Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky December 4, 2008

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on December 4, 2008 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Gray, Henson, James, Lane, McChord, Myers, Stevens, Stinnett, Beard, Blevins, Blues, Crosbie, DeCamp, Ellinger, and Gorton.

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

Ordinances No. 253-2008 thru 257-2008 inclusive and Resolutions No. 663-2008 thru 685-2008 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky December 4, 2008

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

* * *

Upon motion of Mr. Blues, seconded by Mr. Beard, and approved by unanimous vote, the Council went into closed session at 7:05 p.m., per KRS 61.810(1)(b) for the purpose of discussing the possible acquisition of real property. A closed session was necessary because publicity at that stage would be likely to affect the value of the property in question.

* * *

Upon motion of Mr. McChord, seconded by Mr. Blevins, and approved by unanimous vote, Council returned from closed session at 7:30 p.m. with the same members present.

* * *

Upon motion of Ms. Gorton, seconded by Mr. Blues, and passed by unanimous vote, the Council Meeting Minutes for May 22, 2008 were approved.

* * *

An Ordinance of the Lexington-Fayette Urban County Government making certain findings concerning and establishing a Development Area for economic development purposes within the Downtown of the Lexington-Fayette Urban County to be known as the Phoenix Park/Courthouse Development Area; approving a Local Participation Agreement with 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, financing costs and signature project 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 was given second reading.

Upon motion of Mr. Stinnett, seconded by Mr. McChord, the ordinance was approved by the following vote:

Aye: Henson, Lane, McChord, Myers, Stevens,
Stinnett, Beard, Crosbie, DeCamp, Ellinger, --10

Nay: Gray, James, Blevins, Blues, Gorton--------------5

* * *

An Ordinance of the Lexington-Fayette Urban County Government making certain findings concerning and establishing a Development Area for economic development purposes within the Downtown of the Lexington-Fayette Urban County to be known as the Lexington Distillery District Development Area; approving a Local Participation Agreement with 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, financing costs and signature project 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 was given second reading.

Upon motion of Mr. Stinnett, seconded by Mr. McChord, the ordinance was approved by the following vote:

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

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

* * *

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

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

Nay: ---0

An Ordinance changing the zone from a High Density Apartment (R-4) zone to a Wholesale and Warehouse Business (B-4) zone, for 6.73 net (9.59 gross) acres, for property located at 201 Price Road, subject to certain use restrictions imposed as conditions of granting the zone change. (Lexington Lofts, LLC)

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 $250,000.00 Federal Funds, are for the purchase of a Total Containment Vessel for the transport of live hazardous devices, for the Div. of Police, the acceptance of which does not obligate the Lexington-Fayette Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 83, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which grant funds are in the amount of $435,000.00 Federal Funds, are for IED Training for FBI Certified Bomb Squads in Lexington, Louisville, Owensboro, Paducah, and the Ky. State Police, the acceptance of which does not obligate the Lexington-Fayette Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 84, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which grant funds are in the amount of $600,000.00 Federal Funds, are for the purchase of a Heavy Hazardous Materials Command and Response Vehicle, for the Div. of Fire and Emergency Services, the acceptance of which does not obligate the Lexington-Fayette Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 81, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept an Innovations in American Government Award from the Ash Institute for Democratic Governance and Innovation at Harvard

University in the amount of $5,000.00 for the Div. of Police's Advanced Language Program and appropriating funds pursuant to Schedule No. 80.

An Ordinance authorizing and directing the Mayor, on behalf on the Urban County Government, to accept a Grant from the Kentucky Office of Homeland Security, which Grant funds are in the amount of $123,000.00 Federal funds, are for the purchase of personal protective equipment, a digital imaging x-ray system, and upgrades to the Robot for the Hazardous Devices Unit, the acceptance of which does not obligate the Lexington-Fayette Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 82, 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. 78.

An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of its $13,565,000 General Obligation Public Projects Bonds, Series 2008A (which amount may be increased or decreased by an amount of up to ten percent (10%)) and $25,320,000 General Obligation Various Purpose Bonds, Series 2008B (which amount may be increased or decreased by an amount of up to ten percent (10%)); approving a form of Bond, authorizing designated officers to execute and deliver the Bonds; authorizing and directing the filing of notice with the state local debt officer; providing for the payment and security of the Bonds; creating a Bond Payment Fund; creating a Sinking Fund; authorizing acceptance of the bid of the Bond Purchaser of the Bonds; and repealing inconsistent ordinances.

* * *

The following ordinances were given first reading and ordered placed on file until December 9, 2008 for public inspection.

An Ordinance closing a one-lane connector street right-of-way between Richmond Road and South Eagle Creek Drive; determining that all property owners abutting the portion of the street to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing and directing the Mayor, on behalf of the Urban County

Government, to execute a quitclaim deed transferring the former right-of-way to the abutting owner, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way.

An Ordinance 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, 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 $18,934.00 Federal funds, are for the purchase of equipment for the Sexual Assault Nurse Examiner (SANE) Program, the acceptance of which obligates the Urban County Government for the expenditure of $6,500 as a local match, appropriating funds pursuant to Schedule No. 86, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance pursuant to Section 2-1(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government, adopting a schedule of meetings for the Council for the calendar year 2009.

An Ordinance expanding and extending the Full Urban Services District for the Urban County Government for the provision of street lighting, street cleaning and garbage and refuse collection, to include the area defined as certain properties on the following streets: Johnson Property, Unit 1-I, Burgess Ave., Millbank Rd., McCullough Dr.; Johnson Property, Unit 1-H, Millbank Rd., McCullough Dr.; Ramsey-Sullivan Property, Unit 2-A, Sullivans Trace, Cherry Blossom Way; Blackford Property, Phase 3, Unit 1-D, Blackford Pkwy.; Masterson Hills, Unit 1-A, Our Tibbs Trail; Chesapeake Equine, Greendale Rd.; Writt Station Subdivision, Laclede Ave.; Mullikin Property (Shady Hills), Treeline Way; Clark Property, Unit 1-L, Ice House Way; Sharkey Property, Unit 3, Section 1, Towne Center Dr., Towne Square Park; Gess Property, Unit 5-C, Section 1, Honeycomb Trail; Gess Property, Unit 4-H, Section 1, Jouett Creek Dr.; Battery St.; Blackford Property, Phase 3, Unit 1-C, Blackford Pkwy., Dyer Cove, Flint Cove; Clark Property, Unit 1-H, Icehouse Way, Clark Property, Unit 1-I, Orchard Grass Rd.; Clark Property, Unit 1-J, Toll Gate Rd., Orchard Grass Rd.;

Ramsey/Sullivan Property, Unit 3, Lot 3, Section 2, Kitten Joy Circle, Meadow Sweet Ln., Kearney Ridge Blvd.; Tuscany, Unit 4-B, Summerfield, Sandhurst Cove; Johnson Property, Unit 1-M, Millbank Rd., Elverton Rd.; Johnson Property, Unit 1-N, Section 1, Elverton Ct., Elverton Rd.; Myers Property, Unit 1-C, Fieldrush Rd., Myers Property, Unit 1-B, Fieldrush Rd., Calendula Rd., Crocus Ct.; Myers Property, Unit 1-A, Calendula Rd., Fieldrush Rd., Serviceberry Dr.; Clark Property, Unit 1-F, Polo Club Blvd., Pokeberry Park, Owls Head Ln.; Fortune Business Center, Unit 1, Lot 11, Beasley St.; Clark Property, Unit 1-G, Polo Club Blvd., Ice House Way; Johnson Property, Unit 1-L, Section 1, Millbank Rd.

An Ordinance expanding and extending Partial Urban Services District #3 for the Urban County Government for the provision of garbage and refuse collection, to include the area defined as certain properties on the following streets: Sharkey Property, Unit 2-C, Section 1, Townley Park; Lexingtonian Estates, Section 2, Winners Circle; Sharkey Property, Unit 2-C, Section 2, Towne Square Park; Lochmere Estates (Maple Ridge), Unit 1-A, Lochmere Loop, Lochmere Pl.; Higbee Mill Reserve, Reserve Rd.; Lexingtonian Estates, Section 1, Versailles Rd., Winners Circle; Richmond Woods, Todds Rd.; Newtown Springs Unit 1, Lot 9, Russell Springs Dr., Newtown Springs Dr.; Hamburg Place Farm, B-6P Area, War Admiral Way.

An Ordinance amending Section 6-64 of the Code of Ordinances to increase the amount of payment for funeral expenses on behalf of members of the City Employees Pension Fund to $7,500 effective July 1, 2008 and appropriating funds pursuant to Schedule No. 87.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a HOME Agreement with First Presbyterian Church Apartments, LLLP, for use of Home Investment Partnership Program funds for rental housing for low-income households, at a cost not to exceed $250,000.00, and appropriating funds pursuant to Schedule No. 88.

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. 85.

An Ordinance amending Section 9 of Ordinance No. 330-2001, as amended by Ordinances No. 286-2003, 272-2004, 143-2006 and 243-2007, extending the payments and benefits provided to activated employees who are members of the U.S. Armed Forces Reserve or National Guard until they are released from active duty, or until January 1, 2013, whichever shall first occur.

An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Administrative Officer Sr., Grade 120E and creating one (1) position of Budget Officer Sr., Grade 120E, in the Div. of Budgeting.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing three (3) positions of Engineering Technician, Grade 111N, and creating three (3) positions of Environmental Inspector, Grade 113N, reclassifying the incumbents, in the Div. of Water Quality and appropriating funds pursuant to Schedule No. 89.

An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Pretreatment Manager, Grade 117E, and creating one (1) position of Water Quality Manager, Grade 118E, reclassifying the incumbent, in the Div. of Water Quality and appropriating funds pursuant to Schedule No. 90.

An Ordinance amending Section 21-37.1 providing that employees may use accumulated compensatory time in any increment; deleting 21.37-1(2) providing that the Director shall make reasonable rules and regulations regarding the implementation of this section; amending Section 21-38 providing that the two (2) swing holidays shall accrue on January 1st of each year; and providing that holiday leave time may be used in any increment.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $2,100.00 for the Div. of Parks and Recreation from Neighborhood

Development Funds for Dunbar Center Treadmill Replacement, and appropriating and re-appropriating funds, Schedule No. 91.

*　　　　　　　　　　*　　　　　　　　　　*

A Resolution of the Lexington-Fayette Urban County Government approving the execution and delivery by the County of Jessamine, Ky. of its County of Jessamine, Ky. 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 activities, 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 given second reading with a public hearing being held.

The Mayor opened the public hearing and explained the procedures.

There being no citizens to speak, the Mayor closed the public hearing.

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

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

Nay: ---0

*　　　　　　　　　　*　　　　　　　　　　*

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

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

Nay: ---0

A Resolution accepting the bid of Bulk Plants, Inc., establishing a price contract for transmission fluid-synthetic, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Safety-Kleen Systems, establishing a price contract for used oil recycling, for the Div. of Environmental Policy.

A Resolution accepting the bids of Halls Signs, Inc., Saf-Ti-Co, Inc., and Allied Municipal Supply, establishing price contracts for sign mounting hardware, channel post and related hardware, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Countryside Motors, in the amount of $109,796.00, for a dump truck (equipped with snow removal equipment), for the Div. of Facilities and Fleet Management.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Siemens Building Technologies, Inc., for fire alarm testing and inspection, for the Div. of Community Corrections, at a cost not to exceed $23,371.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2, to the Contract with Arnold, Dugan & Meyers, for the West Hickman Wastewater Treatment Plant Screw Pump Replacement – Phase 2, increasing the contract price by the sum of $25,930.00 from $1,262,117.00 to $1,288,047.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Wireline Crossing Agreement with R.J. Corman Railroad/Central Ky. Lines, for installation and maintenance of electrical service equipment, at a cost not to exceed $300.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Board of Education of Fayette County, Ky., for implementation of an Anti-Gang Juvenile Program at Martin Luther King Jr. Academy for Excellence, at a cost not to exceed $17,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the commission on Fire Protection, Personnel, Standards, and Education and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $5,309.00 Commonwealth of

Ky. funds, and are for the purchase of health and wellness equipment for the Div. of Fire and Emergency Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Univ. of Ky. Research Foundation and the Board of Education of Fayette County, Ky., for the provision of services under the 21st Century Community Learning Center Program, at a cost not to exceed $11,400.00 for the Board of Education of Fayette County, Ky., and $3,000.00 for the Univ. of Ky. Research Foundation.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with Vision Internet Providers, Inc., for the Lexington-Fayette Urban County Government website redesign, at a cost not to exceed $6,695.00

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a First Amendment to Grant Agreement with the Cabinet for Economic Development, State Property and Buildings Commission and Belcan Engineering Group, Inc., extending the evaluation period for the job requirements set forth in the original agreement for an additional year.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Lexington Center Corporation, for the 2008 Ky. Christmas Chorus, at a cost not to exceed $25,750.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with Lexington Center Corporation, for the 2009 Martin Luther King Jr. Holiday Memorial Program, at a cost not to exceed $9,980.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with the Lexington Center Corporation, for use of the Opera House, at a cost not to exceed $9,100.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Friends of McConnell Springs, for an A/V Sharp 65” LCD TV, for use at McConnell Springs Education Room, 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 Site Specific Agreement with White/Reach Brannon Rd., LLC to provide sanitary sewer service to the Jacqueline Sue Bryan Connell Property development in Jessamine County, at no cost to the Urban County Government.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Menifee Avenue and Owsley Avenue.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Richmond Avenue and Cramer Avenue.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government to execute a Standard Engagement Agreement, with Gordon Gildersleeve, for design and creation of a park bench sculpture under the Arts Build Communities Project, at a cost not to exceed $7,500.00.

A Resolution ratifying the probationary civil service appointments of: Rosemary Wilkins, Accountant, Grade 113E, $1,807.69 bi-weekly, in the Div. of Revenue, effective November 24, 2008, Merri Reis, Telecommunicator, Grade 111N, $14.435 hourly, in the Div. of Emergency Management/911, effective November 24, 2008, Brent Claiborne, Recreation Specialist Sr., Grade 113E, $1,556.08 bi-weekly, in the Div. of Parks and Recreation, effective November 24, 2008, Patricia Loney, Staff Assistant Sr., Grade 108N, $16.315 hourly, in the Div. of Revenue, effective November 24, 2008; approving leave of absence for: Richelle Clayborne, Administrative Specialist, Grade 110N, requests a 35 day council approved leave without pay from October 22, 2008 through November 25, 2008; approving the Unclassified Civil Service Appointment of: Sharon Moore, Social Worker Sr., Grade 113E, $1,980.20 bi-weekly, in the Div. of Family Services, effective November 24, 2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with CDP Engineers, Inc. for design of the West Hickman Trail, increasing the contract price by the sum of $12,950.00 from $125,300.00 to $138,250.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amended Deed of Easement for a sanitary sewer with Jessamine-South Elkhorn Water District, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Office of Homeland Security and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $16,400.00 Commonwealth of Ky. Funds, and are for the purchase of 16 TASERS, for the Div. of Police.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Maintenance Agreement with Motorola, Inc., for maintenance on the Live Scan Portable Station, at a cost not to exceed $2,217.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept Thomson West as the vendor for various legal publications and on-line research, for the Dept. of Law, at a cost not to exceed $50,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with the Lexington Center Corporation, for the 2009 Minority Business Expo and Conference, 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 Site Specific Agreement with the Jessamine South Elkhorn Water District and Collins Ford of Lexington, LLC, to provide sanitary sewer service to the Collins Ford of Lexington Development in Jessamine County, at not 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 Dogwood Trace Neighborhood Association, Inc. ($750.00) 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 an Agreement with the Young Men's Christian Association of Central Kentucky, Inc., for implementation and operation of four Family Nights at Tates Creek Elementary School as part of the 21st Century Community Learning Center Program, 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 and submit a Grant Application to the U.S. Dept. of Health and Human Services and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $50,000.00 Federal funds, and are for continuation of the Parent Resource Center for a Bright Future, a Healthy Tomorrows Project, at the Family Care Center.

A Resolution amending Resolution No. 510-2008, deleting Section 2 and restricting automobile traffic on Cheapside Street indefinitely.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the FY09 Purchase of Service Agreement with Commerce Lexington, Inc., for the facilitation of economic development activities and initiatives, at a cost not to exceed $513,000.00.

A Resolution initiating a Zoning Ordinance text amendment for Planning Commission considering and recommendation to amend the definitions of dwelling unit and extended-stay hotel in Article 1-11 of the Zoning Ordinance to limit short term rental of dwelling units being used for and zoned for residential purposes.

* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with Winburn Neighborhood Association, Inc. to reflect a change in the use of $5,000.00 of capital project funds to include neighborhood sign replacement, at no additional cost to the Urban County Government was on the docket for first reading.

Upon motion of Mr. Blues, seconded by Ms. Gorton, and approved by unanimous vote, the resolution was amended to reduce the amount of capital project funds awarded to the Winburn Neighborhood Association from $5,000 for sidewalk replacement to $2,200 for neighborhood sign replacement.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an amendment to the Agreement with Winburn Neighborhood Association, Inc. to reduce the reward of $5,000.00 of Capital Project Funds for sidewalk replacement to $2,200.00 of capital project funds for neighborhood sign replacement, at no additional cost to the Urban County Government was given first reading as amended.

Upon motion of Mr. Stinnett, and seconded by Mr. Beard, the rules were suspended by unanimous vote.

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

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

Nay: --0

* * *

Upon motion of Mr. Stinnett, seconded by Mr. McChord, and approved by unanimous vote, a Resolution of the Lexington Fayette Urban County Government accepting the successful proposal for the purchase of $13,520,000 General Obligation Public Projects Bonds (Series 2008A) was placed on the docket and given first reading.

Upon motion of Mr. Stinnett, and seconded by Mr. Beard, the rules were suspended by unanimous vote.

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

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

Nay: --0

* * *

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

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

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

Nay: ---0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Joyland Neighborhood Association, Inc. ($500.00), Andover Forest Homeowners Association, Inc. ($500.00), Bluegrass Community Action Partnership, Inc. ($1,000.00), Bryan Station Volleyball Booster Club, Inc. ($600.00), The Black Church Coalition of the Bluegrass, Inc. ($1,950.00), Lexington Opera Society, Inc. ($1,975.00), Bryan Station High School PTSA, Inc. ($825.00), Fayette County 4-H Council ($800.00), and YMCA of Central Ky. ($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 Change Order No. 1, to the Contract with Central Rock Mineral Company, LLC (ATS Construction), for the Loudon Avenue Improvements Project, increasing the contract price by the sum of $14,556.00 from $4,589,461.13 to $4,604,017.13.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Holiday Hills Valley Heights Neighborhood Association ($500.00), Henry Clay Memorial Foundation ($1,000.00), Bluegrass Trust for Historic Preservation, Inc. ($1,000.00), Actor's Guild of Lexington, Inc. ($500.00), Friends of Wolf Run, Inc. ($3,000.00), and Military Missions, Inc. ($950.00) 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 Lexington-Fayette Urban County Government and the Lexington-Fayette Urban

County Government Public Facilities Corporation, to execute a Deed and any other necessary documents, to transfer property located at 120 Sycamore Road, Lexington, Ky. to the Henry Clay Memorial Foundation.

*   *   *

A Resolution inviting the Ky. Auditor of Public Accounts to perform an appropriate audit and examination of the oversight management, and administration of Lexington's Blue Grass Airport, so as to confirm the public trust and integrity in the Airport, its Board, and its governance and accountability systems was given first reading.

Upon motion of Mr. Stinnett, and seconded by Mr. Beard, the rules were suspended by majority vote (Lane, McChord, Stevens, DeCamp and Gorton voted **no**.)

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

Aye: Gray, Henson, James, Lane, Myers,
Stinnett, Beard, Blevins, Blues, Crosbie,
Ellinger, Gorton--12

Nay: McChord, Stevens, DeCamp------------------------3

*   *   *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Contract with The Allen Company, Inc., for the Appomattox Rd. Culvert Replacement Project, increasing the contract price by the sum of $31,716.82 from $282,080.90 to $313,797.72 was on the docket for first reading.

Mr. Ken Cooke, Cardinal Ln., and member of the Friends of Wolf Run, stated his concerns with the Appomattox Rd. Culvert Replacement Project.

Upon motion of Ms. Henson, and seconded by Ms. Gorton, the resolution was tabled by unanimous vote.

*   *   *

Upon motion of Ms. James, seconded by Mr. DeCamp, and approved by unanimous vote, a Resolution amending Resolution No. 502-95 to include 253 Market St. in the Market St. and Mechanic St. Residential Parking Permit Program was placed on the docket, given first reading and ordered placed on file until December 9, 2008 for public inspection.

*   *   *

Upon motion of Dr. Stevens, 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 and submit a Grant Application to the Ky. Board of Emergency Medical Review and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $10,000.00 Commonwealth of Ky. funds, and are for the purchase of a Gilderscope Ranger Intubation Device, for the Div. of Fire and Emergency Services was placed on the docket, given first reading and ordered placed on file until December 9, 2008 for public inspection.

*   *   *

The following resolutions were given first reading and ordered placed on file until December 9, 2008 for public inspection.

A Resolution accepting the bid of Eubank & Steele Construction Company in the amount of $16,800.00, for the Bell House egress door improvements, for the Div. of Parks and Recreation, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Eubank & Steele Construction Company, for performance of such services.

A Resolution accepting the bid of Pierce Manufacturing, Inc. in the amount of $597,417.00, for hazardous materials apparatus, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Pierce Manufacturing, Inc. in the amount of $587,738.00, for a heavy duty rescue vehicle, for the Div. of Fire and Emergency Services.

A Resolution accepting the bids of Hydraulic Specialists, Inc., Superior Hose & Fittings, and Custom Cylinders International, Inc., establishing price contracts for hydraulic cylinder repair, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of SimplexGrinnell LP, in the amount of $164,150.00, for the Bell House Fire Suppression Sprinkler, for the Div. of Parks and Recreation, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with SimplexGrinnell LP, related to the bid.

A Resolution accepting the bid of Osburn Associates, Inc., establishing a price contract for completed signs, faces & blanks, for the Div. of Traffic Engineering.

A Resolution accepting the bids of Scheller's Fitness and Cycling, in the amount of $32,856.72, and Fitness Systems, Inc., in the amount of $2,151.38, for the purchase of fitness equipment for the Williams Wells Brown Community Center, for the Div. of Parks and Recreation.

A Resolution authorizing and directing that Engineering, Planning and Environmental Evaluations be prepared for the Tates Creek Sidewalk Project.

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 use of the Bryan Station High School Gym, at a cost not to exceed $1,136.50.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Utilities Co., for relocation of utilities for the Liberty/Todds Road Cadentown Bypass Project, at a cost not to exceed $27,348.27.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. American Water Company, for relocation of utilities for the Liberty/Todds Road Cadentown Bypass Project, at a cost not to exceed $462,540.00.

A Resolution ratifying the probationary civil service appointments of: Sarah Hendrix, Director of Family Services, Grade 120E, $2,887.04 bi-weekly, in the Div. of Family Services, effective November 24, 2008, Vera Stuart, Administrative Specialist, Grade 110N, $19.784 hourly, in the Div. of Accounting, effective November 24, 2008, Kenneth Benson, Equipment Operator Sr., Grade 109N, $13.833 hourly, in the Div. of Waste Management, effective December 22, 2008; approving the unclassified civil service appointment of: Sarah Hanna, Family Support Worker Sr., Grade 112N, $23.032 hourly, in the Div. of Family Services, effective December 8, 2008.

A Resolution changing the street name and property address number of 275 Mahmoud Lane to 3750 Paris Pike, effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with C & C Fire Sprinkler, for the Kenwick Community Center Contract, increasing the contract price by the sum of $8,219.63 from $87,700.00 to $95,919.63.

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 Grover Prewitt, for the property located at 648 Wellington Way, for the 3184 Trinity Rd. Storm Sewer Rehabilitation Project, and authorizing payment in the amount of $200.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the 2009 General Term Orders for the Fayette County Clerk and the Fayette County Sheriff, establishing the number of deputies and assistants allowed to each and the compensation allowed to each deputy and assistant, subject to the limits for each category as specified in the General Term Orders and subject to the fees collected by the officers respectively in their seventy-five percent (75%) accounts pursuant to KRS 64.350(1).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with CR Cable Construction, Inc., for fiber cable size upgrade – West Hickman Fiber Project, increasing the contract price by the sum of $2,865.00 from $58,000.00 to $60,865.00.

* * *

The following communications were received from the Mayor for information only: (1) Resignation of Michael Curren, Firefighter, Grade 311N, in the Div. of Fire and Emergency Services, effective November 19, 2008; (2) Resignation of John Taylor, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective October 30, 2008; (3) Resignation of Carol Seward, Telecommunicator Sr., Grade 113N, in the Div. of Emergency Management/911, effective October 14, 2008; (4) Resignation of Vernon Clark, Program Administrator, Grade 117E, in the Div. of Youth Services, effective November 19,2008; and (5) Resignation of Henry Cottle, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective November 20, 2008.

* * *

Ms. Gorton recognized Mrs. Sally Stevens, wife of Dr. Stevens, and thanked her for her dedication and patience over Dr. Stevens' years of service on the Council.

* * *

Ms. James passed out copies of an Ordinance which would amend the Committee structure of the Council, and asked that Council Members look over the ordinance in preparation for discussion.

* * *

Mr. Kevin Williams, Pasadena Dr., thanked the Mayor and the Council for standing by the firefighters.

* * *

Mr. Bernard McCarthy, Harry Street, spoke in opposition to closing public roads and in opposition to the Tax Increment Financing bonds.

* * *

Mr. Lewis Cobb, Scottsdale Circle, spoke about the economic impact of small business on the downtown community.

* * *

Upon motion of Ms. Crosbie, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 8:39 p.m.

____

Clerk of the Urban County Council