Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   February 25, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on February 25, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Feigel, Gorton, Gray, Henson, James, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie and Ellinger.

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

Ordinances No. 25-2010 thru 28-2010 inclusive and Resolutions No. 45-2010 thru 76-2010 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Dr. Ihsan Bagby, Professor of Islamic Studies at the University of Kentucky.

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Mr. McChord introduced the University of Kentucky Cheerleading Squad and showed a video of the Squad's championship routine. He congratulated the Squad and Coach Jomo Thompson on winning their 18th Universal Cheerleading Association National College Cheerleading Championship in January. Mr. McChord read a Proclamation in their honor.

Mr. T. Lynn Williamson, Squad Sponsor, spoke and stated that the Squad had set a new standard this year. The Mayor presented a congratulatory Certificate and Plaque to Coach Thompson.

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The Mayor welcomed the winners of the Kentucky-American Water Science Fair for 2010. He stated that the Fair was held on February 6, 2010, that it was in its 26th year and was coordinated by the Fayette County Public Schools. This year's Fair involved 620 students in grades 4-12 at both public and private schools. 142 students received medals and advanced to the Central Kentucky Regional Science and Engineering Fair at the University of Kentucky on February 27, 2010. The Mayor recognized Ms. Susan Lancho, Kentucky-American Water External Communications, and Mr. David Helm and Ms. Lori Bowen with Fayette County Public Schools. He also thanked Fayette County School Superintendent Stu Silberman and Kentucky-American Water President Nick Rowe.

The Mayor recognized winners from three school levels who were in attendance. Elementary school winners were from: Ashland, Athens-Chilesburg, Bluegrass Baptist, Booker T. Washington, Cassidy, Garden Springs, Glendover, Julius Marks, Lexington Christian Academy, Liberty, Millcreek, Picadome, Rosa Parks, Sandersville, School for the Performing Arts, Southern, Veterans' Park, and Yates. Middle school winners were from: Beaumont, Bryan Station Traditional Magnet, Edith J. Hayes, Homeschool, Jesse M. Clark, Leestown, Lexington Christian Academy, Lexington Traditional Magnet, Lexington Universal, Mary Queen of the Holy Rosary, Morton, Sayre, School for the Performing Arts, Seton Catholic, Tates Creek, Lexington School, Trinity Christian and Winburn. High School winners were from: Paul Lawrence Dunbar.

The Mayor congratulated these students on their achievements. He also thanked Ms. Shaye Rabold, Chief of Staff to the Mayor, Ms. Anna Hartje-Butcher, Administrative Specialist in the Mayor's Office, and Ms. Marianne Blodgett, Administrative Aide to the Mayor, for their assistance in coordinating the presentation.

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

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

Nay: --0

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Treatment Plant Operator - Apprentice, Grade 107N and abolishing one (1) position of Treatment Plant Operator, Grade 113N, in the Div. of Water Quality and appropriating funds pursuant to Schedule No. 113.

An Ordinance amending the title of Ordinance No. 263-2009 correcting the pay grade of the Public Service Supervisor position from Grade 114E to Grade 111N, effective retroactive to December 8, 2009.

An Ordinance amending Sections 14 and 15 of Ordinance No. 202-2006 to move two Telecommunicator - P/T, Grade 111N positions from Chapter 21 to Chapter 22 and transferring the incumbents, effective retroactive to July 6, 2006.

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 $46,939 Federal funds, are for the purchase of a computer simulated full immersion training program (LEXFIT), for the Div. of Fire and Emergency Services, the acceptance of which obligates the Urban County Government for the expenditure of $11,734 as a local match, appropriating funds pursuant to Schedule No. 115, 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 $3,390.69 Commonwealth of Ky. funds under the 2010 Illegal Open Dump Remediation Grant Program, are for the remediation of two dump sites, the acceptance of which obligates the Urban County Government for the expenditure of $1,130.23 as a local match, appropriating funds pursuant to Schedule No. 116, 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. 117.

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An Ordinance amending Articles 17-3(18), 17-4(d), and 17-6(c) of the Zoning Ordinance to modify the provisions for commercial real estate signs was on the docket for first reading.

Ms. Gorton spoke about the feedback she had received from the Div. of Planning and the Dept. of Law about the Ordinance. Ms. Gorton made a motion, seconded by Ms. James, to table the Ordinance until after the March 16, 2010 meeting of the Council Planning Committee. The motion **failed** by a vote of 5-9 (Feigel, Gray, Lawless, Martin, McChord, Myers, Stinnett, Crosbie and Ellinger voted **no**)(Lane recused himself when the vote was taken).

An Ordinance amending Articles 17-3(18), 17-4(d), and 17-6(c) of the Zoning Ordinance to modify the provisions for commercial real estate signs was given first reading and ordered placed on file two weeks for public inspection.

Ms. Gorton asked that the Council Planning Committee agenda be altered to consider the issues at stake in the Ordinance earlier than planned.

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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 a Two-Family Residential (R-2) zone to a High Rise Apartment (R-5) zone for 0.25 net (0.33 gross) acre, for property located at 333 S. Upper St., subject to certain use restrictions imposed as conditions of granting the zone change (RAS Land, Inc. (AMD.)).

An Ordinance amending Article 6-4(i) of the Land Subdivision Regulations to delete a portion referring to street addressing.

An Ordinance amending Articles 5-2 and 5-4 of the Land Subdivision Regulations to provide for greater protection of cemeteries.

An Ordinance authorizing the Div. of Police to purchase an upgrade to its Digital X-Ray System from Logos Imaging, Inc., a sole source provider, at a cost not to exceed $20,904.30, and appropriating funds pursuant to Schedule No. 118.

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. 119.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Engineering Technician, Grade 111N, and two (2) positions of Equipment Operator Sr., Grade 109N, and creating two (2) positions of Engineering Technician Sr., Grade 113E, in the Div. of Water Quality and appropriating funds pursuant to Schedule No. 120.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of $50 from Cynthia Beard for assisting teen mothers served by the Div. of Family Services, and appropriating funds pursuant to Schedule No. 121.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of $150 from the Alpha Delta Chapter of ADK for the purchase of enrichment materials for early child care teachers, and appropriating funds pursuant to Schedule No. 122.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the State Farm Companies Foundation, which Grant funds are in the amount of $1,000, for implementation of the "Teen Express" project, for the Div. of Youth Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 123, 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. Cabinet for Health and Family Services, to provide any additional information requested in connection with this Grant Application, and to accept the Grant if the application is approved, which Grant funds are in the amount of $574,547 Federal funds, are for continuation of the New Chance Program ($448,036), the Mentoring Program ($46,811), and the Local Governance Council Project ($79,700), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY11 Schedule No. 1, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Section 15-1.3(6) of the Code of Ordinances related to a Clean Zone for the 2010 World Equestrian Games to include displays in the prohibition; amending Section 15-1.3(6)(b) to include temporary signage and displays in this section.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Metaformers, Inc., for the performance of additional services related to the Peoplesoft Systems and as provided in the Statement of Work, effective December 15, 2009, at an additional cost not to exceed $399,700 was on the docket for second reading.

Ms. Crosbie asked a question of Mr. Rama Dhuwaraha, Chief Information Officer, about whether a presentation on the Peoplesoft Systems project had been scheduled.

Mr. Dhuwaraha responded that a presentation had been scheduled for March 9, 2010.

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

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

Nay: ---0

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

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

Nay: ---0

A Resolution accepting the bids of Bowen Excavating, Claunch Construction, LLC, Environmental Resources, Inc., Gibson Timber, LLC, Solid Rock Construction Services, LLC, Superior Demolition, Inc., and ZKB Construction Services, LLC, establishing price contracts for UPC - Demolition of Residential Structures, for the Div. of Water Quality.

A Resolution accepting the bid of Worldwide Equipment, in the amount of $113,464, for Front End Loader Chassis, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Brownstown Electric Supply Co., Inc., establishing a price contract for Rain Suits for Waste Management, for the Div. of Waste Management.

A Resolution accepting the bids of Lexington Winnelson, H D Supply Waterworks and Hayes Pipe Supply, establishing price contracts for sanitary sewer repair materials, for the Div. of Water Quality.

A Resolution accepting the bids of City Electric Motor Co. and Delaney & Associates, establishing price contracts for Pump Station Parts - Wolf Run, for the Div. of Water Quality.

A Resolution accepting the bid of Bluegrass Electrical Consultants, Inc., in the amount of $62,625, for traffic signal rebuild at Nicholasville Rd. and Man O'War Blvd., for the Div. of Traffic Engineering.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the State Farm Companies Foundation and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $1,000, and are for a Global Youth Service Grant for implementation of the "Teen Express" project, for the Div. of Youth Services.

A Resolution authorizing necessary repairs to the police helicopter by RJ Corman Aircraft Maintenance, LLC, a sole source provider, at a cost not to exceed $27,541.

A Resolution authorizing the purchase of three (3) smart speed monitoring awareness radar trailers from Kustom Signals, Inc., a sole service provider, at a cost not to exceed $38,357.25.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Mutual Aid Agreement with the University of Ky. (Emergency Transport Operating Division), for mutual aid related to ambulance services, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Cloud Sealcoating and Stripping, Inc., of Lexington, of six Futsal soccer goals, materials and installation, for use at the Cardinal Valley 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 Donation Agreement with Lexington History Museum, for donation of materials, 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 Contract with the Lexington Legends Professional Baseball Club, for public education about environmental quality, at a cost not to exceed $24,000.

A Resolution authorizing the Dept. of Environmental Quality to purchase Rain Tainers from budgeted funds for creation of the "Lily" program, a green infrastructure project, to assist in fulfilling the Urban County Government obligation to implement supplemental environmental projects for the EPA Consent Decree at a cost not to exceed $26,586.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with CDP Engineers, Inc., for contract operations services for the Blue Sky Wastewater Treatment Plant, for the Div. of Water Quality, at a cost not to exceed $69,600.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with MAC Construction, for the South Elkhorn Force Main Project, for the Div. of Water Quality, increasing the contract price by the sum of $132,408.22 from $10,994,864.00 to $11,127,272.22.

A Resolution providing that Leverage Partners, Inc., Software Information Systems, LLC and the RFP Co. shall be held on a three year retainer and engaged as needed to provide consulting services for technology solutions selection and requirements gathering.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Steven Mosca, d/b/a Silver Warehouse & Boutique, for space located at 126 N. Broadway St., a/k/a The Broadway Shoppes.

A Resolution amending Sections 1 and 3 of Resolution No. 816-2009 to allow the Fayette County Attorney’s Office to participate in the medical insurance plans provided by the Urban County Government until December 31, 2010.

A Resolution ratifying the probationary civil service appointments of: Shawn Copher, Equipment Operator Sr., Grade 109N, $13.912 hourly, in the Div. of Waste Management, effective February 15, 2010; Jean Walker, Computer Analyst, Grade 115N, $24.043 hourly, in the Div. of Water Quality, effective February 15, 2010; Robert Thomas, Custodial Worker, Grade 106N, $11.687 hourly, in the Div. of Facilities and Fleet Management, effective February 15, 2010; approving the unclassified civil service appointment of: Melissa Polley, Microcomputer Support Specialist, Grade 113N, $20.993 hourly, in the Div. of Police, effective February 15, 2010.

A Resolution approving and adopting the Ten Year Plan to end homelessness.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Conditions for Donation of Services and Space Agreements with the U.S. Census Bureau, for space for Census Questionnaire Assistance Centers at Black & Williams Center, Cardinal Valley Center, Senior Citizens Center, Castlewood Community Center, Gainesway Park Community Center, Central Ky. Job Center and Third St. Fire Station.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with Fayette County Board of Education, for the use of Sandersville, Meadowthorpe and Booker T. Washington school gyms, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Federal Medical Center, for mutual aid in emergencies, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Georgetown Police Dept., for mutual aid, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Walnut Creek Home Owners Association, Inc. ($1,000), First Bracktown, Inc. ($1,050), Independence Place, Inc. ($100), Center for Women, Children and Families ($300), and Bluegrass Trust for Historical Preservation ($250), 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 an Agreement with Behavioral Medicine Network, Inc., for the Employee Assistance Program Services, at a cost not to exceed $43,218.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Seniors Plan Master Contract with Anthem

Health Plans of Ky., Inc., for the Police and Firefighters Senior Plan, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the FY10 Purchase of Service Agreement with Bluegrass Sports Commission, Inc., formerly known as Lexington Area Sports Authority, for services related to the Bluegrass State Games, at a cost not to exceed $13,500, effective retroactive to July 1, 2009.

A Resolution authorizing and directing the Commissioner of Public Works and Development, on behalf of the Urban County Government, to execute all Performance Agreements with non-governmental agencies and entities represented on the Land Subdivision Technical Committee, at no cost to the Urban County Government.

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A Resolution authorizing the Div. of Fire and Emergency Services to purchase equipment, parts and related upgrades for use in emergency responses to structural collapses, from Hilti, Inc., a sole source provider, at a cost not to exceed $20,888.94 was given first reading.

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

Ms. Crosbie asked Mr. Stinnett about the grant funding for the Resolution. Mr. Stinnett deferred to Assistant Chief David Ades, Div. of Fire and Emergency Services.

Assistant Chief Ades stated that various portions of the project referenced in the Resolution were being covered by different grants, and that the grant amount for this particular project was for slightly more than the amount listed.

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

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

Nay: --0

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

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

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

Nay: --0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ad-Success, for the Mobility Office Marketing Campaign, at a cost not to exceed $40,400.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Justice, Office on Violence Against Women, and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $400,000 Federal funds and are for continuation of the Safe Havens Project, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with all other service agencies participating in the project.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Old Georgetown St. and W. Short St.

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A Resolution providing that Devomni, Kizan Technologies, LLC, Software Information Systems, LLC, Sullivan Technology Services, LLC and Swova shall be held on a three year retainer and engaged as needed to provide information technology consulting services was on the docket for first reading.

Ms. Lawless asked a question of Mr. Rama Dhuwaraha, Chief Information Office, about the three year retainer and fees associated with the Resolution.

Mr. Dhuwaraha responded that there was a yearly contract that goes up to three years, and that there was a detailed fee schedule for all of the companies that he could make available to the Council Members.

Ms. Lawless asked additional questions of Mr. Dhuwaraha.

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

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The following resolutions were on the docket for first reading.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Sole Source Procurement with Toter, Inc., a sole source provider, for lifting units and spare parts.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Sole Source Procurement with Kustom Signals, a sole source provider, for radar equipment.

Ms. Crosbie asked that a representative of the Division making each request in the resolutions provide additional information about the associated costs before the resolutions received second reading.

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

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

A Resolution accepting the bid of Cover-All of Wisconsin, LLC, in the amount of $305,500, for Tensioned Fabric Structure for the Recycling Center, for the Div. of Waste Management.

A Resolution accepting the bid of Landmark Sprinkler, Inc., in the amount of $26,800, for design & construction services for the installation of a Dry Pipe Sprinkler at the Recycling Center, for the Div. of Waste Management.

A Resolution accepting the bid of Timberlake Computer, establishing a price contract for Media Storage Tape Cartridges, for the Div. of Computer Services.

A Resolution accepting the bid of Brenntag Mid-South, establishing a price contract for Sulfur Dioxide - Liquid, for the Div. of Water Quality.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Three to the Contract with Strand

Associates, Inc., for the Legacy Trail Project, for the Div. of Engineering, increasing the contract price by the sum of $208,100 from $1,110,000 to $1,318,100.

A Resolution ratifying the probationary civil service appointments of: Brian Rogers, Deputy Director of Enterprise, Grade 120E, $2,999.12 bi-weekly, in the Div. of Parks and Recreation, effective March 1, 2010; Timothy Jones, Public Service Worker, Grade 106N, $11.262 hourly, in the Div. of Waste Management, effective March 22, 2010; Cynthia Relford, Enforcement Officer, Grade 110N, $19.080 hourly, in the Div. of Waste Management, effective March 1, 2010; ratifying the probationary sworn appointment of: Ryan Hogsten, Fire Captain, Grade 316N, $22.368 hourly, in the Div. of Fire and Emergency Services, effective February 15, 2010; approving the unclassified civil service appointments of: James Dennis, Police Analyst, Grade 111N, $17.530 hourly, in the Div. of Police, effective March 1, 2010; Sherell Roberts, Public Information Officer, Grade 118E, $2,500.00 bi-weekly, in the Div. of Police, effective March 4, 2010, Carisa Kelsey, Family Support Worker Sr., Grade 112N, $16.884 hourly, in the Div. of Family Services, effective March 1, 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of Ky., for space in the University of Ky. Hospital emergency room for use as a clinical practice area for the Sexual Assault Treatment Program, at a cost not to exceed $3,000.

A Resolution pursuant to Code of Ordinances Section 18-66, designating the speed limit on Bowman Mill Rd. as 40 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 4 to the Contract with HDR Quest Engineering, Inc., for Liberty Todds Rd. Improvements Project, Section 1, for the Div. of Engineering, increasing the contract price by the sum of $11,212 from $1,005,706 to $1,016,918.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the U.S. Marshal's Service, for participation in the District Fugitive Task Force.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Addendum to the current Drug Enforcement Administration Agreement, with the U.S. Dept. of Justice Drug Enforcement Administration, for decreasing assigned agents.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an UltraCare Agreement with ABDick/KopyKat, for the lease of a Bizhub 601 Digital Imaging Unit for up to five years, subject to sufficient funds being appropriated in future fiscal years, at a cost not to exceed $1,205.90 in FY 2010.

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Upon motion of Ms. Gorton, seconded by Mr. Lane, and passed by unanimous vote, the following Communications from the Mayor were placed on the docket and were approved: (9) Recommending the appointment of Ms. M. Noel White to the Board of Adjustment, with a term to expire 7-1-2010. Ms. White will fill the unexpired term of Ms. Carolyn Edwards; and (10) Recommending the appointment of Mr. Chauncey S.R. Curtz to the Ethics Commission, with a term to expire 3-1-2011. Mr. Curtz will fill an unexpired term representing Commerce Lexington.

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The following Communications from the Mayor were on the docket for approval: (1) Recommending the appointment of Ms. Kelley Sloane to the Airport Board, with a term to expire 1-1-2014. The term of Mr. James Boyd has expired. Also, recommending the reappointment of Mr. J. Robert Owens to the Airport Board, with a term to expire 1-1-2014; (2) Recommending the reappointment of Mr. Bill Rhoads to the Bluegrass Crime Stoppers Board, with a term to expire 3-21-2014; (3) Recommending the reappointment of Mr. Cecil Dunn to the Lexington Center Corporation Board of Directors, with a term to expire 2-28-2013; (4) Recommending the appointment of Mr. Wilbur W. Frye, as Lion's Club representative, to the Masterson Station Park Advisory Board, with a term to expire 5-1-2012. Mr. Frye fills the unexpired term to Mr. Mike Massey; (5) Recommending the appointment of Mr. Scott Terrell, as Lexington Philharmonic representative, to Picnic with the Pops Commission, with a term to expire 7-1-2012. The term of Mr. George Zack has expired; (6) Recommending the appointment of Ms. Diana Clewett, as Sierra Club representative, to the Raven Run Nature Sanctuary Advisory Board, with a term to expire 1-13-2012. Ms. Clewett fills the unexpired term of Ms. Terese Pierskalla; (7) Recommending the appointment of Mr. Gregory A. Bibb, as Commerce Lexington representative, to the Rural Land Management Board, with a term to expire 4-1-2012. Mr. Bibb fills the unexpired term to Mr. William Thomason; and (8) Recommending the appointment of Mr. Fred D. Jones, as Landlord/Business Community representative, to the Town and Gown Commission, with a term to expire 2-1-2014.

Mr. Ellinger made a motion, seconded by Ms. Lawless, and approved by unanimous vote, to separate item number one from the list of Communications from the Mayor for the purposes of voting.

Mr. Ellinger made a motion, seconded by Mr. Lane, and approved by a majority vote of 14-1, item number one from the list of Communications from the Mayor was separated into two separate pieces.

Upon motion of Mr. Ellinger, seconded by Mr. Lane and passed by unanimous vote, the following Communication from the Mayor was approved and is as follows: (1) Recommending the appointment of Ms. Kelley Sloane to the Airport Board, with a term to expire 1-1-2014. The term of Mr. James Boyd has expired.

Upon motion of Mr. Ellinger, seconded by Mr. Lane, and passed by a majority vote of 13-2 (Gray and Lawless voted **no**), the following Communication from the Mayor was approved and is as follows: (1a) Recommending the reappointment of Mr. J. Robert Owens to the Airport Board, with a term to expire 1-1-2014.

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Upon motion of Mr. Lane, seconded by Mr. Stinnett, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (2) Recommending the reappointment of Mr. Bill Rhoads to the Bluegrass Crime Stoppers Board, with a term to expire 3-21-2014; (3) Recommending the reappointment of Mr. Cecil Dunn to the Lexington Center Corporation Board of Directors, with a term to expire 2-28-2013; (4) Recommending the appointment of Mr. Wilbur W. Frye, as Lion's Club representative, to the Masterson Station Park Advisory Board, with a term to expire 5-1-2012. Mr. Frye fills the unexpired term to Mr. Mike Massey; (5) Recommending the appointment of Mr. Scott Terrell, as Lexington Philharmonic representative, to Picnic with the Pops Commission, with a term to expire 7-1-2012. The term of Mr. George Zack has expired; (6) Recommending the appointment of Ms. Diana Clewett, as Sierra Club representative, to the Raven Run Nature Sanctuary Advisory Board, with a term to expire 1-13-2012. Ms. Clewett fills the unexpired term of Ms. Terese Pierskalla; (7) Recommending the appointment of Mr. Gregory A. Bibb, as Commerce Lexington representative, to the Rural Land Management Board, with a term to expire 4-1-2012. Mr. Bibb fills the unexpired term to Mr. William Thomason; and (8) Recommending the appointment of Mr. Fred D. Jones, as Landlord/Business Community representative, to the Town and Gown Commission, with a term to expire 2-1-2014.

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Upon motion of Mr. Lane, seconded by Mr. Martin, and approved by unanimous vote, the items scheduled for the March 2, 2010 Council Work Session were moved to the March 9, 2010 Council Work Session.

Ms. James noted that any business items moved would still be considered in a timely fashion before the next Urban County Council Meeting.

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Ms. Gorton reminded Council Members that there was a Special Planning Committee meeting scheduled for March 2, 2010, at 11 a.m.

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The Mayor announced that his son Drew was in attendance at the meeting.

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Ms. Henson asked why there had been no Communications from the Mayor for Information Only listed on the docket recently.

Ms. Susan Lamb, Council Clerk, stated that no Communications had been received in the Council Clerk's Office, and that she would check into the situation with the Div. of Human Resources.

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Mr. Martin announced that he had worked with LexCall to create an email address where the public can report potholes - 311@lexingtonky.gov. He stated that the citizen should send in their name and address as well as any other pertinent information, and that the information would be forwarded to the appropriate parties.

The Mayor added that 2,400 potholes had been filled in February, and encouraged the public to report additional areas that needed repair.

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Mr. Robert Dalton, Douglas Avenue, spoke about a current amendment to the Kentucky Revised Statutes being considered which would allow discharged veterans to receive a waiver of the driving test for a Commercial Driver's License. He stated that the bill had been withdrawn, and asked the Council and the Mayor to look into the situation. He also thanked Ms. Gorton for her work on the Bluegrass Armed Forces Community Covenant.

Ms. James asked the number of the Senate Bill. Mr. Dalton responded that it was Senate Bill 8.

Ms. Gorton asked the Mayor to find out the reason the bill had been withdrawn. The Mayor asked Mr. Joe Kelly, Senior Advisor for Management, to check on the situation.

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Mr. Blues made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to go into closed session pursuant to KRS 61.810(1)(f) for the purpose of discussions which may lead to the discipline or dismissal of an individual employee.

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At 8:52 p.m., the Council returned to open session with all the same members present, and with Vice Mayor Gray in the chair presiding in the absence of Mayor Newberry.

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Mr. Blues made a motion, seconded by Mr. Lane, and approved by unanimous vote, pursuant to Section 5.09 of the Charter and Section 1.102(3)(a) of the Council Rules that the Urban County Council terminate Joan Beck from the position of Citizens' Advocate, effective February 26, 2010, and that she receive six months severance pay.

Upon motion of Mr. Blues, seconded by Mr. Lane, and approved by unanimous vote, a Resolution pursuant to Section 5.09 of the Charter and Section 1.102(3)(a) of the Council Rules that the Urban County Council terminate Joan Beck from the position of Citizens' Advocate, effective February 26, 2010, and that she receive six months severance pay, was placed on the docket and given first reading.

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

Mr. Martin made a motion to amend the resolution to clarify that the dismissal was without cause. He stated that this would clarify whether a hearing was required. The motion failed for lack of a second.

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

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

Nay: Gorton, Henson, James-----------------------------3

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Upon motion of Mr. Stinnett, seconded by Mr. McChord, and approved by unanimous vote, the meeting adjourned at 9:12 p.m.

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Clerk of the Urban County Council