

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky May 14, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on May 14, 2009 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, Gray, Henson, James, Lane, Lawless, Martin, and McChord.

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

Ordinances No. 59-2009 thru 71-2009 inclusive and Resolutions No. 295-2009 thru 343-2009 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Ms. Linda Gorton, Urban County Council Member At-Large.

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Ms. Crosbie recognized a group of young women who participated in a twelve-week program entitled "Girls on the Run," which was an after-school program for 3rd, 4th and 5th grade students. She introduced coaches Ms. Dana Corbett and Ms. Victoria Carling, as well as the girls, Elizabeth Thompson, Caroline Mahan, Merriweather Carling, Sarah Thompson, Kirby Crosbie, Katherine Youkalis, Caden Cole, Gabriella Vargas, Molly Williamson, Kate Whitman, Sarah Simon Patches, Cassie Corbett, and Isabella Balducci. Ms. Crosbie also introduced Ms. Kathy Stichnaugh, a member of the board of Girls on the Run, who spoke about the program.

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The Mayor explained the Municipal Aid Public Hearing, stated that copies of the budget were available in the back of the room, and then opened the public hearing.

Mr. Bernard McCarthy, Harry St., spoke on the Municipal Aid fund. He stated that not enough money was being spent on the fund, and spoke about the Urban Service Boundaries. He also spoke about infill, and stated his belief that the city should seal cracked areas on the roads.

There being no additional speakers, the Mayor closed the public hearing.

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The Mayor explained the Budget Content Public Hearing, stated that copies of the budget were available in the back of the room, and then opened the public hearing.

Mr. Artie Clifford, North Limestone Neighborhood Association, spoke about the Small Area Plan for the Central Sector. He stated that it could be a great plan, but needed someone to initiate the plan effectively. He asked that the Council please leave room in budget for a Community Development Corporation for the Central Sector.

Mr. Bernard McCarthy, Harry St., spoke in favor of building sidewalks on
Tates Creek Road.

There being no additional speakers, the Mayor closed the public hearing.

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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 January 31, 2013 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 to be funded annually in an amount not less than ten percent (10%) of the total revenue generated by the fees; providing that the fees will not be implemented before January 1, 2010; and repealing Section 16-63(c) relating to the Sanitary Sewer User Fee Appeals Board was on the docket for second reading.

Mr. Myers made a motion, seconded by Ms. James, to amend the ordinance by adding the following words to the end of 16-403(2)(c): 'This section shall terminate on June 30, 2014 unless amended or extended by action of the Urban County Council', and by adding subsection 16-403(2)(d) to read as follows: '(d) Beginning in 2014 and in every even numbered year thereafter, the Water Quality Fees Board shall recommend to the Urban County Council any necessary adjustments in the base fee. The recommendations shall be based upon the actual costs of the water quality management program, the water quality management fees collected, fee adjustments pursuant to Section 16-405 of this chapter, and other relevant data.' Mr. Myers stated that this was a material change, and the ordinance would require new first reading. He suggested that there be a special meeting in order to debate the merits of his motion.

The Council asked questions of Mr. Stinnett, Ms. Gorton, and Mr. Myers.

Mr. Myers made a motion, seconded by Ms. James, to make a friendly amendment to his earlier motion to remove the reference to the addition of subsection 16-403(2)(d) to the ordinance. Mr. Myers' motion, as amended, was as follows: to amend the ordinance by adding the following words to the end of 16-403(2)(c): 'This section shall terminate on June 30, 2014 unless amended or extended by action of the Urban County Council.'

Ms. James spoke in favor of the motion.

Mr. McChord asked Mr. Myers to restate his motion. Mr. Myers restated his motion to amend the ordinance as follows: By adding the following words to the end of subsection 16-403(2)(c) of the ordinance: 'This section shall terminate on June 30, 2014 unless amended or extended by action of the Urban County Council.' Mr. Myers' motion **failed** to pass by a vote of 6-9 (Stinnett, Blues, Gorton, Gray, Henson, Lane, Lawless, Martin and McChord voted **no**).

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 January 31, 2013 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 to be funded annually in an amount not less than ten percent (10%) of the total revenue generated by the fees; providing that the fees will not be implemented before January 1, 2010; and repealing Section 16-63(c) relating to the Sanitary Sewer User Fee Appeals Board was given second reading.

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

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

Nay: Crosbie, Ellinger-----2

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

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

Nay: -----0

An Ordinance amending Article 6-4(c) to authorize the Planning Commission to review variances and conditional use permits associated with zone changes at the zone change public hearings.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. League of Cities, which Grant funds are in the amount of \$922.50 under the 2009 Safety and Liability Grant Program, are for the purchase of personal protective safety jackets for traffic technicians, the acceptance of which obligates the Urban County Government for the expenditure of \$922.50 as a local match, appropriating funds pursuant to Schedule No. 137, 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 and submit a Grant Application to the Governor's Highway Safety Program in the Ky. Transportation Cabinet, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$65,000.00 Federal funds, are for continuation of the Traffic Safety Program for FY 2010, the acceptance of which obligates the Urban County Government for the expenditure of \$65,000.00 as a local match,

appropriating funds pursuant to FY 2010 Schedule No. 6, 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. 138.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Highway Safety, which Grant funds are in the amount of \$15,000.00 Federal funds, are for participation in the May 2009 Click It or Ticket Safety Belt Enforcement Mobilization Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 139, and authorizing the Mayor to transfer unencumbered funds with in the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Contract with Metaformers, Inc., for additional services related to the implementation of Peoplesoft, at a cost not to exceed \$1,343,168.00, and appropriating funds pursuant to Schedule No. 140.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$2,800.00 in the Div. of Parks and Recreation from the Council Capital Funds for installation of trees in Martin Luther King Park, and appropriating and re-appropriating funds, Schedule No. 142.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$10,000.00 in the Div. of Parks and Recreation from the Council Capital Funds for playground equipment and trail construction in Masterson Station Park, and appropriating and re-appropriating funds, Schedule No. 143.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$975.00 from Neighborhood Development Funds in the Div. of Streets,

Roads, and Forestry for the purchase and installation of trees in the Belleau Woods Park, and appropriating and re-appropriating funds, Schedule No. 144.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Juvenile Justice, which Grant funds are in the amount of \$241,845.00 Commonwealth of Ky. funds, are for operation of the Day Treatment Program, for the Div. of Youth Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2010 Schedule No. 7, 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 and submit a Grant Application to the Bluegrass Area Development District, 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 \$84,660.00 Federal funds, are for operation of the Senior Citizens Center in FY 2010, the acceptance of which obligates the Urban County Government for the expenditure of \$151,910.00 as a local match, appropriating funds pursuant to FY 2010 Schedule No. 8, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance approving and adopting a substantial amendment to the 2008 Consolidated Plan for use of funds from the Homelessness Prevention and Rapid Re-Housing Program (HPRP), and 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 Housing and Urban Development, 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 \$849,668.00 Federal funds, are for operation of the Homelessness Prevention and Rapid Re-Housing Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds,

appropriating funds pursuant to FY 2010 Schedule No. 9, 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 funds in the amount of \$50,000.00 for the Street Sales Program, and appropriating and re-appropriating funds, Schedule No. 149.

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Upon motion of Mr. Beard, seconded by Mr. McChord, and approved by unanimous vote, 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 was removed from the table.

Upon motion of Mr. Beard, seconded by Mr. Myers, and approved by unanimous vote, the ordinance was amended to remove Budget Journal #32490 in the amount of \$7,100. He stated that Traffic Engineering no longer has sufficient funds to cover this change as proposed, that this was not a material change, and that the ordinance as amended could be given second reading.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 134 was given second reading as amended.

Upon motion of Ms. Lawless, seconded by Mr. Ellinger, the ordinance was approved by the following vote:

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

Nay: -----0

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An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of its Refunding Revenue Bonds (The Lexington School, Inc. Project) in a principal amount of not more than \$8,445,000, and the loan of the proceeds thereof to The Lexington School, Inc. (the "Borrower") for the purpose of refunding outstanding Revenue Bonds issued by the Urban County

Government for the benefit of the Borrower; authorizing the execution and delivery on behalf of the Urban County Government of a Loan Agreement among the Urban County Government, the Borrower, and the Bondholder, providing for loan payments from the Borrower sufficient to pay the principal of and interest on the Bonds as they become due, and a Bond Purchase Agreement providing for the private sale of the Bonds on a negotiated basis; and taking other related action was given first reading.

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

Ms. James asked questions of Mr. Myers as to why the ordinance needed second reading. Mr. Myers responded.

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

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

Nay: -----0

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An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of its Refunding Revenue Bonds, Series 2009B (Transylvania University Project) in the maximum aggregate principal amount of \$10,700,000, and the loan of the proceeds thereof to Transylvania University for the purpose of refunding outstanding Revenue Bonds issued by the Urban County Government for the benefit of the University, (2) a Loan Agreement between the Urban County Government, as Lender, and Transylvania University, as Borrower, providing for loan repayments sufficient to pay the principal of and interest on the Refunding Bonds as the same become due, (3) a Bond Purchase Agreement providing for the sale of the Refunding Bonds on a negotiated basis, and (4) an Official Statement relating to the Refunding Bonds; and taking other related action was given first reading.

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

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

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

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

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

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 141.

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 \$320,000.00 Federal funds under the Congestion Mitigation Air Quality (CMAQ) Program, are for the Fiber Optic Cable Installation Project, the acceptance of which obligates the Urban County Government for the expenditure of \$80,000.00 as a local match, appropriating funds pursuant to Schedule No. 145, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of \$64,000.00 Federal funds under the Congestion Mitigation Air Quality (CMAQ) Program, are for the Share the Road Campaign, the acceptance of which obligates the Urban County Government for the expenditure of \$16,000.00 as a local match, appropriating funds pursuant to Schedule No. 147, 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 a Purchase Agreement and any other necessary closing documents with Frankfort Court, LLC, for the purchase of lots 3 through 9

of the property located at 2401 Old Frankfort Pike, at a cost not to exceed \$1,665,950.00, and appropriating funds pursuant to Schedule No. 148.

An Ordinance amending Sections 21-14(b) and 22-6(a)(4) of the Code of Ordinances to provide that a pre-employment physical shall only be required for employees being appointed to positions which require a pre-employment physical as determined by the Dir. of Human Resources.

An Ordinance amending Section 22-5 of the Code of Ordinances, creating one (1) position of Client Assessment Counselor, Grade 112E, in the Div. of Adult and Tenant Services.

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Upon motion of Ms. Lawless, seconded by McChord, and approved by a majority vote of 9-6 (Myers, Beard, Crosbie, Ellinger, Feigel and Lane voted **no**), an Ordinance, which was tabled at the May 12, 2009 Council Work Session, 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 \$811,360.00 Federal funds under the Congestion Mitigation Air Quality (CMAQ) Program, are for the Tates Creek Rd. Sidewalk and Transit Improvements Project, the acceptance of which obligates the Urban County Government for the expenditure of \$202,840.00 as a local match, appropriating funds pursuant to Schedule No. 146, and authorizing the Mayor to transfer unencumbered funds within the Grant budget was removed from the table, given first reading, and ordered placed on file three weeks for public inspection.

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

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

Nay: -----0

A Resolution accepting the bid of Gall's, establishing a price contract for Soft Body Armor, for the Div. of Police.

A Resolution accepting the bid of Tactical Medical Solutions, establishing a price contract for Gun Shot Trauma Kits, for the Div.'s of Community Development and Police.

A Resolution accepting the bid of Independent Concrete Pipe Co., Inc., in the amount of \$319,000.00, for Vaughn's Branch Flood Hazard Mitigation Project (Materials Only), for the Div.'s of Community Development and Water Quality. (1)

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Blackburn Correctional Complex, for the provision of emergency response assistance to Blackburn Correctional Complex, 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 Previstar, Inc., for software application services, at a cost not to exceed \$2,500.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Susan Noel, 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 changing the street name and property address number of 459 and 457 Belt Line Ave. to 600 and 602 W. 5th St., of 5886, 5840, and 5888 Jacks Creek Pike to 3785, 3885, and 3990 Raven Run Way, of 3229 Iron Works Pike to 3401 Sports Horse Ln., and 3677 Newtown Pike to 3232 Spy Coast Lane; changing the property address numbers of 447 Campbell St. to 449 Campbell St., of 743-745 Charles Ave. to 745 Charles Ave., of 372 Glen Arvin Ave. to 370 Glen Arvin Ave., of 1588 Hill View Place to 1586 Hill View Place, of 214-230 Jefferson St. to 218 Jefferson St., of 1800 Mason Headley Rd. to 975 Mason Headley Rd., of 505-507 Newtown Pike to 505 Newtown Pike, of 712-714 W. 3rd St. to 714 W. 3rd St., of 540 Toner St. to 539 Toner St., of 130 W. Vine St. to 108 W. Vine St., and of 134-166 W. Vine St. to 110 W. Vine St.; and changing the

street name of 209 Todds Rd. Units 10101, 10102, 10103, 10104, 10105, 10106, 10107, 11101, 11102, 3103, 4102, 7106, 8101, 8102, 8103, 8104, 8105, 9101, 9102, 9103, 9104, 9105, 9106, 9107, and 9108 to 209 Old Todds Rd. Units 10101, 10102, 10103, 10104, 10105, 10106, 10107, 11101, 11102, 3103, 4102, 7106, 8101, 8102, 8103, 8104, 8105, 9101, 9102, 9103, 9104, 9105, 9106, 9107, and 9108; all effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Fayette County Commonwealth Attorney's Office, for reduction of the funding for a "Fast Track" prosecutor for the Street Sales Drug Enforcement Project from \$49,331.00 to \$31,331.00.

A Resolution acknowledging the work of the Destination 2040 Project participants and expressing the Urban County Council's support in adoption of the value statements derived from the work of Destination 2040 visioning process.

A Resolution ratifying the probationary civil service appointments of: James Bush, Environmental Program Manager, Grade 117E, \$2,208.72 bi-weekly, in the Div. of Environmental Policy, effective May 18, 2009, Robert Smith, Maintenance Supervisor, Grade 115E, \$2,381.84 bi-weekly, in the Div. of Water Quality, effective April 27, 2009; ratifying the leave of absence of: Lori Rowland (Susanka), Telecommunicator, Grade 111N, requests 37 day Council approved leave without pay from April 18, 2009 to May 24, 2009, in the Div. of Emergency Management/911; approving the unclassified civil service appointments of: Elizabeth McKinney, Probation Officer, Grade 110N, \$17.195 hourly, in the Div. of Community Corrections, effective April 27, 2009; Charles Morton, Public Service Worker, Grade 106N, \$12.182 hourly, in the Div. of Waste Management, effective April 28, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with GRW Engineers, Inc., for the investigation and design of the Expansion Area 2A

pumping station and force main, increasing the contract price by the sum of \$45,000.00 from \$380,000.00 to \$425,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement for Services with Wallace Roberts & Todd, LLC, for the Complete Streets Manual Project, at a cost not to exceed \$150,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the contract with Ky. Utilities Co., for Town Branch Treatment Plant Redundant Power, increasing the contract price by the sum of \$60,356.61 from \$275,160.00 to \$335,516.61.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Beaumont Center Ln. and Roswell Dr./Malone Dr.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Providence Ln. and Colony Blvd.

A Resolution pursuant to Code of Ordinances Section 18-66, designating the speed limit on Kiddville Ln. as 35 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution authorizing and approving the transfer by the Lexington Center Corp. of a portion of property along Cox St. to the Commonwealth of Ky., and declaring as surplus property and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Deed and Certificate of Consideration transferring the property located at 906 W. High St. to the Commonwealth of Ky., for the Newtown Pike Extension Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Herrick Co., Inc., for the Town Branch Wastewater Treatment Plant Chlorination Equipment Replacement, increasing the contract price by the sum of \$9,843.00 from \$248,500.00 to \$258,343.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2, to the Contract with Arnold, Dugan & Meyers, for West Hickman Wastewater Treatment Plant Aerated Sludge Holding Tank Improvements, increasing the contract price by the sum of \$60,829.00 from \$600,462.00 to \$661,291.00.

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A Resolution approving the following Neighborhood Development and/or Redevelopment Bond issue projects: increase to funded amount of the Art in Motion Project, Green Acres Park (installation of electric line), Glendover Tennis Courts (practice board), and Dogwood Park (picnic shelter and tables) was on the docket for first reading.

Upon motion of Ms. James, seconded by Mr. Myers, and approved by unanimous vote, the resolution was amended to remove 'Glendover Tennis Courts (practice board), and to insert 'Meadowbrook (park benches)' instead.

A Resolution approving the following Neighborhood Development and/or Redevelopment Bond issue projects: increase to funded amount of the Art in Motion Project, Green Acres Park (installation of electric line), Meadowbrook (park benches) and Dogwood Park (picnic shelter and tables) was given first reading as amended.

Upon motion of Mr. Lane, seconded by Mr. McChord, the rules were suspended by unanimous vote.

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

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

Nay: -----0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Jarboe Construction, Inc., for the Carver Elevator Project, increasing the contract price by the sum of \$3,335.00 from \$124,999.00 to \$128,325.00 was given first reading.

Upon motion of Mr. Lane, seconded by Mr. McChord, the rules were suspended by unanimous vote.

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

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

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

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Trail Design Agreement with Carman, for design of the Cardinal Run Park North Trail, at a cost not to exceed \$35,400.00 was given first reading.

Upon motion of Mr. Lane, seconded by Mr. McChord, the rules were suspended by unanimous vote.

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

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

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

* * *

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

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

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

Nay: -----0

A Resolution ratifying the permanent civil service appointments of: Brent Claiborne, Recreation Specialist Sr., Grade 113E, in the Div. of Parks and Recreation, effective May 24, 2009, Meredith Nelson, Deputy Council Clerk,

Grade 116E, in the Office of the Council Clerk, effective April 28, 2009, Pat Loney, Staff Assistant Sr., Grade 108N, in the Div. of Revenue, effective May 24, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Board of Education of Fayette County, Ky., for preparation and delivery of meals for the 2009 Summer Food Service Program, at a cost not to exceed \$2.50 for each lunch, \$1.55 for each breakfast, and \$0.67 for each snack.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Carrie Barnett, 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 Sharon McCartt, 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 an Agreement with Lansdowne Neighborhood Association, Inc., for the Lansdowne Median Beautification Project (Neighborhood Development Bond Funds), at a cost not to exceed \$4,605.00

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Contracts with Martin Luther King Neighborhood Association (\$1,800), Northside Neighborhood Association (\$1,130), William Wells Brown Neighborhood (\$2,500), Gratz Park Neighborhood Association (\$1,600), Historic Western Suburb Neighborhood (\$1,350), Winburn

Neighborhood Association (\$2,500), Meadowthorpe Neighborhood (\$2,500), McConnell Trace Neighborhood Association (\$1,150), Columbia Heights Neighborhood Association (\$2,280), Mentelle Neighborhood Association (\$2,500), Seven Parks Neighborhood Association (\$2,500), Aylesford Place Neighborhood Association (\$2,475), Lansdowne Neighborhood Association (\$1,232), Chevy Chase Neighborhood Association (\$2,500), Fairway Neighborhood Association (\$600), Shriner's Neighborhood Association (\$2,383), Hamburg Homeowners Association (\$2,500), Eastland Parkway Neighborhood Association (\$2,500), Picadome Neighborhood Association (\$1,500), Beaumont Residential Association (\$2,500), Spicewood Neighborhood Association (\$2,500), Port Royal Neighborhood Association (\$2,500), Gleneagles Homeowners Association (\$2,500), and Spindletop Community Association (\$2,500), under the Neighborhood and Community Sustainability Grant Program for environmental projects, at a cost not to exceed \$50,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Lansdowne Neighborhood Association, Inc. (\$625.00), Blue Grass Community Foundation, Inc. (\$1,500.00), Belleau Wood Neighborhood Association, Inc. (\$675.00), Zandale Neighborhood Association, Inc. (\$725.00), Manchester Center, Inc. (\$400.00), Green Acres/Hollow Creek/Breckinridge Neighborhood Association, Inc. (\$500.00), Radcliffe/Marlboro Neighborhood Association, Inc. (\$500.00), and Speigle Heights Neighborhood Association, Inc. (\$850.00) 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 Trail Design Agreement with M2D Design Group, PLLC, for design of the Jacobson Park Trail, at a cost not to exceed \$29,100.00.

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 Homeland Security and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of

\$139,200.00 Federal funds, and are for the purchase of a computer simulated full immersion training (LEXFIT), for the Div. of Fire and Emergency Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit six Grant Applications to the Ky. Office of Homeland Security and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$1,845,127.00 Federal funds, and are for the purchase of an Area Rae Wireless Multi-Channel Transportable Real Time Air Quality Monitoring Equipment System (\$106,000.00) and Training for rescue personnel and purchase of rescue equipment for the Technical Rescue Program (\$210,000.00) for the Div. of Fire and Emergency Services; the purchase and installation of Mobile Data Computers for the Div. of Police, Transylvania University Police, Ky. Horse Park Police, Bluegrass Airport Public Safety, and Fayette County School Security (\$864,627.00); and the purchase of equipment for the Hazardous Devices Unit (\$151,600.00), the purchase of a Total Containment Vessel for the transport of hazardous devices and two Total Containment Vessel Gas-Tight Upgrade (\$340,000.00), and the Communications Infrastructure Project (\$172,900.00) for the Div. of Police.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of a utility easement on property located at 6400, 6401, and 6409-6413 Polo Club Ln.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Northern Cal Ripken, Inc. (\$4,360.00), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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

A Resolution accepting the bids of Xpdex/Saalfeld and Baumann Paper Co., establishing price contracts for toilet tissue and paper towels, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of G&J Pepsi-Cola Bottling, Inc., establishing a price contract for beverage products, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Clyde Armory, Inc., establishing a price contract for patrol rifles, for the Div. of Police.

A Resolution accepting the bid of Express Vending, Inc., establishing a price contract for Vending, for the Div. of Parks and Recreation.

A Resolution accepting the bids of Hach Company and Alpha Controls, establishing price contracts for Sludge Blanket Level Probe, Probe Controllers, and Related Hardware, for the Div. of Water Quality.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a five-year Addendum to its Master License Agreement with Computer Sciences Corporation for the RISKMASTER MESA software licenses and related maintenance services, which are used in the handling of claims against the Government, effective July 1, 2009, subject to sufficient funds being appropriated in future fiscal years, at a cost not to exceed \$19,660.20 in FY 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Huffman Construction, for additional ice storm cleanup services on golf courses, for the Div. of Parks and Recreation, increasing the contract price by the sum of \$4,205.00 from \$50,000.00 to \$54,205.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Stewart Contracting, for additional ice storm cleanup services, for the Div. of Parks and Recreation, increasing the contract price by the sum of \$4,200.00 from \$39,390.00 to \$43,590.00.

. A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute various Facility Usage Agreements with various Baseball Leagues, for League practices and games, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Equipment Rental Agreement with Flix, Inc., for rental of video equipment, at a cost not to exceed \$6,999.33.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Tennis Technology, for additional crack seal for the Woodland Park Tennis Courts, increasing the contract price by the sum of \$5,000.00 from \$18,418.00 to \$23,418.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Commercial Services Agreement with Insight Business, for internet service at the William Wells Brown Community Center, at a cost not to exceed \$350.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a sanitary sewer easement on property located at 1201 Four Pines Ct.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of an access and utility easement on property located at 3228 Summit Square Pl.

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The following Communications were received from the Mayor for information only: (1) Resignation of David Asberry, Equipment Operator Sr., Grade 109N, in the Div. of Streets, Roads & Forestry, effective April 30, 2009; (2) Resignation of John Hanley, Maintenance Mechanic, Grade 113N, in the Div. of Water Quality, effective April 24, 2009; (3) Resignation of Mary Tackett, Aide to Council, Grade 000E, in the Council Office, effective April 26, 2009; (4) Resignation of William Dennis, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 2, 2009; and (5) Resignation of Dustin Hall, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 13, 2009.

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The Mayor stated that the Police & Fire Pension Fund was now dealing with less liability, and relayed the gratitude of the members of the Board to the Council.

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The Mayor stated that the Council had accomplished much in the last month, and deserved much credit.

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The Mayor thanked Mr. Gray, Ms. Lawless, and Mr. Blues, for attending the public discussion on historic preservation.

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Mr. Robert Dalton, Douglas Ave., Veterans Employment Representative for the Office of Employment and Training, who also works with the Central Ky. Job Center on behalf of veterans, announced that his office would be participating in a regional career fair on Friday, May 22nd at the Madison County Fairgrounds. He invited all those interested parties to attend, and offered thanks to Ms. Shaye Rabold, Chief of Staff to the Mayor, Mr. Anthony Wright, Director of Economic Development, and Council Member Henson for their help.

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Ms. Cheryl Feigel, Colony Blvd., spoke about issues of transparency within the government, specifically as they pertain to the issue of sidewalks on Tates Creek Road.

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Upon motion of Mr. Stinnett, seconded by Ms. Crosbie, and approved by unanimous vote, the meeting adjourned at 8:50 p.m.

Clerk of the Urban County Council