Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky June 24, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on June 24, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Crosbie, Ellinger, Feigel, Gorton, Gray, Henson, James, Lane, Martin, McChord, Myers, Stinnett, Beard and Blues. Absent was Council Member Lawless.

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

No Ordinances or Resolutions were reported as having been signed and published, or were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky June 24, 2010

The Invocation was given by Chaplain Donovan Stewart, Div. of Police.

* * *

Upon motion of Mr. Ellinger, seconded by Mr. McChord, and passed by unanimous vote, the Minutes of the April 22, May 6, 11, 25, and 27, 2010 Council Meetings were approved.

* * *

Upon motion of Ms. James, seconded by Ms. Gorton, and approved by unanimous vote, 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 was tabled.

* * *

An Ordinance appropriating the revenues, expenditures/expenses and interfund transfers for the General Services District Fund, the Tenant Relocation Fund, the Urban Services District Fund, the Police Confiscated Federal Fund, the Police Confiscated State Fund, the Public Safety Fund, the Spay and Neuter Fund, the Municipal Aid Program Fund, the County Road Aid Fund, the Miscellaneous Special Revenue Fund, the Sanitary Sewer Revenue and Operating Fund, the Sanitary Sewer Construction Fund, the Water Quality Management Fund, the Landfill Fund, the Right-of-Way Program Fund, the City Employees' Pension Fund, the Policemen's and Firefighters' Retirement Fund of the Lexington-Fayette Urban County Government, the Extended School Program Fund, the Prisoners' Account Fund, the Enhanced 911 Fund, the Lexvan Program Fund, the Lexington-Fayette Urban County Government Public Facilities Corp. General Fund, the Lexington-Fayette Urban County Government Public Facilities Corp. Parks Projects Fund, the Lexington-Fayette Urban County Government Public Parking Corp. Fund, the Lexington-Fayette Urban County Government Public Library Corp. Fund, the Medical Insurance Fund, the Property and Casualty Claims Fund, and the FY 2011 Bond Projects Fund, on a divisional level by four (4) control levels, for the fiscal year ending June 30, 2011, for the Lexington-Fayette Urban County Government and its agencies and instrumentalities; approving and adopting the Capital Improvement Program for fiscal years FY 2011 through FY 2016, as a portion of the fiscal year (FY) 2011 Annual Capital Improvements Budget; approving funding for the Lexington-Fayette Urban County Tourist and Convention Commission from the Transient Room Tax, said funding to equal 99 1/2 % of the revenue from the Tax, and suspending the Economic Contingency Ordinance No. 78-2006 to not require deposits and to allow for withdrawals was given second reading.

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

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

Nay: Crosbie, Gorton--------------------------------------2

* * *

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

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

Nay: --0

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 certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $5,830 from Neighborhood Development Funds in the Div. of Parks and Recreation for replacement of playground equipment at Veterans' Park, and appropriating and re-appropriating funds, Schedule No. 151.

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. 152.

*   *   *

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

An Ordinance amending Article 5-4(h)(2) of the Land Subdivision Regulations to provide an alternative Engineer's and Land Surveyor's certification for subdivisions that do not require any infrastructure. Approval 10-0

An Ordinance amending Section 16-4 of the Code of Ordinances to provide that dumpster collection service will be provided as described in the Div. of Waste Management's Dumpster Service Guide and subject to the approval of the Commissioner of Environmental Quality, that the Director of Waste Management may exempt properties with insufficient space or special circumstances, that properties otherwise subject to dumpster requirements may be approved for roll cart service provided they are in compliance with Section 16-4.1(a)(3) and (4) and waste generation does not require dumpster service, and that the property must change to dumpster service if waste generation increases; amending Section 16-4.1(a)(4) of the Code of Ordinances to clarify requirements for dumpster concrete pads; amending Section 16-6(d) of the Code of Ordinances to provide that the Director of Waste Management may designate the location for placement of roll carts; amending Section 16-8(d) to provide that improperly prepared refuse must be abated within forty-eight (48) hours unless the violation constitutes an immediate danger when the Urban County Government will issue a citation and immediately abate the condition and bill the property owner; amending Section 16-10 to change the Commissioner of Public Works to the Commissioner of Environmental Quality, to provide that roll carts shall be placed in front of the residence, that containers shall be placed at the curb between 4 p.m. on the evening before collection and 5 a.m. on the day of collection and shall be removed by 7 p.m. on the day of collection, that containers will be kept in the rear yard or in the side yard when not at the curb for collection, that civil fines may be assessed for continuing roll cart violations, and to provide that property owners may provide specified management company or designated representative information to the Director of Waste Management.

An Ordinance amending Section 15-1(a) of the Code of Ordinances relating to stopping on the street to add food products to this Section; Amending 15-1(b) of the Code of Ordinances relating to stopping on the street to add food products to this Section; to allow for a citation for a violation of this Ordinance; and increasing the fine to a range of twenty-five dollars ($25.00) to one hundred dollars ($100.00).

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Agriculture, which Grant funds are in the amount of $6,780 Commonwealth of Ky. funds, are for the "Vintage Ky.: A Toast to Henry Clay" Wine Festival, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and appropriating funds pursuant to FY 2011 Schedule No. 16.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating two (2) positions of Enterprise Systems Developer, Grade 116E, in the Div. of Enterprise Solutions and authorizing the Div. of Human Resources to advertise internally, and appropriating funds pursuant to Schedule No. 17.

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Commonwealth of Ky. Transportation Cabinet, Dept. of Highways, for funding in the amount of $100,000 for the Flight 5191 Memorial at the Arboretum, which does not obligate the Urban County Government for the expenditure of funds, and appropriating funds pursuant to FY 2011 Schedule No. 18.

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. 19.

* * *

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

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

Nay: ---0

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.

* * *

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the proposals for FY 2011 for excess worker's compensation insurance from New York Marine & General Insurance Co. at a cost not to exceed $257,931; excess property, boiler and machinery insurance from Public Entity Property Insurance Program at a cost not to exceed $261,590; excess special liability from Ironshore Specialty Insurance Co. at a cost not to exceed $534,438; and aviation liability from Old Republic Insurance Co. and Phoenix Aviation Managers at a cost not to exceed $8,054; and subject to sufficient funds being appropriated for the purposes; and authorizing the Mayor to execute all relevant documents was given first reading.

Mr. Gray asked questions about the process for choosing insurers of Mr. Stinnett and Mr. Logan Askew, Commissioner, Dept. of Law. Mr. Stinnett and Commissioner Askew responded.

Mr. Beard and Ms. Crosbie also asked questions of Mr. Askew.

Upon motion of Mr. Lane, seconded by Ms. Crosbie, the rules were suspended by a majority vote of 13-1 (Gorton voted **no).**

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

Aye: Ellinger, Gorton, Henson, Lane, Martin,
McChord, Myers, Stinnett, Blues----------------9

Nay: Crosbie, Feigel, James, Beard-------------------4
(Mr. Gray abstained when the vote was taken.)

* * *

The following resolutions were given first reading. Upon motion of Mr. Lane, seconded by Ms. Crosbie, the rules were suspended by a majority vote of 13-1 (Gorton voted **no).**

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

Aye: Crosbie, Ellinger, Feigel, Gorton, Gray,
Henson, James, Lane, Martin, McChord,
Myers, Stinnett, Beard, Blues--------------------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 M2D Design Group, for design of the Isaac Murphy Memorial Art Garden Trail Head, increasing the contract price by the sum of $9,851 from $20,250 to $30,101.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with J.M. Crawford & Associates, Inc., for design of the Brighton Rail Trail Bridge, for the Div. of Community Development, at a cost not to exceed $132,240.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Deeds of Easement and other necessary documents, for the Clays Mill Rd. Section 2B Project, at a cost not to exceed $500.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Hays Blvd. and Levi Todd Blvd.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Encroachment Agreement with LexArts, Inc., for Horse Mania 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Second Amendment to Agreement with REACH, Inc., for an additional $126,304.16 for the First-Time Homebuyer's Program, at a cost not to exceed an additional $126,304.16.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 11 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 $350,496.00 from $6,226,005.51 to $6,576,501.51.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a System Supply Agreement with Path Master, Inc., for installation of a Centracs advanced traffic maintenance system under the Energy Efficiency and Conservation Block Grant, for the Div. of Traffic Engineering, at a cost not to exceed $432,920.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Sherman Carter Barnhart, PSC, for the Wallhampton Dr. Stormwater Study, at a cost not to exceed $19,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Columbia Heights Neighborhood Association, Inc. ($1,000); Belleau Wood Neighborhood Association, Inc. ($250); Downtown Lexington Corp. Foundation ($5,380); The Southland Association, Inc. ($340); Melrose-Oakpark Neighborhood Association, Inc. ($150); Winburn Neighborhood Association, Inc. ($500); Radcliffe-Marlboro Neighborhood Association, Inc. ($500); Bluegrass Community Foundation, Inc. ($2,400); Henry Clay Memorial Foundation ($2,375); YMCA of Central Ky. ($875); Western Little League ($2,750); Taborlake Subdivision Association, Inc. ($1,100); Lexington Habitat for Humanity, Inc. ($1,250); Community Action Council for Lexington-Fayette, Bourbon, Harrison, and Nicholas Counties, Inc. ($1,050); CASA of Lexington, Inc. ($1,800); The Pasadena Neighborhood Association, Inc. ($629); Beaumont Residential Association, Inc. ($629), 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 Agreements to East Lake Neighborhood Association ($500); Squire Oak Homeowners Association, Inc. ($500); Stuart Hall Homeowners Association, Inc. ($1,100); Retired Professional Football Players of Ky., Inc. ($500); Bluegrass Fraternal Order of Police Lodge IV ($500); Andover Neighborhood Association, Inc. ($500); Walnut Hill Club at Chilesburg Owners Association ($500); Tree Fund Tree Research and Education ($80); Georgetown St. Area Neighborhood Association, Inc. ($50); Opportunity for Work and Learning, Inc. ($125); Bluegrass Literacy, Inc. ($125); Castlewood Neighborhood Association, Inc. ($150); Arbor's Homeowners Association, Inc. ($135); William Wells Brown Neighborhood Association, Inc. ($150); N. Limestone Neighborhood Association, Inc. ($150); American Cancer Society ($450); Lansdowne Neighborhood Association, Inc. ($500); Highlands Neighborhood Association, Inc. ($500); and Vineyard Neighborhood Corp. ($6,115), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

* * *

A Resolution ratifying the probationary civil service appointments of: Esther Moberly, Program Specialist, Grade 112E, $1,634.64 bi-weekly, in the

Div. of Waste Management, effective June 28, 2010; Reginald Lyons, Equipment Operator Sr., Grade 109N, $13.040 hourly, in the Div. of Waste Management, effective June 28, 2010; Tim Hafley, Equipment Operator Sr., Grade 109N, $14.836 hourly, in the Div. of Waste Management, effective June 28, 2010; Lesa Spillman, Equipment Operator Sr., Grade 109N, $12.459 hourly, in the Div. of Waste Management, effective June 28, 2010; Larry Green, Equipment Operator Sr., Grade 109N, $13.971 hourly, in the Div. of Waste Management, effective June 28, 2010; Gary James, Equipment Operator Sr., Grade 109N, $16.814 hourly, in the Div. of Waste Management, effective June 28, 2010; Ernie Young, Equipment Operator Sr., Grade 109N, $12.606 hourly, in the Div. of Waste Management, effective June 28, 2010; Bruce Lee, Equipment Operator Sr., Grade 109N, $12.606 hourly, in the Div. of Waste Management, effective June 28, 2010; Alvin Callaway, Equipment Operator Sr., Grade 109N, $17.541 hourly, in the Div. of Waste Management, effective June 28, 2010; Dallas Taylor, Pump Station Supervisor, Grade 115E, $2,200.00 bi-weekly, in the Div. of Water Quality, effective June 21, 2010; ratifying the probationary sworn appointment of: Justin Halsaver, Fire Lieutenant, Grade 315N, $17.268 hourly, in the Div. of Fire and Emergency Services, effective June 14, 2010; Matthew Galati, Fire Captain, Grade 316N, $22.368 hourly, in the Div. of Fire and Emergency Services, effective June 14, 2010; approving the unclassified civil service appointment of: Scott Dawson, Evidence Technician, Grade 113N, $20.725 hourly, in the Div. of Police, effective June 28, 2010; Ralishia Howard, Eligibility Counselor, Grade 110E, $1,100.32 bi-weekly, in the Div. of Community Corrections, effective June 28, 2010; approving the unclassified civil service appointment to the Office of the Urban County Council of: Jonathan Hollinger, Aide to Council, Grade 000E, $1,923.08 bi-weekly, in the Council Office, effective June 21, 2010 was on the docket for first reading.

Ms. James made a motion, seconded by Mr. Myers, and approved by unanimous vote, to amend the Resolution to remove the reference to Ralishia Howard, Eligibility Counselor, Grade 110E, $1,100.32 bi-weekly, in the Div. of

Community Corrections as the ordinance referencing the position had been tabled earlier in the meeting.

A Resolution ratifying the probationary civil service appointments of: Esther Moberly, Program Specialist, Grade 112E, $1,634.64 bi-weekly, in the Div. of Waste Management, effective June 28, 2010; Reginald Lyons, Equipment Operator Sr., Grade 109N, $13.040 hourly, in the Div. of Waste Management, effective June 28, 2010; Tim Hafley, Equipment Operator Sr., Grade 109N, $14.836 hourly, in the Div. of Waste Management, effective June 28, 2010; Lesa Spillman, Equipment Operator Sr., Grade 109N, $12.459 hourly, in the Div. of Waste Management, effective June 28, 2010; Larry Green, Equipment Operator Sr., Grade 109N, $13.971 hourly, in the Div. of Waste Management, effective June 28, 2010; Gary James, Equipment Operator Sr., Grade 109N, $16.814 hourly, in the Div. of Waste Management, effective June 28, 2010; Ernie Young, Equipment Operator Sr., Grade 109N, $12.606 hourly, in the Div. of Waste Management, effective June 28, 2010; Bruce Lee, Equipment Operator Sr., Grade 109N, $12.606 hourly, in the Div. of Waste Management, effective June 28, 2010; Alvin Callaway, Equipment Operator Sr., Grade 109N, $17.541 hourly, in the Div. of Waste Management, effective June 28, 2010; Dallas Taylor, Pump Station Supervisor, Grade 115E, $2,200.00 bi-weekly, in the Div. of Water Quality, effective June 21, 2010; ratifying the probationary sworn appointment of: Justin Halsaver, Fire Lieutenant, Grade 315N, $17.268 hourly, in the Div. of Fire and Emergency Services, effective June 14, 2010; Matthew Galati, Fire Captain, Grade 316N, $22.368 hourly, in the Div. of Fire and Emergency Services, effective June 14, 2010; approving the unclassified civil service appointment of: Scott Dawson, Evidence Technician, Grade 113N, $20.725 hourly, in the Div. of Police, effective June 28, 2010; approving the unclassified civil service appointment to the Office of the Urban County Council of: Jonathan Hollinger, Aide to Council, Grade 000E, $1,923.08 bi-weekly, in the Council Office, effective June 21, 2010 was given first reading as amended and ordered placed on file one week for public inspection.

*   *   *

A Resolution amending the following sections of Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council: amending Section 2.101 relating to terms and appointments of chairs of committees; amending Section 2.102 providing the number of standing committees on which each councilmember shall serve and renaming and restructuring standing committees; amending Section 2.105 providing that the Committee of the Whole shall conduct work sessions; amending Section 2.202 providing that standing committees shall have no less than six regularly scheduled meetings per year; amending Section 2.204 removing the Mayor's authority to refer any item directly to a committee and providing that the Committee of the Whole shall not refer items to committee; amending Section 2.205 providing that permanent or standing committees shall report to the Committee of the Whole; replacing the words "work session" with "Committee of the Whole work session"; amending Section 4.102 to add committee reports to the order of business; and amending Section 4.104 providing for the order of business at the Committee of the Whole work session; effective January 1, 2011 was on the docket for first reading.

Mr. Lane made a motion, seconded by Mr. Martin, to table the resolution to the August 24, 2010 Council Work Session.

Ms. Crosbie asked questions of Mr. Lane about the date to remove the resolution from the table. Mr. Lane explained his motion.

Mr. Myers asked if Mr. Lane would entertain an amendment to consider the resolution at the June 29, 2010 Council Work Session. Mr. Lane did not accept the amendment.

The motion to table the resolution until the August 24, 2010 Council Work Session **passed** by a majority vote of 8-6 (Crosbie, Gorton, Gray, Henson, James and Myers voted **no**).

* * *

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

A Resolution accepting the bid of Veolia ES Technical Solutions, establishing a price contract for lighting and universal waste disposal, for the Div. of Waste Management.

A Resolution accepting the bid of TP Mechanical, in the amount of $39,000, for HVAC System Assessment, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Hartland Petroleum, establishing a price contract for used oil recycling, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Galls, Inc.; Lawmen's and Shooters Supply; Bluegrass Uniforms; Bluegrass Fire Equipment; Ky. Uniforms; and US Calvary, establishing price contracts for Fire Recruit Equipment, for the Div. of Fire and Emergency Services.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Letter Agreement with Mountjoy Chilton Medley LLP, for preparation of the Sheriff's Settlement for the 2009 Property Tax Year, at a cost not to exceed $12,240.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Revenue Enhancement Agreement with PRA Government Services, LLC d/b/a RDS, for Revenue Discovery Services, decreasing the payments to RDS during the amnesty program to twenty-five percent (25%).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Software License Agreement with Data Compression Technology d/b/a DCT, for support for software that enables viewing of data transferred from Internal Revenue Service, at a cost not to exceed $40,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Commonwealth of Ky. Transportation Cabinet, Dept. of Highways, to reimburse the Ky. Transportation Cabinet up to $216,098.97, for installation of Mast Arm Pole System for the Newtown Pike Extension Project - Phase IV (Main St. to Versailles Rd.).

A Resolution accepting the proposal of the Public Group d/b/a Public Surplus.com for the Internet sale of surplus vehicles and equipment not to exceed 7% commission of gross sale proceeds.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Fayette County Public Schools, for attachment of wireless communication equipment.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Modification to an Agreement with Commonwealth of Ky. Transportation Cabinet, Dept. of Highways, to extend the Agreement from July 1, 2010 to June 30, 2011 and reimburse the Urban County Government up to $300,000 for operation and maintenance of traffic signals and electrical traffic control devices on the state primary road system.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3 to the Contract with Wilbur Smith Associates, for the Wayfinding Sign System Project, increasing the contract price by the sum of $34,971.06 from $307,895.89 to $342,866.95.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Hall Contracting Corp., for South Elkhorn Pump Station Improvements, for the Div. of Water Quality, increasing the contract price by the sum of $27,987 from $3,842,000 to $3,869,987.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a First Amendment to the Amended and Restated Grant Agreement with the Cabinet for Economic Development, the State Property and Buildings Commission and Belcan Engineering Group, Inc., retroactive to January 28, 2010, to include additional terms to the Amended and Restated Grant Agreement approved pursuant to Resolution No. 308-2009, at no cost to the government.

A Resolution authorizing the Div. of Emergency Management/911 to purchase equipment, software, hardware, licenses and peripherals and any related installation and maintenance services for expansion of the existing Central Ky. 911 Infrastructure Network, from AK Associates, a sole source provider, at a cost not to exceed $96,663.

A Resolution authorizing the Div. of Emergency Management/911 to purchase equipment and related peripherals for expansion of the existing Central Ky. 911 Infrastructure Network, from Engage Communications, a sole source provider, at a cost not to exceed $33,532.

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 Pump Station Upgrade at Haley Pike Landfill, increasing the contract price by the sum of $7,498.34 from $358,816.00 to $366,314.34.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Lansdowne Neighborhood Association, Inc. ($750); Belleau Wood Neighborhood Association, Inc. ($650); American Society of Certified Engineering Technicians Conference ($225); Zandale Neighborhood Association, Inc. ($500); Fayette County 4-H Council, Inc. ($650), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

* * *

Upon motion of Ms. Henson, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution authorizing the Div. of Human Resources to internally advertise for all vacant positions from July 1, 2010 through December 31, 2010 and authorizing the Div. of Human Resources to advertise externally if a qualified internal applicant pool does not exist within two weeks or fourteen (14) calendar days of any internal advertisement was placed on the docket, given first reading, and ordered placed on file one week for public inspection.

* * *

Upon motion of Mr. Blues, seconded by Ms. Gorton, and approved by unanimous vote, 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 Radcliffe Rd. Stormwater Improvements Project, increasing the contract price by the sum of $22,739.70 from $257,357.25 to $280,096.95 was placed on the docket, given first reading, and ordered placed on file one week for public inspection.

* * *

Upon motion of Mr. Lane, seconded by Mr. McChord, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the reappointment of Ms. Noel White to the Board of Adjustment, with a term to expire 7-1-2014; (2) Recommending the reappointment of Ms. Marianne Blodgett to the Convention & Visitors Bureau Board of Directors, with a term to expire 9-9-2011; (3) Recommending the appointment of Ms. Jennifer D. Shah to the Lexington Fayette County Parking Authority, with a term to expire 6-1-2014. The term of Ms. Elizabeth Woodward has expired. Also, recommending the reappointment of Mr. Kenton L. Ball to the Lexington Fayette County Parking Authority, with a term to expire 6-1-2014; (4) Recommending the appointment of Ms. Rhonda Strouse to the Transit Authority Board, with a term to expire 6-30-2014. Mr. Edward Kasarskis is no longer serving. Also, recommending the reappointment of Mr. Steve Kay to the Transit Authority Board, with a term to expire 6-30-2014; and (5) Recommending the reappointment of Mr. Billy Van Pelt to the Urban County Arts Review Board, with a term to expire 3-1-2014.

* * *

Mr. Gray made a motion, seconded by Mr. Lane, and approved by unanimous vote, to approve the appointment of Dr. Eunice Beatty and the reappointment of Mr. Mike Cravens to the Planning Commission, with terms to expire 7-1-2014.

* * *

The following Communication from the Mayor was received for information only: (1) Termination of probationary employment of Jessica Williams, Budget Analyst, Grade 115E, in the Div. of Budgeting, effective May 27, 2010.

* * *

Mr. Jeff Jones, Div. of Waste Management employee, stated his concerns with the Urban County Government's failure to follow the World at Work recommendations and not giving employees a raise. He expressed his concern about not having any raise over .5 % over the past several years.

* * *

Mr. Bernard McCarthy, Harry Street, spoke about the employees' right of free speech without retribution. He also spoke about his concerns with the streetscape projects.

* * *

Upon motion of Mr. Stinnett, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 8:20 p.m.

____

Clerk of the Urban County Council