Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky     March 12, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on March 12, 2009 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Henson, James, Lane, Lawless, Martin, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, and Gray. Absent was Council Member McChord.

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

Ordinances No. 22-2009 thru 31-2009 inclusive and Resolutions No. 111-2009 thru 150-2009 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Rev. Kyle Brown, Associate Pastor of Maxwell Street Presbyterian Church.

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The Mayor recognized Mr. Gary Lamb, Leader of Cub Scout Pack 93 Weeblos 1 Den. Mr. Lamb announced that twelve scouts had earned citizenship pins. He introduced Rick Bollock, Garrett Amato, William Bollock, Luke Cowan, Jim Dare, Miles Hammel, Garrett Kirby, Wesley Lamb, Connor O'Brien, and Trey Tucker. Lane Sadler, Cole Skinner, and Peter Whitman received awards but were not present.

The Mayor congratulated the Scouts on their hard work.

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Council Member Gorton welcomed Dr. Pat Whitlow and her class, visiting from the University of Kentucky.

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Ms. Cheryl Taylor. Commissioner of the Div. of Environmental Quality, made a presentation of awards and certificates for the Cash for Cans Program, which was in its third year. The award winners participated in the U.S. Conference of Mayors Recycling Contest October 1-31, 2008, during which time they collected and recycled aluminum cans. Awards were given to the community with the most innovative ideas. Lexington competed in a category with other cities, population in the 250,000 range, and had won the award two of the last three years. Ms. Taylor stated that the Urban County Government received help from community partners, such as Bluegrass PRIDE, and that 133,000 pounds of cans were collected.

Nineteen public & private schools participated, and 117,000 cans were recycled. Award winners were presented with plaques made of recycled materials. The following schools were recognized: Athens-Chilesboro Elementary, Tates Creek Middle, Henry Clay High, Maxwell Elementary, Northern Elementary, Dixie Elementary, Leestown Middle, James Lane Allen Elementary, Lexington Christian Academy, Providence Montessori, Tates Creek

High, Lexington Universal Academy, Christ the King, Cassidy Elementary, Lafayette High, Montessori Middle, Ashland Elementary, Lexington Day Treatment, and Sayre.

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The following ordinances were given second reading. Upon motion of Ms. Gorton, seconded by Ms. Henson, the ordinances were approved by the following vote:

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

Nay: ----------------------------------------------------0

An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Administrative Specialist, Grade 110N, in the Div. of Accounting and creating one (1) position of Administrative Specialist, Grade 110N, in the Div. of Human Resources; transferring the incumbent; appropriating funds pursuant to Budget Schedule No. 115.

An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of Taxable General Obligation Pension Funding Bonds, Series 2009B in the aggregate principal amount of $70,000,000 (which amount may be increased or decreased by an amount of up to ten percent (10%)) for the purpose of financing the costs of funding unfunded liabilities of the Lexington-Fayette Urban County Government; approving the form of the Series 2009B Bonds; authorizing designated officers to execute and deliver the Series 2009B Bonds; authorizing and directing the filing of notice with the state local debt officer; providing for the payment and security of the Series 2009B Bonds; creating Bond Payment Funds; maintaining the heretofore established Sinking Fund; authorizing acceptance of the Bid of the Bond Purchaser for the purchase of the Series 2009B Bonds; and repealing inconsistent ordinances.

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. 116.

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

An Ordinance changing the zone from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone for 2.82 net (3.70 gross) acres, for property located at 3695 Nicholasville Rd., subject to certain use restrictions imposed as conditions of granting the zone change (Caller Properties, LLC).

An Ordinance relating to stormwater discharges creating Section 16-1(f) of the Code of Ordinances defining terms and creating Article X of Chapter 16 of the Code of Ordinances to ensure compliance with the Urban County Government's MS4 Permit and reduce impacts to public health, welfare, and the environment due to stormwater runoff; Incorporating the Stormwater Manual by reference; expressing intent to ensure adequate maintenance of stormwater control devices on private property; providing that in residential areas where a public easement for a stormwater control device exists the private property owner is responsible for non-structural maintenance of any stormwater control device; providing that in residential areas where a public easement for a stormwater control device exists the Urban County Government is responsible for all structural repairs necessary to maintain the stormwater detention function of the stormwater control device but the Government shall not undertake any action to maintain the stormwater control device as a retention facility that permanently contains water; providing that in a residential area where no public easement exists, the property owner is responsible for all non-structural maintenance and structural maintenance of the stormwater control device; providing that no trees, structures, equipment, unsafe conditions, or conditions that adversely affect control of water quantity or water quality shall be permitted in stormwater control devices in residential areas; providing that all maintenance and repair of stormwater control devices in commercial and industrial areas is the responsibility of the owner or manager of the property; providing for notice of any maintenance or repair problems; providing that where a stormwater control device is located fully or partially underground, the owner or manager shall cause an annual inspection to be performed and reported to the Div. of Water Quality;

and providing that no trees, structures, equipment, unsafe conditions, conditions that adversely affect control of water quantity or water quality shall be permitted in stormwater control devices in commercial and industrial areas.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Environmental Protection Agency, which Grant funds are in the amount of $20,000.00 Federal funds, are for health education and outreach to the underserved Medicaid pediatric population in Fayette, Bourbon, Clark, Jessamine and Madison Counties regarding exposure to lead-based paint poisoning, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 118, 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. 117.

An Ordinance amending Section 22-53.1 of the Code of Ordinances deleting the requirement that the Div. of Police conduct at least two (2) police academy classes per year; providing that upon request, the Urban County Council may extend a police eligibility list from twelve (12) months to twenty-four (24) months; and deleting the requirement for quarterly oral and written examinations.

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A Declaration of Official Intent with respect to reimbursement of temporary advances made for capital expenditures to be made from subsequent borrowings was on the docket for second reading.

The following citizens spoke in favor of the resolution: 1) Mr. Joe Graves, FIncastle Road; 2) Ms. Freda Meriwether, Lyric Theatre Task Force Member; 3) Mr. Jim Clark, CEO of LexArts, Inc., N. Mill St.; 4) Mr. George Brown, Jr., E. Fourth St.; 5) Mr. Chris Ford, Santa Anita Dr.; 6) Mr. David Cozart, Fayette Local Development Corp. & Urban League of Lexington-Fayette County; 7) Mr. Abdul Muhammad, Higgins Ct.; 8) Mr. D. Mitchell, National Diversity Solutions; and 9) Mr. Louis Cobb.

The Council asked questions of Ms. Susan Hill, Tate Hill Jacobs, architect of the Lyric Theatre Renovation project, and of Ms. Shaye Rabold, Chief of Staff to the Mayor.

Council Member Beard asked questions of Council Member James regarding parking and other aspects of the project. The Council continued to ask questions of Ms. Hill and Ms. Rabold.

The Mayor gave a response to some of the questions asked by Council regarding budget concerns on the project.

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

Aye: Henson, James, Lawless, Martin, Myers,
Stinnett, Beard, Blues, Ellinger, Gorton,
Gray-----------------------------------------------11

Nay: Lane, Crosbie, Feigel----------------------------3

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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 Unitarian Universalist Church of Lexington, for the property located at 3564 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $8,850.00, plus usual and appropriate closing costs was given second reading.

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

Aye: Henson, James, Lane, Lawless, Martin,
Myers, Stinnett, Beard, Blues, Crosbie,
Ellinger, Feigel-----------------------------------12

Nay: Gorton, Gray--------------------------------------2

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A Resolution accepting the bid of Jarboe Construction, Inc., in the amount of $124,990.00, for the Passenger Elevator at the Carver Community 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 Jarboe Construction, Inc., related to the bid was given second reading.

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

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

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

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A Resolution recognizing the disproportionate confinement of juvenile members of minority groups and stating the Urban County Council's support of efforts to reduce disproportionate minority confinement, the collection and aggregation of data by law enforcement agencies, and the continued funding of delinquency and crime prevention programs and alternatives to secure detention was on the docket for second reading.

Ms. James made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to amend the resolution to substitute the term 'most likely' for 'significantly' in the second recital on page two of the resolution and amending Section 3 to provide that the Council shall advocate for law enforcement agencies to provide data to and work with the Administrative Office of the Courts to aggregate data related to the arrest and release of juveniles and that this was not a material change and did not require a new first reading.

The Council asked questions of Ms. James.

A Resolution recognizing the disproportionate confinement of juvenile members of minority groups and stating the Urban County Council's support of efforts to reduce disproportionate minority confinement, the collection and aggregation of data by law enforcement agencies, and the Administrative Office of the Courts, and the continued funding of delinquency and crime prevention programs and alternatives to secure detention was given second reading as amended.

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

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

Nay: -----------------------------------------------------0

* * *

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

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

Nay: -----------------------------------------------------0

A Resolution accepting the bids of 2 MC Lawncare, LLC; A Plus Lawn and Landscape, Inc.; B J Mowing; Central Kentucky Turf, Inc.; Cut Above, LLC; G & G Lawn Care, LLC; Gainesway Services; Gault's Lawn Care; Happy's General Contracting & Maintenance; Hunter's Lawn Service; J & S Turf Mowing; K and M Mowing, LLC; Landscape Supply and Design; Lexington Turf Maintenance, LLC; McGee Springs, Inc.; Robertson Mowing Service, LLC; Wright's Farm Services, Inc.; Wright's Home Improvement & Mowing, LLC; and ZKB Construction, Services, & Maintenance, establishing price contracts for Mowing - City Areas, Medians, Nuisance and Downtown Parks, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Madrax D/B/A Trilary, Inc., establishing a price contract for Trail Bollards, for the Div. of Parks and Recreation.

A Resolution accepting the bids of Insight Pipe Contracting, Inc.; Insituform Technologies, Inc.; Leak Eliminators, LLC; Pipe Eyes, LLC; Reynolds Inliner, Inc.; Sanitary Management & Engineering Company, Inc.; Tobacco Rose Farm Construction & Development Services; Triton Services, Inc.; Underground Technologies, Inc.; and Woodall Construction, establishing price contracts for sanitary sewer system rehabilitation, for the Div. of Water Quality.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Bluegrass Irish Society, Inc.

($400.00), and Oscar’s Gala, Inc. ($700.00), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution approving, pursuant to KRS 62.055 and Section 22-55.1 of the Code of Ordinances, the Bond with Surety of Donald W. Blevins, Jr., Fayette County Clerk, in the amount of $400,000.00, and directing the Dept. of Law to record the Bond, with Surety, along with a certified copy of this Resolution, in the Office of the Fayette County Clerk.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Gershman, Brickner & Bratton, Inc., for Master Plan Recycling Program, increasing the contract price by the sum of $17,965.00 from $253,601.00 to $271,566.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Contract with Bluegrass PRIDE, for environmental public education, increasing the contract price by the sum of $80,000.00 from $257,475.00 to $337,475.00.

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 Stonewall Wesleyan Methodist Church, for the property located at 3353 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,300.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Joseph and Margaret Fox, for the property located at 3432 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,000.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Gretchel and Jane Hignite, for the property located at 3433 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,375.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Helen Latham, for the property located at 3436 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $675.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Donna Rousey, for the property located at 3444 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $975.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from David Noyes, for the property located at 3445 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $350.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Joseph Moore, for the property located at 3448 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $725.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Sterling and Rebecca Welch, for the property located at 3449 Clays Mill Rd., for the Clays Mill Rd.

Improvement Project, and authorizing payment in the amount of $1,650.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Maryann Terry, for the property located at 3452 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $850.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Cameron and Mary Peck, for the property located at 3453 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,500.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Claudia Johnson and Janet Carter, for the property located at 3456 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $825.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Jack C. Rookard, Jr., for the property located at 3457 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $2,250.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Roger F. Owens, for the property located at 3460 Clays Mill Rd., for the Clays Mill Rd. Improvement

Project, and authorizing payment in the amount of $675.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Roy Prater, for the property located at 3464 Clays Mill Rd., for the Clays Mill Rd. 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 a temporary construction easement from John J. Riley, for the property located at 3465 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,550.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Dianne and John Gerstel, for the property located at 3468 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $650.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Zach and Linda Carter, for the property located at 3469 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $3,125.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Damien and Cathleen Moore, for the property located at 3470 Clays Mill Rd., for the Clays Mill Rd.

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 a temporary construction easement from Evelyn Napier, for the property located at 3473 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,575.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Criss R. and Rebecca A. Chancellor, for the property located at 3506 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,050.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Maurice and Deborah Reed, for the property located at 3510 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $3,975.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Rose Grider, for the property located at 3514 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,400.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from David and Sandra Evans, for the property located at 3561 Clays Mill Rd., for the Clays Mill Rd. Improvement

Project, and authorizing payment in the amount of $575.00, plus usual and appropriate closing costs.

A Resolution ratifying the probationary civil service appointments of: Diana Caldwell, Social Worker Sr., Grade 113E, $1,282.24 bi-weekly, in the Dept. of Social Services, effective November 24, 2008, Angela Williams, Social Worker Sr., Grade 113E, $1,580.96 bi-weekly, in the Div. of Youth Services, effective March 2, 2009, Christopher Cooperrider, Deputy Director of Parks & Recreation, Grade 120E, $3,299.44 bi-weekly, in the Div. of Parks and Recreation, effective March 2, 2009, Letitia Chancellor, Telecommunicator Sr., Grade 113N, $16.961 hourly, in the Div. of Emergency Management/911, effective March 16, 2009, Thomas Webb, Program Manager Sr., Grade 120E, $2,919.93 bi-weekly, in the Div. of Environmental Policy, effective March 2, 2009, Monica Taylor, Telecommunicator Sr., Grade 113N, $17.036 hourly, in the Div. of Emergency Management/911, effective March 16, 2009, Sondra Stone, Buyer, Grade 112E, $1,595.12 bi-weekly, in the Div. of Purchasing, effective March 2, 2009, Jenny Cord, Telecommunicator Sr., Grade 113N, $19.098 hourly, in the Div. of Emergency Management/911, effective March 2, 2009; ratifying the permanent civil service appointments of: Thad Scott, Engineering Technician, Grade 111N, in the Div. of Water Quality, effective February 18, 2009, Byron Mitchell, Engineering Technician, Grade 111N, in the Div. of Water Quality, effective February 4, 2009, Amanda Williamson, Customer Service Specialist, Grade 110N, in the Div. of Government Communications, effective February 19, 2009; ratifying the permanent sworn appointments of: Reid Bowles, James Boyd, William Deeb, David Fetko, Aaron Greenleaf, Anthony Guidugli, Joseph Holland, Brian McAllister, Jervis Middleton, Joshua Mitchell, Adam Ray, Justin Rowland, Derek Smith, Gary Thurman, Jason Wallace, Police Officer, Grade 311N, in the Div. of Police, effective January 9, 2009; ratifying the probationary Community Corrections Officer appointments of: Mackenzie Moses, Christopher Layne, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective February 18, 2009; ratifying the permanent Community Corrections Officer appointments of: Stanley Anderson, David Brian, Christopher

Canter, Stephanie Doss, Paul Gaines, John Gerardi, James Harmon, Adam Hires, Michele Hunt, Daniel Keeling, Kevin Lawson, Bane McCracken, Daniel Pedigo, Ann Schultz, Richelle Walker, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 1, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Oracle License and Service Agreement and any other related documents with Oracle and/or Metaformers, Inc., for acquisition of PeopleSoft Enterprise Real Estate Management and Enterprise Transaction Billing Processor licenses, updates, and support, at a cost not to exceed $43,422.86.

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 Meyer Midwest, Inc., for the Elizabeth St. Drainage Improvements Project, increasing the contract price by the sum of $10,609.24 from $296,835.50 to $307,444.74.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with the Lexington Legends Professional Baseball Club, for public education about stormwater and household waste management required by the Stormwater Quality Management Program, at a cost not to exceed $37,500.00.

A Resolution authorizing the Div. of Human Resources to internally advertise for an Administrative Specialist Principal position in the Div. of Police.

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 sidewalk easement and a temporary construction easement from Geoffrey and Ingrid Grimes, for the property located at 325 Roosevelt Blvd., for the Georgetown St. Sidewalk Project, and authorizing payment in the amount of $150.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Brian A. and Kelly R. Miller, for the property located at 3440 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $725.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Robert and Rita Schara, for the property located at 664 Cromwell Way, for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $4,575.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Charles Watson and Catherine Prather, for the property located at 665 Cromwell Way, for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $2,025.00, plus usual and appropriate closing costs.

A Resolution amending Section E of the Engineering Services Contract with Kinzelman, Klein and Gossman, LLC, for the Downtown Streetscape Masterplan to include two (2) additional traffic engineering services, increasing the contract price by the sum of $88,000.00.

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Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by unanimous vote, a Resolution amending Resolution No. 149-2009 to increase the amount of the bid and the amount to be paid to Swartz Mowing, Inc., pursuant to the bid and the Agreement by $1,350.00, for a total not to exceed amount of $29,600.00; effective retroactive to February 26, 2009 was placed on the docket and given first reading.

Upon motion of Mr. Myers, and seconded by Mr. Lane, the rules were suspended by majority vote. (Mr. Stinnett voted **no**.)

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

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

Nay: -----------------------------------------------------0

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The following resolutions were given first reading. Upon motion of Mr. Myers, and seconded by Mr. Lane, the rules were suspended by majority vote. (Mr. Stinnett voted **no**.)

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

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

Nay: -----------------------------------------------------0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit seven (7) 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 $8,866,340.00 Federal funds from the Transportation Enhancement Program, and are for the Loudon Ave. Sidewalk Project ($240,000.00), the Georgian Way Pedestrian Bridge ($505,880.00), Phases 2 and 3 of the Legacy Trail ($5,002,500.00), the Southland Drive Bike/Pedestrian Improvements Project ($240,000.00), the Town Branch Trail Crossing ($408,720.00), the South Limestone Streetscape Improvements Project ($2,000,000.00), and the third phase of the Pope Villa Restoration ($469,240.00).

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 permanent sidewalk easement and a temporary construction easement from Martin Watts, for the property located at 429 Georgetown St., for the Georgetown St. Sidewalk 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 Certificate of Consideration and accept a Deed conveying a permanent sidewalk easement and a temporary construction easement from Martin Watts for the property located at 431 Georgetown St., for the Georgetown St. Sidewalk 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 and submit a Grant Application to the Environmental Protection Agency and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $100,000.00 Federal funds, and are for a Community Action for a Renewed Environment (CARE) Program Project.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Sections 18-78 and 18-113, to mark a center turn lane and erect signs restricting parking on the 1300 Block of Alexandria Dr.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with L. Lianne McBride, as a Sexual Assault Nurse Examiner, to provide on-call forensic examinations under the Sexual Assault Nurse Examiner Program, at a cost not to exceed $40.00 for each scheduled on-call period, $230.00 for each completed forensic examination, $50.00 per case for professional testimony in court, and the reasonable cost of medical liability insurance.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Jessica Collins, as a Sexual Assault Nurse Examiner, to provide on-call forensic examinations under the Sexual Assault Nurse Examiner Program, at a cost not to exceed $40.00 for each scheduled on-call period, $230.00 for each completed forensic examination, $50.00 per case for professional testimony in court, and the reasonable cost of medical liability insurance.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sidewalk easement and a temporary construction easement from Moris Said, for the property located at 457 Georgetown St., for the Georgetown St. Sidewalk 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 Certificate of Consideration and accept a Deed conveying a permanent sidewalk easement and a temporary construction easement from Leon and Bettye Underwood, for the property located at 560 Georgetown St., for the Georgetown St. Sidewalk 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 apply for any available funds arising from the American Recovery and Reinvestment Act and to execute and submit all Grant Applications and any other documentation necessary to obtain these Federal stimulus funds.

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

A Resolution accepting the bids of Quality Cleaning Service, Inc. and Advance Construction of KY, LLC, establishing price contracts for cleaning services for flooding, for the Div. of Water Quality.

A Resolution accepting the bid of J & R Construction Services, Inc., establishing a price contract for roof repairs and maintenance, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Rehrig Pacific Company, establishing a price contract for Universal Refuse/Recycling Carts, for the Div. of Waste Management.

A Resolution accepting the bid of Baesler Farms, establishing a price contract for Land for Lease at Bluegrass Station, 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 Baesler Farms related to the bid.

A Resolution accepting the bid of Fritz Farms, establishing a price contract for Land for Lease at Cardinal Run Park, 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 Fritz Farms related to the bid.

A Resolution accepting the bid of Frantz, Inc., in the amount of $120,290.00, for the HVAC Upgrade to Police Technical Services Unit Building, for the Div. of Police, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Frantz, Inc., related to the bid.

A Resolution accepting the bid of Claunch Construction, LLC, in the amount of $254,357.15, for the Radcliffe Rd. Stormwater Improvements, for the Div. of Water Quality, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Claunch Construction, LLC, related to the bid.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Salvation Army, for use of Grant funds for a program to provide essential services and homelessness prevention services to families and individuals who are homeless or at risk of becoming homeless, at a cost not to exceed $9,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Three to the Contract with CDP Engineers, Inc., for design services for the South Elkhorn Pump Station and Force Main Improvement Project, increasing the contract price by the sum of $47,000.00 from $487,500.00 to $534,500.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with CMH of Kentucky, Inc., D/B/A Luv Homes #853, for temporary housing for the Newtown Pike Extension Project, increasing the contract price by the sum of $11,337.00 from $706,906.76 to $718,243.76.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Blue Grass Council of Boy

Scouts of America, Inc. ($1,275.00), and Citizen's Fire Academy Alumni Association of Lexington, Inc. ($1,125.00), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution ratifying the probationary civil service appointments of: Brian Bottom, Program Manager Sr., Grade 120E, $2,700.00 bi-weekly, in the Div. of Environmental Policy, effective March 2, 2009, Mark York, Program Manager Sr., Grade 120E, $3,100.00 bi-weekly, in the Div. of Environmental Policy, effective March 2, 2009, Kevin Wagner, Engineering Technician Sr., Grade 113E, $1,468.96 bi-weekly, in the Div. of Water Quality, effective March 16, 2009; ratifying the probationary sworn appointments of: Ann Gutierrez, Police Sergeant, Grade 315N, $27.013 hourly, in the Div. of Police, effective March 16, 2009, Christopher Van Brackel, Police Lieutenant, Grade 317E, $2,827.44 bi-weekly, in the Div. of Police, effective March 16, 2009; approving the unclassified civil service appointment of: Krista Greathouse, Administrative Aide to the Mayor, Grade 118E, $2,653.85 bi-weekly, in the Office of the Mayor, effective February 28, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Partner Agreement with the University of Ky. Bluegrass Health Marriage Initiative, for the establishment of a cooperative partnership to increase child well-being and family stability in Central Ky., for the Div. of Family Services, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Ms. Judy Craft of a treadmill, for use at the Div. of Police, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with CDP Engineers, Inc., for Appomattox LOMR Submission and Sherwood Dr. Drainage Improvements, at a cost not to exceed $32,700.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Spectrum Contracting, for the Gainesway Pond and Educational Trail System

Project, increasing the contract price by the sum of $29,151.37 from $828,520.00 to $857,671.37.

A Resolution amending Resolution No. 273-2003, previously amended by Resolution No. 173-2004, Resolution No. 366-2007, and Resolution No. 469-2007 to change the name of the approved company, which was granted an inducement pursuant to the Ky. Jobs Development Act, from Tempur World, LLC, to Tempur-Pedic Management, Inc., and to change the name of the approved affiliate Tempur-Pedic North America, Inc., to Tempur-Pedic North America, LLC, and to recognize Tempur-Pedic Management, Inc., and Tempur-Pedic North America, LLC, as approved companies for the economic development project, effective retroactive to July 1, 2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $75,000.00 Commonwealth of Ky. Funds from the Law Enforcement Service Fee Program, and are for police officer overtime hours for a Traffic Alcohol Patrol Program.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $227,500.00 Federal funds, and are for continuation of the Street Sales Drug Enforcement Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Springdale Baptist Church, Inc., for the property located at 1380 Higbee Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $13,725.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Windstream Ky. East, LLC, for the property located at 1401 Higbee Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $2,375.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a Deed for the property located at 138 Northwood Dr. from Cecil and Linda Cooper, for the Northwood Dr. Stormwater Project, and authorizing payment in the amount of $113,700.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying permanent sanitary sewer and temporary construction easements from BBBBP & S, LLC, for the property located at 172 S. Forbes Rd., for the North Elkhorn Force Main Project, and authorizing payment in the amount of $5,875.00, 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 sanitary sewer and temporary construction easements from Linda Johnson, for the property located at 1214 Liggett St., for the North Elkhorn Force Main Project, and authorizing payment in the amount of $1,375.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Autumn Park Apartments, for the property located at 3361 Holwyn Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $8,425.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Donald and Peggy Adkins, for the property located at 3433 Holwyn Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $550.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Southern Heights Baptist Church, for the property located at 3437 Holwyn Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $900.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Lurid Gulley Living Trust, for the property located at 651 Graviss Ct., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $925.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from William and Betty Hall, for the property located at 3343 Keithshire Way, for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $2,100.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Joyce Adams, for the property located at 3344 Keithshire Way, for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,350.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Dept. of Law, on behalf of the Urban County Government, to execute a letter engaging Terry Sellars to provide legal services in acquiring the Blue Sky Wastewater Treatment Plant and providing sewage treatment to the area currently served by the plant.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Bluegrass Area Chapter of the American Red Cross ($1,150.00), and Lexington Humane Society ($525.00), 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 a Service Agreement with Devomni Corp., for software support for licensed software, at a cost not to exceed $5,900.00.

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Upon motion of Mr. Beard, seconded by Mr. Stinnett, and passed by unanimous vote, the communications from the Mayor were approved and are as follows: 1) Recommending the appointment of Ms. Dorotha Oatts to the Arboretum Advisory Committee, with a term to expire 1/1/2013. Also, recommending the reappointment of Council Member Linda Gorton to the Arboretum Advisory Committee, with a term to expire 1/1/2013; 2) Recommending the reappointment of Council Member Tom Blues to the Greenspace Commission, with a term to expire 7/18/2011; 3) Recommending the reappointment of Mr. Bill Allen to the Industrial Revenue Bond Committee, with a term to expire 3/5/2013; 4) Recommending the appointments of Mr. William M. Ambrose and Mr. D. Kent Lowe to the Library Board of Advisors, with terms to expire 1/9/2013 and 1/1/2013, respectively. Mr. Ambrose and Mr. Lowe will fill the expired terms of Mr. James Wyrick and Mr. Lee Jackson; and 5) Recommending the appointments of Ms. Susan Bush as At-Large Representative and Ms. Terese M. Pierskalla as Sierra Club Representative to the Raven Run Nature Sanctuary Advisory Board, with terms to expire 1/13/2012. Ms. Bush and Ms. Pierskalla will fill the expired terms to Ms. Martha Jenkins and Mr. Jay Taylor.

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The following communications from the Mayor were received for information only: 1) Resignation of Gregory Keith, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective February

26, 2009; 2) Resignation of Lance Ringstaff, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 6, 2009; 3) Resignation of Kimberly Smith, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective February 26, 2009; 4) Resignation of Jessica Story, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 15, 2009; 5) Resignation of Sandy Woods, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 11, 2009; and 6) Temporary civil service appointment of William O'Mara, Commissioner of Finance and Administration, Grade 211E, $4,038.47 bi-weekly, in the Dept. of Finance and Administration, effective March 2, 2009.

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The Mayor announced that the Council retreat would begin at 9:00 a.m., on Friday, March 13, 2009, at the Tates Creek Country Club.

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Upon motion of Mr. Stinnett, seconded by Mr. Blues, and approved by unanimous vote, the meeting adjourned at 9:42 p.m.

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Clerk of the Urban County Council