

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky April 8, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on April 8, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members James, Lane, Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, Gray and Henson. Absent was Council Member Lawless.

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

Ordinances No. 47-2010 thru 51-2010 inclusive and Resolutions No. 137-2010 thru 163-2010 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Rev. Tanya J. Tyler, Moderator of the Christian Church, Disciples of Christ, Ky., Pastor of Smithfield Christian Church in Smithfield, Ky., and a member of the Board of Trustees of the Lexington Theological Seminary.

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Upon motion of Mr. Myers, seconded by Mr. Blues, and passed by unanimous vote, the Minutes of the March 11 and 25, 2010 Council Meetings were approved.

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Ms. Gorton invited Mr. David Park Musella, Partnership Assistant with the 2010 Census, to come forward and receive a Proclamation proclaiming April 10, 2010 to be March to the Mailbox Day in support of the 2010 Census. Mr. Musella thanked the Mayor and the Council for their support of the Census project.

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Ms. Gorton recognized Mr. Howard Rupert, Mayor's Alliance on Substance Abuse. Mr. Rupert stated that the month of April was Alcohol Awareness Month. He spoke about underage drinking and other alcohol issues. He thanked the Mayor and the Council for their assistance in publicizing these issues.

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Ms. Gorton recognized the winners of the annual 'Keep it Real' Video Contest winners from Paul Laurence Dunbar High School. She stated that the contest is sponsored by the Bluegrass Prevention Center, the Mayor's Alliance on Substance Abuse, and the Fayette County Agency for Substance Abuse Policy, and that it was in its sixth year. This year the contest, which is part of a campaign to reduce underage drinking, had 75 entries from 15 schools, representing 10 counties. Fayette County entries came from Bryan Station High School, Henry Clay High School, Lexington Day Treatment Center, Paul Laurence Dunbar High School, Home School, and Kids Gone Green, a multi-school effort. Students were asked to create a thirty-second spot telling

teenagers not to drink. Ms. Gorton stated that the video entries could be found at www.keep-it-real.us.

Ms. Gorton introduced Mr. Andrew Von Neida and Mr. Rob Gomez from Paul Laurence Dunbar High school, who were the grand prize winners with their video entitled “Beautiful World.” Mr. Von Neida and Mr. Gomez thanked the Mayor and the Council. The video was presented.

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An Ordinance changing the zone from an Agricultural Rural (A-R) zone to an Expansion Area Residential-1 (EAR-1) zone for 12.45 net (12.54 gross) acres, for property located at 425 Chilesburg Rd. (Dennis Anderson) was on the docket for second reading.

Ms. Feigel asked questions of Mr. Mike Webb, Commissioner, Dept. of Public Works and Development, regarding the ordinance and whether the Zoning Ordinance addressed water runoff for new development.

Mr. Richard Murphy, attorney for the petitioner, spoke to Ms. Feigel's concerns regarding this development.

Mr. Lane asked questions of Mr. Murphy.

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

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

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

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

An Ordinance changing the zone from an Agricultural Rural (A-R) zone to a Community Center (CC) zone for 37.5 net (52.63 gross) acres; from an Agricultural Rural (A-R) zone to an Expansion Area Residential-3 (EAR-3) zone

for 90.37 net (92.05 gross) acres; and from an Agricultural Rural (A-R) zone to an Expansion Area Residential-3 (EAR-3) zone with a Transition Area (TA) overlay zone for 14.82 net (16.49 gross) acres, for property located at 2950 Winchester Rd. (a portion of). (WWM, LLC; Ausbrook Polo, LLC; & Polo I, LLC (AMD.))

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Administrative Officer, Grade 118E in the Div. of Youth Services, effective retroactive to June 22, 2009.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Letter of Agreement Amendment with the Ky. Heritage Council, for additional Federal funds in the amount of \$2,032 for the Div. of Historic Preservation's Survey and Planning Project and increasing the amount required for local match by \$1,355, and appropriating funds pursuant to Schedule No. 126.

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. 127.

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 \$70,059 Federal funds, are for the Safe Havens and Supervised Visitation Program, the acceptance of which obligates the Urban County Government for the expenditure of \$23,354 as a local match to be provided by Sunflower Kids, Inc., appropriating funds pursuant to Schedule No. 128, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing the Mayor to execute an Agreement with Sunflower Kids, Inc., for supervised visitation and monitored exchange services, at a cost not to exceed \$70,059.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Health and Human Services, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$180,000 Federal funds, are

for operation of the M.A.S.H. Drop Inn Facility, the acceptance of which obligates the Urban County Government for the expenditure of \$20,000 to be provided by the M.A.S.H. Drop Inn operating budget, appropriating funds pursuant to FY 2011 Schedule No. 2, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$65,026 Commonwealth of Ky. funds from the Law Enforcement Service Fee Program, are for the support of the cost of police overtime hours for a Traffic Alcohol Patrol, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2011 Schedule No. 3, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

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An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of Taxable General Obligation Pension Funding Bonds, Series 2010D in the aggregate principal amount of \$35,845,000 (which amount may be increased or decreased by an amount of up to ten percent (10%)) for the purpose of financing the costs of funding unfunded liabilities of the Lexington-Fayette Urban County Government; approving the form of the Series 2010D Bonds; authorizing designated officers to execute and deliver the Series 2010D Bonds; authorizing and directing the filing of notice with the state local debt officer; providing for the payment and security of the Series 2010D bonds; creating Bond Payment Funds; maintaining the heretofore established Sinking Fund; authorizing acceptance of the bid of the Bond Purchaser for the purchase of the Series 2010D Bonds; and repealing inconsistent ordinances was on the docket for first reading.

Mr. Gray asked questions of Ms. Linda Rumpke, Commissioner, Dept. of Finance and Administration, regarding information that was to have been forthcoming about the Police and Fire Pension Fund. Mr. Beard explained the

information request in greater detail, and asked additional questions of Ms. Rumpke.

The Mayor also answered questions about the pension fund bond issue.

Mr. Gray asked Ms. Rumpke to have some financial statements on the issue before the second reading of the ordinance.

Mr. Martin asked questions of Ms. Rumpke and of Mr. Greg Phillips, Hilliard Lyons, about the ordinance and whether a task force or committee should discuss the issue.

Mr. Beard responded to Mr. Martin's questions also.

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

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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 authorizing and providing for the issuance of \$14,400,000 principal amount of Sewer System Revenue Refunding Bonds, Series 2010A, dated the date of delivery (subject to plus or minus 10% adjustment as to principal upon the sale thereof) for the purpose of refinancing the outstanding principal amount of the Lexington-Fayette Urban County Government Sewer System Revenue Bonds, Series 2001A due July 1, 2014 and thereafter, to pay a one percent (1%) premium thereon and to fund interest from the last interest payment date to the date on which the bonds will be redeemed, July 1, 2011, setting forth the terms and conditions upon which said Series 2010A bonds are to be issued and outstanding and taking other related actions.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Enterprise Systems Developer Sr., 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 Ky. Div. for Air Quality, which Grant funds are in the amount of \$150,000 Federal funds, are for the retrofit of twenty-six refuse haulers, the acceptance of which does not obligate the Urban

County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 129, 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. 130.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of \$301,664 (FHWA Planning), \$44,000 (Federal Transit Administration Section 5303), \$102,000 (Mobility Office (SLX)), and \$54,000 (Air Quality Planning (SLX)) Federal funds, are for the Div. of Planning Unified Work Program - FY2011, the acceptance of which obligates the Urban County Government for the expenditure of \$56,562 (FHWA Planning), \$11,000 (Federal Transit Administration), \$25,500 (Mobility Office (SLX)), and \$13,500 (Air Quality Planning (SLX)) as a local match, subject to sufficient funds being appropriated in FY 2011, appropriating funds pursuant to FY 2011 Schedule No. 4, 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 Bluegrass Area Development District, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$90,554 Federal funds, are for the operation of the Senior Citizens Center in FY 2011, the acceptance of which obligates the Urban County Government for the expenditure of \$160,146 as a local match, appropriating funds pursuant to FY 2011 Schedule No. 5, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Juvenile Justice, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved,

which Grant funds are in the amount of \$241,845 Commonwealth of Ky. funds, are for operation of the Day Treatment Program, 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 FY 2011 Schedule No. 6, 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 Lexington-Fayette Urban County Health Dept., which Grant funds are in the amount of \$491,657 Federal funds, are for the Home Network Project at the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2011 Schedule No. 7, 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. Transportation Cabinet, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$65,000 Federal funds, are for the Traffic Safety Program, the acceptance of which obligates the Urban County Government for the expenditure of \$65,000 as a local match, appropriating funds pursuant to FY 2011 Schedule No. 8, 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 the 2010 Consolidated Plan/Grant Application to the U.S. Dept. of Housing and Urban Development, 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 \$3,871,166 Federal funds, are for FY 2011 Community Development Block Grant Program (\$2,278,561), HOME Program (\$1,501,092), and Emergency Shelter Grant Program (\$91,513), the acceptance of which obligates the Urban County Government for the expenditure of \$351,746 from various

funding sources as local cash match and \$67,513 in-kind match; appropriating funds pursuant to FY 2011 Schedule No. 9; authorizing the Mayor to transfer unencumbered funds within the Grant budget; and authorizing the Mayor to execute Agreements for the approved plan.

An Ordinance amending Section 1 of Ordinance No. 40-2010 correcting the Subsection line number for the position of Engineering Technician, Grade 111N, in the Div. of Water Quality.

An Ordinance amending Section 16-43(7) of the Code of Ordinances to change limits on chemical constituent contributors (cadmium, hexalent chromium, and mercury) to Town Branch and West Hickman Creek Wastewater Treatment Plants.

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

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

Nay: -----0

A Resolution accepting the bids of Schiller Architectural Hardware, Lexington Building Supply, and Congleton Lumber Co., establishing price contracts for doors and steel hardware, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Truckers Lighthouse, MPH Industries, Inc., Adamson Industries Corp., Priority One Emergency, Radio Communications Systems, Inc. d/b/a RCS Communications, and Galls, an Aramark Co., LLC, establishing price contracts for Emergency Equipment, for the Div. of Police.

A Resolution accepting the bid of Pro-Tech Security Sales, establishing a price contract for Ballistic Vests, for the Div. of Police.

A Resolution accepting the bid of Task, Inc., establishing a price contract for Greenways Maintenance, for the Div. of Engineering.

A Resolution accepting the bid of Jason Tate Contractor, establishing a price contract for Sidewalk Ramp Installation/Reconstruction Program 2010, for the Div. of Engineering.

A Resolution accepting the bids of S & T Fencing, Inc.; Herb Geddes Fence Co., Inc.; Rio Grande Fence; ZKB Construction Services, LLC; Myers Fence, LLC; and Shuck Fence Co., Inc., establishing price contracts for fencing, for the Div. of Parks and Recreation.

A Resolution accepting the bids of Anaconda Sports, Inc.; Sport Supply Group, Inc.; S & S Worldwide; Riddell; Flaghouse, Inc.; Nasco; Cannon Sports; Bill Fritz Sports Corp.; Pyramid School Products; Active Sports; Mainstreet Outfitters; and Midsouth Baseball, Inc.; establishing price contracts for athletic equipment, for the Div. of Parks and Recreation.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from CMW Real Estate, LLC of six concrete planters, for use at the Div. of Parks and Recreation, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation of concrete material (reject) from Cloud Concrete, for use by the Div. of Fire and Emergency Services, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Lease Agreement with WDKY, Inc., for the use of Radio Tower Space and Facilities, extending the term of the lease three (3) years and providing for additional renewals, subject to sufficient funds being appropriated in future fiscal years, at a cost not to exceed \$25,800 in FY 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Jessica Barker, as a Sexual Assault Nurse Examiner, to provide on-call forensic examinations under the Sexual Assault Nurse Examiner Program, at a cost not to exceed \$40 for each scheduled on-call period, \$230 for each completed forensic

examination, \$50 per case for professional testimony in court, and the reasonable cost of medical liability insurance.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Owensboro Police Dept., for the transfer of equipment used for IED training, purchased with funds awarded by the Ky. Office of Homeland Security, to the Owensboro Police Dept.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Old Frankfort Pike/ Alexandria Dr. Stone Fence Project through June 30, 2011, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Eastern Little League Baseball, Inc. (\$1,150), Overbrook Homeowners Assn., Inc. (\$700), and Bluegrass Council of Boy Scouts of America (\$250), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the Memorandum of Understanding with Ky. State Police, for Ky. Internet Crimes Against Children Task Force, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Previstar, Inc., for Emergency Management Planning Software, at a cost not to exceed \$5,000.

A Resolution accepting the proposal of Veolia ES Technical Solutions, LLC, in the amount of \$110,702.50, for hazardous waste collection services for the Spring Clean 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of

\$270,000 Federal funds, and are for continuation of the Street Sales Drug Enforcement Project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a License Agreement with the Ky. Bicycle and Bikeways Commission for use of its "Share the Road" art work, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Safe Routes to School Project through June 30, 2011, 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 Lexington-Community Land Trust, Inc., for mitigation services for the Newtown Pike Extension Project, at a cost not to exceed \$250,000 in Federal grant funds.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with T.E.A.M. Contracting, LLC, for Town Branch Primary Effluent Pump Replacement Project, for the Div. of Water Quality, increasing the contract price by the sum of \$188,192 from \$1,340,000 to \$1,528,102.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with MACTEC Engineering, for Landfill Water Quality Monitoring, for the Dept. of Environmental Quality, increasing the contract price by the sum of \$60,000 from \$76,600 to \$136,600.

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

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

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

Nay: -----0

A Resolution ratifying the probationary civil service appointments of: Michelle Gunter, HCM Manager, Grade 119E, \$2,355.27 bi-weekly, in the Div. of Enterprise Solutions, effective March 15, 2010, Rob Little, Environmental Enforcement Specialist, Grade 115E, \$2,100.00 bi-weekly, in the Div. of Environmental Policy, effective May 10, 2010, Ryan Barrow, Director of Budgeting, Grade 122E, \$3,269.23 bi-weekly, in the Div. of Budgeting, effective April 26, 2010; ratifying the permanent Community Corrections Officer appointments of: Jacob Crawford, Nicholas Elko, Yolando Elko, Dustin Wynn, Community Corrections Sergeant, Grade 112N, in the Div. of Community Corrections, effective November 11, 2009.

A Resolution of the Lexington-Fayette Urban County Government authorizing the advertisement for bids and the distribution of a Preliminary Official Statement for the purchase of the principal amount of its \$35,845,000 Taxable General Obligation Pension Funding Bonds, Series 2010D (which amount may be increased or decreased by an amount of up to ten percent (10%)).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Public Acquisition Plat dedicating two hundred and ninety-two (292) square feet of Higbee Mill Park as right-of-way for the Clays Mill Rd. Improvement Project.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Lafayette High School Girls Booster Club, Inc. (\$550), and YMCA of Central Ky. (\$600) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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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 Haynes Trucking, LLC, establishing a price contract for Crushed Glass Transport, for the Div. of Waste Management.

A Resolution accepting the bid of Minnifield Enterprize, in the amount of \$58,964, for Police Roll Call West Renovation, for the Dept. of General Services and the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Brenntag Mid-South, Inc., establishing a price contract for Swimming Pool Chemicals, for the Div. of Parks and Recreation.

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

A Resolution accepting the bid of Glove Planet, LLC, establishing a price contract for Disposable Gloves, for the Div. of Community Corrections.

A Resolution accepting the bid of E-Z Pack Holdings, LLC, in the amount of \$36,670.64, for vehicle repair of damaged Front End Loader, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Elite Petroleum, Inc., establishing a price contract for 15w40 Motor Oil, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of BCD, Inc., in the amount of \$419,500.01, for the LFUCG Municipal Recycling Facility Renovation, for the Dept. of Environmental Quality and the Div. of Waste Management, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with BCD, Inc., related to the bid.

Resolution of the Lexington-Fayette Urban County Government accepting the lowest and best bid received for the purchase of \$14,420,000 principal amount of Lexington-Fayette Urban County Government Sewer System Revenue Refunding Bonds, Series 2010A and providing for the interest rates and bond maturities in respect of such Series 2010 Bonds and taking other related actions.

A Resolution rescinding Resolution No. 51-2010, accepting the bid of Tri-County Ford Mercury, Inc., in the amount of \$97,014, for pickup trucks equipped with Snow Removal Equipment, for the Div. of Facilities and Fleet Management.

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 and to provide any additional information requested in connection with

this Grant Application, which Grant funds are in the amount of \$181,107 Federal funds under the State Criminal Alien Assistance Program (SCAAP), and are for reimbursement of costs related to the incarceration of undocumented criminal aliens.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Commonwealth Attorney's Office, for services for the Cold Case Project, at a cost not to exceed \$10,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Fayette County Commonwealth Attorney's Office, for reduction of the amount of funds provided to the Commonwealth Attorney's Office for services to the Street Sales Drug Enforcement Project by \$25,203, from \$51,664 to \$26,461.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with the Fayette County Board of Education, for use of Winburn Middle School Gym and Library, at a cost not to exceed \$24,120.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with the Fayette County Board of Education, for the Extended School Program and Recreational Environment and Learning Program, 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 Access Agreement with Shield Environmental Associates, Inc. for access to the Town Branch Wastewater Treatment Plant property for installation of a monitoring well, 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 Memorandum of Understanding with the University of Ky. Research Foundation for specialized fecal coliform sampling and analysis in the Wolf Run Watershed at a cost not to exceed \$73,966.

A Resolution authorizing the Div. of Waste Management to purchase a Heil Multipack Waste Collection Body from Central Indiana Truck Equipment Corp., a sole source provider, at a cost not to exceed \$161,358.

A Resolution pursuant to Code of Ordinances Section 18-66, designating the speed limit on Berea Rd. as 35 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 calling upon the Mayor to take all appropriate action, including legal action, to compel representatives of Ky.-American Water Co. to appear before the Urban County Council as soon as is practicable to explain its request for a rate increase under Public Service Commission Rate Case No. 2010-00036, to respond to questions relating to the rate increase, to respond to questions relating to its appearance before the Council in August of 2007, and to respond to questions about other related matters.

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The following Communications from the Mayor were received for information only: (1) Resignation of Tabatha Davidson, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 24, 2010; (2) Resignation of Jarad Brown, Firefighter, Grade 311N, in the Div. of Fire and Emergency Services, effective March 31, 2010; (3) Resignation of Howard Ellison, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 20, 2010; (4) Resignation of Virginia Cox, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective February 17, 2010; and (5) Resignation of Michael Tolson, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 14, 2010.

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Mr. McChord spoke about the Creative Cities Summit which had taken place that day. He stated his appreciation for everything that had been done to make it possible.

The Mayor added to Mr. McChord's comments.

Ms. Feigel commented on the Creative Cities Summit and encouraged citizens to participate.

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Ms. James read an email from the Lexington Tree Board regarding the treatment of Ash trees for the Emerald Ash Borer infestation. She noted that all Ash trees are at risk, and that there was a handout with instructions for homeowners available at www.lexingtonky.gov. She stated that citizens could also contact 311 for more information.

Ms. Feigel also spoke about Ash tree infestation information, and stated that videos had been aired on GTV3.

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Ms. Feigel announced that Stephen Lawrence Ltd was opening in Idle Hour Shopping Center, with a ribbon-cutting scheduled for April 9, 2010, at 1:00 p.m.

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Ms. Feigel announced that the Lansdowne-Merrick Neighborhood Association would meet on April 13, 2010, at 7:30 p.m., at Emmanuel Baptist Church.

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Ms. Feigel announced that the Lakeshore Village Neighborhood Association would meet on April 14, 2010, at 7:00 p.m., in their clubhouse. Topics for discussion included: the deterioration of Sonnet Cove, a report on the meeting with the receivership management, and a total rehabilitation plan.

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Assistant Chief James Newton, Div. of Police, stated that Officer Jeffery T. Jackson had committed the offense of Misconduct in violation of KRS 95.450 and General Order 73-2/H, Section 1.02, Misconduct, in that on the 21st day of November, 2009, he, while affecting an arrest upon a subject at approximately 2330 hours for Alcohol Intoxication and Disorderly Conduct, responded inappropriately to verbal insults and challenges from the subject who was in custody. After securing the prisoner in handcuffs, placing him in a seated position and while awaiting the wagon for transport, Officer Jackson moved the subject to a standing position and released one handcuff in response to the prisoner's verbal insults and challenges. This action resulted in the use of higher

levels of control techniques to re-apply the handcuff by Officer Jackson. His action created an unnecessary potential for injury to the subject, himself and the assisting officers. According to Bureau of Patrol Standard Operating Procedure 91-2/D, Patrol Operational Procedure, Section III(C)(2)(a): "Officers shall not allow themselves to resort to less than professional behavior no matter what the stimulus. Succumbing to insults and challenges to fight from an arrestee is not acceptable or professional behavior. Conduct of this type does not reflect favorably upon the Division, it reflects discredit upon the officer as a member of the Division, and can impair the operating efficiency of the Division and its Officer (s)," and that the appropriate punishment for this offense is Twenty Hours Suspension Without Pay.

Upon motion of Ms. Gorton, seconded by Ms. Henson, the disciplinary action was approved by unanimous vote.

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Mr. Bernard McCarthy, Harry Street, spoke about the practice of homeowners voluntarily forfeiting mortgages in order for banks to foreclose and relieve the homeowner of the debt. He also spoke about the value of properties in the recession.

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Mr. Martin stated that citizens can contact 211 in order to get information about mortgage debt relief and various community agencies.

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Upon motion of Mr. Myers, seconded by Mr. McChord, and approved by unanimous vote, the meeting adjourned at 8:18 p.m.

Clerk of the Urban County Council