Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky May 6, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on May 6, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, Gray, Henson, James and Lawless. Absent was Council Member Lane.

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

Ordinances No. 60-2010 thru 74-2010 inclusive and Resolutions No. 191-2010 thru 221-2010 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

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The Invocation was given by the Rev. Dr. Diane Baldwin, Associate Pastor of Maxwell Street Presbyterian Church and Executive Director of Repairers Lexington.

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Upon motion of Mr. Beard, seconded by Ms. Gorton, the minutes of the March 1, April 8 and April 13, 2010 Council Meetings were approved by unanimous vote.

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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. 137 was given second reading.

Ms. Lawless asked a question of Ms. Linda Rumpke, Commissioner, Dept. of Finance and Administration, about items on the Budget Schedule referenced in the ordinance.

Ms. Lawless made a motion, seconded by Ms. Crosbie, to table the ordinance until additional information was available.

Mr. Stinnett asked questions of Ms. Lawless.

The motion **failed** by a vote of 6-8 (Gorton, Feigel, Blues, Beard, Stinnett, Myers, McChord, Martin voted **no**).

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

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger, Feigel, Gorton, Gray,
Henson, James--12

Nay: Crosbie, Lawless--2

* * *

An Ordinance accepting the bid of Woodall Construction Co., Inc., in the amount of $2,603,629.38, for the Lexington Downtown Streetscape Phase One Improvements - East Main St., for the Dept. of Public Works and Development, authorizing the Mayor, on behalf of the Urban County Government, to execute an

Agreement with Woodall Construction Co., Inc., related to the bid, and appropriating funds pursuant to Schedule No. 138 was given second reading.

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

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

Nay: Martin--1

* * *

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

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

Nay: --0

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Commonwealth of Ky. Office of Highway Safety, 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 $25,000 Federal funds, are for "Click It or Ticket" Safety Belt Enforcement Mobilization, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 131, 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. 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 $25,000 Federal funds, are for a speed enforcement project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2011 Schedule No. 10, 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. 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 $10,000 Federal funds, are for a Collision Reporting Quality Control Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2011 Schedule No. 11, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

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 Turfland Town Center 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 1 of Ordinance No. 54-2010 correcting the subsection line number for the position of Administrative Officer, Grade 118E, in the Div. of Youth Services.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Blue Grass Community Foundation, which Grant funds are in the amount of $525,000, are for expansion of broadband access in Lexington-Fayette County to improve access to underserved neighborhoods and enhance public safety, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 132, 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 Financial Commission for Appalachia High Intensity Drug Trafficking Area, which Grant funds are in the amount of $2,000 Federal funds, are for narcotics investigation activities, for 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. 133, 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. Dept. of Education, Div. of School and Community Nutrition, 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 $146,985 Federal funds, are for the 2010 Summer Food Service Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 134, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing the Mayor to execute an Agreement with the Board of Education of Fayette County Ky. for preparation and delivery of meals at a cost not to exceed $2.56 for each lunch, $1.58 for each breakfast and $0.68 for each snack.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. for Local Government, which Grant funds are in the amount of $75,000 Federal funds, are for construction of the Coolavin Rail Trail, the acceptance of which obligates the Urban County Government for the expenditure of $75,000 as a local match, appropriating funds pursuant to Schedule No. 135, 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. Dept. of Military Affairs, Div. of Emergency Management, which Grant funds are in the amount of $595,600 Federal funds, are for continuation of the Chemical Stockpile Emergency Preparedness Program (CSEPP), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 136, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

* * *

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

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements in the Council Office for funds in the amount of $1,550 from Neighborhood Development Funds for the Senior Intern Program, and appropriating and re-appropriating funds, Schedule No. 139.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the National Police Athletic League, 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 $8,000 Federal funds, are for continuation of the Police Athletic League Youth Enrichment Program (PALYEP), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 140, 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. Div. of Forestry, which Grant funds are in the amount of $3,153 Federal funds, are for two Forestry employees to attend the 2010 International Society of Arboriculture Conference and Trade Show, the acceptance of which obligates the Urban County Government for the expenditure of $3,153 as a local match, appropriating funds pursuant to

Schedule No. 141, 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. Transportation Cabinet, which Grant funds are in the amount of $365,000 Federal funds, are for the Illuminated Street Name Signs Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 142, 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. 143.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Commission on Fire Protection, Personnel, Standards and Education, which Grant funds are in the amount of $1,976,715 Commonwealth of Ky. funds, are for training incentive funds for firefighters, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2011 Schedule No. 12, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of $2,063,763 Commonwealth of Ky. funds, are for police training incentive funds, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2011 Schedule No. 13, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance of the Lexington-Fayette Urban County Council relating to (I) the refunding of (A) the $4,000,000 Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds, Series 2000 (Roman Catholic Diocese of Lexington Project); (II) the financing of the acquisition, construction, equipping and installation of five new buildings on the Lexington Catholic High School Campus aggregating 7,127 square feet which will consist of storage facilities, restrooms and a press box; capital maintenance and repair to school facilities; and resurfacing and renovation of 3.4 acres of athletic fields and (III) the payment of costs of issuance (the "Project"); agreeing to undertake the issuance of Lexington-Fayette Urban County Refunding Revenue Notes in two series, in an aggregate amount not to exceed $5,100,000 (the "Notes")(IV) approving and authorizing the execution and delivery of (A) a loan agreement among the Lexington-Fayette Urban County Government, Roman Catholic Diocese of Lexington and PNC Bank, National Association (B) the Notes, and (C) any and all other related documents; and (V) authorizing the taking of other related action.

An Ordinance authorizing the issuance of up to $7,450,000 of Educational Building Revenue Refunding and Improvement Bonds, Series 2010 (Sayre College, Inc. Project) of the Lexington-Fayette Urban County Government, the proceeds of which shall be loaned to Sayre College, Inc. d/b/a Sayre School to finance the cost of refunding the Lexington-Fayette Urban County Government Variable Rate Educational Facilities Revenue Bonds (Sayre School), Series 2001, including penalties and/or premium, the proceeds of which were used to construct, install, renovate and equip certain capital improvements to the facilities of Sayre College, Inc. d/b/a Sayre School, located at 240 N. Limestone, Lexington, Ky., providing for the pledge of revenues for the payment of such Bonds, authorizing a Bond Purchase Agreement and a Loan Agreement appropriate for the protection and disposition of such revenues and to further secure such Bonds; recognizing the Bonds as qualified tax exempt obligations under I.R.C. § 265(b)(3)(G) (i) and (ii); and authorizing other actions in connection with the issuance of such Bonds.

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A Resolution providing that Wayne Basconi, Attorney at Law, shall be engaged as need during a three year term to provide legal bill review services as required by Executive Order 2008-3 was on the docket for second reading.

Ms. Crosbie made a motion, seconded by Ms. Gorton, to amend the resolution pertaining to an agreement for legal bill review services to change the term of the Agreement from three to one years, and that this was not a material change and did not require a new first reading.

Ms. Crosbie explained the rationale for the change.

Mr. Blues asked questions of Ms. Crosbie and Mr. Logan Askew, Commissioner, Dept. of Law, regarding the motion.

Mr. Stinnett asked a question of Mr. Askew.

Ms. James spoke on the issue.

The motion **passed** by a majority vote of 12-2 (Blues and Martin voted **no**).

A Resolution providing that Wayne Basconi, Attorney at Law, shall be engaged as need during a one year term to provide legal bill review services as required by Executive Order 2008-3 was given second reading as amended.

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

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

Nay: --0

* * *

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Farm and Garden Market Cooperative Association, Inc., d/b/a Lexington Farmers Market, for the Farmers Market was on the docket for second reading.

Ms. James asked questions of Ms. Kimra Cole, Commissioner, Dept. of General Services, and Ms. Shaye Rabold, Chief of Staff, Mayor's Office, about the resolution.

Ms. Crosbie asked questions of Ms. Rabold.

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

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

Nay: ---0

* * *

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Judy Construction Co., for West Hickman Creek Wastewater Treatment Plant Equipment Improvements, for the Div. of Water Quality, increasing the contract price by the sum of $25,611 from $722,250 to $747,861 was on the docket for second reading.

Ms. Lawless asked a question of Mr. Logan Askew, Commissioner, Dept. of Law, regarding the resolution. Mr. Askew responded after some investigation.

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

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

Nay: ---0

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A Resolution authorizing the Special Events Commissioner to execute an Agreement with Direct Connect to accept payments for Spotlight Lexington commemorative items via credit card was on the docket for second reading.

Ms. Crosbie asked for clarification of the subject of the resolution, which was provided upon further reading.

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

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

Nay: ---0

* * *

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

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

Nay: ---0

A Resolution accepting the bid of Vogelpohl Fire Equipment, establishing a price contract for heavy duty power rescue tools, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Bluegrass Fire Equipment, establishing a price contract for firefighter protective clothing, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of A & A Safety, Inc., establishing a price contract for hydraulic USAR rescue tools (HD), for the Div. of Fire and Emergency Services.

A Resolution accepting the bids of Pearce Blackburn Roofing and Kalkreuth Roofing and Sheet Metal, establishing price contracts for roofing repairs and maintenance, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Accent Wire, establishing a price contract for bailing wire (Recycling Center), for the Div. of Waste Management.

A Resolution accepting the bid of Republic Services of Ky., LLC d/b/a M & M Sanitation, establishing a price contract for transportation and processing of recyclable materials, for the Dept. of Environmental Quality and the Div. of Waste Management.

A Resolution accepting the bids of Tom Chesnut Excavation & Construction, LLC; Haynes Trucking, LLC; Woodall Construction Co., Inc., and G&G Paving & Construction, Inc., establishing price contracts for equipment rental with operator, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Emergency Equipment, establishing a price contract for High Pressure Air Lifting Bag System and accessories, for the Div. of Fire and Emergency Services.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation of four (4) thirty foot (30’) highway barriers from ATS Construction, for use by the Div. of Fire and Emergency Services, 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 Facility Usage Agreement with various baseball leagues, for Spring Season March 8, 2010 through July 31, 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 10 to the Contract with Entran (formerly known as American Consulting Engineers, PLC) for professional services for the Newtown Pike Extension Project, increasing the contract price by the sum of $159,036.00 from $6,066,969.51 to $6,226,005.51.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with LexLinc ($200), Lexington Local Investment Commission ($1,150), the Golf Townhouses of Andover Estate Section, Homeowners Association, Inc. ($1,000), the Police Athletic/Activities League of Lexington, Inc. ($250), Woodhill Neighborhood Association, Inc. ($1,250), Creekside at Andover Unit 2 Homeowners Association, Inc. ($1,000), KBCA, Inc. ($200), and Brookfield-Chase Neighborhood Association, Inc. ($163.85) 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 a Partial Release of Easement, releasing a portion of a parking and access easement on property located at 366 McConnells Trace.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of a Sanitary Sewer Easement on property located at 367 McConnells Trace.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a Sanitary Sewer Easement on property located at 3100 and 3110 Wall St.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Seventh Amendment to Agreement with AmeriNational Community Services, Inc., for loan servicing for the HOME and CDBG Housing Rehabilitation and Homeownership Programs to extend the Agreement through June 30, 2012, at an additional cost not to exceed $60,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Concession Contracts with various concessioners, for various youth baseball leagues.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the Claim Payment Agreements for Platinum PPO, Gold PPO and Silver HDHP and authorizing the Mayor to execute an Amendment to the Plan Management Agreement and the Stop Loss Policy with Humana Insurance Co., for the administration of health care claims for the period of January 1, 2010 through December 31, 2010.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a License and Sponsorship Agreement with Fifth Third Bank and the Downtown Lexington Corporation Foundation, for construction of the Fifth Third Bank Pavilion located in Cheapside Park.

A Resolution amending Section 1 of Resolution No. 788-2009, which ratified probationary civil service appointments, correcting the Div. for Tonia Walters, Staff Assistant, Sr., Grade 108N, $13.130 hourly, from Div. of Facilities and Fleet Management to Div. of Building Inspection, effective December 7, 2009.

A Resolution ratifying the probationary civil service appointments of: Trina Brown, Administrative Specialist Senior, Grade 112N, $17.790 hourly, in the Dept. of Social Services, effective April 26, 2010, Gerald Slatin, Buyer Senior, Grade 116E, $2,246.24 bi-weekly, in the Div. of Central Purchasing, effective April 26, 2010, Timothy Bailey, Technical Manager Enterprise Solutions, Grade 120E, $2,620.78 bi-weekly, in the Div. of Enterprise Solutions, effective March 29, 2010, Candace Wafford, Financial Manager Enterprise Solutions, Grade 119E, $2,355.28 bi-weekly, in the Div. of Enterprise Solutions, effective March 15, 2010, William Martin, Human Resources Manager, Grade 119E, $2,307.69 bi-weekly, in the Div. of Human Resources, effective April 26, 2010, Thomas Coon, Evidence Technician, Grade 112N, $20.725 hourly, in the Div. of Police, effective April 26, 2010.

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The following resolutions were given first reading. Upon motion of Mr. Myers, 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. Myers, the resolutions were approved by the following vote:

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

Nay: ---0

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of a storm sewer easement on property located at 216 and 213 New River Ct.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of a storm sewer easement on property located at 268 McConnells Trace.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with the University of Ky. Research Foundation, for Archaeological Monitoring for the Main St. Streetscape Improvements Project (Phase B), for the Div. of Historic Preservation, at a cost not to exceed $56,457.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Environmental Protection Agency, for modification of the scope of work and extension of the program to provide health education and outreach to the underserved Medicaid pediatric population about exposure to lead-based paint poisoning through December 31, 2010, at no cost to the Urban County Government.

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 $90,310 Federal funds, and are for the purchase of bulletproof vests for the Div. of Police, the Div. of Fire and Emergency Services, and the Fayette County Sheriff’s Office.

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 Homeland Security and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $86,400 Federal funds under the 2010 Assistance to Firefighters Grant Program, and are for the purchase of Video Enabled Laryngoscope Intubation devices.

A Resolution of the Lexington-Fayette Urban County Council authorizing the execution of a Memorandum of Agreement between Lexington-Fayette Urban County Government and Roman Catholic Diocese of Lexington, a non-profit organization relating to (I) the refunding of (A) the $4,000,000 Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds, Series 2000 (Roman Catholic Diocese of Lexington Project); (II) the financing of the acquisition, construction, equipping and installation of five new buildings on the Lexington Catholic High School Campus aggregating a total of 7,127 square feet which will consist of storage facilities, restrooms and a press box; capital maintenance and repair to school facilities; and resurfacing and renovation of 3.4 acres of athletic fields and (III) the payment of costs of issuance (the "Project"); agreeing to undertake the issuance of Lexington-Fayette Urban County Refunding Revenue Notes in two series, in an aggregate amount not to exceed $5,100,000 at the appropriate time to pay for costs of the Project; and taking other preliminary action.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit five (5) Grant Applications to the Ky. Office of Homeland Security and to provide any additional information requested in connection with these Grant Applications, which Grant funds are in the amount of $1,102,771.50 Federal funds under the 2010 State Homeland Security Grant Program, and are for the Public Safety Dive Team ($99,384), the replacement of portable and mobile radios for the Div. of Fire and Emergency Services ($100,000), the purchase of equipment for the Hazardous Devices Unit ($131,700), the purchase of CBRNE equipment ($73,687.50), and the purchase and installation of mobile data computers for the Div. of Police, Transylvania

University Police, Ky. Horse Park Police, Bluegrass Airport Public Safety, Fayette County School Security and Fayette County Sheriff ($698,000) was given first reading.

Upon motion of Mr. Myers, seconded by Ms. Gorton, the rules were suspended by unanimous vote.

Mr. Myers asked a question of Mr. Tim Bennett, Commissioner, Dept. of Public Safety, regarding the acronym in the resolution. Mr. Bennett responded.

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

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

Nay: --0

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Upon motion of Mr. Stinnett, seconded by Mr. McChord, and approved by unanimous vote, a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Intergovernmental Agreement with the U.S. Marshals Service, for housing federal detainees was placed on the docket and given first reading.

Upon motion of Mr. Myers, seconded by Ms. Gorton, the rules were suspended by unanimous vote.

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

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

Nay: --0

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Upon motion of Mr. McChord, seconded by Mr. Beard, and approved by a majority vote of 13-0 (Mr. Gray recused himself at the time of the vote), a Resolution approving the granting of an inducement to Tiffany and Co. Jewelers, Inc., pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 extraordinary legislative session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of the one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by Tiffany and Co. Jewelers, Inc., for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in Ky. Business Investment Act, and any Agreement Tiffany and Co. Jewelers, Inc., has with the Ky. Economic Development Finance Authority related to the project; and taking other related action was placed on the docket, given first reading, and ordered placed on file three weeks for public inspection.

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Upon motion of Mr. McChord, seconded by Ms. Henson, and approved by unanimous vote, a Resolution approving the closure of all Lexington-Fayette Urban County Government swimming pools, except Family Aquatic Centers, on August 1, 2010 for calendar year 2010 was placed on the docket.

Mr. McChord asked questions of Mr. Jerry Hancock, Director of the Div. of Parks and Recreation, about pool operations and scheduling.

The resolution was given first reading and ordered placed on file until a Special Meeting of the Council on May 11, 2010 at 9:00 a.m.

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Upon motion of Ms. Gorton, seconded by Ms. James, and approved by unanimous vote, a Resolution approving the FY 2011 Budget of the Transit Authority of the Lexington-Fayette Urban County Government (LexTran) pursuant to KRS 96A.360 and requesting that the Commissioner of Finance authorize the Fayette County Sheriff’s Office to disburse the funds to LexTran collected from the ad valorem tax approved by voters on November 9, 2004 was placed on the docket.

Mr. Stinnett asked a question of Mr. Logan Askew, Commissioner, Dept. of Law, regarding the KRS reference in resolution. Mr. Askew responded.

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

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

A Resolution accepting the bid of Flav-O Rich Dairies, LLC, establishing a price contract for dairy products, for the Div. of Family Services.

A Resolution accepting the bid of Speedway SuperAmerica, LLC, establishing a price contract for commercial fuel, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Agrium Advanced Technologies; Advanced Turf Solutions, Inc.; Regal Chemical Co.; Harrell's, LLC; The Hill Co.; and John Deere Landscapes, establishing price contracts for Golf Course Horticulture Products, for the Div. of Parks and Recreation.

A Resolution approving the granting of an inducement to U.S. Equestrian Federation, Inc., pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of the one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by U.S. Equestrian Federation, Inc., for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act, and any agreement U.S. Equestrian Federation, Inc., has with the Ky. Economic Development Finance Authority related to the project; and taking other related action.

A Resolution approving the granting of an inducement to Summit Biosciences, Inc., pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of the one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by Summit Biosciences, Inc., for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act, and any agreement Summit Biosciences, Inc., has with the Ky. Economic Development Finance Authority related to the project; and taking other related action.

A Resolution approving the granting of an inducement to SIS Holding Co., Inc., pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of the one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by SIS Holding Co., Inc., for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act, and any agreement SIS Holding Co., Inc., has with the Ky. Economic Development Finance Authority related to the project; and taking other related actions.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with ICMA Retirement Corp., ending the payroll deduction option for loan repayments and providing for online loan requests and ACH debit repayments.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 5 to the Contract with Strand Associates, Inc., for design of the Legacy Trail increasing the contract price by the sum of $40,000 from $1,318,100 to $1,358,100.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Lexington Public Library, to attach communication equipment to Library facilities.

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 the Tates Creek High School Track, at a cost not to exceed $707.75.

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 the Millcreek Elementary School Gym, at a cost not to exceed $3,398.13.

A Resolution changing the street name and property address number of 560 Wilson Downing Rd. to 3824 Camelot Dr., of 2580 Spurr Rd. to 2440

Innovation Dr., of 337-339 Richmond Ave. to 948 National Ave., and of 269 Ellerslie Park Blvd. to 460 Weston Park; changing the property address numbers of 118-136 and 165-173 N. Ashland Ave. to 124 and 163 N. Ashland Ave., of 112 Ashton Dr. to 114 Ashton Dr., of 4940 Athens Boonesboro Rd. to 4980 Athens Boonesboro Rd., of 112-114 Brown Ave. to 112 Brown Ave., of 2218-2222 Coburn Blvd. to 2222 Coburn Blvd., of 942-944 Dayton Ave. to 944 Dayton Ave., of 1415-1421 and 960-974 Delaware Ave. to 1421 and 968 Delaware Ave., of 110 N. Eagle Creek Dr. to 120 N. Eagle Creek Dr., of 449-453 Glen Arvin Ave. to 453 Glen Arvin Ave., of 160-162 N. Hanover Ave. to 162 N. Hanover Ave., of 1795 and 929-935 Liberty Rd. to 1793 and 933 Liberty Rd., of 393-395 S. Limestone to 395 S. Limestone, of 340-345 Longview Plaza to 352 Longview Plaza, of 229 Miller St. to 227 Miller St., of 909 National Ave. to 905 National Ave., of 1460 E. New Circle Rd. to 1450 E. New Circle Rd., of 809 and 807 Oak Hill Dr. to 807 and 809 Oak Hill Dr., of 138-140 Owsley Ave. to 138 Owsley Ave., of 681 and 691 Reno Dr. to 68 and 69 Reno Dr., of 189-191 Richmond Ave. to 191 Richmond Ave., of 236-238 Sherman Ave. to 238 Sherman Ave., of 2013 St. Michael Dr. to 2015 St. Michael Dr., of 105-111, 199-201, and 228 Walton Ave. to 107, 201, and 226 Walton Ave., and of 610-622 Winchester Rd. to 610 Winchester Rd.; all effective thirty days from passage.

A Resolution ratifying the probationary civil service appointment of: Michael LeMaster, Enforcement Officer, Grade 110N, $15.213 hourly, in the Div. of Waste Management, effective April 24, 2010; ratifying the permanent civil service appointments of: Tracey Thurman, Administrative Officer, Grade 118E, in the Dept. of General Services, effective April 6, 2010; David B. Stone, Administrative Officer Sr., Grade 120E, in the Dept. of Environmental Quality, effective December 18, 2009.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Bluegrass Electrical Consultants, Inc., for traffic signal rebuild at Nicholasville Rd. and Man O' War Blvd., for the Div. of Traffic Engineering, increasing the contract price by the sum of $8,552.77 from $62,625.00 to $71,177.77.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with G & G Paving, for Coolavin Parking Lot, increasing the contract price by the sum of $9,599 from $18,900 to $28,499.

A Resolution accepting the proposal of Gila Corp. d/b/a Municipal Services Bureau, to provide collection services related to delinquent fees, fines, or taxes, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Municipal Services Bureau, for performance of such services, at a cost based upon contingency fees on amounts collected pursuant to the Agreement at a maximum rate not to exceed thirty-eight percent (38%).

A Resolution accepting the proposal of Hedgehog, Inc., to provide reverse auction services, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Hedgehog, Inc., for performance of such services, at no direct cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with Ruby E. Bailey Family Services Center, Inc., for facility use for the Police Athletics League, C.L.E.A.R. Unit and Div. of Youth Services, at a cost not to exceed $2,137 for phone and cable installation.

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Upon motion of Mr. Ellinger, seconded by Mr. Myers, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Ms. Marie F. Johnson, as Tenant representative, to the Housing Authority Board, with a term to expire 6-30-2010. Ms. Johnson will fill the unexpired term of Ms. Nichole Talbert; (2) Recommending the appointment of Ms. Mary K. Jaeger to the Lyric Theatre and Cultural Arts Center Board, with a term to expire 12-8-2013; and (3) Recommending the appointment of Mr. Todd A. Lockhart to the Valley View Ferry Authority, with a term to expire 5-2-2013. Mr. Lockhart will fill the unexpired term of Mr. Kevin Wente.

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The following Communications from the Mayor were received for information only: (1) Termination of probationary appointment of Kristi McCoy, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 2, 2010; and (2) Correction from the April 22, 2010 Communications from the Mayor (for Information Only), that Olivia Lamarr, Assistant Food Service Supervisor, in the Div. of Family Services, did not resign but retired, and that the effective date was May 1, 2010.

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Ms. Gorton stated that May 7, 2010 was National Women's Build Day for Habitat for Humanity, and that Lowe’s was helping with siding for the local building project. She thanked Lowe’s for their effort with the Women’s Build.

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Ms. Lawless thanked the Lexington-Bluegrass Association of Realtors for their work in rehabilitating a house in the 3rd District on Sunset Ave.

She also noted that Thursday Night Live was to begin on May 6, 2010.

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Mr. David O'Neill, Fayette County Property Valuation Administrator, announced that the 2010 Property Valuation Roll was now available for inspection. He stated that property owners could appeal their property valuation from May 3 – May 17, 2010. Their offices are located on the 6th floor of the Phoenix Building, their phone number is 859-246-2722, and their website is fayettepva.com.

Mr. O’Neill addressed the ‘homestead exemption’ in response to a question from Ms. James.

Mr. Martin thanked Mr. O’Neill and restated the narrow window of opportunity to challenge their property taxes. He encouraged the rest of the Council to notify their constituents.

* * *

Commander Ron Compton, Div. of Police, stated that Officer Robert B. Schwartz had committed the offense of Violating Any Rules of the Division in violation of KRS 95.450 and General Order 73-2/H, Operational Rules, Section 1.35, in that on the 4th day of December, 2009, he performed a strip search, as defined in General Order 00-3A, on Mr. Joel Henderson while conducting a traffic stop on 12/04/09 at approximately 2355 hours. This search did not meet the exigency requirement in Section IV, A, of said Order. Additionally, Officer Schwartz did not have a supervisor present on scene or document the search. General Order 00-3A, Strip and Body Cavity Search Policy, Section IV B (1) states: Non-exigent strip searches are not permitted without written consent or a search warrant. Officers are permitted to obtain written consent to conduct a strip search when they have probable cause to believe the suspect has evidence other than a weapon concealed in one or more of the areas defined under the term 'strip search.' Prior to obtaining consent, sworn personnel shall obtain approval from a Bureau of Duty Commander. General Order 00-3A, Strip and Body Cavity Search Policy, Section IV B (3) states: Sworn personnel are required to have a supervisor present on-scene when conducting a non-exigent strip search. General Order 00-3A, Strip and Body Cavity Search Policy, Section IV A (4) states: The officer initiating the search shall document the circumstances warranting the partial strip search on a memorandum and attach copies of the Uniform Citation and Case Summary for further supervisory review. The immediate supervisor of the officer initiating a partial strip search shall review the documentation forwarded by the officer. The documentation shall be maintained at the Bureau level with a copy forwarded to the Internal Affairs Section, and that the appropriate punishment for this offense is a Twenty (20) Hour Suspension Without Pay.

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

* * *

Commander Ron Compton, Div. of Police, stated that Officer Ray S. Wilson had committed the offense of Misconduct, in violation of KRS. 95.450 and General Order 73-2/H, Operational Rules, Section 1.02, Misconduct, in that on the 9th through 11th days of January, 2010, he was assigned to operate the Patrol Wagon for West Sector on Saturday, January 9, 2010. At approximately 1828 hours, Dispatch attempted to contact Officer Ray Wilson for a prisoner transport. After a brief delay, Officer Wilson responded and provided his location as Versailles/Forbes. Over the next several days during further supervisor inquiry into the delay, Officer Wilson was not immediately forthcoming as to his location. He later reported that he was at his residence upon receipt of the original dispatch. Conduct of this type does not reflect favorably upon the Division, reflects discredit upon the Officer as a member of the Division and can impair the operating efficiency of the Division and the Officer, and that the appropriate punishment for this offense is Forty (40) Hours Suspension Without Pay.

Upon motion of Mr. Blues, seconded by Mr. Myers, the disciplinary action was approved by unanimous vote.

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Mr. Bernard McCarthy, Harry Street, spoke about the loss of Officer Bryan Durman, and asked that police uniforms be redesigned so that they are more visible at night. He also talked about relocating traffic signal controls so that the traffic control process would be safer for police officers.

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Upon motion of Mr. Stinnett, seconded by Ms. Henson, and approved by unanimous vote, the meeting adjourned at 8:40 p.m.

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Clerk of the Urban County Council