Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   November 6, 2008

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 6, 2008 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Ellinger, Gorton, Gray, Henson, James, Lane, McChord, Myers, Stevens, Stinnett, Beard, Blevins, Blues, Crosbie, and DeCamp.

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

Ordinances No. 227-2008 thru 241-2008 inclusive and Resolutions No. 577-2008 thru 616-2008 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Chaplain Gerard Howell, Div. of Community Corrections.

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Mr. McChord introduced Mr. Will Fister, freshman at Dunbar High School, who had completed a community service project that involved recycling in the public parks.

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An Ordinance adding a Neighborhood Design Character Overlay (ND-1) Zone for 134.50± net (171.77± gross) acres, to preserve existing neighborhood character for properties located at 310-395 Andover Drive; 201-299 Cassidy Avenue (odd addresses only); 300-356 Cassidy Avenue; 125-250 Chenault Road; 309-539 Chinoe Road; 180-346 Cochran Road; 401-435 Cochran Road (odd addresses only); 1394-1506 Cochran Road; 300-377 Colony Boulevard; 951-1245 Cooper Drive (odd addresses only); 323-325 Cross Lane; 305-436 Dudley Road; 300-335 Duke Road; 340-360 Duke Road (even addresses only); 131-191 Eastover Drive; 300-372 Garden Road; 201-505 Hart Road; 101-194 Louisiana Avenue; 100-165 Old Cassidy Avenue; 998-1144 Providence Lane (even addresses only); 1200-1237 Providence Lane; 303-440 Ridgeway Road; 300-315 and 340 Romany Road; 901-1015 Tates Creek Road (odd addresses only); and 1405-1491 Tates Creek Road (odd addresses only) (Urban County Planning Commission) was on the docket for second reading.

Upon motion of Dr. Stevens, seconded by Ms. Gorton, and approved by unanimous vote, the ordinance was amended to specify that the restrictions being imposed could be modified or removed by action of the Planning Commission without action by the Council. Dr. Stevens stated that this was not a material change, did not require a new first reading, and had been agreed upon during the proceedings before the Planning Commission by the objectors, the proponents, and the Planning Commission.

An Ordinance adding a Neighborhood Design Character Overlay (ND-1) Zone for 134.50± net (171.77± gross) acres, to preserve existing neighborhood character for properties located at 310-395 Andover Drive; 201-299 Cassidy Avenue (odd addresses only); 300-356 Cassidy Avenue; 125-250 Chenault Road; 309-539 Chinoe Road; 180-346 Cochran Road; 401-435 Cochran Road (odd addresses only); 1394-1506 Cochran Road; 300-377 Colony Boulevard; 951-1245 Cooper Drive (odd addresses only); 323-325 Cross Lane; 305-436 Dudley Road; 300-335 Duke Road; 340-360 Duke Road (even addresses only); 131-191 Eastover Drive; 300-372 Garden Road; 201-505 Hart Road; 101-194 Louisiana Avenue; 100-165 Old Cassidy Avenue; 998-1144 Providence Lane (even addresses only); 1200-1237 Providence Lane; 303-440 Ridgeway Road; 300-315 and 340 Romany Road; 901-1015 Tates Creek Road (odd addresses only); and 1405-1491 Tates Creek Road (odd addresses only) (Urban County Planning Commission) was given second reading as amended.

Upon motion of Dr. Stevens, seconded by Mr. Myers, the ordinance was approved by the following vote:

Aye: Ellinger, Gorton, Gray, Henson, James,
Lane, McChord, Myers, Stevens, Stinnett,
Beard, Blevins, Blues, DeCamp ------------------14

Nay: ---0
(Ms. Crosbie was absent when the vote was taken.)

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An Ordinance amending Section 14-97(1) of the Code of Ordinances related to smoking indoors to amend the definition of building to include structures with forty percent (40%) or more of its perimeter permanently or temporarily enclosed; amending Section 14-97(2) of the Code of Ordinances related to smoking indoors to amend the definition of dwelling to include building; amending Section 14-97(3) of the Code of Ordinances related to smoking indoors to delete the definition for enclosed area and replace it with a definition for establishment and open to the public; amending Section 14-97(4) of the Code of Ordinances related to smoking indoors to amend the definition of private organization to delete establishment and not be open to the public and be income tax exempt; amending Section 14-97(5) of the Code of Ordinances related to smoking indoors to amend the definition of retail tobacco store changing fifty percent (50%) to twenty-five percent (25%); amending Section 14-97(6) of the Code of Ordinances related to smoking indoors to amend the definition of smoke or smoking to include burning or carrying of a tobacco product; amending Section 14-97(7) of the Code of Ordinances related to smoking indoors to delete the definition for tobacco warehouse and replace it with a definition for workplace in buildings or a portion thereof; amending Section 14-98(1) of the Code of Ordinances related to smoking indoors to prohibit smoking in an establishment, workplace and public transportation vehicles; amending Section 14-98(1)(a) of the Code of Ordinances related to smoking indoors to include a business within a dwelling; amending Section 14-98(1)(b) of the Code of Ordinances related to smoking indoors to delete the word “in”, add the word “rental”, and move the remainder of Section (b) to Section (c); amending Section 14-98(1)(c) related to smoking indoors to allow for exceptions for treatment of nicotine addiction by licensed healthcare professionals independently ventilated rooms in hospital, hospice or nursing homes; amending Section 14-98(1)(d) of the Code of Ordinances related to smoking indoors to allow an exception for a retail tobacco store; amending Section 14-98(1)(e) of the Code of Ordinances related to smoking indoors to allow an exception for performers in a theatrical production and to delete the existing section; amending Section 14-98(1)(f) of the Code of Ordinances related to smoking indoors to allow an exception for buildings used by a private organization not opened to the public; deleting Section 14-98(1)(g) of the Code of Ordinances related to smoking indoors in a tobacco warehouse; amending Section 14-98(2) of the Code of Ordinances related to smoking indoors to include building or establishment; creating Section 14-98(4) of the Code of Ordinances related to smoking indoors making buildings or vehicles owned, leased or operated by the Lexington-Fayette Urban County Government subject to the provisions of Sections 14-97 to 14-104; amending Section 14-99(1) of the Code of Ordinances related to smoking indoors to include workplace; amending Section 14-99(2) of the Code of Ordinances related to smoking indoors to apply to any building or workplace; amending Section 14-99(3) of the Code of Ordinances related to smoking indoors to include ashtrays in establishments; amending Section 14-99(4) of the Code of Ordinances related to smoking indoors to replace the word “dwelling” with “building, establishment, workplace, and private organization”; amending

Section 14-100(1) of the Code of Ordinances related to smoking indoors to include workplace; amending Section 14-100(1)(a) of the Code of Ordinances related to smoking indoors to add smoking materials; amending Section 14-100(1)(b) of the Code of Ordinances related to smoking indoors to include all persons in control of a building or workplace to demand persons who refuse to stop smoking to leave the premises; creating Section 14-100(1)(c) of the Code of Ordinances related to smoking indoors to allow refusal of service to persons who are smoking; creating Section 14-100(1)(d) of the Code of Ordinances related to smoking indoors to allow persons in control of buildings and workplaces to take legal means to stop smoking in the premises; amending Section 14-100(2) of the Code of Ordinances related to smoking indoors to include building, establishment or workplace; creating Section 14-100(3) of the Code of Ordinances related to smoking indoors exempting buildings, establishments, workplace and private organizations covered in Section 14-98; amending Section 14-101 of the Code of Ordinances related to smoking indoors to allow enforcement of this subchapter by the Health Dept.; amending Section 14-102(1)(b) of the Code of Ordinances related to smoking indoors to establish a one year limit; amending Section 14-102(1)(c) of the Code of Ordinances related to smoking indoors to establish a one year limit; deleting Section 14-102(2) of the Code of Ordinances related to smoking indoors; amending Section 14-104 of the Code of Ordinances related to smoking indoors to allow any person aggrieved by a violation of this Section to apply for injunctive or other legal relief was given second reading.

Mr. Lane recognized Mr. Steve Ruschell, attorney for Bluegrass Airport, who stated that the Bluegrass Airport would be working with the Dept. of Law to create an exception to the ordinance on their behalf.

Upon motion of Dr. Stevens, seconded by Mr. Myers, the ordinance was approved by the following vote:

Aye: Ellinger, Gorton, Gray, Henson, James,
Lane, McChord, Myers, Stevens, Stinnett,
Beard, Blevins, Blues, DeCamp ------------------14

Nay: ---0
(Ms. Crosbie was absent when the vote was taken.)

* * *

The following ordinances were given second reading. Upon motion of Dr. Stevens, seconded by Mr. Myers, the ordinances were approved by the following vote:

Aye: Ellinger, Gorton, Gray, Henson, James,
Lane, McChord, Myers, Stevens, Stinnett,
Beard, Blevins, Blues, DeCamp ------------------14

Nay: ---0
(Ms. Crosbie was absent when the vote was taken.)

An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a Professional Office (P-1) zone for 0.2259 net (0.2604 gross) acre, for property located at 223 Pasadena Drive (John P. Elias).

An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone to a Neighborhood Business (B-1) zone for 1.79 net (3.66 gross) acres, for property located at 3380 Tates Creek Road (a portion of), subject to certain use restrictions imposed as conditions of granting the zone change (Towne Properties Asset Management Company).

An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Social Services Coordinator, Grade 114E in the Dept. of Social Services and creating one (1) position of Social Services Coordinator, Grade 114E, in the Div. of Adult Services and appropriating funds pursuant to Schedule No. 69.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with MASH Services of the Bluegrass, Inc., for improvements to shelters serving homeless and runaway youth, at a cost not to exceed an additional $3,800.00 in Community Development Block Grant funds and appropriating funds pursuant to Schedule No. 70.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Arts Council, which Grant funds are in the amount of $5,000.00 Commonwealth of Ky. funds, are for the Park Bench Sculpture Project, and the acceptance of which obligates the Urban County Government for the expenditure of $5,000.00 as a local match, appropriating funds pursuant to Schedule No. 74, 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 U.S. Dept. of Justice, which Grant funds are in the amount of $119,587.00 Federal funds under the State Criminal Alien Assistance Program (SCAAP), are for reimbursement of costs related to the incarceration of undocumented criminal aliens, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 73, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lexington Children's Theatre, Inc., for implementation of "The Bully Show", an anti-gang juvenile outreach program, at a cost not to exceed $6,779.00, and appropriating funds pursuant to Schedule No. 72.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with U.S. Geological Survey, for the continuing and ongoing maintenance and operation of existing stream flow and precipitation gauges, and authorizing acceptance of the sum of $7,800.00 from ATS Construction for the cost of removal and replacement of gauges on Winchester Road, increasing the cost of the Agreement from $86,910.00 to $94,710.00 at no additional cost to the Urban County Government, and appropriating funds pursuant to Schedule No. 71.

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. 68.

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An Ordinance creating Article VII in Chapter 5 of the Code of Ordinances of the Lexington-Fayette Urban County Government to create the Relocation Assistance Program for Tenants to provide relocation assistance to eligible low-income tenants displaced by the rezoning, redevelopment or change in use of property was on the docket for first reading.

Upon motion of Mr. Lane, seconded by Ms. James, and approved by unanimous vote, the ordinance was amended to include the following changes in the body: (1) Section 5-105 Paragraph B be amended to delete the last sentence and insert instead ‘all assistance and payments from the Relocation Assistance Program for Tenants shall be made directly and only to vendors providing the foregoing services,’ (2) Section 5-105 Paragraph C be amended by inserting after the first sentence, ‘the fair market value of relocation assistance provided to a tenant by the owner and/or developer of the property on which the relocating tenant resides shall also be an adjustment to any payment provided by the Relocation Assistance Program for Tenants,’ (3) Section 5-105 be amended to add a new paragraph to state, ‘in order to be eligible for assistance, a tenant shall make application prior to moving from the property from which the tenant is being displaced.’

Ms. James stated that the amendments provided clarification of the intent of the ordinance.

The Mayor recognized Mr. Adam Jones, Summerville Dr., who thanked the Mayor and the Council for their hard work and support of this ordinance. He spoke on behalf of BUILD (Building a United Interfaith Lexington Through Direct Action), an organization composed of various Lexington congregations.

An Ordinance creating Article VII in Chapter 5 of the Code of Ordinances of the Lexington-Fayette Urban County Government to create the Relocation Assistance Program for Tenants to provide relocation assistance to eligible low-income tenants displaced by the rezoning, redevelopment or change in use of property was given first reading as amended 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 amending Section 22-5 of the Code of Ordinances abolishing two (2) positions of Security Officer/PT, Grade 106N in the Dept. of General Services and creating two (2) positions of Security Officer/PT, Grade 106N in the Div. of Facilities and Fleet Management and transferring the incumbents.

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 $124,275.00 Federal Funds, are for the purchase of portable interoperable communications infrastructure tower and related equipment for the Div. of Emergency Management/911, the acceptance of which does not obligate the Lexington-Fayette Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 76, 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. 77.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $50,000.00 for the Tenant Relocation Fund, and appropriating and re-appropriating funds, Schedule No. 79.

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

Aye: Ellinger, Gorton, Gray, Henson, James,
Lane, McChord, Myers, Stevens, Stinnett,
Beard, Blevins, Blues, Crosbie, DeCamp -----15

Nay: ---0

A Resolution accepting the bid of Schroeder Construction, Inc., in the amount of $696,637.75, for Cadentown Sanitary Sewer Project, for the Div. of Engineering.

A Resolution accepting the bid of RJ Corman Aircraft Maintenance, LLC, in the amount of $107,000.00, for helicopter main rotor blades, for the Div. of Police.

A Resolution accepting the bid of Critex, LLC, establishing a price contract for manhole leveling system and supplies, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Wysong Enterprises, Inc., in the amount of $320,245.00, for a thermal imaging system, for the Div. of Police.

A Resolution accepting the bids of Advance Construction of KY LLC, Benjamin Franklin Plumbing, Light House Plumbing LLC, and Mulligan Plumbing, Inc., establishing price contracts for plumbing services for the sump pump redirection program, for the Div. of Water Quality.

A Resolution accepting the bid of Bill Waits Countryside Ford, in the amount of $55,146.00, for 2009 Ford F450 trucks, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of L-M Asphalt Partners, LTD, dba ATS Construction, establishing a price contract for 2008-2009 city streets resurfacing, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bids of Polydyne, Inc., Atlanco of SC, and Ashland, Inc., establishing price contracts for polymer flocculants, for the Div. of Water Quality.

A Resolution accepting the bid of Republic Diesel, in the amount of $17,664.00, for a multi-use power unit, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Tom Chestnut Excavation & Construction, establishing a price contract for bulb out installation, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Meyer Truck Equipment, establishing a price contract for a dump body, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of GT Distributors of GA, Inc., and Galls, Inc., Aramark Co., establishing price contracts for police car consoles, for the Div. of Police.

A Resolution accepting the bids of Allied Technical Services, Inc.; ITT Flygt Corporation Dewatering Div.; and Service Pump and Supply Company, establishing price contracts for pumping services, for the Div. of Water Quality.

A Resolution accepting the bid of Graybar Electric, in the amount of $119,900.00, for replacement circuit breakers – West Hickman, for the Div. of Water Quality.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with the U.S. Dept. of Agriculture, for participation in the U.S. Dept. of Agriculture Commodities Program, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement and a Lease Agreement with Lexington-Fayette Animal Care and Control, LLC, for animal control services, at a cost not to exceed $1,017,020.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with the Lexington-Fayette Animal Care and Control, LLC, for administration of the Spay and Neuter Grant Fund and Program.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Commonwealth of Ky., Ky. State Police, for viewing and selecting helicopter surplus parts at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Internal Revenue Services Criminal Investigation, for reimbursement expenses to the Div. of Police, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with AIDS Volunteers, Inc., for the lease of Urban County Government property located at 851 Todds Road.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with AIDS Volunteers, Inc., for the lease of Urban County Government property located at 1807 Dalton Court.

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 extension of the Agreement for operation of a tenant based rental assistance program through June 30, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to a Lease with IKON Office Solutions, Inc., for additional copier items, at a cost not to exceed $456.10.

A Resolution authorizing and directing the Dept. of Law, on behalf of the Urban County Government, to accept a Deed from Cowgill Partners, LP, for a permanent drainage easement at 2550 Winchester Road and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Deed of Easement to certify the consideration, at no cost to the Urban County Government.

A Resolution changing the street name and property address number of 1205 North Broadway to 208 Legends Lane, of 501, 505, 509, 513, 517, and 521 Douglas Avenue to 751, 755, 759, 763, 767, and 771 Douglas Loop, of 501, 505, 509, 513, 517 and 521 Glen Arvin Avenue to 651, 655, 659, 663, 667, and 671 Glen Arvin Circle, of 2117 Fort Harrods Drive to 3401 Lyon Drive, of 779 Newtown Pike to 1 Imperial Court, of 370 Price Road to 955 Whitney Avenue, of 460 Price Road to 410 Greenwood Avenue, of 1300 and 1304 Trent Boulevard to 2813 and 2817 Styx Court, and of 3704, 3708, and 3712 Trent Circle to 2809, 2805, and 2801 Styx Court; and changing the property address numbers of 447-451 Ash Street to 451 Ash Street, of 3216 Bracktown Road to 3217 Bracktown Road, of 769-771 Breathitt Avenue to 771 Breathitt Avenue, of 935-937 Charles Avenue to 937 Charles Avenue, of 737 Florence Avenue to 735 Florence Avenue, of 1408-1436 North Forbes Road to 1422 North Forbes Road, of 413-417 Georgetown Street to 417 Georgetown Street, of 371 Glen Arvin Avenue to 369 Glen Arvin Avenue, of 300-320 Hickory Street to 306 Hickory Street, of 657-679 Kennedy Road to 673 Kennedy Road, of 1437, 1445, 1401-1413, and 1417-1419 Leestown Road to 1439, 1441, 1401, and 1417 Leestown Road, of 320 Lima Drive to 250 Lima Drive, of 435-437 Lindberg Drive to 437 Lindberg Drive, of 736 Lochmere Place to 734 Lochmere Place, of 439, 331-333, and 501-503 Newtown Pike to 429, 333, and 501 Newtown Pike, and of 836 Whitney Avenue to 846 Whitney Avenue; all effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Fayette County Commonwealth Attorney's Office, the Kenton County Commonwealth Attorney's Office and the Commonwealth Attorney, 28th Judicial Circuit, for services under the 2007 Project Safe Neighborhood Program, at a cost not to exceed $19,371.00 for the Fayette County Commonwealth Attorney's Office, $20,000.00 for the Kenton County Commonwealth Attorney's Office and $12,000.00 for the Commonwealth Attorney, 28th Judicial Circuit.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Windstream Ky. East, LLC, for relocation of utilities for the Clays Mill Road Improvements Project, at a cost not to exceed $77,358.39.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Columbia Gas of Ky., for relocation of utilities for the Liberty/Todds Road Reconstruction Project, at a cost not to exceed $93,866.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Windstream Ky. East, LLC, for relocation of utilities for the Liberty/Todds Road Reconstruction Project, at a cost not to exceed $69,353.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with LexArts, Inc. ($1,750.00), YMCA of Central Ky. ($1,600.00), and Ky. Blood Center, Inc. ($1,000.00) 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 Amendment to Agreement with the Fayette County Commonwealth Attorney's Office, for an additional $10,000.00 for the Cold Case Squad Project and extending the Agreement through June 30, 2009, at a cost not to exceed an additional $10,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Use Contract with the Fayette County

Board of Education, for use of Norsworthy Auditorium, at a cost not to exceed $482.50.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Use Contract with the Fayette County Board of Education, for use of the Jesse Clark Middle School Gymnasium, at a cost not to exceed $4,304.76.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3 to the Contract with BDC, Inc., for Ecton Park Pavillion, increasing the contract price by the sum of $9,577.82 from $161,675.00 to $171,252.82.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of a sanitary sewer easement on property just south of Patchen Wilkes Drive, 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 Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement for the property located at 1812 Versailles Road, from the Catholic Diocese of Lexington, for the Cadentown/Versailles Road Sanitary Sewer Project, at no cost to the Urban County Government, with 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 permanent sanitary sewer easement and temporary construction easement for the property located at 1808 Versailles Road, from Mark G. Smith, for the Cadentown/Versailles Road Sanitary Sewer Project, at no cost to the Urban County Government, with 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 permanent sanitary sewer easement and temporary construction easement for the property located at 1806 Versailles Road, from Mark A. Stell and Linda Stell, for the Cadentown/Versailles Road Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution amending Section 1 of Resolution No. 562-2007 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 permanent sanitary sewer easement and temporary construction easement for the property located at 2852 Liberty Road, for the Cadentown Sanitary Sewer Project, to change the name of the Grantor from Dennis Anderson to Anderson Homes for Rent, LLC.

A Resolution amending Section 1 of Resolution No. 571-2008 relating to a pay increase for all fulltime non-contract bargaining unit employees whose hourly rate of pay is less than the Living Wage, changing the rate of pay from $11.50 hourly to $11.15 hourly.

A Resolution authorizing and directing the Mayor and the Director of the Div. of Budgeting, on behalf of the Urban County Government, to execute all necessary documents and to take all appropriate measures to transfer the positions of Director of Community Corrections, Assistant Director of Community Corrections, Community Corrections Major, Community Corrections Captain, Community Corrections Lieutenant, Community Corrections Sergeant and Community Corrections Officer, to hazardous duty pension coverage in the County Employees Retirement System (“CERS”), effective upon date of passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from the Lexington Legends of 3700 mini police toy cars, for use at the Div. of Police Community Services Section, at no cost to the Urban County Government.

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

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

Aye: Ellinger, Gorton, Gray, Henson, James,
Lane, McChord, Myers, Stevens, Stinnett,
Beard, Blevins, Blues, Crosbie, DeCamp -----15

Nay: ---0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a detention, drainage and utility easement on property located at 1710 Pleasant Ridge Dr. 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 Contract Modification with the Ky. Div. of Emergency Management, for extension of the agreement for implementation of a flood hazard mitigation project in the Cardinal Valley area through April 1, 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 Services Agreement with Wilbur Smith Associates, for the South Limestone Multimodal Transportation Study, at a cost not to exceed $120,000.00.

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Upon motion of Mr. Stinnett, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the United States Attorney for the District of Columbia and the Metropolitan Police Department of Washington, D.C., for participation in the 2009 Presidential Inauguration, at no cost to the Urban County Government was placed on the docket and given first reading.

Upon motion of Mr. DeCamp, and seconded by Mr. Blevins, the rules were suspended by unanimous vote.

The resolution was given second reading. Upon motion of Mr. Beard, seconded by Mr. Myers, the resolution was approved by the following vote:

Aye: Ellinger, Gorton, Gray, Henson, James,
Lane, McChord, Myers, Stevens, Stinnett,
Beard, Blevins, Blues, Crosbie, DeCamp -----15

Nay: --0

* * *

Upon motion of Mr. Beard, seconded by Mr. McChord, and approved by unanimous vote, a Resolution of the Lexington-Fayette Urban County Government approving the execution and delivery by the County of Jessamine, Kentucky, of its County of Jessamine, Kentucky, Cultural and Recreational Revenue Bonds (Tates Creek Presbyterian Church, Inc. Project) Series 2008 in an amount not to exceed $4,500,000 (the "Bond"), and the use of the proceeds thereof to assist Tates Creek Presbyterian Church, Inc. finance and refinance the cost of the construction and equipping of a multi-purpose facility consisting of approximately 55,500 square feet, including areas for recreational, fellowship and cultural activites, and to finish out a 15,900 square foot area for use as a nursery and classrooms, located at 3900 Rapid Run Drive, Lexington, Fayette County, Kentucky, and to pay costs of issuance was placed on the docket, given first reading and ordered placed on file two weeks for public inspection.

* * *

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

A Resolution accepting the bid of Bluegrass Towing, Inc., establishing a price contract for towing – fleet services vehicles, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of MAC Construction & Excavating, Inc., in the amount of $10,994,864.00, for the South Elkhorn Force Main Improvements Project, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with MAC Construction & Excavating, Inc., for performance of such services, and authorizing payment of funds in an amount not to exceed $10,994,864.00.

A Resolution accepting the bid of Municipal Equipment, Inc., in the amount of $636,000.00, for a street sweeper, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Red River Ranch, LLC and Hardwood Mulch/Bluegrass Chips, establishing price contracts for wood chips safety surface, for the Div. of Parks and Recreation.

A Resolution accepting the bid of HH General Contractor, Inc., in the amount of $75,950.00, for the Police Health Center Exterior Improvements.

A Resolution accepting the bid of Merit Furniture, Inc., establishing a price contract for carpet and floor coverings, for the Div. of Facilities and Fleet Management.

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 permanent sanitary sewer and temporary construction easement from Robert E. Johnson, for the property located at 2926 Liberty Rd., for the Cadentown/Versailles Rd. Sanitary Sewer Project, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying permanent sanitary sewer and temporary construction easement from James Reynolds and Sandy Reynolds, for the property located at 2830 Liberty Rd., for the Cadentown/Versailles Rd. Sanitary Sewer Project, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Sharyn Clements and Joe Clements, for the property located at 244 Radcliffe Rd., for the Radcliffe Rd. Stormwater Improvement Project, and authorizing payment in the amount of $600.00, 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 permanent storm sewer and drainage and temporary construction easements from Susan Fister, for the property located at 3184 Trinity Rd., for the 3184 Trinity Rd. Storm Sewer Rehabilitation Project, and authorizing payment in the amount of $1,475.00, plus usual and appropriate closing costs.

A Resolution amending Section 1 of Resolution No. 526-2008 to change the reference in Section (j) of a.k.a. 200 Old Todds Rd. to a.k.a. 200 Todds Rd. and to add Section (L), changing the street name and property address number of 3051 Todds Rd. to 3019 Old Todds Rd., and amending Section 3(b) to add 3103 and 4102 Todds Rd. and to remove 3051 Todds Rd. from the locations whose addresses are being changed to Old Todds Rd., effective retroactive to September 11, 2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 1 to the Contract with HDR/Quest Engineering, Inc., for design of Citation Blvd. Phase II, increasing the contract price by the sum of $149,282.00 from $768,025.00 to $917,307.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3 to the Contract with HDR/Quest Engineering, Inc., for design of Liberty/Todds Rd. Improvement Project Section 1, increasing the contract price by the sum of $59,036.00 from $946,670.00 to $1,005,706.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with the Fayette County Board of Education for rental of Millcreek Elementary Gymnasium, at a cost not to exceed $4,608.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with the Fayette County Board of Education for rental of Winburn Middle School gym and library, at a cost not to exceed $19,912.50.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with the Fayette County

Board of Education for rental of Yates Elementary Gymnasium, at a cost not to exceed $5,184.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Partners for Youth Foundation, Inc., for continuation of the Truancy Assessment Center, at a cost not to exceed $67,219.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Central Ky. Area Drug Task Force, for performance of services under the 2007 Project Safe Neighborhood Program, at a cost not to exceed $4,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. State Police, for services under the Anti-Gang Initiative Program, at a cost not to exceed $80,000.00.

A Resolution ratifying the probationary civil service appointments of: Charles Schaub, Planner Sr., Grade 117E, $2,390.08 bi-weekly, in the Div. of Planning, effective October 27, 2008, Jeffrey Lewis, License Inspector, Grade 110N, $15.317 hourly, in the Div. of Revenue, effective November 10, 2008; ratifying the probationary community correction appointments of: Brandi Moffett, Robert Rose, Sylvia Logan, Lee Johnson Jr., Crystale Bailey, Glen Magness, Jill Dionisio, Community Corrections Officer, Grade 110N, $13.930 hourly, in the Div. of Community Corrections, effective November 24, 2008; approving the unclassified civil service appointments of: Melinda Weathers, Victim's Advocate, Grade 112E, $1,200.00 bi-weekly, in the Div. of Police, effective November 11, 2008, Andrea Tapia, Social Services Coordinator, Grade 114E, $1,790.40 bi-weekly, in the Div. of Adult Services, effective November 3, 2008, Barbara Norris, Social Worker Sr., Grade 113E, $1,981.20 bi-weekly, in the Friends of the Court, effective September 29, 2008.

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The following communications were received from the Mayor for information only: (1) Resignation of Trent Groce, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 29, 2008; (2) Resignation of Alfred Harris, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 30, 2008; (3) Resignation of Aimee Bunton, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 30, 2008; (4) Resignation of Jessica Bradley, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 25, 2008; (5) Resignation of Carol Seward, Telecommunicator Sr., Grade 113N, in the Div. of Emergency Management/911, effective October 14, 2008; (6) Reinstatement of Michael Roland, Equipment Operator Sr., Grade 109N, $15.229 hourly, in the Div. of Waste Management, effective November 11, 2008; and (7) Transfer of Nelson Wright, Equipment Operator Sr., Grade 109N, in the Div. of Water Quality, effective November 24, 2008.

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The Mayor invited the Council to a reception with newly elected Council Members on Friday, November 7, 2008, at 9:00 a.m.

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Mr. Bernard McCarthy, Harry Street, spoke about additional ways to generate revenue to improve infrastructure.

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Mr. Louis Cobb, Scottdale Circle, spoke about community issues and the effects of racism.

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Upon motion of Mr. Blues, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 7:59 p.m.

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Clerk of the Urban County Council