Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   September 9, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on September 9, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members James, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, Gray, and Henson

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

Ordinances No. 139-2010 thru 155-2010 inclusive and Resolutions No. 433-2010 thru 471-2010 inclusive were reported as having been signed and published, and were ordered to record.

The Invocation was given by Rev. Kate West, Resident Chaplain, St. Joseph Hospital.

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Ms. Crosbie recognized the Dance Attack Competition Team and the Kiddie Kapers & Company Program, with the Div. of Parks and Recreation. The Dance Attack Competition Team was Regional Champion of the 2010 Talent on Parade at the Louisville Regional Competition, and National Champion at the 2010 Applause Talent National Dance Competition. Other awards received were: 2nd Place Trio Over all (“White Horse”), 3rd Place Overall Trio (“It’s All About Me”), 3rd Place Overall Small Group Junior Division (“Crazy Little Thing Called Love”), 2nd and 3rd Place Overall Junior Division Large Group (Purple Team), 2nd Place Overall Tap Dance Teen Division (Silver Team), Heat Wave Award (“Welcome to Miami” Silver Team), 1st Place Overall Small Group (Junior Division “Shake Your Groove Thing”), 1st Place Overall Teen Division Large Group (“Welcome to Miami” Silver Team), 1st Place Overall for Best of the Best (“Shake Your Groove Thing”).

Ms. Crosbie introduced Ms. Mindy Stone, Kiddie Kapers & Company Director, who spoke about the program. She introduced the Purple Team members in attendance: Bailey Hunsucker, Caitlyn Day, Courtney Dowd, Kaelyn Burke, Keirstyin Peyton, Leighanne Guettler-James, Lexie Glaser, and Maddie Digby. Not in attendance were: Allison Eckmann, Christina Allston, Claire Stacy, Danielle Norman, Emily Guildford, Kylie Baczkowski, Madelyn Clinch, Pasli Neal, and Rebekah Collins. She also introduced members of the Silver Team in attendance: Emily Holdren, Emily Malik, Erin Durham, Jaci Darling, Jordan Scholl, Karina Dowd, Savannah Adams, and Tori Fields. Not in attendance were: Callie Pendleton, Claybrooke Springer, Katherine Stucky, Madison Stacy and Presli Neal.

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Mr. Myers made a motion, seconded by Ms. Crosbie, and approved by unanimous vote, to amend the Council Meeting Docket to include a report-out from the Special Investigative Task Force, to be given before Announcements.

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

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

Nay: --0

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.

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.

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Upon motion of Mr. Blues, seconded by Ms. Henson, and approved by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken), an Ordinance amending Section 18A-1 of the Code of Ordinances, related to vehicles for hire, creating a definition for "temporary permit," and creating Section 18A-14.1 establishing the requirements for applying for a temporary permit was placed on the docket and given first reading.

Upon motion of Mr. Blues, seconded by Mr. Beard, the rules were suspended by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken).

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

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

Nay: --0
(Ms. Crosbie was absent when the vote was taken.)

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An Ordinance amending Section 21-27(b) of the Code of Ordinances to provide that employees in the Div. of Enterprise Solutions shall receive standby pay for any pay period during which said employee is required to be on twenty-four-hour standby status for the emergency servicing of computer equipment, and appropriating funds pursuant to Schedule No. 36 was given first reading.

Ms. James asked questions of Mr. Rama Dhuwaraha, Chief Information Officer, and Ms. Linda Rumpke, Commissioner of the Dept. of Finance and Administration, about whether other divisions were lacking a procedure for standby pay. Mr. Dhuwaraha and Ms. Rumpke responded.

Ms. Lawless also asked questions of Mr. Dhuwaraha and Ms. Rumpke.

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

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

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept an amended Grant award from the Ky. Div. for Air Quality, which Grant funds are in the increased amount of $204,947 Federal funds, are for the retrofit of refuse haulers, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 39, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Section 18-65.1(c) of the Code of Ordinances relating to parking meters to allow for signage for no parking tow zones, and creating Section 18-65.1(d) of the Code of Ordinances to authorize towing of vehicles parked at a meter or other designated paid parking spaces that have been covered with a bag or posted as restricted parking by authorization of the Lexington and Fayette County Parking Authority or the Div. of Police.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Administrative Specialist Principal, Grade 114E, and three (3) positions of Administrative Specialist, Grade 110N, ending two (2) years from the effective date of passage of this Ordinance, within the Div. of Water Quality.

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Upon motion of Mr. Stinnett, seconded by Mr. McChord, and approved by unanimous vote, 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. 38 was placed on the docket.

Ms. James asked a question about CDBG funds and whether a public hearing would be necessary in order to allocate those funds. Ms. Linda Rumpke, Commissioner of the Dept. of Finance and Administration, responded that a public hearing was not necessary because those particular funds can be shifted from one use to another within the same project.

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

* * *

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

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

Nay: --0
(Ms. Crosbie was absent when the vote was taken.)

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.

A Resolution approving the Fayette County Sheriff's Settlement - 2009 taxes, for taxes collected as of April 30, 2010, and granting the Sheriff a Quietus.

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The following resolutions were given first reading. Upon motion of Mr. Myers, seconded by Ms. Gorton, the rules were suspended by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken).

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

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

Nay: ---0
(Ms. Crosbie was absent when the vote was taken.)

A Resolution ratifying the Dept. of Law's execution, on behalf of the Urban County Government, of a Settlement Agreement, Stipulation, and Recommendation, and any other necessary documents, in Public Service Commission Case No. 2010-00204, pertaining to the transfer of control of Ky. Utilities Co.

A Resolution authorizing the Avon Golf Course to remain open until November 30, 2010.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Fraternal Order of Police, Bluegrass Lodge IV, Inc. ($250), and Firebrook Estates Homeowners Association, Inc. ($1,000), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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The following resolutions were given first reading. Upon motion of Mr. Myers, seconded by Ms. Gorton, the rules were suspended by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken).

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

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

Nay: James, Lawless--2
(Ms. Crosbie was absent when the vote was taken.)

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an extension to the Administrative Services Agreement with EyeMed Vision Care, for Group Vision Care Insurance covering active Urban County Government employees for the period beginning January 1, 2011 through December 31, 2011, at no cost to the Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an extension to the Administrative Services Contract with Delta Dental Plan of Ky., Inc., for administration of dental insurance plans, both Premier and PPO, covering active Urban County Government employees for the period January 1, 2011 to December 31, 2011.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute extensions to the Claim Payment Agreements for Platinum PPO, Gold PPO and Silver HDHP, with Humana Insurance Co. for the administration of health care claims for the period of January 1, 2011 through December 31, 2011.

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Upon motion of Mr. Martin, seconded by Ms. Feigel, and approved by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken), a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Internal Revenue Service, for reimbursement of joint operations was placed on the docket and given first reading.

Upon motion of Mr. Myers, seconded by Ms. Gorton, the rules were suspended by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken).

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

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

Nay: ---0
(Ms. Crosbie was absent when the vote was taken.)

* * *

Upon motion of Ms. Henson, seconded by Ms. Gorton, and approved by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken), a Resolution ratifying the probationary sworn appointments of: Harold Faulconer, Police Lieutenant, Grade 317E, $3,025.15 bi-weekly, in the Div. of Police, effective August 31, 2010; John Huddleston, Police Sergeant, Grade 315N, $28.588 hourly, in the Div. of Police, effective August 30, 2010 was placed on the docket and given first reading.

Upon motion of Mr. Myers, seconded by Ms. Gorton, the rules were suspended by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken).

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

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

Nay: ---0
(Ms. Crosbie was absent when the vote was taken.)

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Upon motion of Ms. Gorton, seconded by Mr. Myers, and approved by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken), a Resolution accepting the bid of Proforma Bluegrass Advertising Specialties, establishing a price contract for promotional magnets for the Div. of Waste Management was placed on the docket and given first reading.

Upon motion of Mr. Myers, seconded by Ms. Gorton, the rules were suspended by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken).

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

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

Nay: ---0
(Ms. Crosbie was absent when the vote was taken.)

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Upon motion of Ms. Gorton, seconded by Ms. Henson, and approved by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken), a Resolution accepting the bids of Orr Safety Corp. and Bluegrass Uniforms, Inc., establishing price contracts for breathing apparatus for the Div. of Fire and Emergency Services was placed on the docket and given first reading.

Upon motion of Mr. Myers, seconded by Ms. Gorton, the rules were suspended by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken).

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

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

Nay: ---0
(Ms. Crosbie was absent when the vote was taken.)

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Upon motion of Mr. Blues, seconded by Ms. Gorton, and approved by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken), a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Kroger Limited Partnership I to supply influenza vaccine and administer vaccinations to Lexington-Fayette Urban County Government employees, at a cost of eighteen dollars ($18) per employee for one thousand or more employees or twenty dollars ($20) per employee for less than one thousand employees, and at a cost not to exceed $43,350 was placed on the docket and given first reading.

Upon motion of Mr. Myers, seconded by Ms. Gorton, the rules were suspended by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken).

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

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

Nay: ---0
(Ms. Crosbie was absent when the vote was taken.)

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Upon motion of Mr. Blues, seconded by Ms. Gorton, and approved by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken), a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Drug Enforcement Administration, for continuation of the State and Local Task Force was placed on the docket and given first reading.

Upon motion of Mr. Myers, seconded by Ms. Gorton, the rules were suspended by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken).

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

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

Nay: ---0
(Ms. Crosbie was absent when the vote was taken.)

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Upon motion of Mr. McChord, seconded by Ms. Lawless, and approved by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken), a Resolution accepting the bid of Tennis Technology, Inc., in the amount of $113,653.00, for tennis court repair and color coat, for the Div. of Parks and Recreation was placed on the docket and given first reading.

Upon motion of Mr. Myers, seconded by Ms. Gorton, the rules were suspended by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken).

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

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

Nay: ---0
(Ms. Crosbie was absent when the vote was taken.)

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Upon motion of Mr. McChord, seconded by Ms. Henson, and approved by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken), a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the University of Ky., for assistance with traffic and crowd control, and reimbursement for UK football events was placed on the docket and given first reading.

Upon motion of Mr. Myers, seconded by Ms. Gorton, the rules were suspended by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken).

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

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

Nay: --0
(Ms. Crosbie was absent when the vote was taken.)

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Mr. Lane made a motion, seconded by Ms. Feigel, to place on the docket a Resolution postponing any final action by the Urban County Council on the Special Investigative Committee's final report until interested parties have an opportunity to submit written comments on the report and appear before the Council to make additional comments and answer questions from the Council. Mr. Lane added that the body of the Resolution included language stating that the interested parties should submit written comments on or before September 23, 2010, and appear at the Council Work Session on September 28, 2010.

Ms. Lawless stated her concerns about the motion.

Mr. Myers asked questions of Mr. Lane about the intention of the resolution. Mr. Lane responded.

The Council discussed the motion.

Ms. Gorton asked if Mr. Lane would consider changing the deadline in the motion to September 21, 2010 in light of the fact that no motions had been made in regards to the final report of the Special Investigative Task Force. Mr. Lane responded and declined to withdraw his motion.

The Council continued to discuss the motion.

Mr. Stinnett asked questions of Mr. Lane about the motion. Mr. Lane responded.

The Council continued to discuss the motion.

Ms. Gorton made a motion, seconded by Mr. Myers, to amend the proposed Resolution to include Mr. Bruce Sahli, Director of the Office of Internal Audit.

Mr. Lane stated his concerns about Ms. Gorton's motion.

Ms. Gorton's motion **passed** by a majority vote of 13-1 (Mr. Lane voted **no**, and Ms. Crosbie was absent when the vote was taken.)

Ms. Feigel asked questions of Mr. Myers regarding the report of the Special Investigative Committee. Mr. Myers responded.

Mr. Gray asked questions of Mr. Lane regarding his motion, and Mr. Beard regarding the timeline for the Special Investigative Committee. Mr. Lane and Mr. Beard responded. Mr. Myers also responded.

Mr. Lane's motion passed by a majority vote of 11-3 (Ms. James, Ms. Lawless, and Mr. Blues voted **no**, and Ms. Crosbie was absent when the vote was taken).

A Resolution postponing any final action by the Urban County Council on the Special Investigative Committee's final report until interested parties, including Bruce Sahli, Director of the Office of Internal Audit, have an opportunity to submit written comments on the report and appear before the Council to make additional comments and answer questions from the Council was given first reading.

Upon motion of Mr. Myers, seconded by Ms. Gorton, the rules were suspended by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken).

The resolution was given second reading.

Ms. Gorton and Ms. Lawless asked questions of Mr. Lane about the resolution. Mr. Lane responded.

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

Aye: Lane, Martin, McChord, Myers, Stinnett,
Beard, Ellinger, Feigel, Gorton, Gray,
Henson---11

Nay: James, Lawless, Blues----------------------------3
(Ms. Crosbie was absent when the vote was taken.)

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

A Resolution approving the Citizens' Advocate Professional Standards and Citizens' Advocate Policy and Procedures Manual.

A Resolution temporarily appointing Paula Campbell to the interim position of Acting Citizens' Advocate effective upon date of passage of this Resolution and continuing until a permanent appointment is made, and approving a ten percent (10%) salary increase.

A Resolution rescinding Resolution No. 168-2010, accepting the bid of ZKB Construction Services, LLC, in the amount of $100,000, for the installation and construction of sidewalk ramps, for the Div. of Engineering, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with ZKB Construction Services, LLC, related to the bid.

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 increased quantities of materials for the West Hickman Trail Project, increasing the contract price by the sum of $69,737.70 from $407,605.70 to $477,343.40.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the World Games 2010 Foundation, Inc., for products and services for the 2010 World Equestrian Games.

A Resolution approving and adopting Guidelines for the Community Energy Retrofit Program; authorizing Bluegrass PRIDE to issue a Funding Opportunity Announcement, to accept applications and to select recipients; and authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with successful applicants.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Bluegrass PRIDE, Inc., for additional Energy Efficiency and Conservation Block Grant funds in the amount of $57,000 for the purchase of educational materials and supplies, costs of travel in program management, and the purchase and installation of LED exit signs for the Community Energy Awareness Program.

A Resolution amending Section 2 of Resolution No. 282-2010 which authorized the Mayor, on behalf of the Urban County Government, to execute Agreements with various organizations, decreasing the allocation to Bluegrass Community Foundation, Inc., from $2,785 to $2,004 for the Office of the Urban County Council.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute additional Software License Agreement with New World Systems, for mobile unit software, at a cost not to exceed $4,246.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Addendums 1 and 2 to the Pole Attachment Agreement with Ky. Utilities, to attach radio nodes to utility poles.

A Resolution changing the street name of Hilo St. to Durman Dr. in memory of the late Officer Bryan J. Durman; effective thirty days from passage.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from the Ky. Div. of Emergency Management of 4 Moulage Kits ($1,754.08), 2 Rescue Randy Manikins ($2,697.52), and 29 Boxes of Wristbands ($1,943.00), for use by the Div. of Emergency Management/911, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Columbia Gas of Ky., for increased labor and materials for the relocation of utilities for the Clays Mill Rd. Improvement Project, increasing the contract price by the sum of $87,535.70 from $485,913.00 to $573,448.70.

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Upon motion of Ms. Henson, seconded by Ms. Gorton, and approved by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken), a Resolution ratifying the probationary civil service appointments of: Thomas D’Andrea, Enterprise Systems Developer Sr., Grade 118E, $2,039.77 bi-weekly, in the Div. of Enterprise Solutions, effective September 27, 2010; Debra Miller, Telecommunicator, Grade 111N, $16.977 hourly, in the Div. of Emergency Management/911, effective October 25, 2010; ratifying the permanent civil service appointments of: Christopher Doerge, GIS Programmer Analyst, Grade 117E, in the Div. of Computer Services, effective August 23, 2010; Robert Thomas, Custodial Worker, Grade 102N, in the Div. of Facilities and

Fleet Management, effective August 22, 2010; ratifying the probationary Community Corrections Officer appointments of: Dennis Barrows, Davion Benjamin, Charles Bradburn, Brian Brookshire, David Brumfield, Robin Carr, Terrica Cayson, Jamaica Charters, Harvey Cloyd, Stacie Cochran, Frederick Cotton, Michael Dixon, Shirlondda Dixon, Christopher Foote, Andrew Frederick, Michelle Gentry, Sarah Gerardi, Robert Graff, Eric Hindenrite, Kirk Hoffman, Douglas Jackson, Rhonda Keemle, Carolyn Keemle, Angela Martin, Beth Melton, Jason Payton, Joshua Puckett, Mia Reed, John Rheaume, Ron Robinson, Paula Roe, Eric Rumpler, John Rutkowitz, Don Salchi, Gregory Stewart, Clayton Stocker, Adam Tuska, Aaron Wagner, Peter Williams, Roger Williams, James York, Ryan Casteel, Michael Coleman, Jr., Fannie Cooley, David Dillon, Kelli Fee, Michael Harris, Chad May, Ryan Morrison, Betty Murray, Cassie Peters, Yetivia Wattenberger, Community Corrections Officer, Grade 110N, $14.34 hourly, in the Div. of Community Corrections, effective September 7, 2010; approving the unclassified civil service appointment of: Robert Sebring, Skilled Trades Worker P/T, Grade 000N, $20.769 hourly, in the Div. of Community Corrections, effective September 10, 2010 was placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

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Mr. Myers stated that the report of the Special Investigative Task Force had been distributed to the Council.

Mr. Myers asked the Council to consider the invoice from Judge Roger Crittenden, Counsel for the Special Investigative Task Force and for Mr. Myers in the law suit filed by the Internal Audit Board, and asked if the Council would approve Judge Crittenden's continued defense of Mr. Myers.

Ms. Lawless made a motion, seconded by Ms. Feigel, to place on the docket a Resolution authorizing the payment of legal fees incurred by Council Member Myers in connection with the litigation instituted by the Internal Audit Board and authorizing continued legal representation by Roger Crittenden.

Mr. Stinnett asked questions of Mr. Myers regarding the review of Judge Crittenden's legal bill. Mr. Myers responded. Mr. Logan Askew, Commissioner of the Dept. of Law, also responded to the questions.

Mr. Gray stated that it was within the jurisdiction of the Chair of the Special Investigative Task Force to review the legal bill of the Task Force's Counsel.

Ms. Gorton asked questions of Mr. Askew.

The Council continued to discuss the motion.

Ms. Lawless's motion passed by a majority vote of 13-0 (Mr. Myers recused himself and Ms. Crosbie was absent when the vote was taken.)

The resolution was given first reading. Upon motion of Ms. Lawless, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 10-3 (Mr. Lane, Mr. McChord, and Mr. Stinnett voted **no**, Mr. Myers recused himself, and Ms. Crosbie was absent when the vote was taken).

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

Aye: James, Lawless, Martin, Beard, Blues,
Ellinger, Feigel, Gorton, Gray, Henson-------10

Nay: Lane, McChord, Stinnett---------------------------3
(Mr. Myers recused himself, and Ms. Crosbie was absent when the vote was taken.)

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Chief Robert Hendricks, Div. of Fire and Emergency Services, stated that Firefighter Brian Harris has committed the offense of Being Late Reporting to Work in violation of KRS 95.450 (inefficiency, misconduct, insubordination or violation of law or rule) and Div. of Fire and Emergency Services Policy Statement 100.09: Tardy, Late, AWOL, in that on the 17th day of July, 2010, he was late reporting to work for an overtime assignment after failing to confirm receipt of said assignment by established methods. This late occurrence is subsequent to receiving a written reprimand for an AWOL offense in August 2009, and that the appropriate punishment for this conduct is a Written Reprimand.

Upon motion of Mr. Ellinger, seconded by Ms. Gorton, the disciplinary action was approved by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken.)

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Mr. Myers announced that the Gainesway Neighborhood Association pot luck dinner would be held on Sunday, September 12, 2010, from 3:00-5:00 p.m. in the green space on Willow Way and Armstrong Mill, and that he would be in attendance.

He also announced that the Leukemia and Lymphoma Light the Night Walk would be held on Saturday, September 11, 2010 beginning at 5:00 p.m. at the Robert F. Stephens Courthouse Plaza.

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Mr. Martin announced that on September 18, 2010 from 4:00-8:00 p.m. the Moon Celebration would be held at Moondance at Midnight Pass.

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Mr. McChord invited everyone to the Legacy Trail opening on Sunday, September 12, 2010. He thanked everyone who had worked on the project, and especially Mr. Keith Lovan, Div. of Engineering.

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Ms. James announced that the Roots and Heritage Festival would be held September 10-13, 2010, and that she would be the first black woman on the Council and the first to be Co-Grand Marshal of the Festival parade. She spoke about some of the scheduled events in the Festival.

Ms. James also remembered Coach S.T. Roach, whose funeral was held on September 8, 2010.

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Ms. Gorton announced that the Dog Paddle fundraiser would be held on September 11, 2010, by the Friends of the Dog Park at Woodland Aquatic Center.

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Mr. Beard asked a question of Mr. McChord about the times for the Legacy Trail opening on September 12, 2010. Mr. McChord responded that the ribbon-cutting ceremony would be at 3:00 p.m. at Coldstream.

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Mr. Gray announced that the Run to Remember would be held on Saturday, September 11, 2010, sponsored by the Div. of Fire and Emergency Services, to commemorate all those lost on September 11, 2001. Chief Robert Hendricks, Div. of Fire and Emergency Services, added additional information about the run.

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Mr. Bernard McCarthy, Harry Street, spoke about the renaming of streets, and about traffic congestion.

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Upon motion of Mr. Stinnett, seconded by Ms. Gorton, and approved by a majority vote of 14-0 (Ms. Crosbie was absent when the vote was taken), the meeting adjourned at 9:00 p.m.

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Clerk of the Urban County Council