Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   April 23, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on April 23, 2009 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, Gray, Henson, James, Lane and Lawless.

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

Ordinances No. 41-2009 thru 51-2009 inclusive and Resolutions No. 247-2009 thru 271-2009 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Father Chris Clay, Cathedral of Christ the King.

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Upon motion of Ms. Feigel, seconded by Mr. Lane, and approved by majority vote (Mr. McChord was absent when the vote was taken), a Resolution honoring Virginia Bell was given first reading.

Upon motion of Ms. Feigel, and seconded by Mr. Ellinger, the rules were suspended by unanimous vote.

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

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Feigel, Gorton,
Gray, Henson, James, Lane, Lawless -----15

Nay: ---0

Ms. Feigel invited Ms. Virginia Bell and her husband Mr. Wayne Bell, as well as Mr. Lane, to come forward. She made a presentation to Ms. Bell with a reading of the body of the Resolution and a framed copy of the Resolution. She thanked Ms. Bell for her outstanding contributions in the field of Alzheimer's patient care, and for Ms. Bell's book "A Best Friend's Approach to Alzheimer's Care."

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

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Feigel, Gorton,
Gray, Henson, James, Lane, Lawless -----15

Nay: ---0

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit the 2009 Consolidated Plan/Grant Application to the U.S. Dept. of Housing and Urban Development, to provide any additional information requested in connection with this Grant application, and to accept the Grant if the application is approved, which Grant funds are in the amount of $3,508,440.00 Federal funds, are for FY2010 Community Development Block Grant Program ($2,045,837.00), HOME Program ($1,357,050.00), Emergency Shelter Grant Program ($91,408.00), and the American Dream Down Payment Initiative ($14,145.00), the acceptance of which obligates the Urban County Government for the expenditure of $319,337.00 from various funding sources as local cash match and $67,408.00 in-kind match; appropriating funds pursuant to FY2010 Schedule No. 1; authorizing the Mayor to transfer unencumbered funds within the Grant budget; and authorizing the Mayor to execute Agreements for the approved plan.

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. 128.

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 $337,000.00 Federal funds, are for the purchase of explosive device mitigation and remediation equipment, for the Div. of Police's Bomb Squad, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 129, 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 Amendment to the Agreement with the Ky. Transportation Cabinet, for acceptance of additional Federal funds in the amount of $156,000.00, for the Air Quality Planning Project ($54,000.00) and the Mobility Coordination Project ($102,000.00), the acceptance of which obligates the Urban County Government for the expenditure of $39,000 as a local match, and extending the projects through June 30, 2010, and appropriating funds pursuant to FY2010 Schedule No. 2.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Board of Emergency Medical Services, which Grant funds are in the amount of $10,169.49 Commonwealth of Ky. Funds, are for the purchase of a Gilderscope Ranger Intubation Device, for the Div. of Fire and Emergency Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2010 Schedule No. 3, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

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

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

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Feigel, Gorton,
Gray, Henson, James, Lane, Lawless -----15

Nay: ---0

An Ordinance changing the zone from a Single Family Residential (R-1B) zone to a Neighborhood Business (B-1) zone for 0.31 net (0.46 gross) acre; and from a Single Family Residential (R-1C) zone to a Neighborhood Business (B-1) zone for 1.86 net (2.22 gross) acres, for property located at 3256 and 3300 (a portion of) Lansdowne Drive, subject to certain use restrictions imposed as conditions of granting the zone change (Club Facilities, LLC (AMD)).

An Ordinance of the Lexington-Fayette Urban County Government authorizing the execution of a Memorandum of Understanding with certain agencies of the Commonwealth of Ky.; authorizing the issuance of its $8,000,000 General Obligation Bond Anticipation Notes, Series 2009C (Eastern State Hospital Project) (which amount may be increased or decreased by an amount of up to ten percent (10%)); approving a form of Note; authorizing designated officers to execute and deliver the Notes; authorizing and directing the filing of notice with the State Local Debt Officer; providing for the payment and security of the Notes; creating a Note Payment Fund; creating a Sinking

Fund; authorizing acceptance of the bid of the Purchaser; authorizing a preliminary official statement and final official statement for the Notes; authorizing a Continuing Disclosure Agreement for the Notes; and repealing inconsistent ordinances.

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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 Two-Family Residential (R-2) zone to a Downtown Center Business (B-2B) zone for 0.4789 net (0.5859 gross) acre; and from a High Density Apartment (R-4) zone to a Downtown Center Business (B-2B) zone for 0.9066 net (0.9846 gross) acre, for property located at 200 West High Street (a portion of); 318 South Mill Street; and 323 and 327 South Upper Street, subject to certain use restrictions imposed as conditions of granting the zone change (Trustees of the First United Methodist Church of Lexington, Kentucky).

An Ordinance amending Articles 17, 8, 23a, 27, and 28 of the Zoning Ordinance to expand the allowable signage in and near downtown, in some mixed use zones, and to relocate all sign regulations to Article 17.

An Ordinance amending Articles 1-5 and 4-7(d)(9)(c) of the Land Subdivision Regulations for waivers regarding infill and redevelopment and sidewalks, and to update the Subdivision Plan procedure listing. Approval 9-0

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Education, Div. of School and Community Nutrition, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the Application is approved, which Grant funds are in the amount of $147,210.00 Federal funds, are for the 2009 Summer Food Service Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 130, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from the School for the Creative and

Performing Arts in the amount of $350.00 for the Reforest the Bluegrass Project and appropriating funds pursuant to Schedule No. 131.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Ky.-American Water Co. in the amount of $3,933.25 for the Reforest the Bluegrass Project and appropriating funds pursuant to Schedule No. 132.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $775.00 for the Div. of Historic Preservation from Neighborhood Development Funds for Historic Preservation Week activities, and appropriating and re-appropriating funds, Schedule No. 133.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of $301,664.00 (FHWA Planning), and $40,000.00 (Federal Transit Administration Section 5303) Federal funds, are for the Div. of Planning Unified Work Program - FY 2010, the acceptance of which obligates the Urban County Government for the expenditure of $56,562.00 (FHWA Planning), and $10,000 (Federal Transit Administration) as a local match, subject to sufficient funds being appropriated in FY 2010, appropriating funds pursuant to FY 2010 Schedule No. 4, and authorizing the Mayor to transfer unencumbered funds with in 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. 134.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements in the Council Office for funds in the amount of $2,125.00 from Neighborhood Development Funds for the Senior Intern Program, and appropriating and re-appropriating funds, Schedule No. 135.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of $348,000.00 Federal funds, are for the ITS/CMS (Intelligent Transportation System/Congestion Management System) Traffic Improvements Project, the acceptance of which obligates the Urban County Government for the expenditure of $87,000 as a local match, appropriating funds pursuant to FY 2010, Schedule No. 5, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Sections 21-33 and 21-34 of the Code of Ordinances allowing employees to use their accumulated vacation and sick leave in any increment; amending Sections 21-33 and 21-37.1 of the Code of Ordinances providing that employees may use accumulated compensatory and holiday time with verbal approval; amending Sections 21-33(a), 21-34(a) and 21-38(b)(2) converting leave time accruals from days to hours.

An Ordinance amending Section 22-59 of the Code of Ordinances providing that seasonal employees shall no longer accrue vacation and sick leave or be eligible to purchase health insurance; providing that part time employees shall work twenty-four continuous months in order to accrue vacation and sick leave and shall no longer be required to work eighty-hours for two consecutive pay periods in order to be eligible; providing that part time employees shall work twenty-four continuous months in order to be eligible to purchase health insurance; providing that part time employees shall accrue vacation and sick leave at a rate of five (5) hours a month for each; providing that part time employees may use vacation and sick leave in any increment; providing that supervisors shall no longer be required to keep records relating to leave time accruals and expenditures; providing that part time employees may obtain verbal approval to use vacation time; and deleting Section 22-59(c).

An Ordinance amending Section 21-5(2) of the Code of Ordinances changing the job title of one (1) position of Nutritionist, Grade 113N to one (1) position of Nutrition Coordinator, Grade 113N, in the Div. of Family Services.

An Ordinance creating Article XIV of Chapter 16 of the Code of Ordinances to establish a system of water quality management fees; defining terms relating to the water quality management fees; imposing a water quality management fee on every parcel of land in Fayette County except undeveloped parcels, railroad tracks, state and federal roads, Urban County Government streets and roads, and private streets used exclusively for access to single-family residential properties; providing that "Class A Properties: Single Family and Farm Properties" shall pay $4.32 per month for each parcel and that the charge for "Class B Properties: All Other Parcels" shall be based on the amount of impervious surface, expressed in equivalent residential units (ERUs), determined to be 2,500 square ft. of impervious surface, multiplied by $4.32 per month but in no event shall any parcel pay less than $4.32 per month; providing that water quality management fees shall be adjusted annually each fiscal year beginning July 1, 2011, in accordance with the Consumer Price Index for all urban consumers; providing for monthly billing and providing that the owner, tenant, or person responsible for payment of water service and/or sewer service charges is also responsible for payment of the water quality management fees; providing for allocation of fees among multiple occupants for shopping centers, apartments, condominiums, etc., with the owner remaining fully responsible for payment of all water quality management fees; providing for collection of fees, including establishing a penalty of ten percent (10%) and interest of one percent (1%) per calendar month on bills remaining unpaid for more than thirty (30) days, and authorizing and directing the Dept. of Law to institute legal proceeding for collection of fees; establishing a thirty percent (30%) discount program for qualifying senior citizens and disabled citizens; to establish a Grant program providing for qualifying customers to receive a fifty percent (50%) adjustment to their bill for water quality management fees; providing that all monies collected through water quality management fees shall be separately identified and accounted for and all expenses relating to the Urban County Government's Stormwater Program shall be separately identified and administered; providing an appeal process for persons who consider that fees applied are inaccurate; establishing a Water Quality Fees Board to review denials of requests for adjustment of sanitary sewer user fees and decisions on applications for adjustment to water quality management fees, providing that the Board shall be composed of five (5) citizens appointed by the Mayor and an ex officio member from the Dept. of Law, and providing that no two citizen members may reside in the same Council District; providing that a formal review and audit of the water quality management fees shall be performed on or before November 30, 2014 and every five (5) years thereafter and providing that at least one public hearing shall be held every time the review and audit is performed; establishing a Stormwater Quality Projects Incentive Grant Program to provide cost-sharing assistance for eligible projects that will improve water quality; and repealing Section 16-63(c) relating to the Sanitary Sewer User Fee Appeals Board.

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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. 2008-00427, pertaining to the rates of Ky.-American Water Company was given second reading.

Upon motion of Mr. Myers, seconded by Ms. Henson, the resolution was approved by the following vote:

Aye: Martin, McChord, Myers, Stinnett, Crosbie,
Ellinger, Feigel, Henson, Lane, Lawless--------10

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

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

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Feigel, Gorton,
Gray, Henson, James, Lane, Lawless -----15

Nay: ---0

A Resolution accepting the bid of A & B Industrial Sheet Metal, in the amount of $19,915.00, for Rooftop Make-Up Air Unit Replacement, for the Div. of Water Quality.

A Resolution accepting the bid of Jack Doheny Supplies, Inc., in the amount of $319,400.00, for 15 Cubic Yard Combination Sewer Cleaner, for the Div. of Water Quality.

A Resolution accepting the bid of Jack Doheny Supplies, Inc., in the amount of $224,200.00, for 3 Cubic Yard Combination Sewer Cleaner, for the Div. of Water Quality.

A Resolution accepting the bid of Spectrum Contracting Services, in the amount of $129,444.00, for the Castlewood Park Picnic Shelter and Restroom Building, 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 Spectrum Contracting Services, related to the bid.

A Resolution accepting the bid of Boerger, LLC, in the amount of $34,422.00, for Secondary Digester Transfer Pumps, for the Div. of Water Quality.

A Resolution ratifying the probationary civil service appointments of: Dolores Couch, Eligibility Counselor, Grade 110E, $1,235.52 bi-weekly, in the Div. of Adult Services, effective April 20, 2009, Stacy Jacobs, Computer Analyst, Grade 115E, $1,973.84 bi-weekly, in the Div. of Computer Services, effective April 6, 2009, John Angel, Public Service Supervisor, Grade 111N, $19.104 hourly, in the Div. of Water Quality, effective April 13, 2009, La'Yvonne Sensabaugh, Social Worker Sr., Grade 113E, $1,613.28 bi-weekly, in the Div. of Youth Services, effective April 13, 2009; ratifying the permanent civil service appointment of: Shaun Gatewood, Public Service Worker Sr., Grade 107N, in the Div. of Streets, Roads & Forestry, effective April 6, 2009; ratifying the unclassified civil service appointment of: Gary Gardner, Construction Supervisor, Grade 118E, $2,898.48 bi-weekly, in the Div. of Waste Management, effective March 23, 2009; approving the unclassified civil service appointment to the Office of the Urban County Council: Diana Queen, Aide to Council, Grade 000E, $2,038.47 bi-weekly, in the Office of the Urban County Council, effective April 1, 2009.

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 20 Suction Quickdraw with rechargeable batteries, for use at the

Div. of Fire and Emergency Services 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 Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the South Limestone Multimodal Traffic Study Project through June 30, 2010, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a greenway from Boston Rd. Development, LLC, for property located at 3881 Dylan Pl., 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 Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Traffic Signal Upgrades and Traffic Control Projects through June 30, 2010, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Windstream Ky. East LLC, for the Downtown Lexington Streetscape Project, at a cost not to exceed $41,918.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, for property interests for the Sugar Mill Mitigation Project, at a cost not to exceed $411,520.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Lafayette High School Baseball Boosters, Inc. ($200.00), Black Church Coalition of the Bluegrass, Inc. ($1,450.00), and Iglesia Nueva Vida, Inc. ($500.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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Upon motion of Mr. Martin, seconded by Mr. Lane, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Merchant Services Application and Agreement with National City Merchant Services for credit card processing for purchases through the Internet, with monthly payments to vary based upon actual usage was placed on the docket and given first reading.

Upon motion of Ms. Gorton, and seconded by Mr. Martin, the rules were suspended by unanimous vote.

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

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Feigel, Gorton,
Gray, Henson, James, Lane, Lawless -----15

Nay: ---0

* * *

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

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

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Feigel, Gorton,
Gray, Henson, James, Lane, Lawless -----15

Nay: ---0

A Resolution accepting the bid of Tennis Technology, Inc., in the amount of $18,418.00, for the Woodland Park - Tennis Courts New Color Coat, 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 Tennis Technology, Inc., related to the bid.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a revised Lease Agreement with Fritz Farms Services LLC (Contract No. 6087), to provide for additional acreage at the West Hickman Waste Water Treatment Plant to be planted or mowed, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sidewalk easement and a temporary construction easement from Banister Allen Properties, Inc., for the property located at 458 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 of the Lexington-Fayette Urban County Government authorizing the advertisement for bids and the distribution of a preliminary official statement for the purchase of the principal amount of its $8,000,000 General Obligation Bond Anticipation Notes, Series 2009C (Eastern State Hospital Project) (which amount may be increased or decreased by an amount of up to ten percent (10%)).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with A-T Solutions, Inc., for training for FBI certified bomb squads in Lexington, Louisville, Owensboro, Paducah and the Ky. State Police and the purchase of two assault support/hand entry kits, at a cost not to exceed $341,215.28.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Letter of Intent with the University of Ky. pertaining to the operation of the Family Care Center Health Clinic located at 1135 Red Mile Rd. to the University of Ky., effective July 1, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Fleetwood Land Management Services, LLC, for the exchange of properties located near Midland Ave. as part of the Bluegrass Aspendale Collector St. Phase 2 (Shropshire Blvd. Extension) at no cost to the Urban County Government.

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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 bid of Univar USA, Inc., establishing a price contract for liquid chlorine, for the Div. of Water Quality.

A Resolution accepting the bid of Mary’s Cleaning Service, establishing a price contract for Custodial Services - Central Ky. Job Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of National Workwear, establishing a price contract for work shoes, for the Div. of Waste Management.

A Resolution accepting the bid of E.C. Matthews Co., Inc., in the amount of $181,460.00, for the Versailles Rd. Corridor Enhancement, for the Div. of Community Development and the Mayor’s Office, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute any necessary Agreement with E.C. Matthews Co., Inc., related to the bid.

A Resolution accepting the bid of E.C. Matthews Co., Inc., in the amount of $20,939.00, for wheelchair lift replacement, for the Div. of Facilities and Fleet Management, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with E.C. Matthews Co., Inc., related to the bid.

A Resolution accepting the bid of Churchill McGee, LLC, in the amount of $261,750.00, for the Masterson Station Tack Barn, 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 Churchill McGee, LLC, related to the bid.

A Resolution accepting the bids of VF Imagewear, Inc.; Ky. Uniforms, Inc.; Galls; and U.S. Cavalry, establishing price contracts for uniforms, for the Div. of Community Corrections.

A Resolution accepting the bid of Bluegrass Mailing, Data & Fulfillment Services, establishing a price contract for the distribution of Fun Guide, for the Div. of Parks and Recreation.

A Resolution accepting the bids of Lawmen’s & Shooters’ Supply, Inc.; Galls; Ky. Uniforms, Inc.; and Bluegrass Fire Equipment, establishing price contracts for Fire Recruit Equipment (2009), for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Mary’s Cleaning Service, establishing a price contract for Custodial Services - Public Safety, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Bluegrass Towing, Inc., establishing a price contract for towing services for the Divisions of Police and Code Enforcement, the Dept. of General Services, and the Parking Authority.

A Resolution accepting the bid of Mac Tire Recyclers, Inc., establishing a price contract for tire loading, transporting, and recycling, for the Div. of Environmental Policy.

A Resolution accepting the bid of Pro-Tech Security Sales, establishing a price contract for Ballistic Shields, for the Divisions of Community Development and Police.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amended and Restated Grant Agreement with the Cabinet for Economic Development, the State Property and Buildings Commission and Belcan Engineering Group, Inc., to include additional terms and to replace the original Grant Agreement as approved pursuant to Ordinance No. 325-2005 and amended by Resolution No. 697-2008, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Trail Design Agreement with CDP Engineers, Inc., for design of the Veterans Park Mountain Bike Trail, at a cost not to exceed $22,354.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Trail Design Agreement with Third Rock Consultants, LLC, for design of Masterson Station Trails, at a cost not to exceed $40,930.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. of Emergency Management and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $133,720.00 Federal Funds under the Federal Emergency Management Agency's Hazard Mitigation Grant Program, and are for replacing the generator and upgrading the electrical service at Fire Station 1.

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

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Justice and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $119,587.00 Federal funds under the State Criminal Alien Assistance Program (SCAAP), and are for reimbursement of costs related to the incarceration of undocumented criminal aliens.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Deed of Easement with Ky.-American Water Co., for permanent and temporary construction easements across the property located at 2500 Flying Ebony Dr. (810 Star Shoot Pkwy.), for a water line, for the sum of $19,778.00 for the permanent easement and $275.00 per month for the temporary construction easement.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Lafayette High School Baseball Boosters, Inc. ($575.00), Lexington Tree Foundation, Inc. ($600.00), and Henry Clay Memorial Foundation ($950.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution ratifying the probationary civil service appointment of: T.J. Taylor, Sewer Line Maintenance Superintendent, Grade 116E, $2,406.40 bi-weekly, in the Div. of Water Quality, effective April 13, 2009; ratifying the permanent sworn appointments of: Kenneth Raglin, Fire Captain, Grade 316N, in the Div. of Fire & Emergency Services, effective March 1, 2009; Jeremy Wheatly, Fire Lieutenant, Grade 315N, in the Div. of Fire & Emergency Services, effective March 1, 2009; Shaun Brown, Fire Major, Grade 318E, in the Div. of Fire & Emergency Services, effective March 1, 2009; approving the unclassified civil service appointment of: Harry Ashby, Public Service Worker, Grade 106N, $13.287 hourly, in the Div. of Waste Management, effective April 27, 2009, Daryle Owens, Public Service Worker, Grade 106N, $11.560 hourly, in the Div. of Waste Management, effective April 27, 2009, Eric Higgins, Jr., Public Service Worker, Grade 106N, $11.460 hourly, in the Div. of Waste Management, effective April 27, 2009, Marshawn Cowan, Public Service Worker, Grade 106N, $11.560 hourly, in the Div. of Waste Management, effective April 27, 2009, Brendan Scott, Public Service Worker, Grade 106N, $10.364 hourly, in the Div. of Waste Management, effective April 27, 2009, Ernest Beatty III, Public Service Worker, Grade 106N, $10.862 hourly, in the Div. of Waste Management, effective April 27, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Energy and Environment Cabinet and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $113,154.00 Commonwealth of Ky. Funds under the Ky. Household Hazardous Waste Management Grant Program, and are for support of a one-day household hazardous waste recycling event for Lexington-Fayette County.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Energy and Environment Cabinet and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $14,035.00 Commonwealth of Ky. Funds under the Ky. Recycling and Household Hazardous Waste Grant Program, and are for support of a partnership with Habitat for Humanity to establish a program to collect, bulk and resell leftover latex-based paint to generate revenue and reduce hazardous, landfill-bound waste.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Todd Johnson Contracting, for Phase 2D of the Meadows/Northland/Arlington Public

Improvements Project, increasing the contract price by the sum of $7,978.86 from $666,372.41 to $674,351.27.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Ky. State Police, for reimbursement of overtime expenditures for lab personnel for conducting forensic examinations for the Cold Case Squad Project, at a cost not to exceed $4,000.00 in Grant funds.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Office of Homeland Security, for extension of the Metropolitan Medical Response Systems (MMRS) 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 Inocon Group, LLC, for development of an "All Hazards" disaster preparedness plan for the 2010 World Equestrian Games, at a cost not to exceed $22,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Letter Agreement with Mountjoy & Bressler, LLC, for performance of professional financial auditing services of all FY 2009 Urban County Government funds, at a cost not to exceed $115,450.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Statement of Work Agreement with Metaformers, Inc., for infrastructure performance management support for Project Synergy, at a cost not to exceed $60,000.00.

A Resolution amending Sections 1 and 2 of Resolution 544-2006, which authorized and directed the Mayor, on behalf of the Urban County Government, to execute Agreements for various public projects for the Office of the Urban County Council, deleting the allocation to Hollywood-Mt. Vernon Neighborhood Association, Inc. ($10,000.00).

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Upon motion of Mr. Blues, seconded by Mr. Myers, and passed by unanimous vote, the communications from the Mayor were approved and are as follows: (1) recommending the appointments of Ms. Jennifer E. Drust and Ms. Carolyn S. Looff to the Court Appointed Special Advocates (CASA), with terms to expire 6-11-2011; (2) recommending the appointment of Mr. Jeremy Horton to the Library Board of Advisors, with a term to expire 1-1-2010. Mr. Horton will fill the unexpired term of Mr. Darren Duzyk; (3) recommending the appointment of Mr. Rudy Cruse to the Masterson Station Park Advisory Board, with a term to expire 5-1-2011. Mr. Cruse will fill the unexpired term of Mr. Michael Lorton. Also, recommending the reappointment of Ms. Marilyn F. Machara to the Masterson Station Park Advisory Board, with a term to expire 5-1-2013; (4) recommending the appointments of Mr. Dan Childs, Ms. Shirley Cook, Ms. Martha J. Crumbie, Ms. Glenda George, Ms. Camille N. Haggard, Ms. Julie A. Hess, Ms. Julia E. Shaw, and Ms. Whitney A. Stevenson to the One-Parent Family Facility Corporation Board, with terms to expire 4-1-2013. Ms. George will fill the unexpired term of Mr. James Cibulka. The terms of Mr. Joseph Dawahare, Ms. Kenya Paris, Mr. Ken Kerns, Ms. Bren Jones, Ms. Beth Mills, Ms. Marie-Antoinette Sossou and Mr. Myron Thompson have expired. Also, recommending the reappointments of Ms. Linda Hampton, Ms. Lisa B. Sharp, and Ms. Sarah Hendrix to the One-Parent Family Facility Corporation Board, with terms to expire 4-1-2013; (5) for informational purposes only - to correct the member's term: recommending the appointment of Ms. Cordelia "DeeDee" Harbut to the Parking Authority Board, with a term to expire 6-1-2011; (6) recommending the appointment of Ms. Debbie Long as Historic Preservation Representative to the Rural Land Management Board, with a term to expire 4-1-2013. Also, recommending the reappointment of Mr. Robert Hewett and Mr. Frank Penn to the Rural Land Management Board, with terms to expire 4-1-2013; and (7) recommending the appointment of Mr. Kevin Wente to the Valley View Ferry Authority Board, with a term to expire 5-2-2013.

* * *

The following communications were received from the Mayor for information only: (1) Resignation of Richelle Clayborne, Administrative Specialist, Grade 110N, in the Div. of Water Quality, effective April 1, 2009; and (2)

Resignation of Dean Burgess, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 4, 2009.

*   *   *

The report from the Div. of Building Inspection for the 1st Quarter (January – March) of 2009 was received and ordered filed.

*   *   *

Assistant Fire Chief James Branham stated that Firefighter Marc Bramlage has committed the offense of A.W.O.L. in violation of KRS 95.450 and Police Statement 100.09, in that on the 8th day of March, 2009, he was absent without Leave from work for 40 minutes and exhibited "failure to notify the appropriate Shift/Bureau Commander more than 30 minutes after the start of the shift," and that the appropriate punishment for this conduct is a Written Reprimand.

Upon motion of Ms. Gorton, and seconded by Mr. Myers, the disciplinary action was approved by unanimous vote.

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Mr. Bernard McCarthy, Harry St., made a statement of opposition to the stormwater fee ordinance on behalf of Ms. Elizabeth McCullough, who was absent from the meeting. He also spoke about one-way streets.

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Upon motion of Mr. Stinnett, seconded by Ms. Crosbie, and approved by unanimous vote, the meeting adjourned at 7:58 p.m.

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Clerk of the Urban County Council