffic Engineer, Grade 115E, $1,700.00 bi-weekly, in the Div. of Traffic Engineering, effective December 28, 2009; Randall Rowady, Nuisance Control Officer, Grade 111N, $19.394 hourly, in the Div. of Code Enforcement, effective December 21, 2009; Dora Bryant, Administrative Specialist Sr., Grade 112N, $19.394 hourly, in the Div. of Building Inspection, effective January 18, 2010; ratifying the probationary sworn appointments of: Christopher Cox, John Walker, Patrick Goltz, Landon Berry Jr., Marion Wells III, Brian Gordon, Sean Staples, Mary Duerson, Fire Lieutenant, Grade 315N, $17.268 hourly, in the Div. of Fire and Emergency Services, effective January 4, 2010; Kenneth Henke, Gregory Lengal, Fire Lieutenant, Grade 315N, $17.268 hourly, in the Div. of Fire and Emergency Services, effective January 18, 2010; Jason Tuttle, John Gosper, Kevin Devine, Mark Harvey, Fire Captain, Grade 316N, $22.368 hourly, in the Div. of Fire and Emergency Services, effective January 4, 2010; William Norton, Fire Captain, Grade 316N, $22.368 hourly, in the Div. of Fire and Emergency Services, effective January 18, 2010; Christopher Ward, Keith Jackson, Fire Major, Grade 318E, $3,427.53 bi-weekly, in the Div. of Fire and Emergency Services, effective January 4, 2010; approving the unclassified civil service appointment of: Marquerite Criswell, Child Care Program Aide, Grade 107N, $10.691 hourly, in the Div. of Youth Services, effective January 11, 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Community Action Council of Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc., for modification of the scope of work and extension of the Agreement for use of HOME Investment Partnership Program funds for a tenant based rental assistance program to June 30, 2011, at no additional cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Letter of Commitment and Application to be submitted by the Downtown Lexington Corp. to the Ky. Heritage Council for continuation of the Lexington Main St. Program.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Eastern Ky. University, for space in the building located at 1306 Versailles Rd. for operation of the Bluegrass Community Health Center.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Ky. Chinese American Assn., Inc. ($250), and Retired Professional Football Players of Ky., Inc. ($1,070), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution amending Section 2 of Resolution No. 473-2009 regarding an Agreement with Coplogic, Inc., to change the accounting line from 1101-210101-71229 to 1131-505501-71299 in an amount not to exceed $29,700.

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Upon motion of Ms. Henson, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution ratifying the probationary civil service appointment of: Thad Scott, Nuisance Control Officer, Grade 111N, $15.958 hourly, in the Div. of Code Enforcement, effective February 1, 2010 was placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

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Upon motion of Mr. Lane, seconded by Ms. Crosbie, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Ms. Bonnie R. Adkisson to the Carnegie Literacy Center Board of Directors, with a term to expire 9-21-2013. The term of Ms. Mary Shake has expired; (2) Recommending the appointments of Ms. M. Vitalle Buford and Mr. Tom Harris to the Downtown Development Authority Board of Directors, with terms to expire 1-15-2014. The terms of Mr. Bill Alverson and Dr. Lee Todd have expired; (3) Recommending the appointment of Mr. Ronald P. van Haaren, as Bluegrass Hospitality Assn. representative, to the Lexington-Fayette Urban County Tourist and Convention Commission, with a term to expire 9-9-2010. Mr. van Haaren fills the unexpired term of Mr. Rich Johnston; (4) Recommending the appointments of Ms. Karen A. Deprey, as Real Estate Agent representative, and Ms. Martina Y. Ockerman, as At-Large representative, to the Vacant Property Review Commission, with terms to expire 1-1-2012. Also, recommending the appointment of Mr. Peter S. Nesmith, as Local Lending Institution representative, to the Vacant Property Review Commission, with a term to expire 1-1-2014; and (5) Recommending the appointment of Mr. Thomas A. Hayward to the Water Quality Fees Appeals Board, with a term to expire 12-1-2011.

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The following Communication from the Mayor was received for information only: (1) Transfer of Annette Cook, Administrative Specialist Sr., Grade 112N, $22.914 hourly, from the Div. of Streets, Roads and Forestry to the Div. of Emergency Management/911, effective February 1, 2010.

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The Mayor stated that he, along with Vice-Mayor Gray and Councilmember Ellinger, had attended a recent meeting of the Lexington Venture Club. Several entrepreneurs in the community were recognized at the meeting. He reported that 88 Central Kentucky businesses had received $47,500,000 in venture funding, had hired 386 people for a total of 804 in total employment, with an average salary of $69,900, and out of that 386, 197 were full-time employees.

The Mayor stated that this was terrific news for our economy, and he congratulated them on their progress.

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Mr. Lane noted that the state unemployment figures had been released that day, and that Fayette County's unemployment rate was 7.3%. He stated that though this number was still higher than would be desirable, Fayette County is in better shape than many other Kentucky counties.

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Commander Kelli Edwards, Div. of Police, stated that Officer Kati Rhea had committed the offense of At-Fault Collisions in violation of KRS 95.450 and General Order 73-2H, Section 1.40, At-Fault Collisions, in that on multiple days of December, 2008, through 2009, she had been involved in 3 vehicle collisions during the last 12 months in which she had been determined to be at fault as listed: 1) 12-15-08 – Ofc. Rhea was behind non-employee at Leestown & Forbes Rds. Non-employee started forward and stopped. Ofc. Rhea failed to observe non-employee had stopped and she collided with the stopped vehicle. Ofc. Rhea was determined to be at fault by her supervisor and the Collision Review Board. A Letter of Counseling was issued. 2) 10-14-09 – Ofc. Rhea was operating the Division Patrol wagon and, while driving through the parking structure of Police Headquarters, collided with the support arch of the structure, causing damage to the wagon. Ofc. Rhea was determined to be at fault by her supervisor and the Collision Review Board. A Letter of Counseling was issued and driver re-training was recommended. Re-Training was conducted on 11-09-09 by the Training Section. 3) 11-03-09 – Ofc. Rhea was operating the Division Patrol wagon and, while backing, collided with a parked Patrol cruiser at New Circle and Versailles. Damage was reported to the bumper of the Patrol vehicle. Ofc. Rhea initially used the backing camera; however, she diverted her attention away while the vehicle was still in motion, causing the collision. The supervisor documented that Ofc. Rhea was at fault and that she failed to ensure proper clearance while backing. The Collision Review Board concurred with Ofc. Rhea being at fault in the collision. Ofc. Rhea has not operated her Division-issued vehicle in a manner so as not to be at fault in collisions. This has resulted in three at-fault collisions within a twelve month period, and that the appropriate punishment for this offense is a Written Reprimand and Loss of Home Fleet Privileges for Eighty Hours.

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

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Commander Kelli Edwards, Div. of Police, stated that Officer Stacy D. Shannon had committed the offense of At-Fault Collisions in violation of KRS 95.450 and General Order 73-2H, Section 1.40, At-Fault Collisions in that on multiple days of December, 2008, through 2009, she had been involved in 3 vehicle collisions during the last 12 months in which she had been determined to be at fault as listed: 1) 12-24-08 – Ofc. Shannon was behind Ofc. R. Moore at W. Loudon and Russell Cave Rd. Ofc. Moore moved forward until traffic prevented him from advancing any further. Ofc. Shannon failed to observe that Ofc. Moore had stopped and she collided with his Division vehicle. Ofc. Shannon was determined to be at fault by her supervisor and the Collision Review Board. A Letter of Counseling was issued. 2) 7-4-09 – Ofc. Shannon was behind Ofc. R. Moore at Rose St. and Euclid. Ofc. Moore stopped in traffic and Ofc. Shannon collided with his Division vehicle. Ofc. Shannon's supervisor documented that she was operating too close to Ofc. Moore's vehicle and did not have an adequate reactionary gap in order to avoid the collision. The Collision Review Board concurred with the employee being at fault in the collision. A Letter of Counseling was issued and driver re-training was scheduled for 10-5-09. 3) 10-13-09 – Ofc. Shannon was backing out of a parking space at 800 E. High St. and collided with a parked vehicle. The supervisor documented that she was at fault and failed to properly judge clearance between the vehicles. The Collision Review Board concurred with Ofc. Shannon being at fault in the collision. An Alert was forwarded and a documented Letter of Counseling was issued. Ofc. Stacy Shannon has not operated her Division-issued vehicle in a manner so as to not be at fault in collisions resulting in three at-fault collisions within a twelve-month period, and that the appropriate punishment for this offense is a Written Reprimand and Loss of Home Fleet Privileges for Eighty (80) Hours.

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

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Mr. Blues noted that author J.D. Salinger had passed away that day at the age of 91. He commented on the literary importance of Mr. Salinger’s work, and shared a passage from Mr. Salinger’s novel “The Catcher in the Rye.”

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Mr. Bernard McCarthy, Harry Street, stated his concerns with the Div. of Code Enforcement citing property owners for violations regarding trash in their yards that was deposited by someone else.

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Upon motion of Mr. Ellinger, seconded by Ms. Crosbie, and approved by unanimous vote, the meeting adjourned at 8:10 p.m.

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Clerk of the Urban County Council