Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky January 22, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on January 22, 2009 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, Lawless, Martin, McChord, Myers, Stinnett, Beard and Blues. Absent were Council Members Crosbie and Feigel.

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

Ordinances No. 1-2009 thru 3-2009 inclusive and Resolutions No. 1-2009 thru 4-2009 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky January 22, 2009

The Invocation was given by Pastor Chris Jackson of St. John's Lutheran Church.

* * *

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and passed by majority vote (Ms. James was absent when the vote was taken.), the Minutes of the July 8, 2008, August 14, 19, 21, 2008, and September 9, 11, 2008 Council Meetings were approved.

* * *

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Administrative Specialist Sr., Grade 112N, in the Div. of Accounting and creating one (1) position of Administrative Specialist Sr., Grade 112N, in the Div. of Human Resources and abolishing one (1) position of Risk Management Accountant, Grade 114E, in the Div. of Risk Management and creating one (1) position of Risk Management Accountant, Grade 114E, in the Div. of Accounting, transferring the incumbents, and appropriating funds pursuant to Schedule No. 96 was on the docket for second reading.

Mr. McChord made a motion, seconded by Mr. Blues, and approved by majority vote (Ms. James was absent and Mr. Martin abstained when the vote was taken.), to amend the Ordinance to correct the chapters being amended and that this was not a material change and did not require a new first reading.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Risk Management Accountant, Grade 114E, in the Div. of Risk Management and creating one (1) position of Risk Management Accountant, Grade 114E, in the Div. of Accounting and amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Administrative Specialist Sr., Grade 112N, in the Div. of Accounting and creating one (1) position of Administrative Specialist Sr., Grade 112N, in the Div. of Human Resources, transferring the incumbents, and appropriating funds pursuant to Schedule No. 96 was given second reading as amended.

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

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

Nay: --0
(Ms. James was absent and Mr. Martin abstained when the vote was taken.)

* * *

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. 100 was on the docket for second reading.

Mr. Blues made a motion, seconded by Ms. Gorton, and approved by majority vote (Ms. James was absent and Mr. Martin abstained when the vote was taken.), to amend the ordinance to reflect a correction in accounting related to the Lily Program and to substitute a corrected schedule of amendments; that the division number on the original schedule was incorrect and needed to be changed and that this was not a material change and did not require a new first reading.

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. 100 was given second reading as amended.

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

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

Nay: --0
(Ms. James was absent and Mr. Martin abstained when the vote was taken.)

* * *

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

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

Nay: ---0
(Ms. James was absent and Mr. Martin abstained when the vote was taken.)

An Ordinance pursuant to Section 3.02(10) of the Charter of the Lexington-Fayette Urban County Government amending Section 21-5(2) of the Code of Ordinances abolishing six (6) positions of Community Corrections Major, Grade 117E, and creating six (6) positions of Community Corrections Captain, Grade 115E; accepting the voluntary demotions of the six (6) employees holding the position of Community Corrections Major to Community Corrections Captain; creating Section 21-53 of the Code of Ordinances granting the Director of Community Corrections the authority to make special duty assignments; providing that employees appointed to special duty assignments serve at the pleasure of the Director of Community Corrections and providing that those employees appointed to a special duty assignment shall receive a leave of absence from their permanent rank for and during the incumbency of any special duty assignment; expressing an intent to create the special duty assignment of Bureau Manager; and providing that employees appointed to the special duty assignment of Bureau Manager shall receive a stipend of $350.00 per pay period; effective upon date of passage.

An Ordinance amending Section 21-5(2) of the Code of Ordinances correcting the subsection line number for the Director of Facilities and Fleet Management.

An Ordinance amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Environmental Program Manager (Energy), Grade 117E, in the Div. of Environmental Policy.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of $500.00 from the American Water Company for the purchase of a treadmill for the Dunbar Community Center, and appropriating funds pursuant to Schedule No. 95.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Infrastructure Authority, which Grant funds are in the amount of $3,100,000 Commonwealth of Ky. Funds, are for construction of the Expansion Area 2A Class A Pump Station and Trunk Sewer, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 97, 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 Housing and Urban Development, which Grant funds are in the amount of $1,430,000 Federal funds, are for continuation of the Housing Opportunities for Persons with AIDS Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 99, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf to the Urban County Government, to accept a Grant from the Ky. Infrastructure Authority, which Grant funds are in the amount of $600,000 Commonwealth of Ky. Funds, are for the provision of sanitary sewer service to underserved households in the Leesway Neighborhood, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 98, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

*   *   *

An Ordinance amending Articles 28-4(h)(5); 28-5(h)(5); 17-3(c); and 17-5 of the Zoning Ordinance to allow additional signage in the Mixed-Use Community (MU-3) Zone was on the docket for first reading.

Mr. Blues made a motion, seconded by Mr. Ellinger, and approved by majority vote (Ms. James was absent and Mr. Martin abstained when the vote was taken.), to amend the ordinance to add the applicant’s proposed language that would allow banner poles in parking lots in other zones that were shown on approved final development plans for MU-3 projects.

An Ordinance amending Articles 28-4(h)(5); 28-5(h)(5); 17-3(c); and 17-5 of the Zoning Ordinance to allow additional signage in the Mixed-Use Community (MU-3) Zone as amended was given first reading as amended and ordered placed on file three weeks for public inspection.

* * *

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

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements in the Div. of Planning for funds in the amount of $250 from Neighborhood Development Funds for the Safe Routes to School Training, and appropriating and reappropriating funds, Schedule No. 103.

An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Administrative Specialist Principal, Grade 114E, one (1) position of Revenue Processing Supervisor, Grade 116E, one (1) position of Revenue Compliance Auditor Supervisor, Grade 116E, one (1) position of Staff Assistant Sr., Grade 108N, and one (1) position of Collections Administrator, Grade 115E, and creating five (5) positions of Revenue Supervisor, Grade 116E, and one (1) position of Administrative Specialist, Grade 110N, in the Div. of Revenue, reclassifying the incumbents, and appropriating funds pursuant to Budget Schedule No. 102, retroactive to June 23, 2008.

An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Information Systems Specialist Sr., Grade 114E, in the Div. of Waste Management, and creating one (1) position of Computer Analyst, Grade 115E, in the Div. of Computer Services, and appropriating funds pursuant to Budget Schedule No. 105.

An Ordinance amending Section 23-5(b) of the Code of Ordinances abolishing one (1) position of Police Captain, and creating one (1) position of Police Lieutenant, in the Div. of Police.

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 $10,000.00 Federal funds, are for participation in assessments of critical infrastructure in Fayette County, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 104, 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 Fraternal Order of Firefighters of Lexington Fire Dept., Inc., for construction of a monument, at a cost not to exceed $10,000.00, and appropriating funds pursuant to Schedule No. 75.

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. 101.

*　　　　　*　　　　　*

Upon motion of Mr. Beard, seconded by Mr. McChord, and approved by unanimous vote, an Ordinance accepting the bid of BCD, Inc., in the amount of $1,723,013.00, for construction and related services for the Raven Run Visitor and Tourist Center, 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 BCD, Inc., related to the bid and appropriating funds pursuant to Schedule No. 106 was placed on the docket, given first reading, and ordered placed on file three weeks for public inspection.

*　　　　　*　　　　　*

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

Aye: Ellinger, Gorton, Gray, Henson, James,
Lane, Lawless, McChord, Myers, Stinnett,
Beard, Blues---------------------------------------12

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

A Resolution accepting the bids of Ferguson Enterprises and H.D. Supply Water Works, establishing price contracts for sanitary sewer repair materials, for the Div. of Water Quality.

A Resolution accepting the bid of Hydro Controls, Inc., establishing a price contract for electric actuators, for the Div. of Water Quality.

A Resolution accepting the bid of Straeffer Pump & Supply, Inc., establishing a price contract for luminescent dissolved oxygen sensors and controllers, for the Div. of Water Quality.

A Resolution accepting the bid of Compass Group USA, Inc. D/B/A Canteen, establishing a price contract for vending services, for the Div. of Community Corrections.

A Resolution accepting the bids of Brenntag Mid-South, Inc., Delta Chemical Corporation, and Kemira Water Solutions, Inc., establishing price contracts for phosphorus reduction chemicals, for the Div. of Water Quality.

A Resolution accepting the bid of Enforcement Technology Group, Inc., in the amount of $25,052.99, for the Crisis Communications System for the Div. of Police.

A Resolution accepting the bid of Rehrig Pacific Company, establishing a price contract for yard waste containers, for the Div. of Waste Management.

A Resolution accepting the bid of American Fire & Security, LLC, establishing a price contract for sprinkler inspections, for the Div. of Facilities and Fleet Management.

A Resolution ratifying the probationary civil service appointments of: Joseph Lyon, Landfill Inspector, Grade 108N, $11.590 hourly, in the Div. of Waste Management, effective January 5, 2009, Mattie Morton, Program Administrator, Grade 117E, $2,417.28 bi-weekly, in the Div. of Youth Services, effective January 5, 2009, Elizabeth McGee, Budget Officer Sr., Grade 120E, $2,454.00 bi-weekly, in the Div. of Budgeting, effective January 5, 2009; ratifying the permanent civil service appointments of: Thomas Hilbrand, Treatment Plant Operator, Grade 113N, in the Div. of Water Quality, effective December 9, 2008, Jennifer Myatt, Program Specialist, Grade 112E, in the Div. of Water Quality, effective December 9, 2008, David Jett, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective November 26, 2008, Timothy Edwards, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective November 26, 2008; ratifying the permanent sworn appointments of: Todd Samuelson, Fire Captain, Grade 316N, in the Div. of Fire & Emergency Services, effective January 7, 2009, Phillip McClain, Fire Lieutenant, Grade 315N, in the Div. of Fire & Emergency Services, effective January 7, 2009; approving the unclassified civil service appointments of: Jessica Clark, Family Support Worker Sr., Grade 112N, $15.718 hourly, in the Div. of Family Services, effective January 5, 2009; approving the unclassified civil service appointment to the Office of the Urban County Council of: Willard Fogle, Aide to Council, Grade 000E, $1,923.08 bi-weekly, in the Office of the Urban County Council, effective January 5, 2009.

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 Winona White, for the property located at 644 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 a Consent Agreement with Fellon-McCord & Associates, Inc., and Fellon-McCord & Associates, LLC, consenting to the assignment by Fellon-McCord & Associates, Inc., of the Agreement for management of natural gas procurement for the Detention Center to Fellon-McCord & Associates, LLC, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security, for extension of the Portable Interoperable Communications Tower Project through June 30, 2009, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security, for extension of the Div. of Police’s Mobile Data Computer Network Project through June 30, 2009, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security, for extension of the Regional 911 System Project through June 30, 2009, at no cost to the Urban County Government.

A Resolution pursuant to Section 21-16(b) of the Code of Ordinances approving an acting assignment pay increase of greater than ten percent (10%) for the Acting Senior Advisor for Policy and Budget due to market demands and in recognition of the experience and exceptional qualifications of the employee.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. State Police and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $40,468.00 Federal funds, and are for an Enforcing Underage Drinking Laws Project.

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 Homeland Security and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $14,000.00 Federal funds, and are for a Juvenile Firesetter Program ($5,000.00) and the purchase of controllable propane fueled fire extinguisher training equipment and videos ($9,000.00).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Environmental Assessment License with the Marathon Petroleum Company, LLC, for performing activities related to an assessment of potential contamination at 1631 Old Frankfort Pike (Landfill), at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the U.S. Marshals Service, for the District Fugitive Task Force and authorizing the Mayor to execute all future Agreements with the U.S. Marshals Service that have the same terms, 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 U.S. Bancorp, for lease of a copier, at a cost not to exceed $4,257.60.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Ky.'s Div. of Emergency Management of child decontamination kits, voice amplification units, headsets, cables and pelican cases, for use at the Div. of Emergency Management, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with GEI Calgraph, for service of a GEI Calgraph machine, at a cost not to exceed $1,720.00 with future years' payments subject to appropriations by Council.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Addendum to the Master Agreement with Computer Sciences Corporation and/or any of its affiliates ("CSC"), for Third Party Program license protection for Third Party software programs installed during the RiskMaster software upgrade, 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 Amendment with Joyland Neighborhood Association, for extension of the Contract for Neighborhood Action Match Program funds through June 30, 2009, 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. Transportation Cabinet and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $132,000 Federal funds, and are for an update of the Freight Study, for the Div. of Planning.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Dept. of Military Affairs/ Ky. Emergency Management Agency, which Grant funds are in the amount of

$1,004,692.50 Federal funds, are for a flood mitigation project, including the purchase of nine properties on Ft. Sumter Dr., Cabot Dr., and Shandon Dr., the acceptance of which obligates the Urban County Government for the expenditure of $334,897.50 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

* * *

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

The Mayor opened the public meeting.

Mr. Bernard McCarthy, Harry Street, asked questions about the exact location of the Coolavin Rail Trail.

The Mayor asked Mr. Keith Lovan, Div. of Engineering, to speak about the specifics of the Trail.

Mr. Lovan spoke about the location of the Trail, and showed its location on a map.

There being no further speakers, the Mayor closed the public meeting.

Upon motion of Ms. Gorton, and seconded by Mr. Myers, the rules were suspended by majority vote (Mr. Martin abstained when the vote was taken.).

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

Aye: Ellinger, Gorton, Gray, Henson, James,
Lane, Lawless, McChord, Myers, Stinnett,
Beard, Blues--12

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

* * *

The following resolutions were given first reading. Upon motion of Ms. Gorton, and seconded by Mr. Myers, the rules were suspended by majority vote (Mr. Martin abstained was when the vote taken.).

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

Aye: Ellinger, Gorton, Gray, Henson, James,
Lane, Lawless, McChord, Myers, Stinnett,
Beard, Blues---12

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

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Ky. Utilities Company, for the Downtown Lexington Streetscape Project, at a cost not to exceed $97,636.01.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the University of Ky. College of Social Work, for a student intern in the Third District Council Office, 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 nine (9) 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 $6,442,000 Federal funds under the 2010 Congestion Mitigation Air Quality (CMAQ) Program, and are for the Fiber Optic Cable Installation Project ($320,000), the Lexington Area Air Quality Outreach Project ($80,000), the Loudon Avenue Sidewalk Project ($240,000), the Georgian Way Pedestrian Bridge ($600,000), the Legacy Trail Phase 2 ($2,400,000), the Legacy Trail Phase 3 ($1,936,000), the Southland Dr. Bike/Pedestrian Improvements Project ($240,000), the Town Branch Trail Crossing Project ($420,000), and the Yellow Bike Program ($206,000).

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 Clays Mill Rd. Improvements Project, at a cost not to exceed $485,913.00.

A Resolution authorizing and directing the Dept. of Law, on behalf of the Urban County Government, to execute letters engaging the law firms of Frost

Brown Todd, LLC and Henry Watz Gardner and Sellars, PLLC to represent the interests of the Urban County Government and multiple governmental defendants in a lawsuit in Fayette Circuit Court.

A Resolution accepting the bid of TW Telecom of Kentucky, LLC, in accordance with the provisions of Ordinance No. 240-2008, creating and offering for sale a Franchise for the operation of a non-exclusive telecommunications system in Fayette County through December 8, 2011, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with TW Telecom of Kentucky, LLC, incorporating the terms and conditions of Ordinance No. 240-2008.

A Resolution accepting the bid of Level 3 Communications, LLC, in accordance with the provisions of Ordinance No. 240-2008, creating and offering for sale a Franchise for the operation of a non-exclusive telecommunications system in Fayette County through December 8, 2011, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with Level 3 Communications, LLC, incorporating the terms and conditions of Ordinance No. 240-2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Sales Order/Service Order and Work Order with IKON Office Solutions, Inc., for service and parts related to a copier upgrade for the Council Clerk's Office, at a cost not to exceed $2,780.00.

* * *

Upon motion of Ms. Lawless, seconded by Mr. Ellinger, and approved by majority vote (Mr. Martin abstained when the vote was taken.), a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a three (3) year Agreement with AIDS Volunteers, Inc., for continuation of the Housing Opportunities for Persons with AIDS (HOPWA) Project, at a cost not to exceed $1,391,000.00 was placed on the docket and given first reading.

Upon motion of Ms. Gorton, and seconded by Mr. Myers, the rules were suspended by majority vote (Mr. Martin abstained when the vote was taken.).

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

Aye: Ellinger, Gorton, Gray, Henson, James,
Lane, Lawless, McChord, Myers, Stinnett,
Beard, Blues---12

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

* * *

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

A Resolution accepting the bid of J. Edinger & Son, Inc., establishing a price contract for a Tailgate Spreader (Parker Compatible), for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of R & S Commercial & Cleaning Service, establishing a price contract for custodial services in the General Services Building, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Lexington Manufacturing Center D/B/A Opportunity Workshop of Lexington, Inc., establishing a price contract for custodial services for the Coroner’s Office and Fire Arson Unit, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Mary’s Cleaning Service, establishing a price contract for custodial services for the Downtown Arts Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of R & L Cleaning Service, establishing a price contract for custodial services for the Senior Citizen’s Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of J. Edinger & Son, Inc., establishing a price contract for Dump Bodies, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Mary’s Cleaning Service, establishing a price contract for custodial services for the Recycling Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Woodall Construction Company, Inc., in the amount of $564,965.00, for the Meadows-Northland-Arlington Neighborhood Improvement Project - Phase 3C, for the Div. of Engineering, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Woodall Construction Company, Inc., related to the bid.

A Resolution accepting the bid of Mary's Cleaning Service, establishing a price contract for custodial services for the Fire Dept. 911 Call Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Mary's Cleaning Service, establishing a price contract for custodial services for the County Extension Office, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Riley Oil Company, establishing a price contract for Diesel Fuel - Large Vehicles, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Riley Oil Company, establishing a price contract for Bulk Fuel, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Mary's Cleaning Service, establishing a price contract for custodial services for the Police Roll Call Central (Goodwin Dr.), 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 Engineering Services Agreement with GRW Engineers, Inc., for Investigation and Design for Expansion Area 2A Pumping Station and Force Main, at a cost not to exceed $380,000.00.

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 Lonald and Sue Allen, for the property located at 641 Wellington Way, for the 3184 Trinity Road Storm Sewer Rehabilitation Project, and authorizing payment in the amount of $100.00, plus usual and appropriate closing costs.

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 James Lane Allen Elementary School Gym, at no cost to the Government.

A Resolution changing the street name and property address number of 1969 Edgeworth Dr. to 1949 Laclede Ct.; changing the property address numbers of 2321 Fortune Dr. to 2331 Fortune Dr., of 3975 Leestown Rd. to 3899 Leestown Rd., of 173-175 Montmullin St. to 175 Montmullin St., and of 2426 Palumbo Dr. to 2428 Palumbo Dr.; and changing the street name of 1600, 1601, 1610, 1611, 1620, 1621, 1629, 1630, 1631, 1633, 1635, 1636, 1637, 1639, 1640, and 1650 Ashwood Dr. to 1600, 1601, 1610, 1611, 1620, 1621, 1629, 1630, 1631, 1633, 1635, 1636, 1637, 1639, 1640, and 1650 Ashwood Rd., and of 851 Todds Rd. to 851 Old Todds Rd.; all effective thirty days from passage.

A Resolution ratifying the Dept. of Law's execution, on behalf of the Urban County Government, of a Settlement Agreement, Stipulation, and Recommendation, and any other necessary settlement documents in Ky. Public Service Commission Case No. 2008-00251, pertaining to the rates of Ky. Utilities Company.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Central Kentucky Radio Eye, Inc. ($1,000.00), Fayette County 4-H Council, Inc. ($675.00), The Nest-Center For Women, Children and Families, Inc. ($725.00), Bluegrass Community Foundation, Inc. ($500.00), and Community Action Council for Lexington-Fayette, Bourbon, Harrison, and Nicholas Counties, Inc. ($400.00), at a cost not to exceed the sums stated.

A Resolution ratifying the Probationary Civil Service Appointments of: Jennifer Cottle, Administrative Specialist Principal, Grade 114E, $1,759.44 bi-weekly, in the Div. of Emergency Management/911, effective January 19, 2009, Kelvin Jackson, Operations Manager, Grade 116E, $2,147.20 bi-weekly, in the Div. of Waste Management, effective January 19, 2009, Robert Hayslett, Maintenance Mechanic, Grade 113N, $24.765 hourly, in the Div. of Water Quality, effective January 19, 2009; ratifying the Permanent Civil Service Appointments of: Stevan Farmer, Engineering Technician Sr., Grade 113E, in the Div. of Water Quality, effective December 23, 2008, Larry Leach, Environmental Inspector, Grade 113N, in the Div. of Water Quality, effective December 23, 2008, Charles Stine, Environmental Inspector, Grade 113N, in the Div. of Water Quality, effective January 7, 2009; ratifying the Probationary Sworn Appointments of: Phillip Buettner, Tom Risen, Kenneth Ridge, William Saunooke, Michael Graves, Fire Major, Grade 318E, $3,381.38 bi-weekly, in the Div. of Fire and Emergency Services, effective January 5, 2009; approving the voluntary demotion of: Franklin Bright, Public Service Worker, Grade 106N, $12.157 hourly, in the Div. of Streets, Roads and Forestry, effective January 19, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute three (3) Claims Payment Agreements with Humana Insurance Co. for employee health insurance plans Platinum PPO, Gold PPO and Silver HDHP, for the period of January 1, 2009 through December 31, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Justice, National Institute of Justice, and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $230,000.00 Federal funds, under the Solving Cold Cases with DNA Program, and are for the review and investigation of violent crime cold cases.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. for Local Government and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $2,000,000.00 Federal funds under the Neighborhood Stabilization Program, and are for the acquisition, disposal and maintenance of distressed homes and demolition of blighted structures.

A Resolution amending Section 2 of Resolution No. 737-2008, relating to relocation of utilities for the Liberty/Todds Rd. project, to provide for payment to Ky. Utilities Company.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with Fayette County Board of Education, for use of the Bryan Station High School Gym, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Utilities Company, for relocation of utilities for the Clays Mill Rd. Improvements Project, at a cost not to exceed $126,085.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Construction Operators' Cooperative Agreement for Stormwater Pollution Prevention with Ky. American Water, for installation of a water connection for the sprinkler system in the Police Technical Services Building, at a cost not to exceed $14,500.00.

* * *

Upon motion of Ms. Henson, seconded by Ms. Gorton, and approved by majority vote (Mr. Martin abstained when the vote was taken.), a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (Final) to the Contract with The Allen Company, Inc., for the Appomatox Road Culvert Replacement Project, increasing the Contract Price by the sum of $31,716.82 from $282,080.90 to $313,797.72 was removed from the table, given first reading, and ordered placed on file three weeks for public inspection.

* * *

Upon motion of Mr. Blues, seconded by Mr. Myers, and approved by majority vote (Mr. Martin abstained when the vote was taken.), a Resolution accepting the bid of Siemens Water Technologies Corporation, in the amount of $44,502.00, for servicing of Emergency Vapor Systems at Town Branch and West Hickman Waste Water Treatment Plants, for the Div. of Water Quality was placed on the docket, given first reading, and ordered placed on file three weeks for public inspection.

* * *

Upon motion of Mr. Beard, seconded by Ms. Gorton, and passed by majority vote (Mr. Martin abstained when the vote was taken.), the communications from the Mayor were approved and are as follows: (1) Recommending the reappointment of Mr. J. Michael Haskins to the Black & Williams Community Center Board, with a term to expire 1-1-2012. Mr. Haskins will fill a vacancy on the board as an area resident, (2) Recommending the reappointment of Ms. Evelyn Kircher to the Commission for Citizens with Disabilities, with a term to expire 1-1-2013, and (3) Recommending the appointment of Ms. Jennifer F. Burke to the Internal Audit Board, with a term to expire 12-1-2012.

*   *   *

The communications from the Mayor for information only were received and are as follows: (1) Resignation of Monica Martin, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective January 12, 2009, (2) Resignation of Benjamin Limp, Police Officer, Grade 311N, in the Div. of Police, effective January 7, 2009, and (3) Termination of Probationary Appointment of Kimberly Campbell, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 9, 2008.

*   *   *

The reports from: (1) Div. of Building Inspection for the 4th Quarter (October-December) of 2008, and (2) Div. of Building Inspection for the year 2008 were received and ordered filed.

*   *   *

Vice-Mayor Gray announced the members of the new Government Center Task Force. Mayor Newberry, Congressman Ben Chandler, and all Council Members will serve as Ex-Officio Members. Mr. Gray, Mr. McChord, Ms. Lawless, Mr. Kris Kimel, Mr. Steve Austin, Mr. Ed Holmes, Mr. Phil Holoubek, Mr. Knox van Nagell, Mr. Bill Johnston, Mr. Dan Rowland, and Mr. Don Blevins will serve as Core Committee Members. Mr. David Mohney, Mr. Michael Speaks, Ms. Kimra Cole, Mr. Joe Kelly, Mr. Jim Clark, Ms. Renee Jackson, and Mr. David Lord will serve as Professional Advisory Members.

*   *   *

Mr. McChord announced that meetings would be taking place with visitors from the government of Columbus, Ohio, at 2:30 p.m. and 5:00 p.m. on Thursday, January 29, 2009, and 8:00 a.m., Friday, January 30, 2009.

*   *   *

Mr. Bernard McCarthy, Harry Street, spoke about funding for the proposed Government Center. He also spoke in favor of the various Legacy Trail projects.

*   *   *

Upon motion of Mr. Stinnett, seconded by Mr. Gray, and approved by unanimous vote (Mr. Martin abstained when the vote was taken.), the Council adjourned at 8:03 p.m.

____

Clerk of the Urban County Council