Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   February 21, 2008

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on February 21, 2008 at 7:00 P.M. Present were Mayor Jim Newberry and the following members of the Council: Council Members McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Gorton, Gray, Henson and Lane. Absent were Council Members Stevens, Blevins, DeCamp and James.

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

Ordinances No. 22-2008 thru 33-2008 inclusive and Resolutions No. 30-2008 thru 55-2008 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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The Mayor explained the reason for the public meeting for the proposed application for submission to the Ky. Governor's Office of Local Development requesting federal funding for the McConnell's Trace Greenway Restoration and Trail Project for the Land and Water Conservation Fund.

The Mayor opened the public meeting.

The following citizens spoke in support of the Grant Application: (1) Mr. Bob Russell Tutty, McConnells Trace Boulevard, and (2) Mr. Van Meter Pettit, Constitution Street.

There being no one else to speak before the Council, the Mayor declared the public meeting closed.

Mr. Blues thanked everyone for their involvement with this Grant.

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Upon motion of Ms. Gorton, seconded by Mr. Myers, the minutes of the December 11, 2007, January 10 and 28, 2008 Council Meetings were approved by unanimous vote.

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An Ordinance amending Article VI, Chapter 16 of the Code of Ordinances as follows: to amend Section 16-48 to increase disposal fees for sewage; to create Section 16-57.1 providing that all rates and fees set forth in Sections 16-48, 16-59, and 16-60 shall be adjusted annually each fiscal year beginning effective July 1, 2010, in accordance with the Consumer Price Index for all urban consumers; to amend Section 16-59 to increase fees for sanitary sewer rates for residential users subject to Schedule A from $1.78 per unit for the first four hundred (400) cubic feet of water usage per month and 2.16 per unit for usage in excess of four hundred (400) cubic feet of water usage to $3.50 through June 30, 2009, and $4.73 effective July 1, 2009, for the first unit, from zero (0) to one hundred (100) cubic feet of water and $2.64 through June 30, 2009, and $3.56 effective July 1, 2009, per unit for usage in excess of one (1) unit; to increase sanitary sewer service rates for users subject to Schedule B from $2.16 per unit to $4.25 through June 30, 2009, and $5.73 effective July 1, 2009, for the first unit, from zero (0) to one hundred (100) cubic feet of water, and $3.20 through June 30, 2009, and $4.32 effective July 1, 2009, per unit for usage in excess of one (1) unit, plus increase the charge for suspended solids from 0.322 to 0.478 through June 30, 2009 and 0.645 effective July 1, 2009, the charge for ammonia nitrogen from 0.977 to 1.45 through June 30, 2009, and 1.958 effective July 1, 2009, and the charge for biochemical oxygen demand from 0.389 to 0.577 through June 30, 2009, and 0.779 effective July 1, 2009; to delete subsection (C) and to create a new subsection (C) establishing a thirty (30) percent discount program for qualifying senior citizens; to amend Section 16-59.1 changing the adjustment of fees to apply a fifty (50) percent adjustment to the entire bill amount for qualified customers rather than a one hundred (100) percent adjustment to rate increases only; and to amend Section 16-60 to increase sanitary sewer tap on fees was given second reading.

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

Aye: McChord, Myers, Stinnett, Beard,
Blues, Gorton, Gray, Henson, Lane -- 9

Nay: Crosbie, Ellinger --- 2

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

Aye: McChord, Myers, Stinnett, Beard, Blues, Crosbie,
Ellinger, Gorton, Gray, Henson, Lane --------------------------------------- 11

Nay: -- 0

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. 130.

An Ordinance amending Section 2 of Ordinance No. 270-2007 to correct a clerical error in the class code for Facility Manager, in the Div. of Building Maintenance and Construction, to become effective retroactive to May 28, 2007.

An Ordinance amending Section 21-5 of the Code of Ordinances creating three (3) positions of Environmental Inspector, Grade 113N, and one (1) position of Program Specialist, Grade 112E; and abolishing one (1) position of Chief Plant Operations Supervisor, Grade 118E, one (1) position of Engineering Technician Sr., Grade 113E, and two (2) positions of Engineering Technician, Grade 111N, all in the Div. of Water and Air Quality, and appropriating funds pursuant to Budget Schedule No. 136.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Administrative Specialist Sr., Grade 112N, and creating one (1) position of Personnel Records Supervisor, Grade 114E, and reclassifying the incumbent, in the Div. of Police, to become retroactive to November 26, 2007, and appropriating funds pursuant to Budget Schedule No. 137.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Cabinet for Health and Family Services under the Prevent Child Abuse Ky. initiative, which Grant funds are in the amount of $20,000.00 Federal funds, are for assistance to families enrolled in the Kin-Care Program at the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 134, 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 March of Dimes, which Grant funds are in the amount of $15,986.00, and are for the support of a project that will assess and treat perinatal and postpartum mood disorders, to be conducted in conjunction with the Home Network HANDS program at the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 132, 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 Bluegrass Area Development District, which Grant funds are in the amount of $100,000.00 Federal funds, are for an Out-of-School Youth Program, the acceptance of which obligates the Urban County Government for the expenditure of $141,080.00 as a local match, appropriating funds pursuant to Schedule No. 135, 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 donation of $2,500.00 from the Annual Police Memorial Golf Tournament for travel to the BSA Explorer's Winterfest, and appropriating funds pursuant to Schedule No. 133.

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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 a Wholesale & Warehouse Business (B-4) zone to a Planned Neighborhood Residential (R-3) zone for 0.05 net (0.06 gross) acre of property located at 223 and 229 Miller Street. (Benjamin Gallagher)

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone for approximately 3.14 net (approximately 3.41 gross) acres of property located at 898 Georgetown Street and a portion of 798 Georgetown Street. (Urban County Council)

An Ordinance accepting the bid of Xenia Power Equipment in the amount of $67,502.00, for replacement of the irrigation pump at Kearney Hill Golf Links, and appropriating funds pursuant to Schedule No. 146.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Staff Assistant Sr., Grade 108N, and creating one (1) position of Administrative Specialist, Grade 110N, in the Div. of Community Corrections and appropriating funds pursuant to Budget Schedule No. 140.

An Ordinance amending Section 22-5 of the Code of Ordinances creating two (2) positions of Social Worker Sr., Grade 113E, in the Div. of Adult Services.

An Ordinance amending Section 22-5 of the Code of Ordinances creating two (2) temporary positions of Staff Assistant Sr., Grade 108N, for a term of one year beginning March 1, 2008 and ending March 1, 2009, in the Div. of Water and Air Quality, and appropriating funds pursuant to Budget Schedule No. 141.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a distribution from the Marian Middleton Trust in the amount of $501.75 for use by the Div. of Fire and Emergency Services, and further authorizing the Mayor or his designee, on behalf of the Urban County Government, to complete and submit the Beneficiary Information Sheet for said Trust and to accept any future distributions from the Trust, and appropriating funds pursuant to Schedule No. 142.

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. 139.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of $245,238.00 Federal funds, are for continuation of the Metropolitan Medical Response System (MMRS), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 143, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Ordinance No. 267-2007 to correct clerical errors by renumbering a duplicated Section 9 and the sections that follow as Sections 10 through 17, and to amend the new Section 16 to reflect the correct section of the Code of Ordinances being created, from Section 13-16 to 13-15.1, to become effective retroactive to January 1, 2008.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Administrative Specialist Sr., Grade 112N, and creating one (1) position of Administrative Specialist Principal, Grade 114E, and reclassifying the incumbent, in the Div. of Building Maintenance and Construction, and pursuant to Ordinance No. 197-2002, adjusting the salaries of two (2) employees occupying the position of Administrative Specialist Principal in the Div. of Police, and one (1) employee occupying the position of Administrative Specialist Principal in the Div. of Family Services, all to become effective retroactive to July 9, 2007, and appropriating funds pursuant to Budget Schedule No. 138.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Recreation Supervisor, Grade 110E, and creating one (1) position of Recreation Specialist Sr., Grade 113E, in the Div. of Parks and Recreation, and appropriating funds pursuant to Budget Schedule No. 145.

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

Aye: McChord, Myers, Stinnett, Beard, Blues, Crosbie,
Ellinger, Gorton, Gray, Henson, Lane -------------------------------------- 11

Nay: --- 0

A Resolution accepting the bid of Andy Frain of Kentucky, Inc., establishing a price contract for parking garage security.

A Resolution accepting the bid of Lexington Manufacturing Center dba Opportunity Workshop of Lexington, Inc., establishing a price contract for custodial services for Safety City.

A Resolution accepting the bid of Leak Eliminators, LLC, in the amount of $97,425.00, for the Old Paris Road sanitary sewer and pump station, for the Div. of Community Development.

A Resolution accepting the bid of Dallmann Systems, Inc., establishing a price contract for security cameras and equipment.

A Resolution accepting the bids of Baumann Paper Co., XPEDX/Saalfeld and Hillyard-Ky, establishing price contracts for janitorial supplies.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent storm sewer easement and temporary construction easement from Book Properties, LLC, for property located at 226 Westwood

Court, for the Elizabeth Street Drainage Improvements Project, and authorizing payment in the amount of $8,500.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Site Access Agreement with ATC Associates, Inc. and Verizon South, Inc., for access to Shillito Park for a limited subsurface investigation, 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 Engineering Services Agreement with Strand Associates, Inc., for laboratory services for the Div. of Water and Air Quality, at a cost not to exceed $42,500.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Jessica Collins, 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 $40.00 for each scheduled on-call period, $230.00 for each completed forensic examination, $50.00 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 Change Order No. 2 to the Contract with Randle Davies Construction Company, for construction of Brighton East Rail Trail Phase I, decreasing the contract price by the sum of $12,484.10 from $508,803.98 to $496,319.88.

A Resolution changing the street name and property address numbers of 316 Bainbridge Drive to 305 Lindenhurst Drive, of 2171 Hume Road to 2116 Ami Lane, 2509 Mercer Road to 110 Ferndale Pass, 5590 and 5432 Mount Horeb Pike to 3009 and 3030 Warner Road, of 2399 Paris Pike to 400 Kingston Road, of 1000 Providence Lane to 131 Eastover Drive, of 208 Spring Valley Lane to 130 Ferndale Pass, of 4909, 4907, and 4905 Tates Creek Road to 904, 907, and 910 Scowbyfields Drive, of 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 394, 346, 392, 348, 390, 350, 388, 352, 386, 354, 384, 356, 382, 358, 380, 360, 378, 362, 376, 364, 366, 368, 370, 372, and

374 Lindenhurst Drive to 2501, 2503, 2505, 2507, 2509, 2511, 2513, 2515, 2517, 2519, 2520, 2522, 2524, 2526, 2528, 2530, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2554, 2556, 2558, 2560, and 2562 Lindenhurst Loop, and of 3252, 3254, 3256, 3264, 3266, 3268, 3270, 3272, 3274, 3278, 3280, 3282, 3284, 3288, 3290, 3292, 3294, 3296 and 3298 Verandah Place to 3275, 3277, 3279, 3301, 3303, 3305, 3307, 3309, 3311, 3313, 3315, 3317, 3319, 3321, 3323, 3325, 3327, 3329, and 3331 Beaumont Centre Circle; changing the property address numbers of 304 Lindenhurst Drive to 320 Lindenhurst Drive, of 152 Colfax Street to 150 Colfax Street, of 909 Georgetown Street to 907 Georgetown Street, of 3989 Huffman Mill Pike to 4001 Huffman Mill Pike, of 900 Iron Works Pike to 884 Iron Works Pike, of 2585 Nicholasville Road to 2587 Nicholasville Road, of 254 Southland Drive to 256 Southland Drive, of 1321 Trent Boulevard to 1393 Trent Boulevard, of 3280, 3282, 3284, 3286, 3288, 3290, 3292, 3294, 3296, 3298, and 3001 Beaumont Centre Circle to 3300, 3304, 3308, 3312, 3316, 3320, 3324, 3328, 3332, 3336, and 3401 Beaumont Centre Circle, and of 431, 433, 435, 437, 439, and 441 Patchen Drive to 443, 445, 447, 449, 451, and 453 Patchen Drive; changing the street name of Mercer Road from its intersection with Citation Boulevard dedicated right-of-way to its terminus west of its intersection with Darenia Lane to Ferndale Pass, and of 337 Bainbridge Drive to 337 Lindenhurst Drive; all effective thirty days from passage.

A Resolution ratifying the probationary civil service appointments of: Angela Collins, Telecommunicator, Grade 111N, $13.978 hourly, in the Div. of Enhanced 911, effective February 18, 2008, Charles Begley, Solids Processing Supervisor, Grade 115E, $1,983.66 bi-weekly, in the Div. of Water and Air Quality, effective February 4, 2008, Kimberly Bryan, Accountant Sr., Grade 116E, $2,032.48 bi-weekly, in the Div. of Accounting, effective February 4, 2008; ratifying the permanent civil service appointments of: Denise Washington, Administrative Specialist, Grade 110N, in the Div. of Police, effective January 23, 2008; approving leave of absence for: Arnold Sidney, Custodial Worker, Grade 102N, in the Div. of Building Maintenance and Construction, requests a 34 day

Council approved leave without pay from February 27, 2008 to March 31, 2008; approving the unclassified civil service appointment of: Morris Engles, Van Driver, Grade 104N, $12.326 hourly, in the Dept. of Social Services, effective January 29, 2008.

A Resolution amending Resolution No. 710-2007 which authorized and directed the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from the Shetlands Homeowners Association, Inc., to change the account from which payment is to be made.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with U.S. Marshals Service, for locating and apprehending fugitives, 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 additional Software License Agreement with New World Systems Corp., for expansion of the mobile data computer network in the Div. of Police, at a cost not to exceed $12,810.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Eric Dziekan of a bullet resistant dog vest, for use at the Div. of Police Canine Unit, at no cost to the Urban County Government.

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); Aldersgate Methodist 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); Young Life ($1,265.40); Bluegrass Chapter Order of Demolay ($1,332.32); Christian Youth Fellowship ($1,942.51); Phillips Memorial Church ($2,191.56); Tates Creek HS Lacrosse Club ($522.98); 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); Boy Scout Troop #246 ($636.12); and Tates Creek Presbyterian Church BS Troop 226 ($921.44); for services, 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 an Agreement with Aylesford Place Association, Inc. ($5,000.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Dogwood Trace Neighborhood Association, Inc. ($670.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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

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

Aye: McChord, Myers, Stinnett, Beard, Blues, Crosbie,
Ellinger, Gorton, Gray, Henson, Lane -------------------------------------- 11

Nay: -- 0

A Resolution authorizing and directing the Mayor, on behalf of the Urban Count Government, to execute an Amended Site Specific Agreement with the Jessamine South Elkhorn Water District and Ashtree Properties, LLC, to provide sanitary sewer service to the Ashtree Subdivision-Unit 2 in Jessamine County, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with BCD, Inc., for Gainesway Community Building, increasing the contract price by the sum of $36,516.78 from $790,937.68 to $827,454.46.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Port Royal Neighborhood Association, Inc. ($7,000.00) and Lexington Opera Society, Inc. ($1,200.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit four (4) 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 $1,646,400.00 Federal funds from the Transportation Enhancement Program, and are for the Brighton Rail Trail Bridge ($402,400.00), the Share the Road Campaign ($64,000.00), the Tates Creek Road Sidewalk and Transit Improvements Project ($780,000.00), and the third phase of the Pope Villa Restoration ($400,000.00).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit an Application to the Ky. Infrastructure Authority (KIA), and to provide any additional information requested in connection with this Application, in the amount of $80,764,000.00 for low interest loans to facilitate nine (9) sanitary sewer projects/upgrades.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Independent Contractor Agreement with I/O Solutions, Inc. for testing of applicants applying for Community Corrections Officer positions, at a cost not to exceed $15,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase and Security Agreement with Stanard & Associates, Inc. for the police officer selection test for LFUCG police recruit applicants, at a cost not to exceed $7,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of Ky., for space in the University of Ky. Hospital Emergency Room for use as a clinical practice area for the Sexual Assault Treatment Program, at a cost not to exceed $3,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with BCD, Inc., for Gainesway Community Building, increasing the contract price by the sum of $14,237.68 from $776,700.00 to $790,937.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Critter Sitters of Lexington, Inc. for the Love of Dogs Bakery, Dogtown, LLC, and What's the Scoop, LLC of One Canine Stab/Level II Bullet Resistant Dog Vest, for use by the Div. of Police's Canine Unit, at no cost to the Urban County Government.

A Resolution opposing House Bill 447, pertaining to the prohibition of local governments requiring that affordable housing be provided as part of residential developments.

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A Resolution supporting legislation pertaining to the exemption of military income from state income tax as proposed in House Bills 43 and 163 was given first reading.

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

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

Aye: McChord, Myers, Stinnett, Beard,
Crosbie, Ellinger, Henson, Lane -- 8

Nay: Blues -- 1
(Ms. Gorton disqualified herself because she had two family members in the military and Mr. Gray abstained when the vote was taken.)

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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 Rexel Electrical & Datacom, West-Lite Supply Co., Inc., Graybar Electric Co., Inc., Competitive Edge, Wesco Distribution, Sunshine Lighting, and WW Grainger, Inc., establishing price contracts for bulbs and ballasts.

A Resolution accepting the bids of Rio Grande Fence, Myers Fence, LLC, and George B. Stone Co., LLC, establishing price contracts for the LFUCG guide rail project.

A Resolution accepting the bid of City Electric Motor Company, establishing a price contract for pump station parts for Wolf Run.

A Resolution accepting the bid of Continental Web Press, in the amount of $16,959.00, for printing of Fun Guide for 2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent storm sewer easement and temporary construction easement from S. Patrick Terry, for property located at 222 Floral Park, for the Elizabeth Street Drainage Improvements Project, and authorizing payment in the amount of $5,425.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a Deed for the property located at 309 Dantzler Court from Paul and Fern Walter, for the Elizabeth Street Drainage Improvements Project, and authorizing payment in the amount of $156,700.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Joe and Lori Adams, for property located at 227 Floral Park, for the Elizabeth Street Drainage Improvements Project, and authorizing payment in the amount of $400.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with the University of Ky., University Health Services, for assessment of temporary and permanent close proximity parking applications, at a cost not to exceed $1,500.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Sublease and Management Agreement with LexArts, Inc., to correct the annual amount to be paid to LexArts, Inc., for management of the Downtown Arts Center.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Concession Agreement with Fayette County Cooperative Extension District Board, for use of a specific space of 14,600 square feet within the Lexington Lions Club Fairgrounds facility at Masterson Station Park, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Concession Agreement with Lexington Lions Club, Inc., for use of the Lions Club Fairgrounds area at Masterson Station Park, at no cost to the Government.

A Resolution authorizing the Div. of Water and Air Quality to purchase replacement parts from Delaney & Associates, Inc., a sole source provider, for Town Branch Wastewater Treatment Plant dewatering pumps at a cost not to exceed $63,508.00.

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

A Resolution ratifying the permanent civil service appointment of: Joel Ragland, Public Service Worker Sr., Grade 107N, in the Div. of Streets, Roads & Forestry, effective February 6, 2008; ratifying the probationary sworn appointments of: Ronald Spurlock, Police Sergeant, Grade 315N, $26.388 hourly, in the Div. of Police, effective January 7, 2008; Joseph Blakely, Police Lieutenant, Grade 317E, $2,752.46 bi-weekly, in the Div. of Police, effective January 7, 2008; ratifying the probationary Div. of Community Corrections appointments of: Danny Jett, Rickey Lusk, Ralph Duron, Todd Young, Darrell Maggard, Gregory Hisle, Howard Hanshaw, Matthew Crawford, Wendy Amburgey, Levodis Artrip, Nicholas Jenkins, Nakoa Kirby, Shawn Norman, Michael Weller, Robin Goldie, William Green, Jason Durham, Taj Bryson, Tonya Fairchild, Randolph Parker, Diane Shaw, Jason Crawford, Michael Rowe, Melody Shropshire, Community Corrections Officer, Grade 110N, $13.390 hourly, in the Div. of Community Corrections, effective March 3, 2008; ratifying the permanent Div. of Community Corrections appointments of: Anita Aubrey, Emily Baum, Charles Burton, James Cosgrove, Rhonda Fogle, Kenwan Jones, William

Marshall, James Parker, Joseph Speakes, Lucas Valdez, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective February 20, 2008; approving leave of absence for: Franklin Martin, Skilled Trades Worker Sr., Grade 112N, in the Div. of Building Maintenance & Construction, requests a 45 day Council approved leave without pay from February 1, 2008 to March 16, 2008; approving the unclassified civil service appointment of: Wanda Siler, Administrative Officer, Grade 118E, $2,283.92 bi-weekly, in the Div. of Waste Management, effective January 18, 2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Environmental Protection Agency and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $100,000.00 Federal funds, and are for the Community Action for a Renewed Environment (CARE) Program Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Software License Agreement with Audiotel Corporation, at a cost not to exceed $16,147.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Merchant Card Acceptance Agreement with American Express.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lexlinc, Inc. ($1,400.00) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with Kinzelman Kline Gossman, LLC, for a non-residential infill redevelopment study, at a cost not to exceed $120,000.00

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with The Walker Company of Ky., Inc., for services related to the Phase III closure of the Haley Pike Landfill, increasing the contract price by the sum of $41,342.78 from

$3,968,000.00 to $4,009,342.78, and extending the time for performance by 193 days.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Sensabaugh Design & Construction, for North Base Steel Stairway, increasing the contract price by the sum of $3,250.00 from $36,760.00 to $40,010.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with HDR Quest Engineers, Inc., for Engineering Services for Liberty Road/Todds Road Improvement Project Section I, increasing the contract price by the sum of $50,773.00 from $895,897.00 to $946,670.00.

A Resolution rescinding Resolution No. 110-2007 relating to permanent sanitary sewer and temporary construction easements for property located at 1980 Edgeworth Drive, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying permanent sanitary sewer and temporary construction easements from Jeffco, LLC, for the property located at 184 Laclede Avenue, for the North Elkhorn Force Main Project, and authorizing payment in the amount of $25,600.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Application for Vision Care Benefits with EyeMed Vision Care, for group vision care insurance covering, LFUCG active employees for the period beginning January 1, 2007 through December 31, 2007, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Application for Vision Care Benefits with EyeMed Vision Care, for group vision care insurance covering LFUCG active employees for the period beginning January 1, 2008 through December 31, 2008, at no cost to the Government.

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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. Peggy Henson, and Mr. Tom Blues, Councilmembers, to the City Employees Pension Fund Board, as ex-officios. Ms. Henson will fill the position of former Councilmember Richard Moloney; (2) Recommending the appointment of Ms. Alicia R. Vinson to the Human Rights Commission, with a term to expire 1-1-2010. Ms. Vinson will fill the unexpired term of Ms. Angela Slaton; (3) Recommending the appointment of Mr. Joe Kelly to the Internal Audit Board as an ex-officio and (5) Recommending the appointment of Mr. William DiOrio to the Sister Cities Commission with a term to expire 1-28-2012. Recommending the reappointment of Ms. Janet D. Ellinger to the Sister Cities Commission with a term to expire 1-28-2012.

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Upon motion of Mr. Lane, seconded by Mr. Beard and passed by majority vote (Mr. Ellinger disqualified himself), the communication from the Mayor was approved and is as follows: (4) Recommending the appointment of Mr. Prenell Mitchell to the One Parent Family Facility Corp. Board – Virginia Place with a term to expire 4-01-2011.

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The following communications were received from the Mayor for information only: (1) Resignation of Domminick Witt, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective February 20, 2008; (2) Resignation of David Wickstrom, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective February 6, 2008; (3) Resignation of Deana Garrard, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective February 8, 2008; (4) Resignation of Pete Spencer, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective February 15, 2008; (5) Resignation of Melvin Trent, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective February 15, 2008; (6) Resignation of Joseph Murphy, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective February 15, 2008; (7) Resignation of Paul Snowden, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective February 15, 2008; (8) Resignation of Johnnie Brown, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective January 31, 2008; (9) Resignation of Felicia Cowherd, Staff Assistant, Grade 107N, in the Div. of Government Communications, effective December 5, 2007; (10) Resignation of Bradley Chaney, Police Officer, Grade 311N, in the Div. of Police, effective February 9, 2008; (11) Resignation of John Robinson, Police Trainee, Grade 311N, in the Div. of Police, effective January 29, 2008 and (12) Resignation of Jeremy Kearney, Police Trainee, Grade 311N, in the Div. of Police, effective February 5, 2008.

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Mr. Bernard McCarthy, Harry Street, stated his concerns with building trails and greenways.

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Mr. Ike Lawrence, Clinton Road, stated his concerns about the increase in sewer user fees to offset the expenses incurred from the EPA Consent Decree.

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Upon motion of Mr. Blues, seconded by Mr. Myers and passed by unanimous vote, the Council adjourned at 8:03 p.m.

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Clerk of the Urban County Council