Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky June 11, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on June 11, 2009 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, Gray, Henson, James, Lane, Lawless, Martin, McChord, and Myers.

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

Ordinances No. 72-2009 thru 88-2009 inclusive and Resolutions No. 344-2009 thru 377-2009 inclusive were reported as having been signed and published, and were ordered to record.

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

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Upon motion of Mr. Stinnett, seconded by Ms. Henson, and passed by unanimous vote, the Minutes of the January 8, 13, 22, 27 (12PM), 27 (3PM), February 12, 26, March 12, 26, and April 9, 14, 23, 2009 Council Meetings were approved.

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Ms. Karen Angelucci, representative of the Tree Board, made a presentation of an award from the 2009 National Arbor Day Awards. Reforest the Bluegrass of Lexington, Kentucky, was presented with one of five awards given by the National Arbor Day Foundation for its outstanding work in the area. The Mayor accepted the award and offered his thanks.

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The Mayor opened a Public Hearing on The Lexington School, Inc. Project Refunding Revenue Bonds.

There being no speakers, the Mayor closed the Public Hearing.

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Upon motion of Mr. Stinnett, seconded by Mr. McChord and approved by unanimous vote, 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 $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 for second reading was moved to the end of First Reading Resolutions.

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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 was on the docket for second reading.

Upon motion of Ms. Gorton, seconded by Mr. McChord, and approved by unanimous vote, the ordinance was tabled.

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

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

Nay: --0

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 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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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. 155 was on the docket for first reading.

Ms. Gorton made a motion, seconded by Mr. Blues, and approved by unanimous vote, to amend the ordinance to include the following items: in the Office of the Council Clerk to provide funds for newspaper advertisements by recognizing deposits from reimbursements for telecommunications franchise ordinance publications, PVA records storage, Code of Ordinance supplement purchases and copies in the amount of $2,940.00, and in the Dept. of Finance to provide funds for bank charges by decreasing funds for debt service. Ms. Gorton stated that during FY 2009 it was decided to pay for bank charges out of an expense account instead of charging them against interest earned on our bank accounts and that no budget was established at that time to cover these expenses in the amount of $100,000.00.

Ms. James asked questions of Ms. Elizabeth McGee, Div. of Budgeting.

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. 155 was given first reading as amended and ordered placed on file two weeks for public inspection.

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

An Ordinance amending Section 4-21 of the Code of Ordinances, relating to impoundment of animals, to provide for the humane disposal of livestock and fowl after the requisite impoundment period, increasing boarding charges for impounded animals, and increasing the impoundment fee for unaltered dogs and cats.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Staff Assistant, Grade 107N in the Div. of Government Communications.

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 $448,150.00 Federal funds, are for the Brighton Rail Trail Bridge, the acceptance of which obligates the Urban County Government for the expenditure of $120,000.00 as a local match, appropriating funds pursuant to Schedule No. 150, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a grant from the U.S. Dept. of Health and Human Services, which Grant funds are in the amount of $49,126.00 Federal funds, are for continuation of the Parent Resource Center for a Bright Future, a Healthy Tomorrows Project, at the Family Care Center, the acceptance of which obligates the Urban County Government for the expenditure of $100,874.00 as a local match, appropriating funds pursuant to Schedule No. 151, 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 $1,100.00 from Neighborhood Development Funds in the Div. of Police for Police Activities League, and appropriating and re-appropriating funds, Schedule No. 152.

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 $1,500 from Neighborhood Development funds for the

Senior Intern Program, and appropriating and re-appropriating funds, Schedule No. 154.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $162,282.83 for the WIA Youth Summer Employment Program, and appropriating and re-appropriating funds, Schedule No. 153.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant application to the U.S. Dept. of Health and Human Services, 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 $173,458.00 Federal funds, are for operation of the M.A.S.H. Drop Inn Facility, the acceptance of which obligates the Urban County Government for the expenditure of $17,346.00 to be provided by the M.A.S.H. Drop Inn operating budget, appropriating funds pursuant to FY 2010 Schedule No. 10, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance closing a portion of McGrath Alley; determining that all property owners abutting the portion of the street to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed transferring the former right-of-way to the abutting owner, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way.

An Ordinance closing portions of Rojay Dr. and Mall Rd. (formerly W. Tiverton Ct.); determining that all property owners abutting the portions of the streets to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Quitclaim Deeds transferring the former right-of-way to the abutting owners, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way; and authorizing and directing the Mayor to accept dedication of right-of-way required for the reconfiguration of these streets.

An Ordinance adopting the Newtown Pike Extension and Scott St. Connector Traffic, Safety and Movement Plan relating to traffic movement, safety, access, and design; providing for issuance of permits in conformance with the Plan and location and dedication of access roads; specifying the location of median openings; specifying control of access for the Scott St. Connector from the Newtown Pike Extension to the new Broadway St. Bridge; specifying locations of right turn in/right turn out access points; specifying requirements for driveways and entrances and corner clearance; providing that development other than single-family detached and two-family residential structures shall require approval of a final development plan by the Planning Commission, shall be a minimum of two (2) stories and shall comply with the Newtown Pike Extension Commercial Design and Property Access Standards; requiring a report from the Planning Commission prior to adoption of any ordinance altering the textual or graphic representation of this ordinance; and authorizing the Mayor, on behalf of the Urban County Government, to request assistance from the Commonwealth of Ky. and any other person or entity, including the U.S. Government, in implementing the provisions of the plan.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Heritage Council, which Grant funds are in the amount of $9,968.00 Federal funds, are for the Div. of Historic Preservation’s FY 2010 Survey and Planning Project, the acceptance of which obligates the Urban County Government for the expenditure of $6,645.00 as a local match, appropriating funds pursuant to FY 2010 Schedule No. 11, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Letter of Agreement Amendment with the Ky. Heritage Council, for extension of the Project through August 1, 2010.

An Ordinance amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Environmental Enforcement Specialist, Grade 115E, in the Div. of Environmental Policy.

An Ordinance amending Section 4-2 of the Code of Ordinances, relating to the mistreatment of animals, to change the title of the section to "Care and Treatment of Animals", to define "adequate food", "adequate shade", "adequate shelter", "adequate water" and "veterinary care", to require that an animal be provided adequate food, adequate water, adequate shade and adequate, safe and sanitary shelter, setting forth standards for collars and harnesses, and providing a penalty for violation; amending Section 4-12.2 of the Code of Ordinances, relating to nuisances created by animals, to make prohibitions apply to harborers as well as owners and creating graduated penalties; amending Sections 4-12.5(d) and 4-12.5(f) of the Code of Ordinances, relating to standards for kennels, to conform to the definitions established in Section 4-2; and amending Section 4-19(c), relating to dogs running at large, to require that a dog, when off the owner’s or harborer’s property, be restrained by a properly fitting collar or harness physically attached to a leash or tether of appropriate material and weight.

An Ordinance amending Section 7-17 of the Code of Ordinances changing the Custodian of maps, software, data, etc. for GIS from the Commissioner of Finance to the Chief Information Officer.

An Ordinance creating Section 15-1.3(1) of the Code of Ordinances relating to designating a Clean Zone for the 2010 World Equestrian Games; creating Section 15-1.3(2) of the Code of Ordinances relating to a Clean Zone for the 2010 World Equestrian Games designating the time frame and geographical boundaries of the Clean Zone; creating Section 15-1.3(3) of the Code of Ordinances relating to a Clean Zone for the 2010 World Equestrian Games to encompass in the Clean Zone all real property within the boundaries described in Section 15-1.3(2); creating Section 15-1.3(4) of the Code of Ordinances relating to a Clean Zone for the 2010 World Equestrian Games to prohibit the unauthorized selling of goods, services, merchandise, souvenirs or transaction of a temporary business of any kind in the Clean Zone; creating Section 15-1.3(5) of the Code of Ordinances relating to a Clean Zone for the 2010 World Equestrian Games to authorize existing businesses in the Clean Zone to conduct their existing authorized business in the Clean Zone and prohibiting the unauthorized sale of tickets to the 2010 World Equestrian Games within the Clean Zone; creating Section 15-1.3(6) of the Code of Ordinances relating to a Clean Zone for the 2010 World Equestrian Games to prohibit temporary signs, streamers, banners, pennants and inflatables within the Clean Zone; creating Section 15-1.3(7) of the Code of Ordinances relating to a Clean Zone for the 2010 World Equestrian Games to establish a daily fine of $1,000.00 for each violation of this ordinance; creating Section 15-1.3(8) of the Code of Ordinances relating to a Clean Zone for the 2010 World Equestrian Games to establish a Savings Clause for Section 15-1.3; creating Section 15-1.3(9) of the Code of Ordinances relating to a Clean Zone for the 2010 World Equestrian Games for Section 15-1.3 to expire at 12:00 a.m. on October 11, 2010.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of $11,279.47 from the Family Care Center Volunteer Board, Inc., for support of career and life skills programming and speakers, parent education academic enhancement, and domestic violence materials and education, for the Family Care Center, and appropriating funds pursuant to Schedule No. 156.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of $200.00 from the Alpha Delta Chapter of ADK for Early Child Care Center classroom supplies for the Family Care Center, and appropriating funds pursuant to Schedule No. 157.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of $50.00 from Mike and Julia Balog, in memory of Dimple Gray, for Early Child Care Center classroom supplies for the Family Care Center, and appropriating funds pursuant to Schedule No. 158.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of $100.00 from the Family Care

Center Volunteer Board, Inc., for a recognition award for an outstanding graduating student, for the Family Care Center, and appropriating funds pursuant to Schedule No. 159.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation/grant from the Easter Seals, to the Commission for Citizens with Disabilities to cover the cost of attending the Accessible Community Transportation Institute to be held July 12-15, 2009 in Washington, DC for designated members of the Commission, appropriating funds pursuant to Schedule No. 160, and authorizing the Mayor to transfer unencumbered funds within the donations fund.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements in the Div. of Code Enforcement for funds in the amount of $800.00 from Neighborhood Development Funds for Redwood Dr. property abatement, and appropriating and re-appropriating funds, Schedule No. 161.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements in Special Projects for funds in the amount of $1,000.00 from Neighborhood Development Funds for prize money for the 4th of July float competition, and appropriating and re-appropriating funds, Schedule No. 162.

An Ordinance authorizing and directing the Mayor and Successors-in-Title, on behalf of the Urban County Government, to execute and submit a loan application through the Ky. Natural Resources and Environmental Protection Cabinet and the Ky. Infrastructure Authority, with such assurances and required supporting data as is necessary to obtain loan assistance from the Federally Assisted Wastewater Revolving Fund (State Revolving Loan Program), and to act as the Official Project Representative to carry out necessary negotiations for and administer the loan assistance the Urban County Government may obtain from the Federally Assisted Wastewater Revolving Fund (State Revolving Loan Program), which loan proceeds are in the amount of $237,000 Federal funds, are for the Radcliffe Rd. Drainage Improvements Project, the acceptance of which obligates the Urban County Government to repay 47.9% of the loan at a 2.0% annual percentage rate plus a .2% annual loan servicing fee, appropriating funds pursuant to FY10 Schedule No. 12, and authorizing the Mayor to transfer unencumbered funds within the loan budget.

An Ordinance of the Urban County Council finding that the Habitat for Humanity project for water line upgrades for three affordable housing units on Loneta Ave. meets the guidelines for the expenditure of funds from the Urban Development Action Grant (UDAG) Repayment Fund, authorizing the expenditure of $45,000.00 in such funds to assist with this project, and appropriating funds pursuant to Schedule No. 164.

An Ordinance authorizing and directing the Mayor and Successors-in-Title, on behalf of the Urban County Government, to execute and submit a loan application through the Ky. Natural Resources and Environmental Protection Cabinet and the Ky. Infrastructure Authority, with such assurances and required supporting data as is necessary to obtain loan assistance from the Federally Assisted Wastewater Revolving Fund (State Revolving Loan Program), and to act as the Official Project Representative to carry out necessary negotiations for an administer the loan assistance the Urban County Government may obtain from the Federally Assisted Wastewater Revolving Fund (State Revolving Loan Program), which loan proceeds are in the amount of $2,620,000 Federal funds, are for the Downtown Streetscape Green Infrastructure Program Initiative, the acceptance of which obligates the Urban County Government to repay 47.9% of the loan at a 2.0% annual percentage rate plus a .2% annual loan servicing fee, appropriating funds pursuant to FY10 Schedule No. 13, and authorizing the Mayor to transfer unencumbered funds within the loan budget.

An Ordinance approving and adopting a substantial amendment to the 2008 Consolidated Plan for use of funds from the American Recovery and Reinvestment Act of 2009, and authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Housing and Urban Development, which Grant funds are in the amount of $555,600.00 Federal funds, are for a Weatherization Program ($245,000.00) and a Single-

Family Housing Rehabilitation Program ($310,600.00), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY10 Schedule No. 14, 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. Dept. of Local Government, which Grant funds are in the amount of $1,371,047.00 Federal funds, are for land banking activities, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY10 Schedule No. 15, 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. Dept. of Local Government, which Grant funds are in the amount of $512,000.00 Federal funds under the Neighborhood Stabilization Program, are for a redevelopment project to be implemented by REACH, Inc., the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY10 Schedule No. 16, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

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Upon motion of Ms. Henson, seconded by Ms. Crosbie, and approved by unanimous vote, an Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract Addendum with the Lexington-Fayette County Health Dept., accepting additional funding in the amount of $160,416.00, for the Home Network Project, a home visitation program, at the Family Care Center, and appropriating funds pursuant to Schedule No. 163 was placed on the docket, given first reading and ordered placed on file two weeks for public inspection.

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

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

Nay: --0

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 resolutions were given first reading. Upon motion of Mr. Lane, and seconded by Mr. Myers, the rules were suspended by unanimous vote.

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

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

Nay: --0

A Resolution accepting the bid of Hall Contracting of Ky., Inc., in the amount of $3,842,000.00, for the Contract 1 - South Elkhorn Pump Station 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 Hall Contracting of Ky., Inc., related to the bid.

A Resolution accepting the bid of L-M Asphalt Partners, Ltd., dba ATS Construction, in the amount of $839,172.32, for construction of Phase 3 of the Bluegrass Aspendale Collector Street Project, for the Div. of Engineering.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Contract with Claunch Construction, LLC, for the Bluegrass Aspendale Collector St. - Phase 2, decreasing the contract price by the sum of $506,425.12 from $1,371,268.99 to $864,843.87.

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 Tassa Wigginton, for the property located at 550 Georgetown St., for the Georgetown St. Sidewalk Project, and authorizing payment in the amount of $175.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Catering Sales Agreement with the Lexington Downtown Hotel & Conference Center, for catering services for the Senior Intern Luncheon, at a cost not to exceed $5,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Catering Contract with Hyatt Regency

Lexington, for the Police Awards Banquet, 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 Healthway Trail 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 permanent sidewalk easement and a temporary construction easement from the Lexington-Fayette Urban County Housing Authority, for property located at 467, 567, and 697 Georgetown St., for the Georgetown St. Sidewalk Project, 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 Isaac Scott Hathaway Museum, Inc. for Site Improvement Projects (Neighborhood Development Bond Funds), at a cost not to exceed $11,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Cove Haven Cemetery, Inc., for the Tree Maintenance and Removal Project (Neighborhood Development Bond Funds), at a cost not to exceed $14,600.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Bluegrass Area Development District for additional funding in the amount of $162,282.83, to add a Summer Youth Employment Component to the Agreement.

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A Resolution approving the FY09 Budget for the Transit Authority of the Lexington-Fayette Urban County Government (LexTran) pursuant to KRS 96A.360 and requesting that the Acting Commissioner of Finance authorize the Fayette County Sheriff’s Office to disburse the funds to LexTran collected from the ad valorem tax approved by voters on November 9, 2004 was on the docket for first reading.

Mr. Martin made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to amend the Resolution to change FY09 to FY10.

A Resolution approving the FY10 Budget for the Transit Authority of the Lexington-Fayette Urban County Government (LexTran) pursuant to KRS 96A.360 and requesting that the Acting Commissioner of Finance authorize the Fayette County Sheriff's Office to disburse the funds to LexTran collected from the ad valorem tax approved by voters on November 9, 2004 was given first reading as amended and ordered placed on file two weeks for public inspection.

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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 Worldwide Equipment; Nandino Industrial Electric, Inc.; Bluegrass International Trucks; Carquest Auto Parts; Republic Diesel; S & S Tire Truck Alignment and Brake Center, Inc.; Bill Collins Ford L/M; C & M Auto Electric, Inc.; Alton Blakley Ford-Line, Mercury, Mazda, Honda, Suzuki; Freedom Dodge-Chrysler Jeep; Peterbilt of Louisville; Fleet Pride, Inc.; Whayne Supply Co., Inc.; KOI Auto Parts; Power Train of Ky. and Action Remanufactured Engines, LLC, establishing price contracts for automotive and truck parts, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Blond Lighting & Fixture; Graybar Electric; West-Lite Supply Co., Inc.; Brock McVey Co., Inc. and Kyana Packaging & Industrial Supply establishing price contracts for bulbs and ballasts, for the Div.'s of Facilities and Fleet Management and Community Corrections.

A Resolution accepting the bid of Omaha Standard-Louisville establishing a price contract for utility body-sewers, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of ELXSI d/b/a CUES, in the amount of $173,780.00, for van equipped with television equipment for sewer inspection, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Ennis Paint, Inc., establishing a price contract for thermoplastic retroreflective pavement markings, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Bradley Hook It Up Mobile, LLC establishing a price contract for vehicle steam cleaning, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Stoney Brook Construction, Inc., in the amount of $22,000.00, for Restroom Renovation - Coroner's Office, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Slate Creek Contracting Services, in the amount of $49,800.00, for the Fire Training Center Restroom Renovation, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of RCS Communications Systems, Inc. d/b/a RCS Communications, establishing a price contract for Prisoner Restraint Cages, for the Div. of Police.

A Resolution accepting the bid of Judy Construction Company, in the amount of $722,250.00, for the West Hickman Waste Water Treatment Plant Equipment 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 Judy Construction Company, related to the bid.

A Resolution accepting the bid of National Water Services, in the amount of $1,027,000.00, for the West Hickman Screw Pump Removal/Replacement Phase 3, for the Div. of Water Quality, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with National Water Services, related to the bid.

A Resolution accepting the bid of Team Contracting, LLC, in the amount of $1,340,000.00, for the Town Branch Waste Water Treatment Plant Primary Effluent Pump Station Pumps Replacement, for the Div. of Water Quality, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Team Contracting, LLC, related to the bid.

A Resolution accepting the bid of Municipal Equipment, Inc., in the amount of $158,340.00, for a Vacuum Sweeper, for the Div. of Waste Management.

A Resolution accepting the bid of Municipal Equipment, Inc., in the amount of $87,750.00, for a knuckleboom truck (used), for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Information Station Specialists, Inc., in the amount of $106,960.00, for AM Alert Radios, for the Div. of Environmental and Emergency Management Services.

A Resolution accepting the bids of Regal Chemical Co.; Lesco, Inc.; Advanced Turf Solutions; Harrell's, LLC; and The Hill Co., establishing price contracts for Golf Course Horticulture Products, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Kiesler Police Supply, Inc., establishing a price contract for ammunition, for the Div. of Police.

A Resolution accepting the bid of ELXSI d/b/a CUES, in the amount of $161,562.00, for a van equipped with pipeline television inspection system, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Lexington Manufacturing Center, dba Opportunity Workshop of Lexington, Inc., establishing a price contract for custodial services for Safety City, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of R & L Cleaning Service, establishing a price contract for custodial services for Youth Services, for the Div. of Facilities and Fleet Management.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Siemens Building Technologies, Inc., for fire alarm testing and inspection, for the Div. of Community Corrections, at a cost not to exceed $23,917.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a HIPAA Business Associate Agreement with the Lexington-Fayette County Health Dept., for sharing of information, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Arbor

Masters Tree Service, for additional ice storm cleanup services at various parks, for the Div. of Parks and Recreation, increasing the contract price by the sum of $15,145.02 from $26,000 to $41,145.02.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Contract with Woodall Construction Co. Inc., for the 12th St. Neighborhood Improvements Project, increasing the contract price by the sum of $32,999.28 from $459,030.00 to $492,029.28.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Contract with Central Rock Mineral Co., LLC, for the Star Shoot Pkwy. Extension Project, decreasing the contract price by the sum of $21,163.48 from $1,861,910.79 to $1,840,747.31.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with MAC Construction & Excavating, Inc., for the Meadows-Northland-Arlington Neighborhood Improvement Project, increasing the contract price by the sum of $33,140.44 from $1,176,755.00 to $1,209,895.44.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Metaformers, Inc., for provision of programming services, for the Office of Internal Audit, at a cost not to exceed $35,040.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Maintenance Agreement with AB Dick/Kopykat, Inc., for copier maintenance, at a cost not to exceed $12,372.00.

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 BVI Double Drive-Thru, Inc. and Louise Means, for the property located at 410 Georgetown St., for the Georgetown St. Sidewalk Project, and authorizing payment in the amount of $750.00, 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 134 Northwood Dr. from Donald and Joan Crawford, for the Northwood Dr. Stormwater Project, and authorizing payment in the amount of $111,700.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute four (4) partial releases of easement, releasing portions of a sanitary sewer easement on property located at 1950 Ft. Harrod Dr.

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 needed for the Loch Lomond Drainage Improvements Project, at a cost not to exceed $225,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Interlocal Cooperation Agreement with the Commonwealth of Ky. and Board of Education of Fayette County, Ky., to establish the Lexington-Fayette Urban County Land Bank Authority, at no cost to the Urban County Government.

A Resolution amending Sections 1 and 2 of Resolution No. 328-2009, which authorized and directed the Mayor, on behalf of the Urban County Government, to execute Agreements for various public purpose projects for the Office of the Urban County Council, deleting the allocation to Lafayette High School Girls Booster Club, Inc. ($1,000.00).

A Resolution amending Resolution No. 122-2009, canceling the Adopt-A-Spot Agreement with Tates Creek High School Lacrosse Club and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rural and Inner City Adopt-A-Spot Program Agreement with Bluegrass Youth Development Center, for participation in the Adopt-A-Spot Roadway Cleanup Program, at a cost not to exceed $522.98.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with CASA of Lexington, Inc. ($1,225.00), Hunting Hills Neighborhood Association, Inc. ($500.00), Georgetown Neighborhood Association, Inc. ($1,575.00), Southern Heights Neighborhood Association, Inc. ($1,500.00), and Overbrook Place Homeowners Association, Inc. ($1,500.00), 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 Agreements with CASA of Lexington, Inc. ($100.00), Friends of Raven Run, Inc. ($1,500.00), Cumberland Hill Neighborhood Association, Inc. ($500.00), Pine Meadows-Cardinal Hill-Mason Headley Neighborhood Association, Inc. ($2,500.00), Golfview Estates Neighborhood Association, Inc. ($1,000.00), and Neighbors of Bryan Station, Inc. ($800.00), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution accepting and adopting the Financial Audit Report prepared by Blue & Co., LLC, for the audit of the Family Care Ctr. Health Clinic covering the period from July 1, 2007 to June 30, 2008.

A Resolution adopting the Arbitration Opinion and Award with regard to a disciplinary matter relating to Firefighter Christopher Nead, except that the provision finding that Firefighter Nead may be entitled to unscheduled overtime pay is not adopted; and further noting that all parties to the Arbitration agree that the adoption of the Arbitration Opinion and Award with the noted exception is a complete and final resolution to this disciplinary matter.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with H.W. Lochner, Inc., for right-of-way services for Newtown Pike Extension Project Mitigation Area, at a cost not to exceed $196,650.00.

A Resolution supporting the use of "Blue Horse" logo by the Lexington Convention and Visitors Bureau and authorizing and directing the Lexington-Fayette Urban County Government to work in conjunction with the Lexington

Convention and Visitors Bureau and any other necessary parties in placing the "Blue Horse" logo on wayfinding signs and in developing other uses by the Lexington-Fayette Urban County Government that promote Lexington, Fayette County, Ky.

A Resolution ratifying the probationary civil service appointments of: David Stone, Administrative Officer Sr., Grade 120E, $3,269.28 bi-weekly, in the Dept. of Environmental Quality, effective June 15, 2009, Sara Johnson, Social Worker, Grade 113E, $1,154.80 bi-weekly, in the Div. of Youth Services, effective June 22, 2009, Chester Kiehl, Administrative Specialist Principal, Grade 114E, $1,958.00 bi-weekly, in the Div. of Police, effective June 8, 2009, Hannelore Boorn, Administrative Officer, Grade 118E, $2,839.44 bi-weekly, in the Div. of Waste Management, effective June 8, 2009, Charles Bowen, Telecommunicator, Grade 111N, $18.246 hourly, in the Div. of Emergency Management/911, effective June 22, 2009, Douglas Turner, Telecommunicator, Grade 111N, $18.246 hourly, in the Div. of Emergency Management/911, effective June 22, 2009, Michelle Haynes, Telecommunicator, Grade 111N, $18.246 hourly, in the Div. of Emergency Management/911, effective June 22, 2009, Vonda Melton, Human Resources Manager Sr., Grade 121E, $3,076.92 bi-weekly, in the Div. of Human Resources, effective June 15, 2009, Curtis Hale, Telecommunicator Sr., Grade 113N, $18.051 hourly, in the Div. of Emergency Management/911, effective June 22, 2009, ratifying the probationary sworn appointments of: Charles Bonta, Fire Captain, Grade 316N, $21.770 hourly, in the Div. of Fire and Emergency Services, effective April 13, 2009, Gregory Beck, Fire Lieutenant, Grade 315N, $16.806 hourly, in the Div. of Fire and Emergency Services, effective April 13, 2009, Sam Murdock, Police Sergeant, Grade 315N, $27.013 hourly, in the Div. of Police, effective June 15, 2009, Maria Roberts, Fire Captain, Grade 316N, $21.770 hourly, in the Div. of Fire and Emergency Services, effective May 25, 2009, Lee Hayden, Fire Lieutenant, Grade 315N, $16.806 hourly, in the Div. of Fire and Emergency Services, effective May 25, 2009, ratifying the probationary Community Corrections Officer appointments of: Jacob Crawford, Yolanda Elko, Nicholas Elko, Dustin Wynn, Community Corrections

Sergeant, Grade 112N, $22.520 hourly, in the Div. of Community Corrections, effective May 11, 2009, approving the unclassified civil service appointment of: Charles Meade, Van Driver, Grade 104N, $9.146 hourly, in the Dept. of Social Services, effective June 8, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement granting additional responsibility pursuant to KRS 198B.060(5), with the Commonwealth of Ky.'s Dept. of Housing, Buildings, and Construction, specifying the enforcement responsibilities within Lexington-Fayette County, 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 to accept a Deed for the property located at 133 Northwood Dr. from Stephen and Linda Watts, for the Northwood Dr. Stormwater Project, and authorizing payment in the amount of $116,700.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Official Merchandiser Agreement, with Hands On Originals, for Spotlight Lexington, 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 Presenting Sponsorship Agreement, with St. Joseph Health Systems, for Spotlight Lexington, 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 Sixth Amendment to Agreement with Amerinational Community Services, Inc., for loan servicing for the HOME and CDBG housing rehabilitation and homeownership programs to extend the Agreement through June 30, 2010, at an additional cost not to exceed $30,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Strand Associates, Inc., for the feasibility study and engineering design of the Legacy

Trail Project, increasing the contract price by the sum of $573,300.00 from $496,000.00 to $1,069,300.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Strand Associates, Inc., for the Town Branch Wastewater Treatment Primary Effluent Pump Station Pump Replacement Design Project, increasing the contract price by the sum of $13,203.00 from $64,000.00 to $77,203.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order. No. 2 to the contract with Jarboe Construction, Inc., for the Carver Center Passenger Elevator, increasing the contract price by the sum of $2,972.96 from $128,325.00 to $131,297.96.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with HDR Engineering, Inc., for the Wolf Run Pump Station Expansion and Relocation project, at a cost not to exceed $368,550.00.

A Resolution authorizing and directing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute a Lease Agreement with Ky. Medical Services Foundation, Inc., F/B/O University of Ky., and an Asset Transfer Agreement with the University of Ky., under which the University of Ky. will lease and operate the Family Care Center Health Clinic at 1135 Red Mile Rd.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with Thomson West, for on-line legal research and publications, at a cost not to exceed $35,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Ky. Humanities Council, Inc. ($650.00), Citizens Police Academy Alumni Association, Inc. ($2,000.00), Bryan Station High School Alumni Association, Inc. ($425.00), Psi Tau Chapter of Omega Psi Phi Fraternity ($325.00), Forest View Towne Homes Association, Inc. ($500.00), Woodfield Homes Association, Inc. ($1,125.00), Healthway Trail System, Inc. ($5,700.00), Antioch Missionary Baptist Church, Inc. ($200.00), Highlands Neighborhood Association, Inc. ($200.00), Georgetown St. Area

Neighborhood Association, Inc. ($1,635.00), Oakwood Neighborhood Association, Inc. ($300.00), Hope Center, Inc. ($1,000.00), Hope Center, Inc. ($1,000.00), Columbia Heights Neighborhood Association, Inc. ($1,000.00), Mentelle Park Neighborhood Association, Inc. ($1,000.00), Seven Parks Neighborhood Association, Inc. ($600.00), The Southland Association, Inc. ($500.00), Isaac Scott Hathaway Museum, Inc. ($350.00), Girls on the Run Lexington Corp. ($500.00), Squire Oak Homeowners Association, Inc. ($1,000.00), Andover Neighborhood Association, Inc. ($1,000.00), Bluegrass Fraternal Order of Police ($1,000.00), Woodhill Neighborhood Association, Inc. ($1,700.00), Stuart Hall Homeowners Association, Inc. ($1,000.00), Walnut Creek Homeowners Association, Inc. ($1,000.00), Chilesburg Maintenance Association, Inc. ($1,000.00), East Lake Neighborhood Association, Inc. ($1,000.00), and Citizens Fire Academy Alumni Association of Lexington, Ky., Inc. ($3,155.00), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

* * *

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 $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 given second reading.

The following citizens yielded their time to Mr. Bruce Simpson, attorney for the Tates Creek Road Preservation Association, who spoke against the ordinance: (1) Ms. Sharri Greer, Hart Rd., (2) Ms. Mary Whitt Fishel, Tates Creek Rd., (3) Ms. Jill McCarty, Tates Creek Rd., (4) Ms. Elizabeth Lang, Tates Creek Rd., (5) Mr. Graeme Lang, Tates Creek Rd., (6) Ms. Barbara Bennett, Tates Creek Rd., (7) Ms. L. Van Fossen, Tates Creek Rd., (8) Mr. Bernard Branch, Tates Creek Rd., (9) Ms. Barbara Strauss, Tates Creek Rd., (10) Mr. Al Strauss, Tates Creek Rd., (11) Ms. Ada Pitman, Old Dobbin Rd., (12) Mr. John Pitman, Old Dobbin Rd., (13) Ms. Megan Green, Lakewood Dr., (14) Ms. Katherine McCary, Woodley Circle, (15) Ms. Keli Frye, Burning Tree Ln., (16) Ms. Addison Frye, Burning Tree Ln., (17) Mr. Patrick Green, Lakewood Dr., (18) Mr. Charles Jannette, Tates Creek Rd., (19) Ms. Mary Jannette, Tates Creek Rd., and (20) Mr. Al Lawton, Strathmore Rd.

Mr. Simpson gave his presentation

Ms. Lawless made a motion to limit the presentation to fifteen minutes. The motion failed for lack of a second.

The following citizens spoke in favor of the ordinance: (1) Judy Worth, Sherwood Dr., who filed the following exhibit: (a) Letter from the Lansdowne Neighborhood Association; (2) Pamela Rollings, Windemere Dr.; (3) Dr. Donald Reel, Montevesta Rd.; (4) Ms. Dana Cox, Cottage Grove Ln.; (5) Mr. George Wilson, Overbrook Circle; (6) Mr. Jack Musgrave, Brookhill Circle, who filed the following exhibit: (a) Petition in support of sidewalks; (7) Mr. Steve Stoltz, Irvine Rd.; (8) Mr. Rick Gersony, Tahoma Rd., Greenlex.org; (9) Mr. Bernard McCarthy, Harry St.; (10) Mr. Jack Hillard, Tates Creek Rd.; and (11) Dr. David Stevens, Lakeshore Dr.

The following citizens spoke against the ordinance: (1) Ms. Ruth Lawton, 308 Strathmore Rd.; (2) Mr. Andy Hightower, 146 Preston Ave., Ky. Club for Growth; and (3) Mr. Al Strauss, 3201 Tates Creek Rd.

The Council asked questions of Ms. Kenzie Gleason, Div. of Planning, and Mr. Keith Lovan, Div. of Engineering, about the grant.

There was discussion among the Council concerning the ordinance.

Ms. Gorton made a motion, seconded by Mr. McChord, and approved by unanimous vote to end the public comment.

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

Aye: Stinnett, Blues, Gorton, Gray, Henson,
James, Lane, Lawless, Martin, McChord,
Myers---11

Nay: Beard, Crosbie, Ellinger, Feigel--------------------4

* * *

Upon motion of Ms. Gorton, 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 Mr. Rondall C. Meadows as alternate to the Address Enforcement Hearing Board, with a term to expire 6-1-2013; (2) Recommending the appointment of Mr. Timothy L. Mitchell to the Animal Care and Control Oversight Committee, with a term to expire 10-30-2011. Mr. Mitchell will fill the unexpired term of Mr. Lee Agee, Animal Care & Control representative; (3) Recommending the appointment of Mr. Clarence Laine to the Black and Williams Neighborhood Community Center Board, with a term to expire 1-1-2013. Also, recommending the reappointments of Mr. Robert Jefferson, Mr. James Turley, and Mr. Jonathan Washington to the Black and Williams Neighborhood Community Center Board, with terms to expire 1-1-2013, 1-27-2013, and 1-1-2013, respectively; (4) Recommending the appointment of Ms. Kacy Allen-Bryant as At-large member to the Board of Health, with a term to expire 6-30-2011. Also, recommending the reappointments of Ms. Cindy Derer, Mr. Robert Lynch, Mr. Michael Moore, Mr. John Riley, Ms. Marcia Stanhope, and Mr. Gary Wallace to the Board of Health, with terms to expire 6-30-2011. Ms. Marjorie Keller is no longer serving; (5) Recommending the appointment of Ms. Carolyn M. Hackworth to the Carnegie Literacy Center Board of Directors, with a term to expire 9-1-09. Ms. Hackworth will fill the unexpired term of Ms. Martha Billups; (6) Recommending the appointments of Councilmember Linda Gorton and Mr. Michael E. Lally to the Emergency Medical Advisory Board, with terms to expire 7-1-09 and 7-1-2013, respectively. Ms. Gorton will fill the unexpired term of Councilmember David Stevens, and Mr. Lally will serve as Lexington Medical Society representative; (7) Recommending the appointment of Mr. Jesse L. Robbins to the Infrastructure Hearing Board as At-large representative, with a term to expire 2-1-2013; (8) Recommending the reappointments of Ms. Lisa Johnson as 3rd District representative and Mr. Mark Nicolay as 7th District representative to the Parks and Recreation Advisory Board, with terms to expire 1-14-2013; (9) Recommending the appointment of Councilmember Doug Martin as Ex-Officio member of the Picnic with the Pops Commission, with a term to expire 00-00-0000. Councilmember David Stevens is no longer serving; and (10) Recommending the appointments of Mr. James P. Adams, Jr., Ms. Susan G. Fister, and Mr. Bob McLaughlin to the Social Services Advisory Board, with terms to expire 6-1-2013, 6-1-2012, and 6-1-2011, respectively. These staggered appointments are to reactivate the Social Services Advisory Board as created in the Code of Ordinances, Section 7.10.

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Upon motion of Mr. Ellinger, seconded by Ms. Crosbie, and approved by unanimous vote, public comment not regarding 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 $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 allowed out of order.

* * *

Mr. Adam Jones, Summerville Drive, and member of the BUILD organization spoke on behalf of 70 citizens who attended the meeting. He stated that their meeting in March had 1300 people in attendance, and that they were there at the meeting to show support for fully funding the Affordable Housing Trust Fund. He commended Mr. Ellinger, Ms. James, and Mr. Gray for their work on affordable housing.

* * *

Ms. Mary Murphy, Main Street, stated her concerns about the CentrePointe project and the Webb Company. She asked that the Council please find ways of cancelling the contracts, and expressed her hope that something intended for all of Lexington be built in that space.

* * *

Mr. Eric Patrick Marr, Cassidy Avenue, spoke about the branding of Lexington and the community. He stated that the Lexington Brand is vital to Lexington, and is the identity and cultural ethos of the community.

Mr. Marr requested additional time to complete his presentation. Upon motion of Mr. Ellinger, seconded by Ms. Crosbie and approved by majority vote (Stinnett, Beard, Blues, Lane and McChord voted no), Mr. Marr was given an additional one minute. He continued to speak about the branding of Lexington.

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Ms. James announced that a Juneteenth celebration would be held on Saturday, June 13th, at 10 a.m. at African-American Cemetery #2 at 7th Street, with a walk or march up to the William Wells Brown Community Center to follow.

* * *

Assistant Chief James Jackson, Div. of Police, stated that Officer John J. Boyle has committed the offense of Not Adhering to Division Policy in violation of KRS 95.450 and General Order 73-2H, Section 1.35, Violating Any Rules of the Division, in that on the 29th day of March, and the 3rd day of April, 2009, he entered West Sector Roll Call facility on March 29, 2009 wearing a pocket knife clipped to the pocket of his Class A uniform pants in violation of Division Policy that states: "*Common pocket knives may be carried by sworn personnel, but must be totally concealed within the pants pocket*." Lieutenant Joseph Blakely addressed the issue at that time with Officer Boyle who immediately placed the knife inside his pocket. On April 3, 2009, Officer Boyle was standing in the hallway of West Section Roll Call facility and, upon seeing Lieutenant Blakely, removed a pocket knife off his pants and placed it inside his pocket. Approximately ten minutes later, Lieutenant Blakely once again observed Officer Boyle in the same facility with a pocket knife clipped to his pants pocket. Lieutenant Blakely advised he walked over to Officer Boyle and looked at him, at which time Officer Boyle again removed the pocket knife and placed it down inside his pocket. Lieutenant Blakely advised he observed a pocket knife clipped to the outside of Officer Boyle's pants pocket on three different occasions. Lieutenant Blakely believes Officer Boyle was not adhering to Division Policy, and that the appropriate punishment for this conduct is 40 hours suspension without pay.

Upon motion of Mr. Ellinger, seconded by Ms. Crosbie, the disciplinary action was approved by unanimous vote.

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Upon motion of Mr. Ellinger, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 10:42 p.m.

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Clerk of the Urban County Council