

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky September 17, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on September 17, 2009 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Henson, James, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, and Gray. Absent was Council Member Gorton.

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

Ordinances No. 183-2009 thru 197-2009 inclusive and Resolutions No. 571-2009 thru 595-2009 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

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The Invocation was given by Rev. Bob Sessum, Church of the Good Shepherd.

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Upon motion of Mr. Stinnett, seconded by Mr. Ellinger, and passed by majority vote (Ms. Feigel was absent when the vote was taken), the Minutes of the August 27, 2009 Council Meeting were approved.

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An Ordinance creating Section 5-29.3 of the Code of Ordinances, Lexington-Fayette Urban County Government, to establish additional fees to be payable to the Dir. of the Div. of Building Inspection for work commenced before the issuance of certain of the necessary permits, certificates, letters, or other documents required by Chapter 5 of the Code of Ordinances, with the amount of such fees established as being additional and equal to the amount of the original relevant fee but not less than five hundred dollars (\$500) for Sections 5-29(1) through (9), (14) and (15), Section 5-29.1, Section 5-32 and Section 5-67 of the Code of Ordinances; and as being additional and equal to the amount of the original relevant fee for Sections 5-29(10), (11), (12), (13), (16) and (17) of the Code of Ordinances; all effective on October 1, 2009 was given second reading.

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

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

Nay: McChord-----1

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An Ordinance levying ad valorem taxes for municipal purposes for the Fiscal Year July 1, 2009 through June 30, 2010, on the assessed value of all taxable property within the taxing jurisdictions of the Lexington-Fayette Urban County Government (all taxes on each \$100 of assessed valuation as of the January 1, 2009 assessment date), as follows: General Services District, \$.0800 on Real Property, including Real Property of Public Service Companies, \$.0990

on Personal Property, including Personal Property of Public Service Companies, Noncommercial Aircraft, and Noncommercial Watercraft, \$.1500 on Insurance Capital, \$.0150 on Tobacco in Storage, and \$.0450 on Agricultural Products in Storage; Full Urban or Partial Urban Service Districts based on Urban Services available on Real Property, including Real Property of Public Service Companies, \$.1431 for Refuse Collection, \$.0210 for Street Lights, \$.0094 for Street Cleaning, \$.0920 on Insurance Capital, \$.0150 on Tobacco in Storage, \$.0450 on Agricultural Products in Storage; and levying an ad valorem tax for municipal purposes at the rate of \$.0880 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2010 assessment date was given second reading.

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

Aye: Henson, Lane, Martin, McChord, Myers,
Stinnett, Beard, Blues, Crosbie, Ellinger,
Feigel, Gray-----12

Nay: James, Lawless-----2

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

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

Nay: -----0

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of \$250 from Columbia Gas, for future fire prevention programs, 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. Justice and Public Safety Cabinet, which Grant funds are in the amount of \$25,000 Federal funds, are additional funds for the Ticketing Aggressive Cars and Trucks (TACT) Program, the acceptance of which obligates the Urban County Government for the

expenditure of \$6,250 as a local match, appropriating funds pursuant to Schedule No. 59, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Administrative Specialist Pr., Grade 114E, and five (5) temporary positions of Administrative Specialist, Grade 110N, all ending one year from the date of passage of this Ordinance, within the Div. of Water Quality and appropriating funds pursuant to Schedule No. 60.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Homeland Security, which Grant funds are in the amount of \$13,572 Federal funds, are for a Juvenile Fire Setter Program and the purchase of a Fire Extinguishers Trainers Package, the acceptance of which obligates the Urban County Government for the expenditure of \$3,393 as a local match, appropriating funds pursuant to Schedule No. 61, and authorizing and directing 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. 62.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Wilbur Smith & Associates for the Urban County Government Wayfinding Program to extend the existing Contract for the completion of construction drawings at a cost not to exceed \$140,742.52 and appropriating funds pursuant to Schedule No. 64.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$875 from Neighborhood Development Funds in the Div. of Police for Police Activities League, and appropriating and re-appropriating funds, Schedule No. 65.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the

amount of \$390 in the Div. of Traffic Engineering from the Council Capital Funds for culvert signage to be installed by the Div. of Water Quality in the 11th Council District, and appropriating and re-appropriating funds, Schedule No. 67.

An Ordinance levying ad valorem taxes for purposes of support of the Soil and Water Conservation District for the Fiscal Year July 1, 2009 through June 30, 2010, on the assessed value of all taxable Real Property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including Real Property of Public Service Companies, at a rate of \$.0004 on each one hundred dollars (\$100) of assessed valuation as of the January 1, 2009 assessment date.

An Ordinance levying ad valorem taxes for purposes of support of the Agricultural Extension Office for the Fiscal Year July 1, 2009 through June 30, 2010, on the assessed value of all taxable Real and Personal Property within the taxing jurisdiction of the Lexington-Fayette Urban County Government (all taxes on each \$100 of assessed valuation as of the January 1, 2009 assessment date), as follows: \$.0032 on all taxable Real Property, including Real Property of Public Service Companies, \$.0035 on taxable Personal Property, including Personal Property of Public Service Companies, Noncommercial Aircraft, and Noncommercial Watercraft, and excluding Inventory in Transit, Insurance Capital, Tobacco in Storage, and Agricultural Products in Storage; and levying an ad valorem tax for purposes of support of the Agricultural Extension Office at the rate of \$.0032 on each \$100 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2010 assessment date.

An Ordinance, pursuant to a request received from the Lexington-Fayette County Health Dept., levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Dept. for the Fiscal Year July 1, 2009 through June 30, 2010, on the assessed value of all taxable Real and Personal Property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including Real and Personal Property of Public Service Companies, Noncommercial Aircraft, Noncommercial Watercraft, and Inventory in Transit, and excluding Insurance Capital, Tobacco in Storage, and Agricultural Products

in Storage, at the rate of \$.028 on each \$100 of assessed value as of the January 1, 2009 assessment date; and levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Dept. at the rate of \$.028 on each \$100 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government, as of the January 1, 2010 assessment date.

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

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures related to FY 2009 year end expenses and appropriating and re-appropriating funds, FY 2009 Schedule No. 166.

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. 63.

An Ordinance amending Section 5-29 of the Code of Ordinances of the Lexington-Fayette Urban County Government to provide for the Dir. of the Div. of Building Inspection to receive fees for the issuance of a required certificate, letter, or other documentation; deleting the twenty-five dollar (\$25) fee for a grading permit and establishing a twenty-five dollar (\$25) fee for a Certificate of Occupancy, a ten dollar (\$10) fee for a Home Office Certificate, a twenty-five dollar (\$25) fee for a Zoning & Use Verification Letter, and a twenty-five dollar (\$25) minimum fee for a Residential Paving Permit and renumbering all of the subsections of this section accordingly; amending Section 5-29.3 of the Code of Ordinances to renumber all of the subsections to correspond to the deletion of the Grading Permit; all effective on January 1, 2010.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Code Enforcement Officer, Grade 113N and creating one (1) position of Nuisance Control Officer, Grade 111N, in the Div. of Code Enforcement, and appropriating funds pursuant to Schedule No. 66.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Social Worker, Grade 111E, with a three (3) year term, within the Div. of Community Corrections.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Microcomputer Support Specialist, Grade 113N, with a one (1) year term, within the Div. of Police.

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

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 Efficiency Analyst, Grade 118E, in the Div. of Waste Management.

An Ordinance accepting the private street, Forest Springs Ct., as a public street pursuant to the Private Street Acceptance Policy contingent upon the Banbury Homeowners Association satisfactorily completing the resurfacing of all pavement with 1.5 inch overlay, accepting responsibility for all non-street common areas and structures, including the street lights, concrete or grass medians, and any street pavers, fencing, and landscaping, bearing the cost of new or replacement street signs, and recording a final record plat within one year of passage of this ordinance dedicating the street as a public right of way and a note assigning maintenance of common areas outside the public right of way to the Homeowners Association.

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

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

Nay: -----0

A Resolution accepting the bid of Bluegrass Contracting Corp., in the amount of \$1,225,006.25, for the Vaughn's Branch Flood Hazard Mitigation

Project, for the Div.'s of Community Development and Engineering, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bluegrass Contracting Corp., related to the bid.

A Resolution accepting the bid of Allen Vanguard Technologies, Inc., establishing a price contract for Ballistic Ensemble, for the Div. of Police.

A Resolution ratifying the probationary civil service appointments of: Susan Plueger, Municipal Engineer Sr., Grade 119E, \$2,771.60 bi-weekly, in the Div. of Water Quality, effective September 14, 2009, Jennifer Bass, Telecommunicator Sr., Grade 113N, \$17.131 hourly, in the Div. of Emergency Management/911, effective September 14, 2009, Collette LeDuc, Telecommunicator Sr., Grade 113N, \$17.206 hourly, in the Div. of Emergency Management/911, effective September 14, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Dept. of Veterans Affairs, for emergency responses, 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 additional Software License Agreement with New World Systems Corp., for use of software, at a cost not to exceed \$58,560.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Modification of an Agreement with the Ky. Transportation Cabinet, for Operations and Maintenance of Traffic Signals through June 30, 2010, at a cost not to exceed \$300,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Emergency Management Agency and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$108,750 Federal funds, and \$17,400 Commonwealth of Ky. funds, and are for the Lexington-Fayette County Comprehensive Hazard Mitigation Plan.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with REACH, Inc., for an additional \$100,000 for the First-Time Homebuyer’s Program, at a cost not to exceed an additional \$100,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Metropolitan Women’s Club, Inc. (\$450.00), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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

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

Aye: Henson, James, Lane, Lawless, Martin,
McChord, Myers, Stinnett, Beard, Blues,
Crosbie, Ellinger, Feigel, Gray-----14
Nay: -----0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Location Parking Agreement with Fast Track Productions, Inc. for parking at the LFUCG Training Pad for the sum of \$1,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept deeds for easements needed for the Legacy Shared Use Trail, 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 Fayette County Commonwealth Attorney’s Office, for employment of a full-time assistant prosecutor for the prosecution of major violators, at a cost not to exceed \$135,000 in Recovery Act Justice Assistance Grant Program Funds.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Internal Revenue Service Sponsor Agreement and Civil Rights Assurance, which are attached hereto and incorporated herein by reference, for Volunteer Income Tax Assistance Programs

at the Gainesway Empowerment Center, the Central Ky. Job Center and the Family Care Center, at no cost to the Urban County Government.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2, to the Contract with Denham-Blythe Co., Inc., for the Lyric Theatre Project, increasing the contract price by the sum of \$72,838.01 from \$5,576,635.78 to \$5,649,473.79 was given first reading.

Mr. Beard asked questions of Mr. Charlie Milward, Project Manager, regarding the resolution.

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

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

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

Nay: -----0

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Ms. Henson made a motion, seconded by Mr. Lane, and approved by unanimous vote, to reconsider the Urban County Council's action at the Work Session on September 15, 2009, to reject for placement on the docket for the September 17, 2009 Urban County Council Meeting, a resolution ratifying the Dept. of Law's execution, on behalf of the Lexington-Fayette Urban County Government, of a Settlement Agreement and any other necessary documents, in Ky. Public Service Commission Case No. 2009-00141, pertaining to the rates of Columbia Gas of Ky., Inc.

Upon motion of Mr. Martin, seconded by Mr. Lane, and approved by unanimous vote, a Resolution ratifying the Dept. of Law's execution, on behalf of the Urban County Government, of a Stipulation and Recommendation (Settlement Agreement), and any other necessary documents in Ky. Public Service Commission Case No. 2009-00141, pertaining to the rates of Columbia Gas of Ky., Inc., was placed on the docket and given first reading.

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

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

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

Nay: -----0

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

A Resolution accepting the bid of Smith Services, Inc., establishing a price contract for switch gear maintenance, for the Div. of Water Quality.

A Resolution accepting the bid of Strawser Construction, Inc., in the amount of \$110,160, for asphalt emulsion slurry seal, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Pavement Technology, Inc., in the amount of \$165,000 for asphalt surface maintenance with asphalt rejuvenating agent, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of C & R Asphalt, LLC, in the amount of \$93,000, for the 2009 Cracksealing Project, for the Div. of Streets, Roads and Forestry.

A Resolution ratifying the probationary civil service appointments of: Crystal Clay, Administrative Specialist Sr., Grade 112N, \$21.583 hourly, in the Div. of Environmental Policy, effective September 21, 2009, Jamshid Baradaran, Director of Facilities and Fleet Management, Grade 123E, \$3,960.00 bi-weekly, in the Div. of Facilities and Fleet Management, effective August 31, 2009, Mario Cheek, Telecommunicator Sr., Grade 113N, \$16.660 hourly, in the Div. of Emergency Management/911, effective September 28, 2009, Jason Million, Maintenance Mechanic, Grade 113N, \$16.660 hourly, in the Div. of Water Quality, effective September 28, 2009, Joyce Thomas, Administrative Officer Sr., Grade 120E, \$3,019.92 bi-weekly, in the Dept. of General Services, effective October 19, 2009; ratifying the probationary Community Corrections Officer

appointments of: Justin Auton, Carl Bush, Joe Clark, Jamie Conover, Tabatha Davidson, Richard Frans, Toby Haden, Steve Hess, Michael Hill Jr., Douglas Holloway, James Holloway, Brandon Horseman, Eli Johnston, Bennie Jones Jr., Jabari Jones, James Keel, Dennis Lojewski, Jennifer Maxwell, Kristi McCoy, Kristin Mitchell, Thomas Niehaus, Sam Norris, Michael Tolson, Ronald Willis, Virginia Cox, Ronald Nunemaker, William Rarick, William Smedley, Jerrod Stump, Ryan Oller, Chelsey Woodrum, Community Corrections Officer, Grade 110N, \$14.340 hourly, in the Div. of Community Corrections, effective September 28, 2009; approving the unclassified civil service appointment of: Linda Rumpke, Commissioner of Finance and Administration, Grade 211E, \$4,807.70 bi-weekly, in the Dept. of Finance and Administration, effective October 15, 2009; approving the unclassified civil service appointment to the Office of the Urban County Council of: Robert Clue, Aide to Council, Grade 000E, \$2,038.40 bi-weekly, in the Office of the Urban County Council, effective August 31, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with Ky. Utilities Co., for outdoor lighting service, at a cost not to exceed \$2,603.04.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Friends of the Lexington Mounted Police, Inc., of conference registration and lodging, for use at the 2009 North American Police Equestrian Championship, at no cost to the Urban County Government.

A Resolution amending Resolution No. 440-2009, which accepted and adopted the Financial Audit Report prepared by Blue & Co., LLC, for the audit of the Family Care Center Health Clinic, to correct the period of time covered by the audit.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Commonwealth Attorney's Office, for a "Fast Track" prosecutor for the Street Sales Enforcement Project, at a cost not to exceed \$51,664.

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 \$2,016,048.75 Federal funds and \$322,567.80 Commonwealth of Ky. funds, and are for the acquisition and demolition of fourteen (14) residential properties in the Lafayette Parkway/ Southbend/ Lone Oak area.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Chrysalis House (\$950), North Limestone Neighborhood Association, Inc. (\$1,000), and Joyland Neighborhood Association (\$550) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Div. of Human Resources to internally advertise for an Administrative Specialist Sr. in the Div. of Building Inspection.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Simon and Co., Inc., for services related to federal matters and funding as further provided in the 2009-10 Work Plan, at a cost not to exceed \$39,000.

A Resolution initiating a Zoning Ordinance text amendment for Planning Commission consideration and recommendation, to amend Article 17-6 of the Zoning Ordinance to allow for limited temporary signs in the rights-of-way of residential neighborhoods.

A Resolution amending Section 2 of Resolution No. 284-2009, which authorized and directed the Mayor to execute Certificates of Consideration and other necessary documents, for property interests needed for the Sugar Mill Mitigation Project, at a cost not to exceed \$411,520, to increase the cost by \$4,000, for a total of \$415,520.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Renewal to the Annual Program Management Services Agreement with Tetra Tech, Inc., for the continued performance of services related to the EPA Consent Decree, and authorizing initial payment of

funds in an amount not to exceed \$1,440,000, and any further payments pursuant to the terms of the Agreement.

A Resolution specifying the intention of the Urban County Council to expand and extend the Full Urban Services District #1 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 the area, which area is defined as certain properties on the following streets: Millikin Property (Shady Hills), Treeline Way; Tuscany, Unit 4-A, Summerfield, Meeting St., Patchen Wilkes Dr., Tuscany, Unit 4-B, Summerfield, Sandhurst Cove; Battery St., Patchen Wilkes Dr.; Tuscany, Unit 4-C, Summerfield, Battery St.; Mahon Property Lot 1, Mooncoin Way; Tuscany, Unit 4-E, Summerfield, Patchen Wilkes Dr.; Newtown Springs LCC, Unit 1, Sec 2, Newtown Center Way; Beaumont Farm, Unit 1, Sec 5, Beaumont Centre Circle, Midnight Pass; Sharkey Property Unit 4, Sec 1, Louie Pl.; Weil & Baker Property, Russell Cave Rd.; Richardson Property Unit 5, Sec 2, Hannah Todd Pl.; Bluegrass Aspendale Phase 3, Race St., Fourth St., Cunningham Ln., Julia Way, Shropshire Ave.; Fifth St., Nelson Ave., Mustang Crossing Dr.; Lochmere Estates (Maple Ridge) Unit 1-B, Sec 1, Lochmere Pl.; Gess Property, Unit 5-C, Sec 2; Honeycomb Trail; Gess Property, Unit 5-D, Sec 2, Marlberry Pl.; Gess Property, Unit 5-E, Sec 2, Maidencane Dr.; Newmarket Unit 4-B, Brick House Ln.; Mahon Property Unit 1-B, Man O' War Blvd., Spencer Park, Parker Meadows, Madison Point Dr.; Mahon Property Unit 1-C, Parker Meadows, Victoria Way, Madison Point Dr.; Greendale Hills Unit 3, Merluna Dr., Crescenzo Rd., Cielo Vista Rd.; Gess Property, Unit 11A, Larkhill Ln., Markus Trail, Bulrush Trace; Sunny Slope Farm Unit 3, Phase 2, Silverbell Trace, Kelli Rose Way; Tuscany, Unit 4-F (Summerfield), Sandhurst Cove; Calumet Terrace Subdivision, Lot 8 & 9, Viley Rd.; Blackford Property Phase 3, Unit 1A, Sec 2, Blackford Pkwy.; Blackford Property Phase 3, Unit 1-B, Sec 2, Cornelius Trace, Blackford Pkwy.

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: Sharkey Property Unit 3, Sec 2, Towne Square Park, Meadow Oaks (Ashford Oaks), Unit 1-B, Sec 1, Bobwhite Trail; Marshall Property Unit 2-I, Sec 1, McConnells Trace, Bruce Properties, Corinthian Ct.; Lochmere Estates (Maple Ridge) Unit 1-B, Sec 2, Lochmere Pl.; Denton Farms, Inc Unit 3, Sec A, Somersly Pl., Wentworth Pl.; Sunny Slope Farm Townhomes, Silverbell Trace, Lochmere Estates (Maple Ridge) Unit 1-A, Lochmere Pl.; Marshall Property Unit 2-I, Sec 2, McConnells Trace; Hamburg Place Farm, Sir Barton Way.

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Upon motion of Ms. Crosbie, seconded by Mr. Lane, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the reappointment of Ms. Jane Graham to the Administrative Hearing Board, with a term to expire 7-1-2013; (2) Recommending the reappointment of Ms. Jennifer Karim to the Domestic Violence Prevention Board, with a term to expire 9-30-2013; (3) Recommending the reappointment of Mr. Sandy X. Camargo, as 5th District Representative, to the Environmental Commission, with a term to expire 10-1-2013; (4) Recommending the appointment of Mr. Wayne G. Hipsley, as Farmer Representative, to the Greenspace Commission, with a term to expire 7-18-2013; (5) Recommending the appointment of Ms. Laura Tanno Boison as at-large member to the Industrial Revenue Bond Review Commission, with a term to expire 9-27-2013; (6) Correcting the term of Mr. Dewitt Hisle, member of the Internal Audit Board, from 12-1-2009 to 12-1-2010. Mr. Hisle's term was incorrectly stated; (7) Recommending the reappointment of Mr. Robert Hewett and Mr. Reginald L. Thomas to the Lexington-Fayette Urban County Tourist and Convention Commission, with terms to expire 9-9-2012; (8) Recommending the appointment of Mr. Robert G. Simpson as 4th District Representative to the Parks & Recreation Advisory Board, with a term to expire 1-14-2012; and (9) Recommending the appointments of Councilmember Peggy Henson as Ex-officio member, Mr. James P. Adams, Jr., Ms. Katheryn L.W. Heinz, Mr. Bob

McLaughlin, and Ms. Laura L. Williams to the Social Services Advisory Board, with terms to expire as Ex-officio, 9-1-2013, 9-1-2010, 9-1-2012, and 9-1-2011, respectively.

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Fire Chief Robert Hendricks stated that Captain Gregory Gilliam has committed the offense of malicious behavior or deliberate behavior which affects the efficient and effective performance of the job in violation of KRS 95.450 and LFUCG Employee Handbook and LFD Policies and SOP's, in that on multiple days of 2009, he allegedly made unprofessional statements regarding another employee that did not 'maintain a professional level of behavior for' his work unit, and that the appropriate punishment for this conduct is a Written Reprimand. Chief Hendricks stated that Captain Gilliam had refused to sign the Written Reprimand.

Mr. Ellinger asked questions of Chief Hendricks.

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

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Police Commander Mike Blanton, Div. of Police, stated that Officer John J. Boyle has committed the offense of Misconduct in violation of KRS 95.450 and General Order 73-2H, Section 1.02, Misconduct, in that on the 21st day of May, 2009, he allegedly was off duty at the Tin Roof Bar located at 303 S. Limestone at approximately 0115 hours when subjects in the crowd were giving other uniformed officers a hard time for arresting a homeless subject across the street from the Tin Roof. One of the subjects in the crowd made statements along the lines of "F—k the Police. I will kill them all." As soon as he made these comments, two individuals approached him and both identified themselves as off-duty police officers. At least one of the subjects showed him a badge. The officers were described as a 'tall, white male' and a 'thick, black male.' The 'white' officer was extremely aggressive and threatened to take the subject to the parking lot and "kick his a—" He was also in the subject's face, yelling he would "kick his teeth down his throat." During the exchange, the 'black' officer stood to the side and made fun of the subject's tattoos. The 'white' officer had to be held

back by other subjects present. The off-duty officers were identified as Officer John J. Boyle and Officer Adrian J. Richardson. Lieutenant Garry M. Sennett alleges the off-duty officers did not conduct themselves in a manner that reflects favorably on the Div. of Police. Lieutenant Sennett alleges the off-duty officers' conduct reflects discredit upon the officers as members of the Division, and that the appropriate punishment for this conduct is Eighty Hours Suspension Without Pay and Mandatory Employee Assistance Program (EAP).

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

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Police Commander Mike Blanton, Div. of Police, stated that Officer Adrian J. Richardson has committed the offense of Misconduct in violation of KRS 95.450 and General Order 73-2H, Section 1.02, Misconduct, in that on the 21st day of May, 2009, he allegedly was off duty at the Tin Roof Bar located at 303 S. Limestone at approximately 0115 hours when subjects in the crowd were giving other uniformed officers a hard time for arresting a homeless subject across the street from the Tin Roof. One of the subjects in the crowd made statements along the lines of "F—k the Police. I will kill them all." As soon as he made these comments, two individuals approached him and both identified themselves as off-duty police officers. At least one of the subjects showed him a badge. The officers were described as a 'tall, white male' and a 'thick, black male.' The 'white' officer was extremely aggressive and threatened to take the subject to the parking lot and "kick his a—." He was also in the subject's face, yelling he would "kick his teeth down his throat." During the exchange, the 'black' officer stood to the side and made fun of the subject's tattoos. The 'white' officer had to be held back by other subjects present. The off-duty officers were identified as Officer John J. Boyle and Officer Adrian J. Richardson. Lieutenant Garry M. Sennett alleges the off-duty officers did not conduct themselves in a manner that reflects favorably on the Div. of Police. Lieutenant Sennett alleges the off-duty officers' conduct reflects discredit upon the officers as members of the Division, and that the appropriate punishment for this conduct is a Written Reprimand

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

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Ms. Lawless announced that the Student Housing Task Force Recommendations Report could be found on Lexington's Web Site, and would be presented on Tuesday, September 22nd, at 1:00 p.m., in Council Chambers by the Planning Committee.

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Ms. Lawless announced that the Affordable Housing Task Force was being assembled by Vice-Mayor Gray and Council Member Ellinger and would start meeting soon.

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Ms. Lawless asked the Mayor to arrange for a representative of the Airport Board to answer questions regarding the settlement with Mr. Michael Gobb, former Director of the Bluegrass Airport.

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The Mayor invited everyone to attend Gallery Hop on Friday, September 18th, and especially to see the exhibit displayed on the 12th Floor of the Government Center.

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Mr. Martin announced that on September 20th at 3:00 p.m. the YMCA of Central Kentucky would hold the America on the Move 1000 Steps Kick-Off event at the Beaumont Centre YMCA.

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Ms. Feigel announced that on September 24th at 5:00 p.m. she would be hosting a group of neighborhood leaders at Buddy's to discuss possible changes to the High St./Fontaine Rd. intersection.

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Ms. Feigel announced that on September 24th at 6:30 p.m., the Mayor would be hosting a meeting for neighborhood associations and the public in the Council Chambers to provide information regarding the H1N1 virus.

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Mr. Adam Jones, representative of BUILD, spoke about the Affordable Housing Task Force, and encouraged the Council to fully fund initiatives brought

forth by the Council. He asked Ms. Lawless for a specific timeline for the Task Force.

Ms. Lawless responded with information on the timeline.

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Mr. Bernard McCarthy, Harry Street, spoke about worsening traffic downtown, and stated his concerns about the need for greater road capacity.

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Mr. Steve Olschewsky, Westwood Court, spoke about owners of rental properties in his area paving over the grass for additional parking, and about traffic issues in the area.

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Upon motion of Ms. Feigel, seconded by Mr. Martin, and approved by majority vote (Ms. Lawless voted **no**), the meeting adjourned at 8:01 p.m.

Clerk of the Urban County Council