Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky August 26, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on August 26, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Gray, Henson, James, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, and Gorton.

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

Ordinances No. 137-2010 thru 138-2010 inclusive and Resolutions No. 429-2010 thru 432-2010 inclusive were reported as having been signed and published, and were ordered to record.

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Vice-Mayor Gray called the meeting to order in the absence of Mayor Newberry.

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The Invocation was given by Rabbi Marc Kline, Temple Adath Israel.

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Mr. Lane made a motion, seconded by Ms. Gorton, to remove the following ordinances relating to the assessment of ad valorem property taxes and to place them on the docket for second reading at the Special Meeting of the Urban County Council at 3:00 p.m. on August 31, 2010.

An Ordinance levying ad valorem taxes for purposes of support of the Agricultural Extension Office for the fiscal year July 1, 2010 through June 30, 2011, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government (all taxes on each $100 of assessed valuation as of the January 1, 2010 assessment date), as follows: $.0032 on all taxable real property, including real property of public service companies, $.0035 on taxable personal property, including personal property of public service companies, noncommercial aircraft, and noncommercial watercraft, and excluding inventory in transit, insurance capital, tobacco in storage, and agricultural products in storage; and levying an ad valorem tax for purposes of support of the Agricultural Extension Office at the rate of $.0032 on each $100 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2011 assessment date.

An Ordinance levying ad valorem taxes for municipal purposes for the fiscal year July 1, 2010 through June 30, 2011, on the assessed value of all taxable property within the taxing jurisdictions of the Lexington-Fayette Urban County Government (all taxes on each $100 of assessed valuation as of the January 1, 2010 assessment date), as follows: General Services District, $.0800 on real property, including real property of public service companies, $.0990 on personal property, including personal property of public service companies, noncommercial aircraft, and noncommercial watercraft, $.1500 on insurance capital, $.0150 on tobacco in storage, and $.0450 on agricultural products in storage; Full Urban or Partial Urban Services Districts based on urban services available on real property, including real property of public service companies, $.1431 for refuse collection, $.0210 for street lights, $.0094 for street cleaning, $.0920 on insurance capital, $.0150 on tobacco in storage, $.0450 on agricultural products in storage; and levying an ad valorem tax for municipal purposes at the rate of $.0880 on each $100 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2011 assessment date.

An Ordinance, pursuant to a request received from the Lexington-Fayette County Health Dept., levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Dept. for the fiscal year July 1, 2010 through June 30, 2011, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including real and personal property of public service companies, noncommercial aircraft, noncommercial watercraft, and inventory in transit, and excluding insurance capital, tobacco in storage, and agricultural products in storage, at the rate of $.028 on each $100 of assessed value as of the January 1, 2010 assessment date; and levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Dept. at the rate of $.028 on each $100 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government, as of the January 1, 2011 assessment date.

An Ordinance levying ad valorem taxes for purposes of support of the Soil and Water Conservation District for the fiscal year July 1, 2010 through June 30, 2011, on the assessed value of all taxable real property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including real property of public service companies, at a rate of $.000416 on each one hundred dollars ($100) of assessed valuation as of the January 1, 2010 assessment date, with the tax bills computed and collected at a rate of $.0004 on each one hundred dollars ($100) of assessed valuation.

Mr. Martin and Ms. James asked questions about the motion. Mr. Lane stated that this was necessary because a Public Hearing was scheduled for August 31, 2010 regarding the ad valorem taxes.

Mr. Lane’s passed by unanimous vote.

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Upon motion of Mr. Lane, seconded by Ms. Gorton, and approved by unanimous vote, a Special Meeting of the Urban County Council was scheduled for 3:00 p.m. on August 31, 2010, to give second reading to the four ordinances pertaining to the assessment of ad valorem property taxes.

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

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

Nay: ------------------------------------------------------------0

An Ordinance changing the zone from an Interchange Service Business (B-5P) zone to a Neighborhood Business (B-1) zone for 1.50 net (1.85 gross) acres, for property located at 1875 Pleasant Ridge Dr. (Brighton Animal Clinic, LLC).

An Ordinance changing the zone from a Light Industrial (I-1) zone to a Highway Service Business (B-3) zone for 0.3565 net (0.4943 gross) acres, for property located at 635 E. New Circle Rd., subject to certain use restrictions as conditions of granting the zone change (Virginia Bates).

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract Addendum for FY 2010 with the Lexington-Fayette County Health Dept., accepting additional funding in the amount of $50,000, for the Home Network Project at the Family Care Center, and appropriating funds pursuant to Schedule No. 28.

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 $100,000 Federal funds, for the continuation of the Street Sales Drug Enforcement Project, the acceptance of which obligates the Urban County Government for the expenditure of $33,333 as a local match, appropriating funds pursuant to Schedule No. 29, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing the Mayor to execute an Agreement with the Fayette County Commonwealth Attorney’s Office for a ‘Fast Track’ prosecutor at a cost not to exceed $52,703.

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 $25,000 Federal funds, are for the Ticketing Aggressive Cars and Trucks (TACT) Program, the acceptance of which obligates the Urban County Government for the expenditure of $6,250 as a local match, appropriating funds pursuant to Schedule No. 30, 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. Heritage Council, 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 $12,000 Federal funds, are for the Div. of Historic Preservation's Survey and Planning Project, the acceptance of which obligates the Urban County Government for the expenditure of $8,000 as a local match, appropriating funds pursuant to Schedule No. 31, 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. State Police, 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 $75,000 Federal funds, are for continuation of the Motor Carrier Safety Assistance Program (MCSAP) in the Div. of Police, the acceptance of which obligates the Urban County Government for the expenditure of $18,750 as a local match, appropriating funds pursuant to Schedule No. 32, 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 a HOME Agreement with Fayette County Local Development Corp., for use of HOME funds for development of a rental housing project at the Russell School property, at a cost not to exceed $300,000, and appropriating funds pursuant to Schedule No. 33.

An Ordinance amending Section 23-5(b) of the Code of Ordinances abolishing one (1) position of Police Captain, and creating one (1) position of Police Lieutenant, in the Div. of Police, and appropriating funds pursuant to Schedule No. 34.

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. 35.

An Ordinance closing right-of-way reserved for extension of Spring Grove Ave.; determining that all property owners abutting the portion of the right-of-way to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed transferring the former right-of-way to the abutting owner, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way.

An Ordinance closing a portion of a service road located between Richmond Rd. and the property located at 3292 Richmond Rd.; determining that all property owners abutting the portion of the service road to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed transferring the former right-of-way to the abutting owner, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way.

An Ordinance relating to stormwater discharges from construction sites creating Subsections 16-1(f)(48) through 16-1(f)(66) of the Code of Ordinances defining terms; creating Sub-article E of Article X of Chapter 16 of the Code of Ordinances (Sections 16-99 through 16-105 and Section 16-107 and 16-108) to ensure adequate control of stormwater where construction sites are located; amending Section 16-207 of the Code of Ordinances relating to inspections; amending Section 14-60 of the Code of Ordinances related to transportation and re-location of dirt and debris by re-numbering it as Section 16-106; and providing the Ordinance will not become effective until after Article 20 of the Zoning Ordinance is repealed or amended.

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

An Ordinance closing the service road ("Hiltonia Park Frontage Rd.") at Nicholasville Rd. and Hiltonia Park; determining that all property owners abutting the service road to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed transferring the former right-of-way to the abutting owners, subject to the reservation of easements for access and maintenance of existing utilities in the former right-of-way.

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. 37.

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Upon motion of Ms. Gorton, seconded by Ms. Lawless, and approved by unanimous vote, an Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Bluegrass Community Foundation, for construction of the Flight 5191 Memorial at the Arboretum, at a cost not to exceed $25,000, and appropriating and re-appropriating funds pursuant to Schedule No. 40 was placed on the docket and given first reading.

Ms. James asked questions regarding the funding source for the project. Mr. Ryan Barrow, Director of the Div. of Budgeting, responded.

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

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Mr. Beard made a motion, seconded by Mr. Ellinger, to remove from the docket a Resolution accepting the response of Strand Associates, Inc., to RFP No. 17-2010, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Strand Associates, Inc., for design related services for the Distillery District Public Improvements, at a cost not to exceed $508,000, and to ask the Div. of Purchasing to put the contract out for bid again.

Mr. Blues asked for a rationale for restarting the bid process, and stated his position regarding the process.

Ms. Lawless stated her support for the Distillery District project and her concerns with the funding issues. She asked questions of Mr. Brian Marcum, Director of the Div. of Purchasing.

The Council continued to discuss the issue and to ask questions of Mr. Marcum.

Ms. Gorton asked questions of Mr. Mike Webb, Commissioner of the Dept. of Public Works and Development.

The Council continued to ask questions of Mr. Webb.

Ms. Crosbie asked questions about the process of Mr. Webb. Mr. Joe Kelly, Senior Advisor for Management, also responded to Ms. Crosbie's questions. Ms. Crosbie asked a question of Mr. Marcum.

Mr. Gray made statement about his objection to the process and support in rebidding the project.

The Council continued to discuss the issue and to ask questions of Mr. Marcum and Mr. Webb.

Mr. Martin spoke about the Council's role and process in engaging contractors involved with tax increment financing projects.

The Council continued to discuss the issue, and to ask questions of Mr. Marcum and Mr. Webb.

Ms. Gorton made a motion, seconded by Mr. Gray, and approved by a majority vote of 14-0 (Mr. Lane recused himself when the vote was taken), to amend Mr. Beard's motion to state that the resolution would be removed from the docket and be rebid within three months.

Ms. Feigel made a motion, seconded by Mr. McChord, to amend the motion to state that only the feasibility study would be rebid within three months after the resolution was removed from the docket.

Ms. James asked questions of Mr. Marcum regarding bidding procedures. Mr. Marcum responded. Ms. Feigel also asked questions of Mr. Marcum.

The Council discussed the motion.

Ms. Feigel's motion **failed** to pass by a vote of 4-10 (Henson, James, Lawless, Martin, Myers, Stinnett, Beard, Blues, Ellinger, and Gorton voted **no**, and Mr. Lane recused himself when the vote was taken).

Mr. Beard clarified his original motion. His motion passed by a vote of 11-3 (James, Lawless and Blues voted **no**, and Mr. Lane recused himself when the vote was taken). The resolution was removed from the docket.

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

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

Nay: ------------------------------------------------------------0

A Resolution accepting the bid of Blackhawk Enterprises, Inc., establishing a price contract for video equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Nugent Sand Co., establishing a price contract for sand for golf courses, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Southern Rebinding, Inc., establishing a price contract for record keeping supplies for the County Clerk's Office.

A Resolution accepting the bid of Aramsco, Inc., establishing a price contract for Decontamination Adult & Pediatric Patient Kits, for the Div. of Emergency Management/911.

A Resolution accepting the bid of Federal Signal Corporation, in the amount of $22,467, for replacement siren, for the Div. of Emergency Management/911.

A Resolution accepting the bids of Traffic Control Products, Inc., Path Master, Inc., Southeastern Safety Systems, Inc., Quality Traffic Systems, Traffic Parts, Inc., and Baldwin & Sours, Inc., establishing price contracts for Traffic Signal and Control Equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bids of Central Equipment Co., Montgomery Tractor Sales, and Bobcat Enterprises, Inc., establishing price contracts for tractor and mower parts, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Graybar Electric, Wesco Distribution, Inc., Consolidated Electrical Distribution, Ky. Lighting & Supply, Inc., Malone Industrial Products, and Rexel, Inc., establishing price contracts for electrical items, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Grogan's Healthcare, establishing a price contract for alternate care equipment and supplies, for the Div. of Emergency Management/911.

A Resolution accepting the bid of Schroeder Construction, Inc., in the amount of $672,135 for the Beverly Ave. Sanitary Sewer Project, for the Div. of Engineering/ Dept. of Public Works and Development, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Schroeder Construction, Inc., related to the bid.

A Resolution accepting the bid of Gateway Press, Inc., establishing a price contract for Waste Management Guide, for the Div. of Waste Management.

A Resolution ratifying the probationary civil service appointments of: Rosemary Wilkins, Budget Analyst Sr., Grade 118E, $2,240.48 bi-weekly, in the Div. of Budgeting, effective August 2, 2010; Ethan Simpson, Electronic Computer Controls Specialist, Grade 113N, $16.189 hourly, in the Div. of Water Quality, effective August 16, 2010; John Carey, Telecommunicator Supervisor, Grade 116E, $1,681.44 bi-weekly, in the Div. of Emergency Management/911, effective August 30, 2010; John McElroy, Treatment Plant Operator Apprentice, Grade 107N, $13.898 hourly, in the Div. of Water Quality, effective August 23, 2010; Brian Hayes, Municipal Engineer Sr., Grade 119E, $2,542.56 bi-weekly, in the Div. of Water Quality, effective August 23, 2010; Kendra Wasch, Family Support Worker Sr., Grade 112N, $16.884 hourly, in the Div. of Family Services, effective August 23, 2010; Joseph Bell, Systems Administrator - Enterprise Solutions, Grade 118E, $2,449.15 bi-weekly, in the Div. of Enterprise Solutions, effective August 16, 2010; Jason Eason, Telecommunicator, Grade 111N, $14.579 hourly, in the Div. of Emergency Management/911, effective August 30, 2010; Kevin Owens, Telecommunicator, Grade 111N, $16.977 hourly, in the Div. of Emergency Management/911, effective August 30, 2010; ratifying the permanent civil service appointments of: Charles Cottle, Director of Enterprise Solutions, Grade 123E, in the

Div. of Enterprise Solutions, effective June 7, 2010; Christopher Schapley, Traffic Signal Technician Sr., Grade 112N, in the Div. of Traffic Engineering, effective May 9, 2010; Chris Quan, Traffic Signal Technician Sr., Grade 112N, in the Div. of Traffic Engineering, effective May 9, 2010; Casey Kaucher, Associate Traffic Engineer, Grade 115E, in the Div. of Traffic Engineering, effective June 28, 2010; Richard Fowler, Traffic Signal Technician Sr., Grade 112N, in the Div. of Traffic Engineering, effective May 9, 2010; Jesse Lambert, Keith Thomas, Fred Crouch, James Stengel, and Ronricus Henry, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective August 1, 2010; Anthony Morton, Christopher Fulz, Timothy Burnett, and Jonathan Covey, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective August 15, 2010; ratifying the probationary sworn appointments of: Mark Hart, Fire Lieutenant, Grade 315N, $17.786 hourly, in the Div. of Fire and Emergency Services, effective July 26, 2010; William M. McCord, Fire Captain, Grade 316N, $23.039 hourly, in the Div. of Fire and Emergency Services, effective July 26, 2010; approving the Council Leave of: Michael Allen, Director of Human Resources, Grade 123E, in the Div. of Human Resources, requests ninety days Council approved leave without pay from July 28, 2010 through October 28, 2010; Michael Roland, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, requests ninety days Council approved leave without pay from June 12, 2010 through September 12, 2010; approving the unclassified civil service appointment to the Office of the Urban County Council of: Allison Hallett, Aide to Council, Grade 000E, $1,942.32 bi-weekly, in the Urban County Council Office, effective June 28, 2010.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with CarFax, for information sharing.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Ky. Fire Commission, for use of an Elliptical Pro 3700 piece of fitness equipment, at no cost to the Urban County Government.

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

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Brigette Ganahl, as a Sexual Assault Nurse Examiner, to provide on-call forensic examinations under the Sexual Assault Nurse Examiner Program, at a cost not to exceed $40 for each scheduled on-call period, $230 for each completed forensic examination, $50 per case for professional testimony in court, and the reasonable cost of medical liability insurance.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quit Claim Deed, and all other documents necessary, transferring right-of-way from the Urban County Government to the Fayette County Board of Education for construction of a turn lane into the entrance of Keithshire Elementary.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Architectural Graphics, Inc., for the LFUCG Wayfinding Program, increasing the contract price by the sum of $5,227.79 from $383,918.00 to $389,145.79.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and any other necessary documents, and to accept deeds for easements needed for the Grimes Mill Bridge Rehabilitation Project, at a cost not to exceed $3,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Kathy H. Witt, Sheriff of Fayette County, for the collection of the Urban Service District Taxes for the 2010 property tax year, at a cost not to exceed $350,000, with payment net from collections.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Awesome Labs, LLC for the Downtown Touch Screen Network, at no cost to the Urban County Government.

A Resolution accepting the response of Metaformers, Inc., to RFP No. 37-2010, and authorizing the Mayor, on behalf of the Urban County Government, to execute a

Consulting Services Agreement with Metaformers, Inc., to provide assistance to the Div.'s of Enterprise Solutions and Human Resources with open enrollment for benefits, at a cost not to exceed $105,709.60.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a System Improvement Design and Construction Memorandum with Virgie Hager and Ball Homes, LLC, providing for donation of property at 375 Chilesburg Rd. for a public park and for transfer of $430,000 in exaction credits to Ball Homes, LLC.

A Resolution amending Section 1 of Resolution No. 371-2010 correcting the salary of Esther Moberly, Program Specialist, Grade 112E, from $1,634.64 bi-weekly to $1,775.76, in the Div. of Waste Management, effective June 28, 2010.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Administrative Services Agreement with the University of Ky. - Jesse G. Harris, Jr. Psychological Services Center for firefighter recruit psychological screening testing, at a cost not to exceed $300 for each screening.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Part D Advisors, Inc., for assistance with the Medicare Early Retirement Subsidy Program, retroactive to May 21, 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 an Amendment to the Agreement with REACH, Inc., for the Douglas Heights Redevelopment Project to clarify eligible uses of Neighborhood Stabilization Program funds for the project.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Modification #2 to the Neighborhood Stabilization Program Funding Agreement with the Ky. Dept. for Local Government, for addition of "funding out," 30-day cancellation, and access to records provisions, revision of amounts to be expended within the eligible uses of funds, and addition of a loan servicing agreement.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept

Deeds for easements needed for the Della Dr. Storm Sewer Rehabilitation Project, at a cost not to exceed $10,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements awarding Class A (Neighborhood) Grants for stormwater quality projects to Autumn Ridge Homeowners Association, Inc. ($11,183.75) and Gainesway Neighborhood Association, Inc. ($10,255.00), at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Third Rock Consultants, Inc., for consulting services for the development of a Watershed Based Plan for the Wolf Run Watershed, at a cost not to exceed $177,200.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Bluegrass Contracting Corp., for the Vaughn's Branch Flood Hazard Mitigation Project, increasing the contract price by the sum of $26,657.50 from $1,225,006.25 to $1,251,663.75.

A Resolution declaring as surplus and authorizing and directing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute Deeds and any other necessary documents for the sale and transfer of property located at 296 E. Sixth St., 762 Florence Ave., 464 Kenton St., 124 Eddie St., 951 Valley Ave., 1140 Winburn Dr., 510-512 E. Third St., 221-223 W. Seventh St., 824 E. Seventh St., 313 Newtown Pike, 315 Newtown Pike, 317-319 Newtown Pike, 4951 Tates Creek Rd., 1974 Alice Dr., 1970 Alice Dr., and 520 E. Third St., and declaring as surplus and authorizing and directing the Mayor, on behalf of the Urban County Government and the Lexington-Fayette Urban County Government Public Facilities Corp., to execute a Deed and any other necessary documents, for the sale and transfer of property located at 262 E. Fifth St.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Tree Fund ($550), Russell Cave Church of Christ, Inc. ($500), Lexington Fast-Pitch Softball, Inc. ($500), and Cottages of Liberty Woods Neighborhood Association ($500), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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Upon motion of Ms. Lawless, seconded by Ms. Gorton, and approved by unanimous vote, 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 was removed from the table and placed back on the docket.

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

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

Nay: ------------------------------------------------------------0

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

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

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

Nay: -----------------------------------------------------------0

A Resolution ratifying the probationary civil service appointment of: Tyson Cummings, Life Skills Program Instructor, Grade 110E, $1,354.00 bi-weekly, in the Div. of Community Corrections, effective August 30, 2010; ratifying the unclassified civil service appointment to the Office of the Urban County Council of: Amanda Dunn, Aide to Council, Grade 000E, $1,961.54 bi-weekly, in the Council Office, effective August 23, 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with Lexington Center Corp., for space for the Celebration of Disability Expo, at a cost not to exceed $1,600.

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Upon motion of Mr. Martin, seconded by Mr. Blues, and approved by unanimous vote, 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 Clays Mill Elementary Cafeteria for a public meeting was placed on the docket and given first reading.

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

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

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

Nay: -----------------------------------------------------------0

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Upon motion of Ms. Gorton, seconded by Ms. Henson, and approved by unanimous vote, a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Bluegrass Community

Foundation for construction of the Flight 5191 Memorial at the Arboretum, at a cost not to exceed $100,000 was placed on the docket and given first reading.

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

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

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

Nay: -----------------------------------------------------------0

* * *

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

A Resolution accepting the bid of Gooch Construction Co., Inc., in the amount of $94,422, for 1036 Della Dr. Pipe Rerouting Project, for the Div.'s of Water Quality and Engineering, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Gooch Construction Co., Inc., related to the bid.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with BCD, Inc. (Final), for the LFUCG MRF Renovation Project, increasing the contract price by the sum of $30,746.15 from $419,500.01 to $450,246.16.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Modifications to Agreements with the Ky. Dept. of Military Affairs, Div. of Emergency Management, for extension of the Agreements for funds for the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2007, 2008, 2009 and 2010 through December 31, 2010 for FY 2007 and 2008, September 30, 2010 for FY 2009, and September 30, 2011 for FY 2010, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bluegrass Fraternal Order of Police Lodge IV ($625), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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Upon motion of Mr. Stinnett, seconded by Mr. Lane, and approved by unanimous vote, a Resolution approving the Fayette County Sheriff's Settlement - 2009 Taxes, for taxes collected as of April 30, 2010, and granting the Sherifff a Quietus was placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

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Upon motion of Ms. Gorton, seconded by Mr. Beard, and passed by unanimous vote, the following Communication from the Mayor was approved with the stipulation that the appointment begin on August 30, 2010, and is as follows: (1) Recommending the appointment of Mr. Thomas H. Glover to the Board of Adjustment, with a term to expire 7-1-2014. Mr. Glover will fill the unexpired term of Mr. Peter Brown.

* * *

Upon motion of Ms. Gorton, seconded by Mr. Beard, and passed by unanimous vote, the following Communications from the Mayor were approved and are as follows: (2) Recommending the appointments of Ms. Chanté A. Perryman to the Explorium Board, with a term to expire 7-1-14; (3) Recommending the appointment of Mr. Daryl W. Smith to the Housing Authority Board, with a term to expire 6-22-14. The term of Mr. S.T. Roach has expired; (4) Recommending the appointment of Ms. Natalie Barrett to the Human Rights Commission, with a term to expire 1-1-12. Ms. Barrett will fill the unexpired term of Ms. Beth Hartmann; and (5) Recommending the appointment of Ms. Carla Blanton to the Planning Commission, with a term to expire 7-1-2014. The term of Mr. Frank Penn has expired.

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Ms. Lawless announced that the groundbreaking at the Arboretum for the Flight 5191 Memorial would be on Friday, August 27, 2010.

She also announced that the AVOL Annual Walk would be held on Sunday, August 29, 2010, with registration taking place at 225 Walton Ave., at 2:00 p.m.

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Assistant Chief David Ades, Div. of Fire and Emergency Services, stated that Firefighter James K. Branham has committed the offense of Insubordination in violation of KRS 95.450 and Section 8A of the Uniform Disciplinary Code (Lexington-Fayette Urban County Government Employee Handbook – Chapter 17, Section 21-45(h)), in that on the 3rd day of June, 2010, he was discourteous towards his Officer when he was directed to comply with the established uniform regulations. He reflected a manner which showed unwillingness to be supervised and failed to follow reasonable directives and/or instructions given by his supervisor. Further his actions caused a front-line emergency response unit to be taken out of service for approximately 1 ½ hours, and that the appropriate punishment for this conduct is 8 hours of Suspension Without Pay for Scheduled Work Hours.

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

* * *

Ms. Lawless asked questions of Mr. Logan Askew, Commissioner of the Dept. of Law, and Mr. Keith Horn, Dept. of Law, regarding the contract for Mr. Terry Sellars, outside legal counsel for the Internal Audit Board and Mr. Bruce Sahli, Director of the Office of Internal Audit. Mr. Horn responded, as did the Mayor and Mr. Askew.

Ms. Feigel called for a point of order, stating that there was no motion in the discussion, and therefore no way to end the debate.

Ms. Lawless responded to Ms. Feigel and stated why she was asking the questions at that time.

The Mayor stated that Ms. Feigel's point of order was taken and that perhaps another time could be designated for the discussion.

Ms. James asked questions of Mr. Horn. Mr. Askew also responded to the questions.

Ms. James made a motion that the Urban County Government not fund Mr. Sellars services in support of the lawsuit against a member of the Urban County Council.

The Mayor stated that the motion was out of order, and that the appropriate procedure would be to place an item onto the docket, and then to proceed.

Ms. James made a motion, seconded by Ms. Lawless, to amend the meeting agenda in order to place an item on the agenda.

Ms. Feigel stated her concerns about the motion, and parliamentary procedure. The Mayor responded that meeting agendas could be amended at regular meetings.

Ms. Crosbie asked if Ms. James would agree to consider the item at Council Work Session on the following Tuesday.  Ms. James stated that she would leave her motion on the table.

The Council continued to discuss the issue.

Ms. James' motion to amend the meeting agenda for purposes of introducing a resolution **passed** by a vote of 8-6 (Henson, Lane, McChord, Stinnett, Blues, and Feigel voted **no**, and Mr. Myers abstained from the vote.)

Ms. James made a motion to introduce a Resolution directing that the Urban County Government cease the contract that exists currently with Mr. Terry Sellars due to the lawsuit recently filed against an Urban County Council Member.  The motion failed due to the lack of a second.

The Council continued to discuss the issue.

Ms. James made a motion, seconded by Ms. Lawless, to introduce a Resolution stating that the Urban County Government would end the contract with Mr. Terry Sellars due to the fact that there was no clarification of whom he was authorized to represent.

Ms. Feigel asked questions of Mr. Askew about legal representation for employees.  Mr. Askew responded.

The Council continued to discuss the motion.

Ms. Gorton asked a question about the date of Mr. Sellars' employment to Mr. Horn.  Mr. Horn and Mr. Lane responded.

Ms. Crosbie asked that the Dept. of Law provide the date that Mr. Sellars was hired and the date that he transitioned to representation of Mr. Sahli.

Mr. Ellinger made a motion, seconded by Ms. Feigel, to table the issue to the Council Work Session on Tuesday, August 31, 2010, in order to invite the Internal Audit Board, the Chair of the Internal Audit Board and Mr. Sellars to be in attendance for discussion.

The motion passed by a majority vote of 14-0 (Mr. Myers abstained when the vote was taken).

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Mr. Keith Horn, attorney for the Dept. of Law, stated his support of Mr. Bruce Sahli, Director of the Office of Internal Audit.

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Upon motion of Mr. Ellinger, seconded by Ms. Crosbie, and approved by unanimous vote, the meeting adjourned at 9:47 p.m.

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Clerk of the Urban County Council