Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky September 18, 2008

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on September 18, 2008 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Blevins, Blues, Crosbie, DeCamp, Ellinger, Gorton, Gray, Henson, James, Lane, McChord, Myers, Stevens, Stinnett, and Beard.

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

Ordinances No. 203-2008 thru 206-2008 inclusive and Resolutions No. 511-2008 thru 526-2008 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky September 18, 2008

The Invocation was given by John and Katheryn Heinz, Missionaries of Downtown Pulse.

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

Aye: Blevins, Blues, Crosbie, DeCamp, Ellinger,
Gorton, Gray, Henson, James, Lane,
McChord, Myers, Stevens, Stinnett, Beard----15

Nay: --0

An Ordinance accepting the bid of Herrick Company, Inc., in the amount of $248,500.00 for chlorination equipment replacement for the Town Branch Waste Water Treatment Plant, and appropriating funds pursuant to Schedule No. 51.

An Ordinance accepting the bid of Arrow Electric Company, Inc., in the amount of $710,170.00 for traffic signal rebuild/signalization for a portion of Nicholasville Road, for the Div. of Traffic Engineering, and appropriating funds pursuant to Schedule No. 53.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Environmental and Public Protection Cabinet, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of $144,556.00 Commonwealth of Ky. funds, are for the continuation of the Litter Control Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 42, 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. Justice and Public Safety Cabinet, which Grant funds are in the amount of $60,000.00 Federal funds, are for operation of a Ticketing Aggressive Cars and Trucks (TACT) Grant Program, and the acceptance of which obligates the Urban County Government for the expenditure of $15,000.00 as a local match, appropriating funds pursuant to Schedule No. 44, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Ordinance No. 261-2007 which authorized and directed the Mayor, on behalf of the Urban County Government, to execute a Reimbursement Agreement with C Brothers, LLC and Hillenmeyer Properties, LLC, for developer reimbursement for construction of a sanitary sewer trunk line, to increase the cost for construction from $447,780.30 to $553,092.30, and appropriating funds pursuant to Schedule No. 43.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Juvenile Justice, which Grant funds are in the amount of $44,619.00 Commonwealth of Ky. funds, are for support of juvenile delinquency prevention programming, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and further authorizing and directing the Mayor to execute an Agreement with Croney and Clark, Inc., for the Truancy Reduction Initiative, at a cost not to exceed $44,619.00, appropriating funds pursuant to Schedule No. 52, 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 Supplemental Agreement No. 2 with and to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of $770,000.00 Federal funds, are for the utilities phase of the Clays Mill Road Improvement Project, the acceptance of which obligates the Urban County Government for the expenditure of $192,500.00 as a local match, appropriating funds pursuant to Schedule No. 49, 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 Supplemental Agreement No. 5 with and to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of $255,486.00 Federal funds, are for the design ($11,486.00), right-of-way acquisition ($152,000.00) and utilities ($92,000.00) phases of the Richmond Road Multi-Use Path Project, the acceptance of which obligates the Urban County Government for the expenditure of $194,472.00 (including for the construction phase) as a local match, appropriating funds pursuant to Schedule No. 48, 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. 40.

An Ordinance authorizing payment in the amount of $1,408,100 to Kinzelman Kline Gossman, LLC, pursuant to the Agreement authorized by Resolution No. 579-2007, for the design of sidewalks and streetscape improvements for the downtown area, and appropriating funds pursuant to Schedule No. 47.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Staff Assistant, Grade 107N, and creating one (1) position of Landfill Inspector, Grade 108N, in the Div. of Waste Management, and appropriating funds pursuant to Schedule No. 45.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Telecommunicator Sr., Grade 113N, and creating one (1) position of Administrative Specialist Principal, Grade 114E, in the Div. of Emergency Management/911, and appropriating funds pursuant to Schedule No. 46.

An Ordinance amending Section Eight (8) of Ordinance 183-2008 to correct the authorized strength for the positions of Engineering Technician, Grade 111N, Skilled Trades Worker Sr., Grade 112N, and Public Service Worker, Grade 106N, amending Section Ten (10) of Ordinance No. 183-2008 to correct a division line number and amending Section 12 of Ordinance No. 183-2008 transferring the incumbents for certain positions from the Div. of Fire and Emergency Services to the Div. of Facilities and Fleet Management, retroactive to July 8, 2008.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept donations totaling $475.00 from Mr. & Mrs. C. B. Lovell III, Dr. Robert H. Spedding, Mr. & Mrs. E. T. Dillender, Mr. Richard E. Vimont, Dr. & Mrs. Raynor Mullins, Dr. Mary T. Unruh, Ms. Janet D. Ellinger, and Ms. Edna Land Naylor in memory of Ms. Hilda Ecton, to be used exclusively for improvements to Ecton Park, and appropriating funds pursuant to Schedule No. 50.

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An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Planned Unit Development-1 (PUD-1) zone for 24.88 net (27.7 gross) acres, for property located at 4500 Old Schoolhouse Lane, subject to certain landscape and buffering restrictions imposed as conditions of granting the zone change (Kevin Crouse, Premier Villages) was given first reading and ordered placed on file until a Special Council Meeting to be held on October 28, 2008 at 6:00 p.m.

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

An Ordinance changing the zone from an Agricultural Rural (A-R) zone to an Interchange Service Business (B-5P) zone for 6.70 net (9.23 gross) acres for property located at 5191 Athens-Boonesboro Road (a portion of). (JFG Enterprises, Inc.)

An Ordinance changing the zone from a Light Industrial (I-1) zone to a Planned Shopping Center (B-6P) zone for 6.58 net (7.55 gross) acres for property located at 3851 and 3885 Mall Road. (Rose Hill Properties, LLC)

An Ordinance changing the zone from an Interchange Service Business (B-5P) zone to an Agricultural Rural (A-R) zone for 6.00 net and gross acres of property located at 5354 Athens-Boonesboro Road (a portion of). (JFG Enterprises, Inc.)

An Ordinance accepting the bid of Teco Mechanical Contractor, Inc., in the amount of $639,200.00 for Waste Management Building HVAC renovation, for the Div. of Waste Management, and appropriating funds pursuant to Schedule No. 58.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Div. of Forestry, which Grant funds are in the amount of $6,197.00 Federal funds, are for support of public education and fire prevention efforts for citizens living in the rural and limited access areas of Lexington-Fayette County, the acceptance of which obligates the Urban County Government for the expenditure of $1,550.00 as a local match, appropriating funds pursuant to Schedule No. 54, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Subgrant Recipient Agreement with Financial Commission for Appalachia High Intensity Drug Trafficking Area, for receipt of Federal funds for overtime, which Grant funds are in the amount of $5,000.00, and appropriating funds pursuant to Schedule No. 56.

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. 55.

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A Resolution directing the preparation of a Development Plan for the Phoenix Park/Courthouse Development Area, which includes all recommendations of the Delegation established pursuant to Resolution No. 434-2008, and scheduling a public hearing thereon on October 14, 2008, at 6:00 p.m. was given second reading.

The Council asked questions of Mr. Darby Turner, attorney for the CentrePointe Project, and Mr. Logan Askew, Commissioner of the Dept. of Law, regarding the project financing and development plan.

There was discussion among the Council concerning the need for a public hearing.

The following citizens spoke against the resolution: (1) Mr. Preston Pendley, Blackburn Ave.; and (2) Mr. Joe Graves, Fincastle Rd., who filed the following exhibit: (a) Requests in Joe Graves, Letter of 8/18/08 for Information About CentrePointe Development Addressed to Mayor Jim Newberry Together with the Mayor’s Written Responses dated 8/27/08.

The following citizens spoke in support of the resolution: (1) Mr. James Millard, Waterwild Ln.; (2) Mr. Timothy Price, St. William Dr.; (3) Mr. Charlie Moore, Chinoe Rd.; and (4) Ms. Renee Jackson, Zandale Dr.

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

Aye: Crosbie, DeCamp, Ellinger, Henson, Lane,
McChord, Myers, Stevens, Stinnett, Beard-----10

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

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Employment Solutions, Inc., for the East Sector Roll Call Facility beginning July 1, 2008 for a term of five (5) years, subject to sufficient funds being appropriated in subsequent fiscal years, at a cost not to exceed $2,812.00 per month was given second reading.

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

Aye: Blevins, Blues, Crosbie, DeCamp, Ellinger,
Gorton, Gray, James, Lane, McChord,
Myers, Stevens, Stinnett, Beard------------------14

Nay: --0
(Ms. Henson recused herself when the vote was taken.)

* * *

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

Aye: Blevins, Blues, Crosbie, DeCamp, Ellinger,
Gorton, Gray, Henson, James, Lane,
McChord, Myers, Stevens, Stinnett, Beard----15

Nay: --0

A Resolution accepting the bid of Watermark Construction, LLC, in the amount of $185,502.70, for the Town Branch Trail Phase 2 Construction, for the Div. of Engineering.

A Resolution accepting the bid of Visual Image Systems, establishing a price contract for reflective vehicle decals, for the Div. of Police.

A Resolution accepting the bids of Orr Safety Corporation, Bluegrass Fire Equipment, and Bluegrass Uniforms, Inc., establishing price contracts for Wildland Firefighting Equipment, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Logan Security, Inc., establishing a price contract for Gainesway Community Center Security, for the Dept. of General Services.

A Resolution accepting the bids of Environmental Resources, Inc., Superior Demolition, Inc., and Solid Rock Construction Services, establishing price contracts for the demolition of residential structures, for the Div. of Engineering.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Environmental Protection Agency and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $220,000.00 Federal funds, and are for the Empowering Lexington To Use Power Wisely Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Marriott Griffin Gate Resort & Spa, for the Crime Analysts Symposium, at a cost not to exceed $2,263.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with U.S. Geological Survey, for the continuing and ongoing maintenance and operation of existing stream flow and precipitation gauges, at a cost not to exceed $86,910.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with M.A.S.H. Services of the Bluegrass, Inc., for operation of the M.A.S.H. Drop Inn Facility, at a cost not to exceed $173,458.00 in Grant funds from the U.S. Dept. of Health and Human Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Standard Software Maintenance Agreement with New World Systems Corporation, for software maintenance support, at a cost not to exceed $240,369.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with William Wells Neighborhood Association, Inc. ($150.00), American Cancer Society, Inc. ($50.00), Mothers of the Earth United, Inc. ($205.00), OWL Foundation, Inc. ($125.00), Martin Luther King Neighborhood Association, Inc. ($250.00) and American Lung Association of Ky., Inc. ($700.00) 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 Change Order No. 1 to the Contract with Strand Associates, Inc., for the Solid Waste Expansion Project, increasing the contract price by the sum of $44,504.00 from $408,600.00 to $453,104.00.

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 permanent sanitary sewer and temporary construction easements from DDD & W, LLC, for property located at 4615 Nicholasville Road, for the South Elkhorn Force Main Project, and authorizing payment in the amount of $13,500.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying permanent sanitary sewer and temporary construction easements from Cassity Limited Partnership II, for property located at 5170 Harrodsburg Road, for the South Elkhorn Force Main Project, and authorizing payment in the amount of $12,000.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying permanent sanitary sewer and temporary construction easements from Jeanette Germann, Christopher Germann and Logan Germann, for property located at 2725 Brannon Road, for the South Elkhorn Force Main Project, and authorizing payment in the amount of $10,900.00, plus usual and appropriate closing costs.

A Resolution ratifying the probationary civil service appointments of: David Wendling, Equipment Operator Sr., Grade 109N, $12.841 hourly, in the Div. of Water Quality, effective September 15, 2008; Darryl Baker, Equipment Operator Sr., Grade 109N, $18.664 hourly, in the Div. of Waste Management, effective September 15, 2008; Theresa Sanders, Equipment Operator Sr., Grade 109N, $13.774 hourly, in the Div. of Waste Management, effective September 15, 2008; Winford Lewis, Equipment Operator Sr., Grade 109N, $18.664 hourly, in the Div. of Waste Management, effective September 1, 2008; Jill Wilson, Recreation Specialist Sr., Grade 113E, $1,655.68 bi-weekly, in the Div. of Parks and Recreation, effective September 15, 2008; Jaclyn Phelps, Administrative Specialist Sr., Grade 112N, $16.120 hourly, in the Dept. of Environmental Quality, effective September 15, 2008; ratifying the permanent civil service appointments of: Robert Poage, GIS Specialist, Grade 114N, in the Div. of Computer Services, effective April 1, 2008; ratifying the probationary sworn appointments of: Jeremy Wheatley, Fire Lieutenant, Grade 315N, $16.261 hourly, in the Div. of Fire and Emergency Services, effective September 1, 2008; Kenneth Raglin, Fire Captain, Grade 316N, $21.497 hourly, in the Div. of Fire and Emergency Services, effective September 1, 2008; Shaun Brown, Fire Major, Grade 318E, $3,381.38 bi-weekly, in the Div. of Fire and Emergency Services, effective September 1, 2008; probationary Community Corrections appointments: Stanley Anderson, Calvin Bennett, Jessica Bradley, David Brian, Aimee Bunton-Cornett, Kimberly Campbell, Christopher Canter, Henry Cottle, Stephanie Doss, Robert Dunn, Paul Gaines, John Gerardi, Trent Groce, James Harmon, Alfred Harris, Adam Hires, Michele Hunt, Daniel Keeling, Kevin Lawson, Jesse Little, Scott McCracken, Daniel Pedigo, Heather Ray, Ann Schultz, Richelle Walker, Community Corrections Officer, Grade 110N, $13.930 hourly, in the Div. of Community Corrections, effective September 2, 2008; permanent Community Corrections apppointments: Paul Oghia, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 20, 2008; Wendy Amburgey, Matthew Crawford, Jason Durham, Tonya Fairchild, William Green, Darrell Maggard, Levodis Meadows, Shawn Norman, Randolph Parker, Michael Rowe, Melody Shropshire, Michael Weller, Todd Young, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 3, 2008; **a**pproving leave of absence for: Lori Vanover-Segar, Probation Officer-Juvenile, Grade 112N, in the Div. of Youth Services, requests a 20 day Council approved leave without pay from September 4, 2008 through September 23, 2008; Bonnie Miracle, Social Services Supervisor, Grade 115E, in the Div. of Youth Services, requests a 60 day Council approved leave without pay from August 22, 2008 through October 20, 2008; Chelanda Holliday, Administrative Specialist, Grade 110N, in the Div. of Police, requests a 90 day Council approved leave without pay from August 1, 2008 to October 29, 2008; **a**pproving the unclassified civil service appointment of: Rickie Caldwell, Administrative Officer, Grade 118E, $2,839.44 bi-weekly, in the Dept. of General Services, effective September 8, 2008; Marie Deaeth, Staff Assistant Sr., Grade 108N, $11.252 hourly, in the Div. of Water Quality, effective September 1, 2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Simon and Company, Inc., for services related to Federal matters and funding as further provided in the 2008-09 Work Plan, at a cost not to exceed $39,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Mental Health Services Agreement with Bluegrass Regional Mental Health – Mental Retardation Board, Inc., for court ordered mental health evaluations of clients referred to the Div. of Youth Services, at a cost not to exceed $2,500.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Affiliation Agreement with the University of Ky. for its UK Healthcare Programs, for Paramedic Clinical Training, 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 Revised Group Sales Agreement with Hyatt Regency Lexington, for the Bluegrass Invitational Wheelchair Basketball Tournament, 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 Renewed Agreement of Affiliation with Bluegrass Crime Stoppers, Inc., for services and assistance, 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 Open Gates Neighborhood Association ($750.00) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution approving the Report of the Audit Examination of the Lexington-Fayette Urban County Government Sheriff’s Settlement – 2007 taxes, for taxes collected as of April 24, 2008, and granting the Sheriff a Quietus.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Special Warranty Deed conveying a certain tract or parcel of land known as the Julia R. Ewan Elementary School property to the Board of Education of Fayette County, Kentucky, in consideration of the payment in full of School Building Revenue Bonds issued by the Urban County Government for the construction of improvements to said property.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #3 to provide garbage and refuse collection; finding a need for this service in the area included; finding the ability of the Urban County Government to provide this service in this area, which area is defined as certain properties on the following streets: <u>Sharkey Property, Unit 2-C, Section 1,</u> Townley Park; <u>Lexingtonian Estates, Section 2,</u> Winners Circle; <u>Sharkey Property, Unit 2-C, Section 2,</u> Towne Square Park; <u>Lochmere Estates (Maple Ridge), Unit 1-A,</u> Lochmere Loop, Lochmere Place; <u>Higbee Mill Reserve,</u> Reserve Road; <u>Lexingtonian Estates, Section 1,</u> Versailles Road, Winners Circle; <u>Richmond Woods,</u> Todds Road; <u>Newtown Springs, Unit 1, Lot 9,</u>

Russell Springs Drive, Newtown Springs Drive; Hamburg Place Farm, B-6P Area, War Admiral Way.

A Resolution specifying the intention of the Urban County Council to expand and extend the Full Urban Services District to provide street lighting, street cleaning and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these Services in this area, which area is defined as certain properties on the following streets: Johnson Property, Unit 1-I, Burgess Avenue, Millbank Road, McCullough Drive; Johnson Property, Unit 1-H, Millbank Road, McCullough Drive; Ramsey-Sullivan Property, Unit 2-A, Sullivans Trace, Cherry Blossom Way; Blackford Property, Phase 3, Unit 1-D, Blackford Parkway; Masterson Hills, Unit 1-A, Our Tibbs Trail; Chesapeake Equine, Greendale Road; Writt Station Subdivision, Laclede Avenue; Mullikin Property (Shady Hills),Treeline Way; Clark Property, Unit 1-L, Ice House Way; Sharkey Property, Unit 3, Section 1, Towne Center Drive, Towne Square Park; Gess Property, Unit 5-C, Section 1, Honeycomb Trail; Gess Property, Unit 4-H, Section 1, Jouett Creek Drive; Tuscany, Unit 4-C, Summerfield, Battery Street; Blackford Property, Phase 3, Unit 1-C, Blackford Parkway, Dyer Cove, Flint Cove; Clark Property, Unit 1-H, Icehouse Way; Clark Property, Unit 1-I, Orchard Grass Road; Clark Property, Unit 1-J, Toll Gate Road, Orchard Grass Road; Ramsey/Sullivan Property, Unit 3, Lot 3, Section 2, Kitten Joy Circle, Meadow Sweet Lane, Kearney Ridge Boulevard; Tuscany, Unit 4-B, Summerfield, Patchen-Wilkes Drive, Sandhurst Cove; Johnson Property, Unit 1-M, Millbank Road, Elverton Road; Johnson Property, Unit 1-N, Section 1, Elverton Court, Elverton Road; Myers Property, Unit 1-C, Fieldrush Road; Myers Property, Unit 1-B, Fieldrush Road, Calendula Road, Crocus Court; Myers Property, Unit 1-A, Calendula Road, Fieldrush Road, Serviceberry Drive; Tuscany, Unit 4A, Summerfield, Patchen Wilkes Drive; Clark Property, Unit 1-F, Polo Club Boulevard, Pokeberry Park, Owls Head Lane; Fortune Business Center, Unit 1, Lot 11, Beasley Street; Clark Property, Unit 1-G, Polo Club Boulevard, Ice House Way; Johnson Property, Unit 1-L, Section 1, Millbank Road.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Collective Bargaining Agreement with Bluegrass Fraternal Order of Police, Lodge No. 4, for police officers and sergeants, effective July 1, 2008 and remaining in effect until June 30, 2011 was on the docket for first reading.

Mr. Ellinger made a motion, seconded by Ms. Gorton, to remove the resolution from the docket.

The Mayor stated that the Dept. of Law had advised him that the Council needed to approve the Agreement or authorize the Mayor to sign the Agreement.

Mr. Logan Askew, Commissioner of the Dept. of Law, addressed the Council about the Dept. of Law's opinion concerning the Collective Bargaining Agreement.

Dr. Stevens made a motion, seconded by Mr. DeCamp, to approve a substitute resolution that read "the Council of the Lexington-Fayette Urban County Government defers approval of the Police Collective Bargaining Agreement and ensuing contract effective July 1, 2008 to the Mayor for the Mayoral approval and signature".

The Council asked questions of Mr. Askew concerning the resolution.

Ms. Kathy Stein, State Representative, spoke about the collective bargaining legislation and its intention and that it was her understanding that the management i.e., executive level, was to be the one to approve collective bargaining agreements.

There was further discussion among the Council about the resolution and Dr. Stevens' motion.

Mr. Beard asked Mr. Askew about getting another legal opinion from the Attorney General.

There was further discussion among the Council.

Ms. Crosbie called for the question.

Dr. Stevens' motion **failed to pass** by majority vote.

Mr. Stinnett made a motion to amend Mr. Ellinger's motion to include the language "and authorize and direct the Mayor to sign the Agreement as of September 18, 2008."

The motion **failed** for lack of a second.

Mr. Ellinger's motion **passed** by unanimous vote, to remove the resolution from the docket.

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Mr. Blues made a motion, seconded by Ms. Gorton, to place a Resolution directing the preparation of a Development Plan for the Lexington Distillery District and scheduling a public hearing thereon on October 21, 2008 at 6:00 p.m. on the docket.

There was discussion among the Council concerning the process and cost of the outside Counsel for the tax increment financing issue.

The motion was approved by majority vote (Council Members James, McChord, Myers and Stinnett voted no and Mr. Lane recused himself when the vote was taken.)

The resolution was given first reading and ordered placed on file two weeks for public inspection.

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A Resolution ratifying the probationary civil service appointments of: Robert Bowman, Database Administrator, Grade 117E, $2,064.08 bi-weekly, in the Div. of Computer Services, effective September 29, 2008, Frank Mabson, Staff Assistant Sr., Grade 108N, $11.540 hourly, in the Div. of Water Quality, effective September 15, 2008, Renu Agarwal, Administrative Specialist Sr., Grade 112N, $17.028 hourly, in the Div. of Revenue, effective September 29, 2008; ratifying the probationary sworn appointments of: Mark Brown, Fire Captain, Grade 316N, $21.497 hourly, in the Div. of Fire and Emergency Services, effective September 10, 2008, Chris Bartley, Fire Lieutenant, Grade 315N, $16.261 hourly, in the Div. of Fire and Emergency Services, effective September 10, 2008 was given first reading.

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

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

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

Nay: Blevins--1

* * *

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

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

Aye: Blevins, Blues, Crosbie, DeCamp, Ellinger,
Gorton, Gray, Henson, James, Lane,
McChord, Myers, Stevens, Stinnett, Beard----15

Nay: ---0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit an amended bid to the Federal Emergency Management Agency (FEMA) for conveyance of 10 acres of surplus Federal Government property on Leestown Road in consideration of construction of a Fire Station, to provide any additional information requested in connection with the amended bid, and further authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Certificate of Consideration and to accept a Deed, from the Federal Government for the surplus property, and amending Resolution No. 757-2006 accordingly.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the University of Ky. College of Design, Dept. of Historic Preservation, for completion of an Historic American Building Survey (HABS) of two structures located at 898 Georgetown Street in return for a donation of $12,500.00 to support future student projects and activities.

* * *

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

A Resolution accepting the bid of Pavement Technology, Inc., in the amount of $150,500.00, for the Asphalt Surface Maintenance with Asphalt Rejuvenating Agent, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Kaffenbarger Truck, establishing a price contract for a utility body, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Power Train of Ky., Superior Hose & Fittings, Inc., I. B. Moore Co., LLC, Carquest Auto Parts, Fluid Power Products, Div. of BW Rogers Co., and Applied Industrial Technologies, Inc., establishing price contracts for Hydraulic Hose & Fittings, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of J. Edinger & Son, Inc., establishing a price contract for snow plow assemblies, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Scodeller Construction, Inc., in the amount of $76,200.00, for the 2008 Cracksealing Project, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Republic Diesel, establishing a price contract for a salt spreader (under tailgate), for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of S & S Truck Tire Center, establishing a price contract for truck tire re-treading, for the Div. of Facilities and Fleet Management.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Federalwide Assurance for the Protection of Human Subjects for Institutions within the United States, an IRB Authorization Agreement, and any other necessary agreements or documents for participation by the Div. of Fire and Emergency Services in the Rapid Anticonvulsant Medication Prior to Arrival Trial (RAMPART), 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 the Agreement with ICMA

Retirement Corporation, to amend the Retirement Plan to permit loans from employee 457 Deferred Compensation Plans, 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 Volunteers of America of Ky., Inc., for support of emergency housing for homeless families, at a cost not to exceed $8,000.00.

A Resolution authorizing and directing the Dept. of Law, on behalf of the Urban County Government, to accept a Deed from Lynn D. Williams and James R. Williams, and Ball Homes, LLC, for a temporary construction easement and a permanent sanitary sewer easement at 4037 Whitewater Drive and a Deed from Robert Murray and Donna Murray, and Ball Homes, LLC, for a temporary construction easement and a permanent sanitary sewer easement at 4041 Whitewater Drive, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Deeds of Easement to certify the consideration, at no cost to the Urban County Government.

A Resolution authorizing the Div. of Human Resources to internally advertise for a Social Worker Sr. position in the Dept. of Social Services.

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Mr. Ellinger announced that the Juvenile Diabetes Walk would take place on Saturday, September 20, 2008.

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Mr. Bernard McCarthy, Harry Street, spoke about modes of transportation, and asked that the Urban County Government install bicycle detectors at the intersections, and glare-blocking plates on the traffic lights.

Ms. James asked that Div. of Traffic Engineering look into the issue of bicycle detectors at the intersections.

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Mr. Eric Patrick Marr, Heartwood Road, stated his concerns regarding downtown development.

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Upon motion of Ms. Crosbie, seconded by Mr. Lane, and approved by unanimous vote, the Council went into closed session to discuss future acquisition of real property at 9:43 p.m.

Upon motion of Mr. McChord, seconded by Mr. Myers, and approved by unanimous vote, the Council returned to open session at 10:04 p.m. with the same members present.

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Upon motion of Ms. Gorton, seconded by Dr. Stevens, and approved by unanimous vote, the meeting adjourned at 10:05 p.m.

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Clerk of the Urban County Council