

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky July 7, 2009

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

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

Ordinances No. 129-2009 thru 137-2009 inclusive and Resolutions No. 476-2009 thru 497-2009 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky

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The Invocation was given by Chaplain Gerard Howell, Div. of Community Corrections.

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An Ordinance amending Section 21-25, 22-22, 22-5(2), 22-53.2, and 23-28 of the Code of Ordinances providing a one percent (1.0%) structure movement to the salary schedules applicable to classified civil service employees, unclassified civil service employees, including Council staff, and traffic school guards, and a one percent (1.0%) increase to the maximum of the pay range of Program Assistant - P/T, providing that all classified and unclassified civil service employees, except seasonal employees in account 332 and Div. of Parks and Recreation employees in accounts 333 and 334, who receive a satisfactory score on their performance evaluation, pursuant to Sections 21-29(d) and 22-26(5) of the Code of Ordinances, shall receive a one percent (1.0%) pay increase; amending Section 23-32(d) of the Code of Ordinances modifying the existing step structure for the positions of Police Chief, Grade 324E, and Fire Chief, Grade 324E; increasing the salary by one percent (1.0%) of one (1) position of Friend of the Court, Grade 000, within the Office of the Circuit Judges, one position of ABC Administrator - P/T, Grade 000, within the Office of Alcohol Beverage Control, three (3) positions of Law Clerk - P/T, Grade 000, within the Dept. of Law, and three (3) positions of Skilled Trades Worker - P/T, Grade 000, within the Div. of Community Corrections, and adjusting the salary structure for all bargaining unit members, in the Div. of Community Corrections and Fire Majors in the Div. of Fire and Emergency Services, all to become effective retroactive to June 22, 2009 was on the docket for second reading.

Mr. Martin made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to amend the ordinance to delete all references to bargaining unit employees. Mr. Martin stated that pay increases for bargaining unit

employees are covered under their respective collective bargaining agreements, and that this was not a material change and did not require a new first reading.

An Ordinance amending Section 21-25, 22-22, 22-5(2), 22-53.2, and 23-28 of the Code of Ordinances providing a one percent (1.0%) structure movement to the salary schedules applicable to classified civil service employees, unclassified civil service employees, including Council staff, and traffic school guards, and a one percent (1.0%) increase to the maximum of the pay range of Program Assistant - P/T, providing that all classified and unclassified civil service employees, except seasonal employees in account 332 and Div. of Parks and Recreation employees in accounts 333 and 334, who receive a satisfactory score on their performance evaluation, pursuant to Sections 21-29(d) and 22-26(5) of the Code of Ordinances, shall receive a one percent (1.0%) pay increase; amending Section 23-32(d) of the Code of Ordinances modifying the existing step structure for the positions of Police Chief, Grade 324E, and Fire Chief, Grade 324E; increasing the salary by one percent (1.0%) of one (1) position of Friend of the Court, Grade 000, within the Office of the Circuit Judges, one position of ABC Administrator - P/T, Grade 000, within the Office of Alcohol Beverage Control, three (3) positions of Law Clerk - P/T, Grade 000, within the Dept. of Law, and three (3) positions of Skilled Trades Worker - P/T, Grade 000, within the Div. of Community Corrections, all to become effective retroactive to June 22, 2009 was given second reading as amended.

Upon motion of Mr. Lane, and seconded by Mr. Martin, the ordinance was approved by the following vote:

Aye: Ellinger, Feigel, Gorton, Gray, James,
Lane, Lawless, Martin, Stinnett, Beard,
Blues, Crosbie-----12

Nay: -----0

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An Ordinance accepting the bid of L-M Asphalt Partners, LTD d/b/a ATS Construction, in the amount of \$13,146,557.19, for the Lexington Streetscape Phase I Improvements - South Limestone St., for the Dept. of Public Works and Development, authorizing and directing the Mayor, on behalf of the Urban County

Government, to execute an Agreement with L-M Asphalt Partners, LTD d/b/a
ATS Construction, related to the bid, and appropriating funds in the amount of
\$14,260,916.00, pursuant to Schedule No. 29 was on the docket for second
reading.

Ms. Lawless spoke about the ordinance and asked questions of Mr. Mike
Webb, Commissioner of Dept. of Public Works & Development.

The Mayor addressed several issues.

Mr. Beard asked questions of Mr. Webb, who deferred to Mr. William O'
Mara, Acting Commissioner of the Dept. of Finance and Ms. Elizabeth McGee,
Div. of Budgeting. Mr. Beard continued with his questions of Mr. Webb.

Mr. Gray spoke about the ordinance, and the Mayor responded.

Mr. Webb continued to answer questions.

The Council continued to discuss the ordinance.

Mr. Ellinger asked questions of Mr. Webb regarding one lane being kept
open.

The Council continued their discussion.

The ordinance was given second reading. Upon motion of Mr. Lane,
seconded by Ms. Feigel, and approved by majority vote (Gorton, Ellinger,
Crosbie voted no), the item was separated from the rest of the list for voting
purposes.

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

Aye: Ellinger, Feigel, Gorton, James, Lane,
Lawless, Martin, Stinnett, Beard, Blues,
Crosbie-----11

Nay: Gray-----1

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

Aye: Ellinger, Feigel, Gorton, Gray, James,
Lane, Lawless, Martin, Stinnett, Beard,
Blues, Crosbie-----12

Nay: -----0

An Ordinance creating Article IV, Sections 7-39 through 7-43 of the Code of Ordinances, Lexington-Fayette Urban County Government, to establish an abandoned urban property classification for the purpose of ad valorem taxation, which rate is to be set by the Urban County Government at a rate which does not exceed the maximum rate allowable by law and which is based upon each \$100 of the January 1 assessment value of the property, and providing for a determination by the Vacant Property Review Commission of each such property with a list to be provided to the Div. of Revenue and the Office of the Fayette County Property Valuation Administrator by January 1 of each year, the removal of properties from the list upon a showing that the property no longer meets the criteria, an annual notice of determination mailed to owners or other interested parties, an appeal within thirty days, and the Vacant Property Review Commission to establish policies and procedures; and amending Section 12-82 of the Code of Ordinances to provide for fulfillment of duties by the Vacant Property Review Commission.

An Ordinance amending Subsection 18C-2(1) of the Code of Ordinances of the Lexington-Fayette Urban County Government to eliminate the registration requirement; amending Section 18C-3 of the Code of Ordinances to provide for the maintenance of insurance as required by law; amending Subsection 18C-4(1) of the Code of Ordinances to add that the ambulance service provider be appropriately authorized by the Commonwealth of Ky. to provide service within Fayette County; repealing and deleting Section 18C-8 of the Code of Ordinances pertaining to permit registration in its entirety; amending Section 18C-9 to add Fayette County and the Ky. Board of Emergency Medical Services or any other state agency tasked with regulating these services; and renumbering the sections of Chapter 18C of the Code of Ordinances accordingly; all effective upon date of passage.

An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Administrative Officer, Grade 118E, and creating one (1) position of Human Resources Generalist, Grade 118E, all in the Div. of Human Resources.

An Ordinance relating to stormwater discharges from high risk industrial and high-risk commercial facilities amending Subsections 16-1(f)(2), 16-1(f)(3), 16-1(f)(9), 16-1(f)(15), and 16-1(f)(16) of the Code of Ordinances to redefine terms; creating Subsections 16-1(f)(16) and Subsections 16-1(f)(18) through 16-1(f)(48) of the Code of Ordinances defining terms; creating Sub-Article C of Article X of Chapter 16 of the Code of Ordinances (Sections 16-89 through 16-91) to ensure adequate control of stormwater where high-risk industrial and high-risk commercial facilities are located; requiring a high-risk industrial facility to submit a copy of its KPDES permit and Stormwater Pollution Prevention Plan (SWPPP) to the Div. of Water Quality ("Div."); requiring other industrial facilities to submit a SWPPP to the Div. and specifying requirements thereof; requiring submission of monitoring program results to the Div. and allowing the Urban County Government to require monitoring programs as part of a SWPPP; requiring high-risk commercial facilities to develop a SWPPP within ninety (90) days of notice by the Div., specifying the requirements thereof and authorizing the Urban County Government to require monitoring programs as part of a SWPPP; authorizing the Urban County Government to develop general permits for industrial and commercial facilities that are not required to be covered under a KPDES permit; authorizing the Div. to require best management practices or stormwater controls for any industrial, commercial, or institutional activity, operation, or facility that may contribute to pollution of stormwater; creating Sub-Article D of Article X of Chapter 16 of the Code of Ordinances (Sections 16-92 through 16-98) relating to illicit connections and illicit discharges; prohibiting illicit discharges to the MS4, with certain exceptions; prohibiting illicit connections to the MS4; authorizing suspension of access to the MS4 when such action is necessary to stop a discharge which presents or may present imminent and substantial danger to the environment, or persons, or to the MS4; requiring remedial plans to eliminate an illicit connection or illicit discharge; requiring persons to maintain watercourses free of pollution, contamination, and unreasonable obstruction; and requiring notification to the Div. of release of materials which are resulting in or may result in illicit discharges.

An Ordinance relating to solid waste collection, solid waste disposal, sanitary sewers, and stormwater amending Section 16-1(c) and Section 16-1(g) of the Code of Ordinances defining terms; amending Section 16-2 of the Code of Ordinances to replace the Commissioner of Public Works with the Commissioner of Environmental Quality; repealing Sections 16-3.1 and 16-3.2 of the Code of Ordinances; amending Section 16-4 of the Code of Ordinances to replace the Commissioner of Public Works with the Commissioner of Environmental Quality, replace the Dir. of Solid Waste with the Dir. of Waste Management, and clarify enforcement actions; amending Section 16-4.1 of the Code of Ordinances to replace the Dir. of Solid Waste with the Dir. of Waste Management, to provide that dumpsters or screening placed without a permit shall be removed within forty-eight (48) hours unless a permit is immediately obtained, setting the fee for such permit at one hundred dollars (\$100), providing that no permitted dumpster shall be removed without notifying the Div. of Waste Management at least forty-eight (48) hours before, and clarifying enforcement actions; amending Section 16-8 of the Code of Ordinances to clarify enforcement actions; amending Section 16-10 of the Code of Ordinances to replace the Dir. of Solid Waste with the Dir. of Waste Management, replace the Commissioner of Public Works with the Commissioner of Environmental Quality, and clarify enforcement actions; repealing Sections 16-18 through 16-28 inclusive, of the Code of Ordinances; re-creating Sections 16-18 and 16-19 of the Code of Ordinances to require persons disposing of or managing solid waste within Fayette County to obtain required permits and comply with permit terms; amending Section 16-40 of the Code of Ordinances to clarify enforcement actions; amending Section 16-44 of the Code of Ordinances relating to grease and oil interceptors to add requirements that a site map, design documents, and as-built drawings be submitted to the Div. of Water Quality, clarify permit provisions, and transfer approval authority to the Div. of Water Quality; amending Section 16-44.1 of the Code of Ordinances relating to special grease and oil interceptors to replace the Dir. of Sanitary Sewers with the Dir. of Water Quality and clarify enforcement actions; amending Section 16-46 of the Code of Ordinances to replace the Dir. of Sanitary Sewers with the Dir.

of Water Quality and clarify enforcement actions; amending Section 16-49 of the Code of Ordinances to replace the Dir. of Sanitary Sewers with the Dir. of Water Quality; repealing Sections 16-73, 16-74, and 16-75 of the Code of Ordinances; amending Section 16-74.1 of the Code of Ordinances by re-numbering it as Section 16-94.1; creating Article XII of Chapter 16 of the Code of Ordinances relating to civil fines and enforcement to provide enforcement response actions of informal notice, notice of violation, civil citations, and administrative orders, including an order to appear before the Dir. of Waste Management or Water Quality, a compliance order, or a cease and desist order; providing specific requirements for issuance of Notices of Violation (NOVs) and providing that an NOV shall precede issuance of a civil citation except in cases of serious threats to the public or environment, potential irreparable effects, or repeat offenders; providing specific requirements for issuance of civil citations and providing a right to a hearing before the Environmental or Infrastructure Hearing Board if the citation is contested within seven (7) days; providing for service of NOVs, administrative orders, and citations by personal service or regular mail and providing for a copy to be sent to the property owner; providing that civil fines may be issued for failure to perform duties under or violation of Chapter 16; providing that the maximum civil fine that may be imposed is fifteen thousand dollars (\$15,000) and each day in violation shall be a separate offense; providing that a citation shall specify the amount of the fine and that two-thirds (2/3) of the fine specified will be imposed if the violator does not contest the citation and has complied with applicable administrative orders; providing that persons who hold a permit under Chapter 16 may be issued a stop work order for violation of the permit or the provisions of Chapter 16 where there is a threat to the public or property and providing for appeal to Fayette District Court; specifying the rights of appeal of civil citations and providing that failure to appeal shall represent a determination that a violation has been committed and finally adjudicated; providing for appeal to Fayette District Court of decisions of the Administrative Hearing Boards; providing that violators shall become liable to the Urban County Government for its expenses occasioned by the violation and that violators shall

be responsible for repairing or restoring any facility, natural outlet, or stream that is damaged by the violation; providing that the Urban County Government may pursue equitable relief in court when necessary and may abate the conditions and charge the violator an administrative fee of two hundred and fifty dollars (\$250) and the costs of abatement; providing that the authorized enforcement agency may enter on private property if necessary to abate a violation; providing for filing of a lien for Urban County Government costs; providing that the Urban County Government may enter and inspect construction sites and facilities subject to regulation under Chapter 16 to determine compliance; providing that legal action may be instituted by the Urban County Government for the recovery of penalties and costs, including attorney's fees and court costs; providing that violations of Chapter 16 are a public nuisance; providing that knowing or wanton violators may be subject to criminal prosecution; providing that no building permit will be granted to a person adjudicated in violation of Chapter 16 unless an appropriate consent order and compliance schedule has been entered into with the Div. of Environmental Policy; creating Subsection 5-88(i) of the Code of Ordinances providing that a contractor must certify that it has not been adjudicated in violation of Chapter 16 before being registered to act as a contractor within Fayette County; creating Subsection 5-90(e) of the Code of Ordinances providing that before renewal of registration contractors must certify that all information provided remains accurate; and creating Subsection 5-98(a)(6) of the Code of Ordinances providing that the registration of a contractor may be suspended or revoked for violation of any provision of Chapter 16.

An Ordinance amending Section 14-10(f) of the Code of Ordinances to clarify citation authority for enforcement of Chapter 16 of the Code of Ordinances.

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 Justice, 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 \$86,168.00 Federal funds, are for the Project

Safe Neighborhoods Program, for the U.S. Attorney's Office for the Eastern District of Ky., the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 23, 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 U.S. Dept. of Justice, 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 \$1,394,105.00 Federal funds, under the 2009 Recovery Act Edward Byrne Memorial Justice Grant Assistance Program, are for the purchase and installation of various types of equipment for the Div. of Police, to establish a full-time (three years) civilian unclassified position for the Computer Information Systems Unit in the Div. of Police, a full-time social worker unclassified position for the Offender Reentry Program at the Div. of Community Corrections, an assistant prosecutor position in the Fayette County Commonwealth Attorney's Office, a gang coordinator position in the Fayette County Attorney's Office, and an extradition coordinator in the Fayette County Sheriff's Office, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 24, 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 \$15,000.00 Federal funds, are for participation in Bluelights Across the Bluegrass, for the Div. of Police, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 25, 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 Ky. Dept.

of Education, Div. of School and Community Nutrition, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$62,000.00 Federal funds, are for participation in the Child Care Food Program for the operation of the nutrition program, at the Family Care Center in FY 2010, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 26, 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 Ky. Dept. of Education, 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 \$35,500.00 in Federal funds and Commonwealth of Ky. funds, are for the National School Lunch Program - 2010, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 27, 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. 28.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Energy and Environment Cabinet, which Grant funds are in the amount of \$14,035.00 Commonwealth of Ky. funds under the Ky. Recycling and Household Hazardous Waste Grant Program, are for support of a partnership with Lexington Habitat for Humanity to establish a program to collect, bulk and resell leftover latex-based paint to generate revenue and reduce hazardous landfill-bound waste, the acceptance of which obligates the Urban County Government for the expenditure of \$4,678.00 as a local match, to be provided in-kind by Lexington Habitat for Humanity, appropriating funds pursuant to Schedule No. 30, 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. Energy and Environment Cabinet, which Grant funds are in the amount of \$113,154.00 Commonwealth of Ky. funds under the Ky. Household Hazardous Waste Management Grant Program, are for the support of a one-day household hazardous waste recycling event, the acceptance of which obligates the Urban County Government for the expenditure of \$29,481.00 as a local match, appropriating funds pursuant to Schedule No. 31, 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 \$12,000.00 for Animal Control, and appropriating and re-appropriating funds, Schedule No. 32.

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The following ordinances were given first reading. Upon motion of Ms. Lawless, seconded by Mr. Stinnett, the rules were suspended by unanimous vote.

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

Aye: Ellinger, Feigel, Gorton, Gray, James,
Lane, Lawless, Martin, Stinnett, Beard,
Blues, Crosbie-----12

Nay: -----0

An Ordinance amending Articles 27-6(d) and 27-7 of the Zoning Ordinance to delay the issuance of demolition permits in the Courthouse Design Area Overlay Zone, and to stay all work once an appeal to the Planning Commission has been filed until after the hearing before the Planning Commission.

An Ordinance closing a portion of Leader Ave.; 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.

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Upon motion of Mr. Blues, seconded by Ms. Gorton, and approved by unanimous vote, an Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$6,000 for a copier for the Div. of Youth Services, and appropriating and re-appropriating funds, Schedule No. 38 was placed on the docket, given first reading, and ordered placed on file until August 13, 2009 for public inspection.

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The following ordinances were given first reading and ordered placed on file until August 13, 2009 for public inspection.

An Ordinance amending Section 21-5(2) of the Code of Ordinances reallocating one (1) position of Dir. of Streets, Roads and Forestry, from Grade 121E to Grade 123E, in the Div. of Streets, Roads and Forestry, and appropriating funds pursuant to Schedule No. 33.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to establish \$6 million in Bond Fund Budget for the Lyric Theater Project as approved at the Lexington-Fayette Urban County Council meeting on July 2, 2009 and by Reimbursement Resolution on March 12, 2009, and appropriating and re-appropriating funds, Schedule No. 34.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to provide funds for purchase orders rolling from FY 2009 into FY 2010, and appropriating and re-appropriating funds, Schedule No. 35.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$400.00 for the Div. of Parks and Recreation from Neighborhood Development Funds for the S.T. Roach Basketball Cheerleader t-shirts, and appropriating and re-appropriating funds, Schedule No. 36.

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. 37.

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A Resolution ratifying the probationary civil service appointments of: Dan Dettman, Environmental Compliance Coordinator, Grade 119E, \$2,289.28 bi-weekly, in the Div. of Environmental Policy, effective July 6, 2009, Gregory Sheffer, Public Service Worker, Grade 106N, \$13.287 hourly, in the Div. of Water Quality, effective July 6, 2009; approving leaves of absence for: Pamela Moses, Personnel Records Supervisor, Grade 114E, in the Div. of Police, request 90 day Council approved leave without pay from June 17, 2009 to September 14, 2009, Ardonna Angel, Telecommunicator Sr., Grade 113N, in the Div. of Emergency Management/911, request 90 day Council approved leave without pay from June 28, 2009 through September 25, 2009; approving the unclassified civil service appointment of: Anthony Snowden, Security Officer, Grade 106N, \$11.161 hourly, in the Dept. of General Services, effective June 29, 2009 was on the docket for second reading.

Mr. Beard made a motion, seconded by Ms. Feigel, and approved by unanimous vote, to amend the resolution to provide that Ardonna Angel requests a 54 day Council approved leave without pay from June 29, 2009 through August 21, 2009. Mr. Beard stated that this was not a material change and did not require a new first reading.

A Resolution ratifying the probationary civil service appointments of: Dan Dettman, Environmental Compliance Coordinator, Grade 119E, \$2,289.28 bi-weekly, in the Div. of Environmental Policy, effective July 6, 2009, Gregory Sheffer, Public Service Worker, Grade 106N, \$13.287 hourly, in the Div. of Water Quality, effective July 6, 2009; approving leaves of absence for: Pamela Moses, Personnel Records Supervisor, Grade 114E, in the Div. of Police, request 90 day Council approved leave without pay from June 17, 2009 to September 14, 2009, Ardonna Angel, Telecommunicator Sr., Grade 113N, in the Div. of Emergency Management/911, request 54 day Council approved leave without pay from June 29, 2009 through August 21, 2009; approving the unclassified civil service

appointment of: Anthony Snowden, Security Officer, Grade 106N, \$11.161 hourly, in the Dept. of General Services, effective June 29, 2009 was given second reading as amended.

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

Aye: Ellinger, Feigel, Gorton, Gray, James,
Lane, Lawless, Martin, Stinnett, Beard,
Blues, Crosbie-----12

Nay: -----0

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

Aye: Ellinger, Feigel, Gorton, Gray, James,
Lane, Lawless, Martin, Stinnett, Beard,
Blues, Crosbie-----12

Nay: -----0

A Resolution accepting the bid of ZKB Construction Services LLC, in the amount of \$17,350.00, for the Roof Installation at Tates Creek Community Center, for the Div. of Parks and Recreation, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with ZKB Construction Services LLC, related to the bid.

A Resolution accepting the bid of Allen Brothers Construction, Inc., in the amount of \$19,200.00, for roof replacement - Jordan Building, for the Div. of Fire and Emergency Services.

A Resolution authorizing and directing the Mayor, the Fire Chief, and the Director, Div. of Emergency Management/911, on behalf of the Urban County Government and pursuant to KRS Chapter 39F, to execute a Statement of Affiliation pertaining to the establishment and designation of the Urban County Government's Div. of Fire and Emergency Services; Special Operations Technical Rescue Team as the recognized rescue squad for 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 an Agreement with the Board of Trustees of the

Lexington Public Library, to provide a part-time staff position to serve as a Community Development Coordinator at Gainesway Community Center, at no cost to the Urban County Government.

A Resolution pursuant to Section 21-16(b) of the Code of Ordinances approving the continuation of the acting assignment pay increase of greater than ten percent (10%) for Mary Fister, Dir. of Accounting, who will also be serving as the Acting Dir. of Budgeting, effective July 1, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky.-American Water Co. for the billing, accounting and collecting of the Water Quality Management Fee, at a cost not to exceed 36.23¢ per month, for each account billed, to be adjusted by the CPI-U on July 1, 2011.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. of Emergency Management and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$775,968.75 Federal funds and \$124,155.00 Commonwealth of Ky. funds under the Federal Emergency Management Agency's Hazard Mitigation Grant Program, and are for the acquisition and demolition of seven residential properties in the Ft. Sumter/Gayle Dr. area and the Parkside/Shandon/Cabot Dr. area.

A Resolution accepting the bid of Schroeder Construction, Inc., in the amount of \$356,416, for the Haley Pike Landfill Leachate Pump Station Upgrade, for the Div. of Waste Management, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract Agreement with Schroeder Construction, Inc., related to the bid.

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 142 Northwood Dr. from James and Pamela Hopkins, for the Northwood Dr. Stormwater Project, and authorizing payment in the amount of \$114,200.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Mutual Aid Agreement with Lexington-Fayette Urban County Airport Board, for mutual aid, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept Remotec, Inc., as a sole source provider of Andros Hazardous Duty Robot Systems, including radio systems, related upgrades, accessories, parts, training, refurbishments and service.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Authorization with Celco Partnership, for a site survey, at Castlewood Park 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 Purchase of Service Agreement with Urban League of Lexington-Fayette County, for support of initiatives designed to enable African-Americans and disadvantaged citizens to achieve social and economic equality, at a cost not to exceed \$66,500.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Road to Homeownership, Inc., for the provision of educational programs to economically disadvantaged and low to moderate income families, at a cost not to exceed \$32,060.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Lexington-Fayette Urban County Human Rights Commission, for purchase of services for FY 2010, at a cost not to exceed \$180,500.00.

A Resolution authorizing and directing the Dept. of Law to institute condemnation proceedings in Fayette Circuit Court to obtain permanent sanitary sewer and temporary construction easements at 168 Beverly Ave. for the Beverly Ave. Sanitary Sewer Project.

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

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

Aye: Ellinger, Feigel, Gorton, Gray, James,
Lane, Lawless, Martin, Stinnett, Beard,
Blues, Crosbie-----12

Nay: -----0

A Resolution accepting the bid of Blue Grass Mailing Services, establishing a price contract for Mailing Services, for various departments and divisions of the Urban County Government.

A Resolution accepting the bid of R & L Cleaning Services, establishing a price contract for Custodial Services - Coleman House, for the Div. of Facilities and Fleet Management.

A Resolution ratifying the probationary civil service appointments of: Charles Taylor, Equipment Operator Sr., Grade 109N, \$12.815 hourly, in the Div. of Water Quality, effective July 20, 2009, Jamshid Baradaran, Deputy Director of Building Maintenance, Grade 121E, \$3,600.00 bi-weekly, in the Div. of Facilities and Fleet Management, effective July 13, 2009; approving the probationary Community Corrections Officer appointment of: Angela Mullins, Probation Officer, Grade 110N, \$16.062 hourly, in the Div. of Community Corrections, effective July 20, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Service Agreement with the Lexington Fayette County Health Dept., for health data surveillance, 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 Service Agreement with West Government Services, for database access, at a cost not to exceed \$4,500.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Sixth Amendment to the Professional Services Agreement with Patricia K. Howard to serve as the Emergency Medical Services Training Coordinator for the Div. of Fire and Emergency Services, at a cost not to exceed \$11,850.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Juvenile Justice and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$18,000.00 Federal funds under the Juvenile Accountability Block Grant Program, and are for programs designed to promote greater accountability in the Juvenile Justice System.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Office of Homeland Security, for extension of the Metropolitan Medical Response Systems (MMRS) Project through December 31, 2009, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Office of Homeland Security, for extension of the World Equestrian Games All Hazards Disaster Preparedness Plan Project through November 30, 2009, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Purchase of Service Agreements with Baby Health Services (\$18,000), Big Brothers, Big Sisters (\$10,290), Bluegrass Community Action Agency (\$30,000), Bluegrass Domestic Violence Program, Inc. (\$75,000), Bluegrass Rape Crisis Center (\$75,000), Bluegrass Technology Center, Inc. (\$3,000), Center for Women, Children, & Families (\$50,000), Chrysalis House, Inc. (\$40,000), Bluegrass Comprehensive Care Center (\$314,750), Community Action Council (\$180,000), Hope Center, Inc. (\$740,000), M.A.S.H. Services of the Bluegrass, Inc. (\$158,000), Moveable Feast

Lexington (\$40,000), Nursing Home Ombudsman Agency of the Bluegrass, Inc. (\$50,000), Salvation Army (\$200,000), and Sunflower Kids (\$25,000) to provide services to the public , at a cost not to exceed \$2,009,040.00.

A Resolution authorizing and directing the Mayor, on behalf of the Lexington-Fayette Urban County Government and the Lexington-Fayette Urban County Government Public Facilities Corp. to execute a Deed and any other necessary documents, to transfer property located at 125 Cisco Rd. a/k/a 1135 Red Mile Place, Lexington, Ky. from the Public Facilities Corp. to the Lexington-Fayette Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Port Royal Neighborhood Association, Inc. (\$500.00), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit an Application to the Ky. Infrastructure Authority (KIA), and to provide any additional information requested in connection with this Application, in the amount of \$14,600,000.00 for low interest loans to facilitate the Lower Cane Run Pump Station and Expansion Area I Projects.

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Upon motion of Mr. Stinnett, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Environmental Protection Agency (EPA) Climate Showcase Communities, and to provide any additional information requested in connection with this Application, for upgrading aeration blowers and controls at the West Hickman and Town Branch Wastewater Treatment Plants was placed on the docket and given first reading.

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

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

Aye: Ellinger, Feigel, Gorton, Gray, James,
Lane, Lawless, Martin, Stinnett, Beard,
Blues, Crosbie-----12

Nay: -----0

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Upon motion of Mr. Blues, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a 100 day Option to Purchase Agreement, renewable for an additional sixty (60) day period, with Hutson-Sirk II, LLC, for property located at 1975 Russell Cave Pike, at a cost not to exceed \$5,000.00 for the initial one hundred (100) day period of the Option to Purchase, and an additional \$5,000.00 if the Option to Purchase is renewed was placed on the docket and given first reading.

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

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

Aye: Ellinger, Feigel, Gorton, Gray, James,
Lane, Lawless, Martin, Stinnett, Beard,
Blues, Crosbie-----12

Nay: -----0

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Upon motion of Ms. Lawless, seconded by Mr. McChord, and approved by unanimous vote, a Resolution authorizing and directing the Mayor on behalf of the Urban County Government, to execute an Agreement with the Kentucky Classical Theater Conservancy for Summerfest, at a cost not to exceed \$10,000.00 was placed on the docket and given first reading.

Upon motion of Ms. Lawless, seconded by Mr. Beard, the rules were suspended by unanimous vote.

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

Aye: Ellinger, Feigel, Gorton, Gray, James,
Lane, Lawless, Martin, Stinnett, Beard,
Blues, Crosbie-----12

Nay: -----0

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Upon motion of Ms. Crosbie, seconded by Mr. Gray, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the reappointment of Ms. Linda M. Moran to the Alarm Advisory Board, with a term to expire 7-1-2012; (2) Recommending the reappointments of Mr. Scottye J. Terhune and Ms. Pamela L. Weeks to the Court Appointed Special Advocate Board (CASA), with terms to expire 6-11-2011; (3) Recommending the reappointment of Mr. Michael Meuser to the Courthouse Area Design Review Board, with a term to expire 7-1-2013; (4) Recommending the reappointment of Ms. Lisa Johnson to the Environmental Hearing Commission, with a term to expire 6-30-2012; (5) Recommending the appointment of Ms. Lindsay Mattingly to the Human Rights Commission, with a term to expire 1-1-2013. Ms. Mattingly will fill a vacancy; (6) Recommending the appointments of Ms. Bridgett Collier, Mr. Dewitt Hisle, Mr. Dick Robinson and Councilmember Kevin Stinnett (Ex-Officio) to the Lexington Center Corporation Board of Directors, with terms to expire 2-28-2013. The terms of Mr. Patterson DeCamp, Mr. Ronald Mossotti and Mr. Luther Deaton have expired; (7) Recommending the appointments of Ms. Ling-Yuh W. (Miko) Pattie and Mr. Kevin Weaver to the Library Board of Trustees, with terms to expire 7-20-2013. The terms of Mr. Burgess Carey and Mr. Joseph Miller have expired; (8) Recommending the reappointment of Mr. Gary Fogtman to the Masterson Station Park Advisory Board, with a term to expire 5-1-2013; (9) Recommending the appointment of Councilmember Cheryl Feigel to the Picnic With the Pops Commission, as Ex-Officio member; (10) Recommending the correction of the end date of the 7-5-2007 appointment of Ms. Renee Jackson to the Special Events Commission to 6-1-2011 to maintain the proper staggered terms; and (11) Recommending the reappointment of Mr. Chris Humphrey to the Transit Authority Board, with a term to expire 6-30-2013.

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The following Communications were received from the Mayor for information only: (1) Resignation of Thaddeus Moore, Police Officer, Grade 311N, in the Div. of Police, effective May 23, 2009; (2) Resignation of Matthew

Crawford, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective July 1, 2009; (3) Resignation of Jason Durham, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective June 19, 2009; (4) Resignation of Tonya Roberts, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective June 30, 2009; (5) Resignation of Jonathan Hopkins, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective June 18, 2009; and (6) Transfer of Kenneth Goble, Public Service Worker, Grade 107N, from the Div. of Streets, Roads & Forestry to the Div. of Water Quality, effective June 29, 2009.

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Mr. Ellinger asked Mr. Stinnett, parliamentarian, to provide information on Council rules before August 13, 2009. Mr. Stinnett agreed.

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Upon motion of Mr. Stinnett, seconded by Ms. Crosbie, and approved by unanimous vote, the meeting adjourned at 7:50 p.m.

Clerk of the Urban County Council