Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   June 10, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on June 10, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, Gray, Henson, James, Lane, Lawless, Martin, McChord, Myers, and Stinnett.

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

Ordinances No. 87-2010 thru 95-2010 inclusive and Resolutions No. 257-2010 thru 283-2010 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky June 10, 2010

The Invocation was given by Council Member Linda Gorton.

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The Mayor recognized visitors from Virginia Place, including Executive Director Beverly Henderson, who were in attendance at the meeting.

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

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

Nay: --0
(Mr. Gray was absent when the vote was taken.)

An Ordinance amending Article 1 of the Zoning Ordinance to modify the definitions of "boarding house," "lodging house," "family," "Dwelling, Single Family," and "Dwelling, Two-Family;" to add definitions of "functional family" and "fraternity or sorority house;" to add a new section to Article 7 pertaining to the process before the Board of Adjustment to obtain a conditional use permit as a functional family; and to amend Article 8-5(c) to eliminate the keeping of boarders as an acceptable accessory use.

An Ordinance authorizing the Div. of Revenue to implement a one-time Occupational License Fee Amnesty Program waiving penalties and interest for delinquent occupational license fees owed by applicants to the Program who have failed to file returns and/or pay occupational license fees which are delinquent as of June 1, 2010, and who voluntarily file returns and remit full payment or pay twenty-five percent (25%) of the delinquency and enter into acceptable Agreements to pay all delinquent taxes, said Program to run from the date of passage of this Ordinance through July 30, 2010.

An Ordinance amending Subsection 17-29(4) of the Code of Ordinances, Lexington-Fayette Urban County Government, pertaining to the definition of outdoor café, to allow for outdoor cafés to be located in B-1 zones.

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Fireman's Fund Insurance Co., 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 $5,000, are for purchase of an all-terrain EMS transport vehicle, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 144.

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. 145.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a modification to Neighborhood Stabilization Program Funding Agreement with the Ky. Dept. for Local Government, for expanded use of the funds for redevelopment of vacant and abandoned properties and decreasing the amount of funding to $1,000,000, and appropriating funds pursuant to Schedule No. 146.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $2,520 from Neighborhood Development Funds in the Div. of Parks and Recreation for installation of park benches in Kirklevington and Meadowbrook Parks, and appropriating and re-appropriating funds, Schedule No. 147.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $200 from Neighborhood Development Funds in the Div. of Parks and Recreation for removal of a park bench, and appropriating and re-appropriating funds, Schedule No. 148.

An Ordinance repealing Chapter Two, Article XXII, Section 2-284 through 2-287, of the Code of Ordinances to abolish the One Parent One Family Facility Corporation.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, transferring one (1) position of GIS Programmer/Analyst, Grade 117E and one (1) position of GIS Specialist from the Div. of Computer Services to the Div. of Emergency Management/911 and transferring the incumbents.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, transferring one (1) position of Custodial Worker, Grade 102N, from the Dept. of Social Services to the Div. of Facilities and Fleet Management, transferring one (1) position of Custodial Worker, Grade 102N and one (1) position of Program Coordinator, Grade 109N, from the Div. of Family Services to the Div. of Facilities and Fleet Management, and amending Section 22-5(2) of the Code of Ordinances transferring one (1) position of Custodial Worker, Grade 102N, and one (1) position of Custodial Worker P/T, Grade 102N, from the Div. of Adult Services to the Div. of Facilities and Fleet Management and transferring three (3) positions of Custodial Worker P/T, Grade 102N, from the Div. of Family Services to the Div. of Facilities and Fleet Management, and transferring the incumbents.

An Ordinance amending Section 3 of Ordinance No. 202-2006 to remove the deletion of the Communications Officer - P/T position from Chapter 21, effective retroactive to July 6, 2006.

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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 the issuance of its $65,000,000 General Obligation Bond Anticipation Notes, Series 2010E (Eastern St. Hospital Project) (which amount may be increased or decreased by an amount of up to ten percent (10%)); approving a form of Note; authorizing designated officers to execute and deliver the Notes; authorizing and directing the filing of notice with the state local debt officer; providing for the payment and security of the Notes; creating a Note Payment Fund; creating a Sinking Fund; authorizing acceptance of the bid of the Purchaser; authorizing a Preliminary Official Statement and Final Official Statement for the Notes; authorizing a First Supplement to the Memorandum of

Understanding; authorizing a Continuing Disclosure Agreement for the Notes; and repealing inconsistent ordinances.

An Ordinance amending Section 2-200(b) of the Code of Ordinances related to Picnic with the Pops to allow outdoor performances at other suitable venues.

An Ordinance amending Section 4-23 of the Code of Ordinances related to dog run areas to allow for the designation of various parks as dog run areas as financing becomes available.

An Ordinance creating Section 18-119.1(1) of the Code of Ordinances related to a no parking zone during the 2010 World Equestrian Games along designated bus routes and primary entry and exit routes to the Ky. Horse Park; creating Section 18-119.1(2) of the Code of Ordinances related to a no parking zone for the 2010 World Equestrian Games designating the time frame and geographical boundaries for the no parking zone; creating Section 18-119.1(3) of the Code of Ordinances relating to a no parking zone during the 2010 World Equestrian Games for Section 18-119.1 to expire at 12:00 a.m. on October 10, 2010.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Environmental Protection Agency, which Grant funds are in the amount of $200,000 Federal funds, are for the assessment of Petroleum contaminated sites, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 149, 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. 150.

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 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 $367,774 Federal funds under the Edward Byrne Memorial Justice Assistance Grant Program, are for continued support of four civilian positions in the Div. of Police established under the 2009 Recovery Act Edward Byrne Memorial Competitive Grant Program: Hiring of Civilian Law Enforcement, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2011 Schedule No. 14, 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 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 $15,275 Federal funds, are for continuation of the Juvenile Surveillance Program, professional services, professional development, drug testing services and supplies, and educational materials, the acceptance of which obligates the Urban County Government for the expenditure of $1,697 as a local match, appropriating funds pursuant to FY2011 Schedule No. 15, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Section 22-5(2) of the Code of Ordinances abolishing one (1) temporary position of Social Worker, Grade 111E, and creating one (1) temporary position of Eligibility Counselor, Grade 110E, ending three (3) years from the date of passage of this Ordinance, within the Div. of Community Corrections.

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A Resolution accepting the Mayor’s proposed increase for fees at golf courses, and not approving the Mayor’s proposed increase for fees at swimming pools was given second reading.

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

Aye: Beard, Blues, Feigel, Gray, Henson,
James, Lane, McChord, Stinnett--------------9

Nay: Crosbie, Ellinger, Gorton, Lawless, Martin,
Myers---6

* * *

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

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

Nay: --0

A Resolution accepting the bids of West Publishing Corp. d/b/a West, A Thompson Reuters Business, and Matthew Bender & Co., Inc., d/b/a LexisNexis establishing price contracts for Law Publications, for the Div. of Community Corrections.

A Resolution accepting the bid of Hutton Comms., Inc., establishing a price contract for Mobile Antennas, for the Div. of Police.

A Resolution accepting the bid of Precision Painting, in the amount of $47,445, for exterior painting of the Phoenix Building, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of the Marr Co., Inc., in the amount of $77,090, for Garage Repairs - Annex and Transit Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Municipal Equipment, Inc., in the amount of $250,954, for 2011 International 4300 Series Cab & Chassis with 11 yard Rear Loading Refuse Body, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Paul Miller Ford, in the amount of $121,552.40, for F550 Trucks, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Municipal Equipment, Inc., in the amount of $79,611, for Front Loading Refuse Body, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Tom Chesnut Excavation & Construction, LLC; Jason Tate Contractor, Inc.; ASL Excavating, Inc.; Gooch Construction, Inc.; Sensabaugh Design & Construction; L-M Asphalt Partners LTD d/b/a ATS Construction; Lenco Excavation Co., Inc.; Randle-Davies Construction Co.; The Allen Co., Inc.; Bluegrass Contracting Corp.; and Woodall Construction, establishing Construction Unit Price Contracts, for the Div. of Engineering.

A Resolution ratifying the probationary civil service appointments of: Brandon Hall, Maintenance Mechanic, Grade 113N, $17.788 hourly, in the Div. of Water Quality, effective June 1, 2010; Theodore Prince, Maintenance Mechanic, Grade 113N, $17.788 hourly, in the Div. of Water Quality, effective June 1, 2010; Rick Bowman, Engineering Technician Sr., Grade 113E, $1,722.56 bi-weekly, in the Div. of Water Quality, effective June 1, 2010; David Smith, Engineering Technician, Grade 111N, $17.309 hourly, in the Div. of Water Quality, effective May 24, 2010; ratifying the permanent civil service appointments of: Joyce Thomas, Administrative Officer Sr., Grade 120E, in the Dept. of General Services, effective April 26, 2010; Jamshid Baradaran, Director of Facilities & Fleet Management, Grade 123E, in the Div. of Facilities & Fleet Management, effective March 1, 2010; David Loney, Deputy Director of Fleet, Grade 120E, in the Div. of Facilities & Fleet Management, effective March 1, 2010; Bernard Turpin, Deputy Director of Building Maintenance, Grade 121E, in the Div. of Facilities & Fleet Management, effective March 15, 2010; Dustin Baker, GIS Specialist, Grade 114N, in the Div. of Computer Services, effective May 10, 2010; Shainey McFarland, Social Worker, Grade 111E, in the Div. of Youth Services, effective March 28, 2010; Charles Napier, Security Officer, Grade 106N, in the Div. of Facilities & Fleet Management, effective March 29, 2010; Jayson Barker, Administrative Specialist, Grade 110N, in the Div. of Waste Management, effective May 9, 2010; ratifying the probationary sworn appointments of: Michael Runnels, Fire Major, Grade 318E, $3,427.53 bi-weekly, in the Div. of Fire and Emergency Services, effective May 3, 2010; Michael Garber, Fire Captain, Grade 316N, $22.368 hourly, in the Div. of Fire and

Emergency Services, effective May 3, 2010; David Johnston, Fire Lieutenant, Grade 315N, $17.268 hourly, in the Div. of Fire and Emergency Services, effective May 3, 2010; approving Council leave: Norma Brack, Staff Assistant Sr., Grade 108N, in the Div. of Revenue, requests sixty days Council approved leave without pay from March 29, 2010 through May 27, 2010; approving the unclassified civil service appointments of: Hilori Morgan, Administrative Specialist Principal, Grade 114E, $1,749.60 bi-weekly, in the Div. of Water Quality, effective April 12, 2010; Larry Cox, Landfill Inspector P/T, Grade 108N, $12.50 hourly, in the Div. of Waste Management, effective June 1, 2010.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from the Ky. Horse Park of meeting rooms, for use by Public Safety for WEG Training Courses, 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 Adopt-A-Spot Program Agreement with Greater Faith Apostolic Church Troop 238, for services, at a cost not to exceed $522.98.

A Resolution authorizing the Lexington-Fayette Urban County Government Historic Preservation Commission to solicit and accept donations, up to $25,000, for the restoration of the historic street clock located in front of the property at 115 W. Main St.

A Resolution approving the granting of an inducement to HFL Sport Science, 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 HFL Sport Science, 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 HFL Sport Science, Inc., has with the Ky. Economic

Development Finance Authority related to the Project; and taking other related action.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying permanent and temporary construction easements from Clive and Elisabeth Pohl, for the property located at 813 Sherwood Dr., for the Sherwood Dr./ Robin Rd. Stormwater Improvement Project, and authorizing payment in the amount of $22,350, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration, and any other documents necessary, and to accept a Deed for the property located at 1457 Huntsville Dr., for the Dixie Pump Station Upgrade Project, and authorizing payment in the amount of $97,000, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, to acquire property interests needed for the Expansion Area 2A Pumping Station and Force Main Project, at a cost not to exceed $540,945.29.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with the University of Ky. and UK Arboretum, for water quality workshops, at a cost not to exceed $50,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Professional Services Agreements with Rosemary Dailey and Susanna Moberly, as Sexual Assault Nurse Examiners, to provide on-call forensic examinations under the Sexual Assault Nurse Examiner Program, at a cost not to exceed $40.00 for each scheduled on-call period, $230.00 for each completed forensic examination, $50.00 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 a Catering Sales Agreement with the Lexington Downtown Hotel & Conference Center, for catering services for the Senior Intern Luncheon, at a cost not to exceed $4,200.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Three to the Contract with Schaefer Properties, for the Coolavin Community Building, increasing the contract price by the sum of $3,361.00 from $371,169.44 to $374,530.44.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Spectrum Contracting Services, Inc., for the Castlewood Picnic Shelter, decreasing the contract price by the sum of $1,485.72 from $129,444.00 to $127,958.28.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with BCD, Inc., for the Raven Run Visitors Center, increasing the contract price by the sum of $36,199.12 from $1,723,013.00 to $1,759,212.12.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to hire Risk Management Services Corp. for third party claims administration services for liability and workers' compensation claims, at a cost not to exceed $199,200 FY2011, subject to sufficient funds being appropriated in following years.

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 and storm sewer easement on property located at 137 Owsley Ave.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Claunch Construction, LLC, for the Shillito Park Paved Trail, increasing the contract price by the sum of $7,958 from $951,604 to $959,562.

A Resolution approving and authorizing an Assistance Agreement between the Lexington-Fayette Urban County Government and the Ky.

Infrastructure Authority to provide $17,208,000 of Loan funds for Wastewater System improvements.

A Resolution authorizing the purchase of a scale management system from Mettler-Toledo, Inc. and authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Mettler-Toledo, Inc. and all related documents, for the Div. of Waste Management, at a cost not to exceed $130,507.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 3 to the Contract with Tetra Tech, Inc., for the Sugar Mill Hazard Mitigation Grant Project, increasing the contract price by the sum of $31,250 from $531,953 to $563,203.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with CDP Engineers, Inc., for the Deep Springs Pump Station and Force Main Improvements, at a cost not to exceed $109,575.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Environmental Services Agreement with Shield Environmental Associates, Inc., for Environmental Consulting Services for the Div. of Facilities & Fleet Management, the cost to be reimbursed by the Ky. Petroleum Storage Tank Environmental Assurance Fund.

A Resolution amending Sections 1 and 2 of Resolution No. 235-2010, which authorized the Mayor, on behalf of the Urban County Government, to execute Agreements with various organizations to delete the allocation to LexLinc ($200).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Contract with Schroeder Construction, Inc., for the Cadentown/Versailles Rd. Sanitary Sewer Improvements Project, decreasing the contract price by the sum of $31,956 from $816,457.24 to $784,501.24.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an upgrade of the Document Management System

Agreement with Hyland Enterprise Content Management System, to upgrade the document management system from LibertyNet to OnBase, at a cost not to exceed $46,884.75 in FY 2011 and being subject to funds being appropriated in future years.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Urban League ($925), Georgetown Neighborhood Association, Inc. ($1,425), Friends of the Arboretum ($1,200), Laclede Farm Village Homeowners Association, Inc. ($1,000), Psi Tau Chapter of the Omega Psi Phi Fraternity ($625), Lansdowne Neighborhood Association, Inc. ($1,525), Hill-N-Dale Neighborhood Association, Inc. ($1,000), Bluegrass Blue Bombers Sports, Inc. ($500), Vineyard Neighborhood Association, Inc. ($1,900), Art in Motion, Inc. ($1,000), Kennedy Landing Homeowners Association, Inc. ($700), Girl Scouts of Ky.'s Wilderness Rd. Council, Inc. ($500), The Friends of the Parks in Fayette County, Inc. ($2,977), Seven Parks Neighborhood Association, Inc. ($400), North Elizabeth St. Neighborhood Association, Inc. ($2,000), WGPL Neighborhood Association, Inc. ($1,000), Mentelle Neighborhood Association, Inc. ($1,000), Aylesford Place Association ($1,200), for the Office of the Urban County Council, at a cost not to exceed the sums stated was on the docket for first reading.

Ms. Gorton made a motion, seconded by Mr. Myers, and approved by unanimous vote, to amend the allocation to the Friends of the Park in Fayette County, Inc. ($2,977) to $2,375.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Urban League ($925), Georgetown Neighborhood Association, Inc. ($1,425), Friends of the Arboretum ($1,200), Laclede Farm Village Homeowners Association, Inc. ($1,000), Psi Tau Chapter of the Omega Psi Phi Fraternity ($625), Lansdowne Neighborhood Association, Inc. ($1,525), Hill-N-Dale Neighborhood Association, Inc. ($1,000), Bluegrass Blue Bombers Sports, Inc. ($500), Vineyard Neighborhood Association, Inc. ($1,900), Art in Motion, Inc. ($1,000), Kennedy Landing Homeowners Association, Inc. ($700), Girl Scouts of Ky.'s Wilderness Rd. Council, Inc. ($500), The Friends of the Parks in Fayette County, Inc. ($2,375), Seven Parks Neighborhood Association, Inc. ($400), North Elizabeth St. Neighborhood Association, Inc. ($2,000), WGPL Neighborhood Association, Inc. ($1,000), Mentelle Neighborhood Association, Inc. ($1,000), Aylesford Place Association ($1,200), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading as amended.

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

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

Nay: --0

* * *

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

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

Nay: --0

A Resolution accepting the bid of L-M Asphalt Partners d/b/a ATS Construction, in the amount of $395,000, for County Road Resurfacing, for the Div. of Streets, Roads, and Forestry.

A Resolution accepting the bid of L-M Asphalt Partners d/b/a ATS Construction, in the amount of $1,700,000, for City Street Resurfacing, for the Div. of Streets, Roads, and Forestry.

A Resolution ratifying the probationary civil service appointments of: Thomas Paul Brannon, Engineering Technician Sr., Grade 113E, $1,596.88 bi-weekly, in the Div. of Water Quality, effective June 14, 2010; James Cowan, Equipment Operator Sr., Grade 109N, $14.836 hourly, in the Div. of Waste

Management, effective June 21, 2010; Kenneth Goble, Equipment Operator Sr., Grade 109N, $16.033 hourly, in the Div. of Waste Management, effective June 21, 2010; Vincent Isaacs, Electrician, Grade 114N, $21.356 hourly, in the Div. of Water Quality, effective June 28, 2010; ratifying the permanent civil service appointment of: Tonia Walters, Staff Assistant Sr., Grade 108N, in the Div. of Building Inspection, effective June 7, 2010; approving the unclassified civil service appointments of: Daniel E. Hogan, Staff Assistant Sr., Grade 108N, $12.00 hourly, in the Div. of Water Quality, effective June 7, 2010, Jennifer K. Benningfield, Aide to Council, Grade 000E, $2,019.23 bi-weekly, in the Council Office, effective June 14, 2010.

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 $65,000,000 General Obligation Bond Anticipation Notes, Series 2010E (Eastern State Hospital Project) (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 five (5) Releases of Street Light Easements, releasing streetlight easements in Tuscany Subdivision on properties located at 2317, 2321, 2337, 2341, 2361, 2365, 2352, 2348, 2328, and 2324 Patchen Wilkes Dr., at 1760, 1756, 1748, 1744, 1745, 1749, 1769, and 1773 Battery St., at 1764, 1756, 1748, 1744, 1732, 1728, 1717, and 1721 Sandhurst Cove, at 1701, 1705, 1717, and 1721 Sandhurst Cove, and at 1704 Sandhurst Cove.

A Resolution authorizing the Council Special Investigative Committee to retain outside counsel, the cost of which is to be paid from the Dept. of Law's professional services account.

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 $7,900,000

Federal funds under the Community Oriented Policing Services (COPS) Hiring Program, and are for hiring fifty police officers for a three-year period.

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 $90,054 Federal funds, and are for the Project Safe Neighborhoods Program, for the U.S. Attorney's Office for the Eastern District of Ky.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Stantec Consulting Services, for Jessie Clark Sinkhole Stormwater Study, for the Div. of Water Quality, at a cost not to exceed $22,600.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with BTM Engineering, Inc., for Tates Creek Rd. Sidewalk Improvements Project, at a cost not to exceed $118,478.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Friends of Wolf Run, for implementation of activities under the Wolf Run Creek Watershed Based Plan, at a cost not to exceed $18,500 in Grant funds.

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Upon motion of Mr. Stinnett, seconded by Ms. Henson, and approved by unanimous vote, a Resolution accepting the bid of CNEG, establishing a price contract in an amount equal to the natural gas price at the time of requested delivery based on rates established by the New York Mercantile Exchange plus $0.522 per decatherm for transportation of the natural gas, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with CNEG, all for the direct purchase and transportation of natural gas for use by the Div. of Community Corrections at 600 Old Frankfort Circle 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. McChord, and seconded by Mr. Myers, the resolution was approved by the following vote:

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

Nay: Feigel---1

* * *

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

A Resolution accepting the bid of Gall's (an Aramark Co., LLC), establishing a price contract for Soft Body Armor, for the Div. of Police.

A Resolution accepting the bid of Municipal Equipment, Inc., establishing a price contract for litter receptacles, for the Div. of Waste Management.

A Resolution accepting the bid of PECCO, Inc., establishing a price contract for Hazardous Material Spill Clean Up, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Intec Building Services, Inc., establishing a price contract for custodial services (Police Roll Call West and Health Services), for the Div. of Facilities and Fleet Management.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the Memorandum of Understanding with Financial Crimes Enforcement Network, for information access, at no cost to the Urban County Government.

A Resolution accepting the proposal of RRT Design & Construction to provide development planning and design services for the new Materials Recovery Facility, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with RRT Design & Construction for performance of such services, at a cost not to exceed $1,382,345.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Mutual Aid Agreement with Rural/Metro Ambulance, for mutual aid related to ambulance services, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to 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 $332,900 Federal funds under the COPS 2010 Child Sexual Predator Program, and are for establishing or enhancing strategies to locate, arrest, and prosecute child sexual predators and exploiters and to enforce state sex offender registration laws.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with People Plus, Inc., for provision of WebEOC Coordination Services, at a cost not to exceed $52,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Asbury University to permit social work students from the University to receive training in the Dept. of Social Services, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with E.C. Matthews Co., Inc., for a Wheelchair Lift Replacement, increasing the contract price by the sum of $3,108.19 from $20,939.00 to $24,047.19.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements awarding Neighborhood Community and Sustainability Grants to Booker T. Washington Academy ($2,498), Centenary United Methodist Church ($1,480), Chevy Chase Neighborhood Association ($2,500), Christ the King School ($1,041), Fairway Neighborhood Association ($2,500), Firebrook Homeowner Association ($2,498), First United Methodist Church ($2,495), Gethsemane Lutheran Church ($2,480), Journey Baptist Fellowship ($2,110), Lexington Traditional Magnet School ($892), Marehaven Homeowner Association ($2,000), Mary Queen of the Holy Rosary School ($406), Maxwell St. Presbyterian Church ($700), Palomar Hills Community Association ($2,500), Pathway Church & Ministry Center ($2,200), Picadome Neighborhood Association ($2,500), Providence Montessori School ($2,500), Sayre Christian Village ($2,500), Sayre School ($2,500), The Rock/LaRoca

United Methodist Church ($2,500), The Southland Association ($2,500), Transylvania University ($1,819), Vineyard Neighborhood Association ($1,156), Walnut Creek Homeowner Association ($2,500), William Wells Brown ($1,230), Winburn Middle School ($590), Zandale Neighborhood Association ($725), at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Palmer Engineering, for Cold Stream Dr./Crimson King Dr. Stormwater Study, for the Div. of Water Quality, at a cost not to exceed $21,600.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Preston-Osborne, for advertising and marketing services, for the Div. of Waste Management, at a cost not to exceed $211,875.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Palmer Engineering, for a cost estimate for re-design of the intersection of High St./Fontaine Rd./Euclid Ave. and Tates Creek Rd., at a cost not to exceed $25,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Landmark Sprinkler, Inc., for the Dry Pipe Sprinkler Project at the Material Recovery Facility, for the Div. of Waste Management, increasing the contract price by the sum of $2,000 from $26,800 to $28,800.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Transportation Cabinet, for construction and maintenance of a stone wall.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Test Security Agreement with I/O Solutions, Inc., for the development and design of a written test for applicants applying for Lieutenant, Captain and Major positions in the Div. of Fire and Emergency Services, at a cost not to exceed $14,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Test Security Agreement with I/O Solutions, Inc., for the development and design of a written test for applicants applying for Recruit Firefighter positions in the Div. of Fire and Emergency Services, at a cost not to exceed $7,500.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with H.W. Lockner, for right of way acquisition services for the Newtown Pike Extension Project, increasing the contract price by the sum of $18,050.00 from $197,681.25 to $215,731.25.

* * *

The following Communications from the Mayor were received for information only: (1) Acting civil service appointment of Justin Mullannix, Golf Pro/Supervisor, Grade 117E, in the Div. of Parks and Recreation, effective May 17, 2010; (2) Resignation of Carmello Benassi, Golf Pro/Supervisor, Grade 117E, Div. of Parks and Recreation, effective May 15, 2010; (3) Resignation of Rhonda Sears, Telecommunicator Sr., Grade 113N, Div. of Emergency Management/911, effective May 21, 2010; (4) Resignation of Christopher Gulley, Police Officer, Grade 311N, Div. of Police, effective May 5, 2010; (5) Resignation of Marie Simpson, Clinical Services Manager, Grade 117E, Div. of Family Services, effective May 7, 2010; (6) Resignation of Charles Gumm, Firefighter, Grade 311N, Div. of Fire and Emergency Services, effective May 6, 2010; (7) Transfer of Rosemary Olive, Administrative Specialist, Grade 110N, from the Div. of Risk Management to the Div. of Family Services, effective June 14, 2010; and (8) Transfer of Omelia Thornton, Clinical Services Manager, Grade 117E, from the Div. of Adult and Tenant Services to the Div. of Family Services, effective July 1, 2010.

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The Mayor announced that at approximately 3:00 p.m. on Friday, June 11, 2010, S. Limestone Street would be reopened from Euclid Ave. to Vine St.

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Assistant Chief James Jackson, Div. of Police, stated that Detective Kari Anderson had committed the offense of Unsatisfactory Performance, in violation of KRS 95.450 and General Order 73-2/H, Operational Rules, Section 1.11, in that on the 8th day of April, 2010, she was on call for the BOI/SVS Section from 4/8/10 1600 hours to 4/9/10 0800 hours. On April 8th at approximately 2315 hours, Detective Kari Anderson was contacted to respond to a report of a sexual assault, but failed to respond in a timely manner. She submitted a memorandum stating she forgot she was on call and had consumed alcoholic beverages and did not feel that she could respond at the time she was requested. Det. Anderson did not notify her supervisor of her inability to respond. General Order 73-2H, Appendix B, Operational Rules, Section 1.11, states: Officers shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Division. Unsatisfactory performance may be demonstrated by: 1) Repetitious or consistent lack of knowledge of the application of the laws required to be enforced; 2) An inability to perform assigned tasks; 3) The failure to conform to work standards established for the officer's rank, grade or position. In addition to other indications of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of the rules, regulations, manuals, or directives. BOI SOP 93/13C, Section III, Paragraph B/2, requires: Personnel on-call shall be equipped with a pager. Their off duty time is not restricted; however, personnel on-call shall be held responsible for returning calls for assistance and coming on duty if necessary. Should a person on-call not be able to respond to duty, then it is their responsibility to notify their supervisor/commander immediately or in advance of a known situation that would prevent their return to duty, and that the appropriate punishment for this offense is a Written Reprimand.

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

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Assistant Chief James Jackson, Div. of Police, stated that Sergeant Daniel L. Fleischer 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 multiple days of September, 2009, he documented work times for his regular duty assignment and his off-duty employment with LexTran which overlapped and conflicted with each other for multiple dates in September of 2009. Sergeant Fleischer did not notify the Division of E-911 that he was working his off-duty assignment on 9/10/2009 from 0600-0900 hours and on 9/25/2009 from 0600 hours – 1000 hours. General Order 73-15/H – Off-Duty Employment, Section D, (4), states: Employees shall not use Division of Police facilities, equipment, or records in conjunction with off-duty employment, and shall not use on-duty hours or Division facilities to coordinate, arrange or other wise provide for their own personal off-duty employment or that of any other Division of Police personnel. General Order 73-15/H – Off-Duty Employment, Section D, (11), states: Prior to beginning an off-duty assignment, officers working in uniform and/or providing police services, shall notify the Div. of Enhanced 911 of the following: 1) Location of assignment; 2) Start and ending times (updated as necessary); 3) Whether the assignment is uniform or non-uniform and 4) Contact telephone number, and that the appropriate punishment for this offense is Forty (40) Hours Suspension Without Pay.

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

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Mr. Bernard McCarthy, Harry Street, stated his concerns with Streetscaping during the current budget situation.

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The following citizens stated their concerns with illegal cab drivers and asked for the relevant Lexington-Fayette Urban County Government ordinances to be enforced: (1) Mr. Greg Kujawski, Holly Springs Dr., attorney and co-owner of Mr. Taxi; (2) Mr. Michael Moore, Harrodsburg Rd., Lawrenceburg, cab driver; (3) Ms. Rebecca Stoneking, Heron Lane, cab driver; (4) Mr. Randy Glover, Victoria Way, cab driver; (5) Mr. Al Gutierrez, Fort Harrods Rd., cab driver; (6) Mr. Brad Dean, Marblerock Way, cab driver; (7) Mr. Don Darden, General Manager of Yellow Cab; and (8) Mr. Namshid, cab driver.

The Mayor thanked everyone for expressing their concern, and asked that Mr. Tim Bennett, Commissioner of the Dept. of Public Safety, follow up on their concerns.

Mr. Martin asked the Mayor to arrange a report from the Div. of Police.

Mr. Bennett stated that Mr. Steve Rader, the illegal cab driver mentioned by several of the public commenters, was operating under a state law that is not addressed in the Lexington-Fayette Urban County Code of Ordinances, and that the Div. of Police had no jurisdiction.

The Council asked questions of Mr. Bennett regarding the enforcement of ordinances regarding cab drivers.

Mr. Myers made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to refer the illegal cab driver issue to the Council Services Committee.

Mr. Martin asked additional questions of Mr. Bennett.

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Upon motion of Ms. Crosbie, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 8:25 p.m.

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Clerk of the Urban County Council