Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   March 11, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on March 11, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Gray, Henson, James, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel and Gorton.

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

Ordinances No. 29-2010 thru 34-2010 inclusive and Resolutions No. 77-2010 thru 112-2010 inclusive were reported as having been signed and published, and were ordered to record.

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Lexington, Kentucky March 11, 2010

The Invocation was given by Dr. Mark Johnson, Senior Pastor, Central Baptist Church.

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Upon motion of Mr. Beard, seconded by Ms. Crosbie, and passed by unanimous vote, the Minutes of the February 11 and 28, 2010 Council Meetings were approved.

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Mr. Ellinger and Ms. Henson presented a Proclamation of congratulations to the Hill on Wheels wheelchair basketball team representing Cardinal Hill Rehabilitation Hospital, who won the Bluegrass Invitational Wheelchair Basketball Tournament for 2010. Mr. Ellinger and Ms. Henson stated how proud they were of the team and their coaches and sponsors, and that it was the first time that a team from Kentucky had won the tournament. The Mayor read the Proclamation and congratulated the team and coaches.

Mr. Ellinger introduced Ms. Cindy Jacobelli, Director of Hill on Wheels, who thanked the Council and the Mayor. She presented a Hill on Wheels t-shirt to the Mayor. Mr. Ellinger introduced the coaches, Mr. David Hartsek and Ms. Amy Verst. Mr. Hartsek spoke about the team and thanked everyone for the honor. Ms. Verst also spoke about the team and thanked the Mayor and the Council for the recognition. The players and other coaches who were in attendance were introduced: Ms. Ada Marie Johnson, Mr. Jack Shepherd, Mr. Loren Rogers, Mr. Justin Harris, Mr. Bob Davis, Mr. Dennis Ogby, Ms. Beth Bryant, and Mr. Mason Wilson. Ms. Jacobelli also read a list of those who were not in attendance: Mr. Herb Henry, Mr. Chad Johnson, Mr. Tony Dixon, Ms. Oxsana Masters, Mr. Marquis Northington, Mr. Keith Wilson, Mr. Kelvin Combs, Mr. Mackenzie Sulden, and Mr. Robby Blevins.

Mr. Ellinger introduced Ms. Evelyn Bologna, Recreation Superintendent, Div. of Parks and Recreation, who spoke about the history of the tournament.

She stated that she had been involved with the tournament for 30 years, and thanked everyone for their support.

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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 given second reading.

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

Aye: Gray, Henson, Lawless, Martin, McChord,
Myers, Stinnett, Beard, Crosbie, Ellinger,
Feigel, Gorton--12

Nay: James, Blues---2
(Mr. Lane recused himself when the vote was taken.)

* * *

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

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

Nay: --0

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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An Ordinance amending Subsection 5-29(11) of the Code of Ordinances, Lexington-Fayette Urban County Government, to reference an exception for a gravel resurfacing permit, and creating Subsection 5-29(20) of the Code of Ordinances to provide for the issuance of a fifty dollar ($50.00) fee for a gravel resurfacing permit, which shall require an inspection of the existing gravel area(s) prior to issuance; all effective on April 1, 2010 was on the docket for first reading.

Mr. Myers made a motion, seconded by Mr. McChord, and approved by a majority vote of 11-4 (Lane, Martin, Crosbie and Ellinger voted **no**), to amend the ordinance to create Subsection 5-29.3(c) of the Code of Ordinances to provide for an additional fee of two hundred fifty dollars ($250.00) for commencement of work without a gravel permit.

An Ordinance amending Subsection 5-29(11) of the Code of Ordinances, Lexington-Fayette Urban County Government, to reference an exception for a gravel resurfacing permit, creating Subsection 5-29(20) of the Code of Ordinances to provide for the issuance of a fifty dollar ($50.00) fee for a gravel resurfacing permit, which shall require an inspection of the existing gravel area(s) prior to issuance; and creating Subsection 5-29.3(c) of the Code of Ordinances to provide an additional fee of two hundred fifty dollars ($250.00) for commencement of work without a permit; all effective on April 1, 2010 was given first reading as amended.

Ms. James asked questions of Mr. Mike Webb, Commissioner of the Dept. of Public Works and Development, regarding the nature of the fees imposed by the ordinance.

Mr. Webb explained the basis of the fees.

Ms. Feigel asked questions of Mr. Webb.

Ms. Lawless spoke about the ordinance.

Ms. James asked that Mr. Webb provide additional information about the ordinance before the next Council Meeting.

Ms. Crosbie requested to speak and asked questions of Mr. Myers and Ms. James.

The ordinance was ordered placed on file two weeks for public inspection.

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An Ordinance amending Sections 17-29 through 17-29.5 of the Code of Ordinances, Lexington-Fayette Urban County Government, pertaining to outdoor café permits as follows: define and provide for a clear zone for pedestrian use; amend the definition of encroachment to include furnishings and change all references to tables, chairs, and/or umbrellas to furnishings; amend the definition of outdoor café to include entertainment establishments; define and provide for a permitted area in which the encroachment of the outdoor café is lawfully allowed; amend the definition of sidewalk to allow the use of up to twenty-five (25) feet in front of the façade of a permitted establishment; provide for encroachment into the sidewalk area in front of the establishment and twenty-five (25) feet in either direction with approval, limiting the activities within the permitted area and the movement of furnishings, permits on annual basis effective January 1, approval of other property owners and tenants, the removal of furnishings during the times of year the outdoor café is not regularly operating, alcohol sales if contiguously located to an alcohol beverage and control licensee, enforcement of other laws and necessary approval from other authorities, all furnishings must be removable and not damage public property, clearly identifying the permitted area for enforcement purposes, alcohol beverage control documents and information, the condition, modification or denial of a permit by the administrator, the maximum number of persons lawfully allowed within the permitted area in accordance with the Ky. Building Code, annual renewal prior to December 1, an annual fee of fifty dollars ($50.00) in addition to any other business license, references to the Americans With Disabilities Act, noise activities in violation of local law prohibited, conduct not related to the operation of an outdoor café prohibited, exceeding the maximum number of persons prohibited, the suspension or modification of the permit for public safety or a special event, the posting or display of the permit, increasing the minimum fine from twenty dollars ($20.00) to two hundred fifty dollars ($250.00), and renumbering the sections and subsections to be consistent with these changes was given first reading.

Mr. Blues asked if the County Attorney's Office had been contacted regarding the ordinance.

The Mayor asked Mr. Logan Askew, Commissioner of the Dept. of Law, to communicate with the County Attorney's Office regarding the ordinance.

Ms. Lawless stated that she would also contact the County Attorney's Office.

Mr. Beard asked if there was a formal mechanism for notifying the County Attorney's Office of ordinances which may affect them. Mr. David Barberie, Attorney, Dept. of Law, stated that he had sent a copy of the draft ordinance to the County Attorney. He also stated that if the Council desired to have a formal mechanism for notification in place, he would be glad to work with them to create a process.

The Council continued to discuss the ordinance.

The ordinance was ordered placed on file two weeks for public inspection.

* * *

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

An Ordinance of the Lexington-Fayette Urban County Government making certain findings concerning and establishing a Development Area for Economic Development Purposes within the Lexington-Fayette Urban County to be known as the Red Mile Development Area; approving a Local Participation Agreement between Lexington-Fayette Urban County Government and the Dept. of Finance and Administration of the Lexington-Fayette Urban County Government; establishing an Incremental Tax Special Fund for payment of redevelopment assistance, approved public infrastructure costs, land preparation, demolition and clearing costs, and financing costs; designating the Lexington-Fayette Urban County Government's Dept. of Finance and Administration as the agency responsible for oversight, administration, and implementation of the Development

Area; and authorizing the Mayor and other officials to take such other appropriate actions as are necessary or required in connection with the establishment of the Development Area.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Systems Administrator - Enterprise Solutions, Grade 118E in the Div. of Enterprise Solutions.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the National Association of Police Athletic/Activities League, Inc., which Grant funds are in the amount of $24,670 Federal funds, are for a Juvenile Mentoring Program in the Div. of Police, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 124, 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. 125.

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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 was given second reading.

Ms. Crosbie asked for clarification of the wording of the resolution.

Mr. Barberie responded that the lease of the machine committed the Government to five years, but could be terminated if no funding was available.

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

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

Nay: --0

* * *

The following resolutions were given second reading.

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.

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.

Upon motion of Mr. McChord, and seconded by Mr. Myers, the resolutions were approved by the following vote:

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

Nay: Crosbie---1

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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 was given second reading.

Mr. Beard asked what the change order would cover.

Mr. Mike Webb, Commissioner of the Dept. of Public Works and Development, responded about the changes needed to the contract because of changes in the American Recovery and Reinvestment Act standards which affected the Legacy Trail and made it eligible for reimbursement.

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

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

Nay: --0

* * *

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

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

Nay: ---0

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 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 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.

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.

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The following resolutions were given first reading.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an American Recovery and Reinvestment Act Federal Reimbursement Agreement with the Commonwealth of Ky. Transportation Cabinet, as well as any other documents necessary for completion of the Project, whereby the Cabinet will undertake completion of and expend up to $5,796,392.26 for the Legacy Trail Phase I Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an American Recovery and Reinvestment Act Federal Reimbursement Agreement with the Commonwealth of Ky. Transportation Cabinet, as well as any other documents necessary for completion of the Project, whereby the Cabinet will undertake completion of and expend up to $1,874,632.50 for the Legacy Trail Phase II Project.

Mr. Beard asked questions of Mr. Mike Webb, Commissioner of the Dept. of Public Works and Development, regarding the Legacy Trail project.

Mr. McChord also responded to questions about the Legacy Trail.

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

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

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

Nay: --0

* * *

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

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

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

Nay: --0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an American Recovery and Reinvestment Act Federal Reimbursement Agreement with the Commonwealth of Ky. Transportation Cabinet, as well as any other documents necessary for completion of the project, whereby the Cabinet will undertake completion of and expend up to $1,428,625.03 for the Downtown Vine St. Streetscape Project was given first reading.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with M2D Design Group, for design of the Isaac Murphy Memorial Garden Trail Head, at a cost not to exceed $20,250.

A Resolution authorizing and directing the Dept. of Public Works and Development to construct a sidewalk on the east side of Cedarwood Dr. between 832 Cedarwood Dr. and 836 Cedarwood Dr. at a cost not to exceed $500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 (Final) to the Contract with Randle-Davies Construction Co., for the South Elkhorn Bike Trail, decreasing the contract price by the sum of $57,312.13 from $216,701 to $159,388.87.

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Upon motion of Ms. Lawless, seconded by Mr. McChord, and approved by unanimous vote, a Resolution accepting the bid of Charles Deweese Construction, Inc., in the amount of $1,757,455.36, for the Lexington Downtown Streetscape Phase One Improvements - Main St., for the Dept. of Public Works and Development, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Charles Deweese Construction, Inc., related to the bid was placed on the docket and given first reading.

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

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

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

Nay: --0

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Mr. Gray made a motion, seconded by Ms. Gorton, to place on the docket a Resolution endorsing the intervention of the Ky. Attorney General in Public

Service Commission Rate Case No. 2010-00036, Adjustment of Rates of Ky.-American Water Co., and requesting that representatives of the Ky.-American Water Co. appear before the Urban County Council at its next work session to explain the rate increase and matters related to it.

Mr. Lane stated that the Kentucky Attorney General had filed in this case on February 26, 2010, and that the Urban County Government had filed on March 3, 2010. He wanted the public to know that they had been involved in the case for some time.

Mr. Martin made a motion, seconded by Mr. Stinnett, to remove the following language from the body of the Resolution: "Whereas, representations were made to our citizens and government that the new plant would be built to supply not only Fayette but several neighboring municipalities; and, Whereas, there is no clear indication that any significant progress has been made by Kentucky-American Water Company to successfully market water produced by the new plant to the neighboring municipalities, thereby lowering the cost to Lexington citizens…"

The Council discussed the resolution and the language of the body of the resolution.

Mr. Gray and Mr. Martin discussed alternative language for the body of the resolution.

The Council continued to discuss the resolution.

Mr. Martin amended his motion, seconded by Mr. Stinnett, to alter the language of the body of the Resolution to delete the following language: "Whereas, representations were made to our citizens and government that the new plant would be built to supply not only Fayette but several neighboring municipalities" and to amend the following language: "Whereas, there is no clear indication that any significant progress has been made by Kentucky-American Water Company to successfully market water produced by the new plant to the neighboring municipalities, thereby lowering the cost to Lexington citizens" to read "Whereas, the Council would like to confirm what progress has been made by Kentucky-American Water Company to successfully market water produced by the new plan to the neighboring municipalities, thereby lowering the cost to Lexington citizens."

The Council continued to discuss the motion and the resolution.

Mr. Martin's motion passed unanimously.

Mr. Stinnett asked that the resolution also be forwarded to the Public Service Commission. Mr. Gray accepted the addition of the Public Service Commission to the list of recipients in Section 4 of the resolution as a friendly amendment to his motion, and Ms. Gorton, as seconder, concurred.

Mr. Gray's motion, as amended, passed unanimously.

A Resolution endorsing the intervention of the Ky. Attorney General in Public Service Commission Rate Case No. 2010-00036, Adjustment of Rates of Ky.-American Water Co., and requesting that representatives of the Ky.-American Water Co. appear before the Urban County Council at its next work session to explain the rate increase and matters related to it was given first reading as amended.

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

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

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

Nay: --0

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A Resolution ratifying the probationary civil service appointments of: Christopher Doerge, GIS Programmer Analyst, Grade 117E, $1,947.84 bi-weekly, in the Div. of Computer Services, effective February 22, 2010; Jennifer Myatt, Environmental Outreach Specialist, Grade 115E, $1,443.44 bi-weekly, in the Div. of Environmental Policy, effective March 1, 2010; Tracey McElroy, Staff Assistant, Grade 107N, $12.839 hourly, in the Div. of Waste Management, effective March 22, 2010; Jeff Giles, Public Service Supervisor, Grade 111N, $17.872 hourly, in the Div. of Parks and Recreation, effective March 15, 2010; Paul Smith, Fleet Parts Specialist, Grade 109N, $16.694 hourly, in the Div. of

Facilities and Fleet Management, effective March 15, 2010; Robert Meyer, Skilled Trades Worker Sr., Grade 112N, $23.262 hourly, in the Div. of Facilities and Fleet Management, effective March 15, 2010; Jeffery Burk, Heavy Equipment Technician, Grade 113N, $22.192 hourly, in the Div. of Facilities and Fleet Management, effective March 15, 2010; Marilyn Clark, Minority Program Coordinator, Grade 119E, $2,355.28 bi-weekly, in the Div. of Central Purchasing, effective April 1, 2010; Laurence Warfield, Maintenance Supervisor, Grade 115E, $2,179.60 bi-weekly, in the Div. of Water Quality, effective February 15, 2010; ratifying the permanent civil service appointments of: Cyndra Brown, Administrative Specialist Pr, Grade 114E, in the Div. of Community Development, effective August 17, 2009; Hannelore Boorne, Administrative Officer, Grade 118E, in the Div. of Waste Management, effective December 8, 2009; Rebecca Weems, Program Manager Sr., Grade 120E, in the Div. of Waste Management, effective January 10, 2010; Clarence Steele, Public Service Supervisor Sr., Grade 114E, in the Div. of Waste Management, effective February 10, 2010; Vonda Melton, Senior Human Resource Manager, Grade 121E, in the Div. of Human Resources, effective December 14, 2009; James Bush, Environmental Program Manager Energy, Grade 117E, in the Div. of Environmental Policy, effective December 22, 2009; Christopher Cooperrider, Deputy Director of Parks, Grade 120E, in the Div. of Parks and Recreation, effective August 17, 2009; T. J. Taylor, Sewer Line Maintenance Superintendent, Grade 116E, in the Div. of Water Quality, effective October 13, 2009; Robert Smith, Maintenance Supervisor, Grade 115E, in the Div. of Water Quality, effective October 27, 2009; ratifying the probationary sworn appointment of: Ricky Loveless, Fire Lieutenant, Grade 315N, $17.268 hourly, in the Div. of Fire and Emergency Services, effective February 15, 2010; ratifying the permanent sworn appointments of: Guy Greene, Police Lieutenant, Grade 317E, in the Div. of Police, effective February 28, 2010; Sam Murdock, Police Sergeant, Grade 315N, in the Div. of Police, effective December 15, 2009; ratifying the permanent Community Corrections Officer appointments of: James Dun, Joseph Hendricks, Chadwick Hundley, Anthony Lawson, Jonathan Murray, Daryll Trumbo, Community Corrections

Officer, Grade 110N, in the Div. of Community Corrections, effective December 8, 2009; Jacob Crawford, Nicholas Elko, Yolanda Elko, Dustin Wynn, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective November 11, 2009; approving the unclassified civil service appointment of: Mary Cole, Administrative Specialist, Grade 110N, $20.000 hourly, in the Div. of Waste Management, effective March 22, 2010 was given first reading.

Ms. Lawless asked a question about the appointment of Ms. Mary Cole, Administrative Specialist, in the Div. of Waste Management.

Mr. Joe Kelly, Senior Advisor to the Mayor, responded that Ms. Cheryl Taylor, Commissioner of the Dept. of Environmental Quality, was not in attendance at the meeting, but that he would ask her to respond before the next meeting.

Ms. Lawless asked that the Council be made aware in advance of any unclassified civil service appointments to be made.

The resolution was 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 Arrow Electrical Contractors, in the amount of $87,996, for Conduit Installation - Sir Barton Way (Man O'War Blvd. to Winchester Rd.), for the Div. of Traffic Engineering.

A Resolution accepting the bid of G & K Services, establishing a price contract for the rental of entrance mats, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Worldwide Equipment, in the amount of $114,134, for Tandem Axle Cab & Chassis, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of DictationProducts.com, in the amount of $39,345, for a Dictaphone System, for the Div. of Police.

A Resolution accepting the bid of LexPress, establishing a price contract for distribution of Fun Guide 2010, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Elite Petroleum, Inc., establishing a price contract for Hydraulic Oil, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Davis H. Elliot Construction Co., Inc., establishing a price contract for Inductive Loop Vehicle Detection & Installation, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Marrillia Design and Construction, in the amount of $1,639,925.81, for the Lexington Downtown Streetscape Phase One Improvements - Vine St., for the Dept. of Public Works and Development, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Marrillia Design and Construction, related to the bid.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Blue Grass Community Foundation and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $7,000 under the Blue Grass CARE (Collaborative Assistance and Relief Effort) Fund, and are for financial assistance for families at risk, for the Div. of Youth Services.

A Resolution changing the street name and property address number of 1652 Bryant Rd. to 3418 Polo Club Blvd., of 1505 Deer Haven Ln. to 3414 Polo Club Blvd., of 797 Miles Point Way to 801 Enterprise Dr., of 651 W. New Circle Rd. to 1501 Colesbury Circle, of 3275 Polo Club Blvd. to 2270 Ice House Way, of 767 W. Short St. to 127 Newtown Pike, of 171 Southland Dr. to 145 Collins Ln.; changing the property address numbers of 4088 Georgetown Rd. to 4050 Georgetown Rd., of 251-255 Holbrook Ct. to 255 Holbrook Ct., of 2550 Liberty Ridge Ln. to 701 Liberty Ridge Ln., of 5846 Old Richmond Rd. to 5820 Old Richmond Rd., of 3948 Real Quiet Ln. to 3806 Real Quiet Ln., of 261-267 W. Short St. to 259 W. Short St., of 474-476 Silver Maple Way to 476 Silver Maple Way, of 286 Simpson Ave. to 186 Simpson Ave., and of 108 and 108 ½ Thompson Rd. to 106 and 108 Thompson Rd.; and changing the street name of

3280 Post Rd. to Keithshire Way, and of 173 and 181 Southland Dr. to 173 and 181 Collins Ln.; all effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Implementation Services Agreement, Licensing Agreement, and Maintenance Agreement with Accela, Inc., for Asset Management Software required by the Urban County Government's Consent Decree, for the Div. of Water Quality, at a total cost not to exceed $1,594,360.94.

A Resolution adopting an updated Expansion Area Exaction Rate Table for roads, parks, stormwater, open space, sewer transmission and sewer capacity to reflect actual and/or contracted costs for eligible system improvements constructed for the Dept. of Finance and Administration and the Dept. of Public Works and Development and the Divs. of Planning and Engineering.

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Upon motion of Mr. Blues, seconded by Ms. Crosbie, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Mr. Barry Holmes to the Downtown Development Authority Board of Directors, with a term to expire 1-15-2014. The term of Mr. P.G. Peeples has expired; (2) Recommending the appointment of Mr. James Aristizabal, as International Sports Community representative, to the Masterson Station Park Advisory Board, with a term to expire 5-1-2012. Mr. Aristizabal will fill the unexpired term of Mr. Andres Cruz; (3) Recommending the appointment of Ms. Sherry L. Coles to the Social Services Advisory Board, with a term to expire 9-1-2011; and (4) Recommending the appointment of Mr. Matthew Salyer, as Landlord/Business Community representative, to the Town and Gown Commission, with a term to expire 2-1-2012. The term of Mr. Rick Bryant has expired.

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The following Communications from the Mayor were received for information only: (1) Resignation of Brenda Bunting, Life Skills Specialist, Grade 113E, in the Div. of Community Corrections, effective October 23, 2009; (2) Resignation of Steven Puckett, Community Corrections Sergeant, Grade 112N, in the Div. of Community Corrections, effective November 23, 2009; (3) Resignation of Robert Walker, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 26, 2009; (4) Resignation of Ann Schultz, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 7, 2009; (5) Resignation of Daniel Clemons, Firefighter, Grade 311N, in the Div. of Fire and Emergency Services, effective October 21, 2009; (6) Resignation of Laura Art, Administrative Specialist, Grade 110N, in the Div. of Family Services, effective September 11, 2009; (7) Resignation of Danny McGuire, Police Trainee, Grade 311N, in the Div. of Police, effective November 11, 2009; (8) Resignation of Ira Duncan, Police Trainee, Grade 311N, in the Div. of Police, effective November 13, 2009; (9) Resignation of Todd Young, Police Trainee, Grade 311N, in the Div. of Police, effective February 2, 2010; (10) Resignation of Deloris McQueen, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective January 27, 2010; (11) Resignation of Jesse Little, Police Trainee, Grade 311N, in the Div. of Police, effective February 3, 2010; (12) Resignation of Billy Treadway, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 15, 2009; (13) Resignation of Yamilet Fuentes, Family Support Worker Sr., Grade 112N, in the Div. of Family Services, effective September 18, 2009; and (14) Resignation of Doman Ruggles, Police Trainee, Grade 311N, in the Div. of Police, effective September 11, 2009.

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Ms. James stated that the Commission for Citizens with Disabilities Public Transportation meeting on March 4, 2010, had gone very well. She said that Ms. Henson had been in attendance, and that LexTran was able to survey the people in attendance in order to provide data about where they live and how they use public transportation. Ms. James stated that she would email additional information to Council Members, particularly about changes needed in various Council Districts.

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Mr. Stinnett spoke about the Creative Cities Summit to be held in Lexington, April 7 – 9, 2010. He stated that representatives would be presenting information to the Council at the March 23, 2010 Council Work Session, and encouraged everyone to support the effort.

* * *

Mr. Myers stated that the Tatesbrook Neighborhood Association would be hosting a mayoral debate on April 26, 2010, from 7 – 9 p.m., at the Church at Tatesbrook at 3724 Appian Way. He encouraged everyone to attend.

Mr. Myers asked if GTV3 would be able to cover the debate. The Mayor responded that the possibility could be investigated.

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Ms. Lawless announced that several 3rd District neighborhood associations were trying to organize a mayoral debate. She will report back with the correct date.

Ms. Lawless also encouraged all citizens to sign up to attend the Creative Cities Summit.

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Mr. McChord reported that the Stonewall Neighborhood Association would meet on March 16, 2010, at 7:00 p.m. at Stonewall Elementary School. He invited everyone to attend.

Mr. McChord also commented on the Creative Cities Summit, and encouraged everyone to participate.

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The Mayor seconded all the positive comments about the Creative Cities Summit.

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Ms. Henson reminded everyone that the St. Patrick's Day Festival would take place on March 13, 2010 beginning at 11:00 a.m. with the parade at 1:00 p.m.

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Fire Chief Robert Hendricks stated that Firefighter John Gentry has committed the offense of Inefficiency in violation of KRS 95.450 and the Lexington-Fayette Urban County Government Employee Handbook, in that on the 26th day of October, 2009, he displayed unprofessional and discourteous conduct to a customer on an EMS incident. This behavior thus prevented Firefighter Gentry from handling the incident correctly and in the best interest of the customer, and that the appropriate punishment for this conduct is 24 hours suspension without pay for scheduled work hours. Further, an administrative review of Firefighter Gentry's paramedic status will be completed, as well as a mandatory referral to the Employee Assistance Program.

Upon motion of Mr. McChord, seconded by Ms. Crosbie, the disciplinary action was approved by majority vote (Mr. Lane recused himself when the vote was taken.)

* * *

Mr. McChord made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to go into closed session pursuant to KRS 61.810(1)(f) for a discussion related to the discipline or the dismissal of an employee and pursuant to KRS 61.810(1)(j) for deliberations related to an individual application.

* * *

Upon motion of Mr. Gray, seconded by Ms. Gorton, and approved by majority vote (Ms. Feigel was absent at the time of the vote), the Council returned to open session at 9:04 p.m., with the following members absent: Henson, James, Lane, Lawless, and Myers.

* * *

Upon motion of Mr. Gray, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution adopting Findings of Fact and Conclusions of Law and imposing the discipline of Dismissal upon Stephanni Roadarmel by reason of her misconduct, inefficiency, insubordination, unbecoming conduct, within the meaning of and in violation of KRS 95.450, Section 23-42 of the Code of Ordinances of the Lexington-Fayette Urban County Government, and the rules of the Div. of Police was placed on the docket.

Mr. Ellinger made a motion, seconded by Mr. Stinnett, and approved by unanimous vote, to amend item 11 in the Findings of Fact to include the language "the Council finds the recommendation to dismiss was not due to gender discrimination."

The resolution was given first reading. Upon motion of Mr. Blues, seconded by Mr. McChord, the rules were suspended by unanimous vote.

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: Gray, Martin, McChord, Stinnett, Beard,
Blues, Crosbie, Ellinger, Gorton---------------9

Nay: Feigel---1

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Upon motion of Mr. Ellinger, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 9:15 p.m.

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Clerk of the Urban County Council