Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky March 25, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on March 25, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Henson, James, Lane, Lawless, Martin, McChord, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton and Gray. Absent was Council Member Myers.

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

Ordinances No. 35-2010 thru 46-2010 inclusive and Resolutions No. 113-2010 thru 136-2010 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Rev. Steven Monhollen, Lexington Theological Seminary.

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The Mayor recognized Ms. Gorton, who introduced Ms. Janet Cowen, President, Friends of the Dog Park, Inc. Ms. Cowen presented a donation to the Lexington-Fayette Urban County Government of fencing for the Masterson Station Dog Park, with a value of $18,775. She stated that the Friends of the Dog Park, Inc. had now donated about $100,000 to the Lexington-Fayette Urban County Government, all raised through private donations and the Dog Paddle event. Ms. Cowen introduced members of the Friends of the Dog Park board: Ms. Shannon Hutchinson, Ms. Sally Dodd (not in attendance), Ms. Melinda Tiffany, and Ms. Gorton. She thanked other volunteers, and the following: Lansdowne Veterinary Clinic, Incredipet, Mr. Ted Cowen, Mr. Rodney Wurley of Automatic Cutting Technology, Mr. Doug Geddes of Herb Geddes Fence. She also thanked Mr. Mark Morgan and Mr. Brad Biliter of the Div. of Parks and Recreation. She asked Mr. Jerry Hancock, Director, Div. of Parks and Recreation, to come forward, thanked him for his work and presented him with a book. She also presented books to Ms. Hutchinson, Ms. Tiffany, and Ms. Gorton.

Mr. Hancock thanked Ms. Cowen and noted how persistent and effective she had been in working on the dog parks. The Mayor also thanked the Friends of the Dog Park for their work.

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The Mayor opened a public hearing on the Development Plan for the Turfland Town Center Development Area.

There being no citizens to appear before the Council, the Mayor declared the public hearing closed.

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An Ordinance amending Subsection 5-29(11) of the Code of Ordinances, Lexington-Fayette Urban County Government, to reference an exception for a gravel resurfacing permit, creating Subsection 5-29(20) of the Code of

Ordinances to provide for the issuance of a fifty dollar ($50.00) fee for a gravel resurfacing permit, which shall require an inspection of the existing gravel area(s) prior to issuance; and creating Subsection 5-29.3(c) of the Code of Ordinances to provide an additional fee of two hundred fifty dollars ($250.00) for commencement of work without a permit; all effective on April 1, 2010 was on the docket for second reading.

Upon motion of Mr. Stinnett, seconded by Ms. Crosbie, and approved by unanimous vote, the ordinance was tabled, and placed into the Building Inspection Task Force.

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An Ordinance amending Sections 17-29 through 17-29.5 of the Code of Ordinances, Lexington-Fayette Urban County Government, pertaining to outdoor café permits as follows: define and provide for a clear zone for pedestrian use; amend the definition of encroachment to include furnishings and change all references to tables, chairs, and/or umbrellas to furnishings; amend the definition of outdoor café to include entertainment establishments; define and provide for a permitted area in which the encroachment of the outdoor café is lawfully allowed; amend the definition of sidewalk to allow the use of up to twenty-five (25) feet in front of the façade of a permitted establishment; provide for encroachment into the sidewalk area in front of the establishment and twenty-five (25) feet in either direction with approval, limiting the activities within the permitted area and the movement of furnishings, permits on annual basis effective January 1, approval of other property owners and tenants, the removal of furnishings during the times of year the outdoor café is not regularly operating, alcohol sales if contiguously located to an alcohol beverage and control licensee, enforcement of other laws and necessary approval from other authorities, all furnishings must be removable and not damage public property, clearly identifying the permitted area for enforcement purposes, alcohol beverage control documents and information, the condition, modification or denial of a permit by the administrator, the maximum number of persons lawfully allowed within the permitted area in accordance with the Ky. Building Code, annual renewal prior to December 1, an annual fee of fifty dollars ($50.00) in addition to any other business license, references to the

Americans With Disabilities Act, noise activities in violation of local law prohibited, conduct not related to the operation of an outdoor café prohibited, exceeding the maximum number of persons prohibited, the suspension or modification of the permit for public safety or a special event, the posting or display of the permit, increasing the minimum fine from twenty dollars ($20.00) to two hundred fifty dollars ($250.00), and renumbering the sections and subsections to be consistent with these changes was given second reading.

The Mayor asked if Ms. Lawless had a motion on the ordinance. Ms. Lawless stated that she did not at that time.

Ms. James asked a question of Ms. Lawless about the possible motion to amend the ordinance. Ms. Lawless responded. The Mayor also responded, and asked Mr. Keith Horn, Dept. of Law, to respond.

Mr. Horn spoke about possible amendments to the ordinance.

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

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

Nay: James--1

* * *

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

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

Nay: ---0

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

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Systems Administrator - Enterprise Solutions, Grade 118E in the Div. of Enterprise Solutions.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the National Association of Police Athletic/Activities League, Inc., which Grant funds are in the amount of $24,670 Federal funds, are for a Juvenile Mentoring Program in the Div. of Police, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 124, 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. 125.

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An Ordinance changing the zone from an Agricultural Rural (A-R) zone to an Expansion Area Residential-1 (EAR-1) zone for 12.45 net (12.54 gross) acres, for property located at 425 Chilesburg Rd. (Dennis Anderson) was on the docket for first reading.

Mr. John Tucker, Lexington, spoke in opposition to the ordinance and stated that the development around his property was affecting the effectiveness of the storm sewers. He showed pictures of a storm incident that happened on Sept. 26, 2009 regarding flooding on Chilesburg Road.

The Mayor asked Ms. Cheryl Taylor, Commissioner of the Dept. of Environmental Quality, to follow up on the issue with the Div. of Water Quality.

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

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

An Ordinance changing the zone from an Agricultural Rural (A-R) zone to a Community Center (CC) zone for 37.5 net (52.63 gross) acres; from an Agricultural Rural (A-R) zone to an Expansion Area Residential-3 (EAR-3) zone for 90.37 net (92.05 gross) acres; and from an Agricultural Rural (A-R) zone to an Expansion Area Residential-3 (EAR-3) zone with a Transition Area (TA) overlay zone for 14.82 net (16.49 gross) acres, for property located at 2950 Winchester Rd. (a portion of). (WWM, LLC; Ausbrook Polo, LLC; & Polo I, LLC (AMD.))

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.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Letter of Agreement Amendment with the Ky. Heritage Council, for additional Federal funds in the amount of $2,032 for the Div. of Historic Preservation’s Survey and Planning Project and increasing the amount required for local match by $1,355, and appropriating funds pursuant to Schedule No. 126.

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. 127.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of $70,059 Federal funds, are for the Safe Havens and Supervised Visitation Program, the acceptance of which obligates the Urban County Government for the expenditure of $23,354 as a local match to be provided by Sunflower Kids, Inc., appropriating funds pursuant to Schedule No. 128, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing the Mayor to execute an Agreement with

Sunflower Kids, Inc., for supervised visitation and monitored exchange services, at a cost not to exceed $70,059.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Health and Human Services, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of $180,000 Federal funds, are for operation of the M.A.S.H. Drop Inn Facility, the acceptance of which obligates the Urban County Government for the expenditure of $20,000 to be provided by the M.A.S.H. Drop Inn operating budget, appropriating funds pursuant to FY 2011 Schedule No. 2, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of $65,026 Commonwealth of Ky. funds from the Law Enforcement Service Fee Program, are for the support of the cost of police overtime hours for a Traffic Alcohol Patrol, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2011 Schedule No. 3, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

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A Resolution accepting the bid of Marrillia Design and Construction, in the amount of $1,639,925.81, for the Lexington Downtown Streetscape Phase One Improvements - Vine St., 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 on the docket for second reading.

Mr. Martin asked a question of Mr. Mike Webb, Commissioner of the Dept. of Public Works and Development, about the resolution.

Mr. Webb explained some details about the project, and stated that this contract was tied in with the South Limestone Streetscape Project.

Ms. James asked questions of Mr. Webb, concerning Americans with Disabilities Act improvements to be made in the project. Mr. Webb responded.

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

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

Nay: Martin---1

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A Resolution ratifying the probationary civil service appointments of: Christopher Doerge, GIS Programmer Analyst, Grade 117E, $1,947.84 bi-weekly, in the Div. of Computer Services, effective February 22, 2010; Jennifer Myatt, Environmental Outreach Specialist, Grade 115E, $1,443.44 bi-weekly, in the Div. of Environmental Policy, effective March 1, 2010; Tracey McElroy, Staff Assistant, Grade 107N, $12.839 hourly, in the Div. of Waste Management, effective March 22, 2010; Jeff Giles, Public Service Supervisor, Grade 111N, $17.872 hourly, in the Div. of Parks and Recreation, effective March 15, 2010; Paul Smith, Fleet Parts Specialist, Grade 109N, $16.694 hourly, in the Div. of Facilities and Fleet Management, effective March 15, 2010; Robert Meyer, Skilled Trades Worker Sr., Grade 112N, $23.262 hourly, in the Div. of Facilities and Fleet Management, effective March 15, 2010; Jeffery Burk, Heavy Equipment Technician, Grade 113N, $22.192 hourly, in the Div. of Facilities and Fleet Management, effective March 15, 2010; Marilyn Clark, Minority Program Coordinator, Grade 119E, $2,355.28 bi-weekly, in the Div. of Central Purchasing, effective April 1, 2010; Laurence Warfield, Maintenance Supervisor, Grade 115E, $2,179.60 bi-weekly, in the Div. of Water Quality, effective February 15, 2010; ratifying the permanent civil service appointments of: Cyndra Brown, Administrative Specialist Pr, Grade 114E, in the Div. of Community Development, effective August 17, 2009; Hannelore Boorne, Administrative Officer, Grade 118E, in the Div. of Waste Management, effective December 8, 2009; Rebecca Weems, Program Manager Sr., Grade 120E, in the Div. of Waste Management, effective January 10, 2010; Clarence Steele, Public Service Supervisor Sr., Grade 114E, in the Div. of Waste Management, effective February 10, 2010; Vonda Melton, Senior Human Resource Manager, Grade 121E, in the Div. of Human Resources, effective December 14, 2009; James Bush, Environmental Program Manager Energy, Grade 117E, in the Div. of Environmental Policy, effective December 22, 2009; Christopher Cooperrider, Deputy Director of Parks, Grade 120E, in the Div. of Parks and Recreation, effective August 17, 2009; T. J. Taylor, Sewer Line Maintenance Superintendent, Grade 116E, in the Div. of Water Quality, effective October 13, 2009; Robert Smith, Maintenance Supervisor, Grade 115E, in the Div. of Water Quality, effective October 27, 2009; ratifying the probationary sworn appointment of: Ricky Loveless, Fire Lieutenant, Grade 315N, $17.268 hourly, in the Div. of Fire and Emergency Services, effective February 15, 2010; ratifying the permanent sworn appointments of: Guy Greene, Police Lieutenant, Grade 317E, in the Div. of Police, effective February 28, 2010; Sam Murdock, Police Sergeant, Grade 315N, in the Div. of Police, effective December 15, 2009; ratifying the permanent Community Corrections Officer appointments of: James Dun, Joseph Hendricks, Chadwick Hundley, Anthony Lawson, Jonathan Murray, Daryll Trumbo, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 8, 2009; Jacob Crawford, Nicholas Elko, Yolanda Elko, Dustin Wynn, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective November 11, 2009; approving the unclassified civil service appointment of: Mary Cole, Administrative Specialist, Grade 110N, $20.000 hourly, in the Div. of Waste Management, effective March 22, 2010 was on the docket for second reading.

Ms. James made a motion, seconded by Ms. Gorton, and passed by unanimous vote, to amend the resolution to remove, due to an error in the listed rank and grade, reference to the following names: Jacob Crawford, Nicholas Elko, Yolanda Elko and Dustin Wynn. She stated that this was not a material change and did not require a new first reading.

A Resolution ratifying the probationary civil service appointments of: Christopher Doerge, GIS Programmer Analyst, Grade 117E, $1,947.84 bi-weekly, in the Div. of Computer Services, effective February 22, 2010; Jennifer Myatt, Environmental Outreach Specialist, Grade 115E, $1,443.44 bi-weekly, in the Div. of Environmental Policy, effective March 1, 2010; Tracey McElroy, Staff Assistant, Grade 107N, $12.839 hourly, in the Div. of Waste Management, effective March 22, 2010; Jeff Giles, Public Service Supervisor, Grade 111N, $17.872 hourly, in the Div. of Parks and Recreation, effective March 15, 2010; Paul Smith, Fleet Parts Specialist, Grade 109N, $16.694 hourly, in the Div. of Facilities and Fleet Management, effective March 15, 2010; Robert Meyer, Skilled Trades Worker Sr., Grade 112N, $23.262 hourly, in the Div. of Facilities and Fleet Management, effective March 15, 2010; Jeffery Burk, Heavy Equipment Technician, Grade 113N, $22.192 hourly, in the Div. of Facilities and Fleet Management, effective March 15, 2010; Marilyn Clark, Minority Program Coordinator, Grade 119E, $2,355.28 bi-weekly, in the Div. of Central Purchasing, effective April 1, 2010; Laurence Warfield, Maintenance Supervisor, Grade 115E, $2,179.60 bi-weekly, in the Div. of Water Quality, effective February 15, 2010; ratifying the permanent civil service appointments of: Cyndra Brown, Administrative Specialist Pr, Grade 114E, in the Div. of Community Development, effective August 17, 2009; Hannelore Boorne, Administrative Officer, Grade 118E, in the Div. of Waste Management, effective December 8, 2009; Rebecca Weems, Program Manager Sr., Grade 120E, in the Div. of Waste Management, effective January 10, 2010; Clarence Steele, Public Service Supervisor Sr., Grade 114E, in the Div. of Waste Management, effective February 10, 2010; Vonda Melton, Senior Human Resource Manager, Grade 121E, in the Div. of Human Resources, effective December 14, 2009; James Bush, Environmental Program Manager Energy, Grade 117E, in the Div. of Environmental Policy, effective December 22, 2009; Christopher Cooperrider, Deputy Director of Parks, Grade 120E, in the Div. of Parks and Recreation, effective August 17, 2009; T. J. Taylor, Sewer Line Maintenance Superintendent, Grade 116E, in the Div. of Water Quality, effective October 13, 2009; Robert Smith, Maintenance Supervisor, Grade 115E, in the Div. of Water Quality, effective October 27, 2009; ratifying the probationary sworn appointment of: Ricky Loveless, Fire Lieutenant, Grade 315N, $17.268 hourly, in the Div. of Fire and Emergency Services, effective February 15, 2010; ratifying the permanent sworn appointments of: Guy Greene, Police Lieutenant, Grade 317E, in the Div. of Police, effective February 28, 2010; Sam Murdock, Police Sergeant, Grade 315N, in the Div. of Police, effective December 15, 2009; ratifying the permanent Community Corrections Officer appointments of: James Dun, Joseph Hendricks, Chadwick Hundley, Anthony Lawson, Jonathan Murray, Daryll Trumbo, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 8, 2009; approving the unclassified civil service appointment of: Mary Cole, Administrative Specialist, Grade 110N, $20.000 hourly, in the Div. of Waste Management, effective March 22, 2010 was given second reading as amended.

Ms. Lawless asked a question of Ms. Cheryl Taylor, Commissioner of the Dept. of Environmental Quality, about the unclassified civil service appointment of Ms. Mary Cole.

Ms. Taylor responded with details about the appointment.

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

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

Nay: ---0

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

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

Nay: ---0

A Resolution accepting the bid of Arrow Electrical Contractors, in the amount of $87,996, for Conduit Installation - Sir Barton Way (Man O'War Blvd. to Winchester Rd.), for the Div. of Traffic Engineering.

A Resolution accepting the bid of G & K Services, establishing a price contract for the rental of entrance mats, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Worldwide Equipment, in the amount of $114,134, for Tandem Axle Cab & Chassis, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of DictationProducts.com, in the amount of $39,345, for a Dictaphone System, for the Div. of Police.

A Resolution accepting the bid of LexPress, establishing a price contract for distribution of Fun Guide 2010, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Elite Petroleum, Inc., establishing a price contract for Hydraulic Oil, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Davis H. Elliot Construction Co., Inc., establishing a price contract for Inductive Loop Vehicle Detection & Installation, for the Div. of Traffic Engineering.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Blue Grass Community Foundation and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $7,000 under the Blue Grass CARE (Collaborative Assistance and Relief Effort) Fund, and are for financial assistance for families at risk, for the Div. of Youth Services.

A Resolution changing the street name and property address number of 1652 Bryant Rd. to 3418 Polo Club Blvd., of 1505 Deer Haven Ln. to 3414 Polo Club Blvd., of 797 Miles Point Way to 801 Enterprise Dr., of 651 W. New Circle Rd. to 1501 Colesbury Circle, of 3275 Polo Club Blvd. to 2270 Ice House Way, of 767 W. Short St. to 127 Newtown Pike, of 171 Southland Dr. to 145 Collins Ln.; changing the property address numbers of 4088 Georgetown Rd. to 4050 Georgetown Rd., of 251-255 Holbrook Ct. to 255 Holbrook Ct., of 2550 Liberty Ridge Ln. to 701 Liberty Ridge Ln., of 5846 Old Richmond Rd. to 5820 Old Richmond Rd., of 3948 Real Quiet Ln. to 3806 Real Quiet Ln., of 261-267 W.

Short St. to 259 W. Short St., of 474-476 Silver Maple Way to 476 Silver Maple Way, of 286 Simpson Ave. to 186 Simpson Ave., and of 108 and 108 ½ Thompson Rd. to 106 and 108 Thompson Rd.; and changing the street name of 3280 Post Rd. to Keithshire Way, and of 173 and 181 Southland Dr. to 173 and 181 Collins Ln.; all effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Implementation Services Agreement, Licensing Agreement, and Maintenance Agreement with Accela, Inc., for Asset Management Software required by the Urban County Government's Consent Decree, for the Div. of Water Quality, at a total cost not to exceed $1,594,360.94.

A Resolution adopting an updated Expansion Area Exaction Rate Table for roads, parks, stormwater, open space, sewer transmission and sewer capacity to reflect actual and/or contracted costs for eligible system improvements constructed for the Dept. of Finance and Administration and the Dept. of Public Works and Development and the Divs. of Planning and Engineering.

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A Resolution ratifying the probationary civil service appointments of: Frank Mabson, Staff Assistant Sr., Grade 108N, $11.655 hourly, in the Div. of Water Quality, effective March 29, 2010; Donald Hancock, Financial Management Administrator, Grade 119E, $2,384.64 bi-weekly, in the Div. of Accounting, effective April 5, 2010; Billy Prather, Project Manager, Grade 114E, $1,588.40 bi-weekly, in the Div. of Water Quality, effective March 1, 2010; Rebecca Simpson, Internal Auditor, Grade 118E, $1,922.16 bi-weekly, in the Office of Internal Auditor, effective March 22, 2010; and approving the unclassified civil service appointment of: Richard Miller, Administrative Officer, Grade 118E, $2,884.64 bi-weekly, in the Div. of Waste Management, effective March 22, 2010 was given first reading.

Ms. Lawless asked a question of Ms. Cheryl Taylor, Commissioner of the Dept. of Environmental Quality, regarding the unclassified civil service appointment of Mr. Richard Miller.

Ms. Taylor responded that Mr. Miller had been under contract in a different position, and was being moved into a full-time position as a project manager.

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

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

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

Nay: --0

* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. for Local Development and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $75,000 Federal funds, and are for the Hisle Farm Park Development was given first reading with a public meeting being held.

The Mayor opened the public meeting.

There being no citizens to appear before the Council, the Mayor declared the public meeting closed.

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

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

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

Nay: --0

* * *

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

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

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

Nay: ---0

A Resolution accepting the bid of Claunch Construction, LLC, in the amount of $977,250.85, for the Meadows-Northland-Arlington Neighborhood Improvements Phase 2E: Loudon-1 Area Street, Storm & Sanitary Improvements, for the Dept. of Public Works and Development and the Div. of Engineering, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Claunch Construction, LLC, related to the bid.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit eight (8) Grant Applications to the Ky. Transportation Cabinet and to provide any additional information requested in connection with these Grant Applications, which Grant funds are in the amount of $2,538,932 Federal funds under the 2011 Congestion Mitigation Air Quality (CMAQ) Program, and are for the Fiber Optic Cable Installation Project ($320,000), the Lexington Area Air Quality Outreach Project ($80,000), the W. Loudon Ave. Sidewalk Project ($360,800), the Liberty Rd. Sidewalk Project ($142,400), the Brighton Rail Trail ($615,600), Intersection Improvements for Man O' War Blvd. at Pink Pigeon Pkwy. ($352,000), Intersection Improvements for Man O' War Blvd. at Alumni Dr. ($608,000), and the Div. of Police Vehicle Replacement Project ($60,132).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Friends of the Dog Park, Inc., of fencing and installation, for use at the Masterson Station Dog Park, 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 U.S. Dept.

of Justice and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $50,000 Federal funds, and are for a Justice and Mental Health Collaboration Program.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Transportation Cabinet and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $52,000 Federal funds, and are for the Old Frankfort Pike Corridor Management Plan.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Spec.Rescue International, for structural collapse response mitigation certification training, for the Div. of Fire and Emergency Services, at a cost not to exceed $37,300.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Town Branch Trail Phase II Project through June 30, 2011, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with the University of Ky. Research Foundation, for Archaeological Monitoring for the Vine St. Streetscape Improvements Project, for the Div. of Historic Preservation, at a cost not to exceed $59,403.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with the University of Ky. Research Foundation, for Archaeological Monitoring for the Main St. Streetscape Improvements Project, for the Div. of Historic Preservation, at a cost not to exceed $62,625.

A Resolution, pursuant to Code of Ordinances Section 18-66, designating the speed limit on Oxford Circle as 25 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Pine Meadows-Cardinal Hill-Mason Headley Neighborhood Association, Inc., ($2,000), and Gainesway Neighborhood Association, Inc., ($560), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution initiating Zoning Ordinance text amendments for Planning Commission consideration and recommendation, to amend Article 1 of the Zoning Ordinance to modify the definitions of "boarding house," "lodging house," "family," "dwelling, single-family," and "dwelling, two-family;" to add definitions of "functional family" and "fraternity or sorority house;" to add a new section to Article 7 pertaining to the process before the Board of Adjustment to obtain a conditional use permit as a functional family; and to amend Article 8-5(c) to eliminate the keeping of boarders as an acceptable accessory use.

* * *

A Resolution initiating Zoning Ordinance text amendments for Planning Commission consideration and recommendation, to amend Article 1 of the Zoning Ordinance to modify the definitions of "boarding house" and "lodging house" and to add definitions of "congregate living facility," and "fraternity or sorority house;" and amending Article 8-5(c) to eliminate the keeping of boarders as an acceptable accessory use was on the docket for first reading.

Ms. Gorton made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to remove the resolution from the docket for the reason that the text amendments proposed in the resolution were included in a separate resolution on the docket for first reading.

* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with MACTEC Engineering, for Landfill Water Quality Monitoring, for the Dept. of Environmental Quality, increasing the contract price by the sum of $60,000 from $76,600 to $136,600 was on the docket for first reading.

Mr. Beard asked a question of Ms. Cheryl Taylor, Commissioner of the Dept. of Environmental Quality, about the change order referenced in the resolution and how it came to be needed.

Ms. Taylor responded that the requirements for landfill quality monitoring had changed, and the permit required additional testing.

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

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

A Resolution accepting the bids of Schiller Architectural Hardware, Lexington Building Supply, and Congleton Lumber Co., establishing price contracts for doors and steel hardware, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Truckers Lighthouse, MPH Industries, Inc., Adamson Industries Corp., Priority One Emergency, Radio Communications Systems, Inc. d/b/a RCS Communications, and Galls, an Aramark Co., LLC, establishing price contracts for Emergency Equipment, for the Div. of Police.

A Resolution accepting the bid of Pro-Tech Security Sales, establishing a price contract for Ballistic Vests, for the Div. of Police.

A Resolution accepting the bid of Task, Inc., establishing a price contract for Greenways Maintenance, for the Div. of Engineering.

A Resolution accepting the bid of Jason Tate Contractor, establishing a price contract for Sidewalk Ramp Installation/Reconstruction Program 2010, for the Div. of Engineering.

A Resolution accepting the bids of S & T Fencing, Inc.; Herb Geddes Fence Co., Inc.; Rio Grande Fence; ZKB Construction Services, LLC; Myers Fence, LLC; and Shuck Fence Co., Inc., establishing price contracts for fencing, for the Div. of Parks and Recreation.

A Resolution accepting the bids of Anaconda Sports, Inc.; Sport Supply Group, Inc.; S & S Worldwide; Riddell; Flaghouse, Inc.; Nasco; Cannon Sports; Bill Fritz Sports Corp.; Pyramid School Products; Active Sports; Mainstreet

Outfitters; and Midsouth Baseball, Inc.; establishing price contracts for athletic equipment, for the Div. of Parks and Recreation.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from CMW Real Estate, LLC of six concrete planters, for use at the Div. of Parks and Recreation, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation of concrete material (reject) from Cloud Concrete, for use by the Div. of Fire and Emergency Services, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Lease Agreement with WDKY, Inc., for the use of Radio Tower Space and Facilities, extending the term of the lease three (3) years and providing for additional renewals, subject to sufficient funds being appropriated in future fiscal years, at a cost not to exceed $25,800 in FY 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Jessica Barker, as a Sexual Assault Nurse Examiner, to provide on-call forensic examinations under the Sexual Assault Nurse Examiner Program, at a cost not to exceed $40 for each scheduled on-call period, $230 for each completed forensic examination, $50 per case for professional testimony in court, and the reasonable cost of medical liability insurance.

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

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Old Frankfort Pike/ Alexandria Dr.

Stone Fence Project through June 30, 2011, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Eastern Little League Baseball, Inc. ($1,150), Overbrook Homeowners Assn., Inc. ($700), and Bluegrass Council of Boy Scouts of America ($250), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the Memorandum of Understanding with Ky. State Police, for Ky. Internet Crimes Against Children Task Force, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Previstar, Inc., for Emergency Management Planning Software, at a cost not to exceed $5,000.

A Resolution accepting the proposal of Veolia ES Technical Solutions, LLC, in the amount of $110,702.50, for hazardous waste collection services for the Spring Clean 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $270,000 Federal funds, and are for continuation of the Street Sales Drug Enforcement Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a License Agreement with the Ky. Bicycle and Bikeways Commission for use of its "Share the Road" art work, 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. Transportation Cabinet, for extension of the Safe Routes to School Project through June 30, 2011, 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 Agreement with Lexington-Community Land Trust, Inc., for mitigation services for the Newtown Pike Extension Project, at a cost not to exceed $250,000 in Federal grant funds.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with T.E.A.M. Contracting, LLC, for Town Branch Primary Effluent Pump Replacement Project, for the Div. of Water Quality, increasing the contract price by the sum of $188,192 from $1,340,000 to $1,528,102.

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Upon motion of Ms. Gorton, seconded by Ms. Henson, and approved by unanimous vote, the recommended appointment of Ms. Helen Kendall to the Ethics Commission with a term to expire 3-1-2013 was placed under the Communications from the Mayor.

Upon motion of Mr. Lane, seconded by Mr. Beard, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointments of Ms. Patricia Breeden, as VA Emergency Dept. representative, and Ms. Marilyn Swinford, as Bluegrass Chapter of Emergency Nurses Association representative, to the Emergency Medical Advisory Board, with terms to expire 7-1-2011 and 7-1-2014, respectively. Also, recommending the reappointments of Dr. Julia Martin, as University of Ky. - Emergency Medicine representative, Dr. Steven Stack, as St. Joseph Hospital - Emergency Dept. representative, and Dr. Patty Swiney, as University of Ky./Good Samaritan Emergency Room representative, to the Emergency Medical Advisory Board, with terms to expire 7-1-2013; (2) Recommending the appointment of Ms. Hillary D. McWhorter to the Raven Run Nature Sanctuary Advisory Board, with a term to expire 1-10-14. The term of Ms. Debbie Niehaus has expired; (3) Recommending the appointment of Mr. John T. Logan, Jr., as Builder/Owner of Rental Property in the County representative, to the Vacant Property Review Commission, with a term to expire 1-1-2012; and (4) Recommending the appointment of Ms. Helen Kendall, as Citizens for Ethical

Government representative, to the Ethics Commission, with a term to expire 3-1-2013.

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Mr. McChord announced that Sarah Beth Barnette of Lexington Christian Academy had been named Miss Kentucky Basketball, the first woman from Lexington to be named such. He stated that not only was she a constituent of his, but also his cousin. He expressed how proud he was of her, and asked the Mayor if a presentation of congratulations could be arranged for a future Council meeting.

The Mayor stated that it could be arranged.

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Commander Lawrence Weathers, Div. of Police, stated that Officer Nathan B. Nalley had committed the offense of Violating Any Rules of the Division in violation of KRS 95.450 and General Order 73-2H, Section 1.35, Violating Any Rules of the Division in that on the 27th day of November, 2009, he drove his marked police unit #6112 to the parking lot of the Frisch's Restaurant at 891 Main St., Nicholasville, Ky. The vehicle was observed there at approximately 1130 hours by Lieutenant David Marcum. Officer Nalley was currently assigned to the Bureau of Patrol, East Sector, Second Shift, and was not on duty at the time, nor had he requested permission for said use. This information was forwarded to Commander Robert Stack. According to General Order 73-3/M, Operation and Maintenance of Home Fleet Vehicles, Section II, Subsection G: "Any request for out-of-county use of Division vehicles must be approved by the Chief of Police or his designee", and that the appropriate punishment for this offense is a Ten (10) Hour Suspension Without Pay – and – Loss of Home Fleet Privileges for Sixty (60) Days.

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

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Mr. Bernard McCarthy, Harry Street, asked that the Government not adjust the budget for the Public Libraries in such a way that state law would be violated. He also thanked Mr. Martin for voting no on additional money for streetscape work.

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Upon motion of Ms. Crosbie, seconded by Mr. Blues, and approved by unanimous vote, the meeting adjourned at 8:27 p.m.

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Clerk of the Urban County Council