Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky September 23, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on September 23, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, Gray, Henson and James.

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

Ordinances No. 156-2010 thru 159-2010 inclusive and Resolutions No. 472-2010 thru 492-2010 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky September 23, 2010

The Invocation was given by Rev. Dalene Vasbinder, Senior Minister, Woodland Christian Church

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

Nay: --0
(Mr. Martin and Ms. James were absent when the vote was taken.)

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.

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.

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.

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An Ordinance accepting the bid of Scheller's Fitness & Cycling, in the amount of $39,030 for fitness facility equipment, for the Div. of Police, and appropriating funds pursuant to Schedule No. 44 was given first reading.

Ms. Henson asked questions of Mr. Rick Curtis, Dept. of Public Safety, and Lieutenant Alan Martin, Div. of Police, regarding the fitness facility identified in the ordinance, and other fitness options available to Dept. of Public Safety employees.

Ms. Lawless asked questions of Mr. Curtis and Lieutenant Martin.

The ordinance was ordered placed on file until October 14, 2010 for public inspection.

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The following ordinances were given first reading and ordered placed on file until October 14, 2010 for public inspection.

An Ordinance changing the zone from a Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone, for 0.120 net (0.225 gross) acre, for property located at 165-167 Jefferson St.; and from a Neighborhood Business (B-1) zone to Planned Neighborhood Residential (R-3) zone, for 0.046 net (0.065 gross) acre, for property located at 163 Jefferson St., and requesting dimensional variances. (Lexington Home Ownership Commission, Inc. (AMD))

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of $250 from Columbia Gas Transmission, LLC for the Div. of Fire and Emergency Services, and appropriating funds pursuant to Schedule No. 41.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, to amend the amount of funds budgeted for the various items for the Fiber Optic Cable Installation Program for FY2008, at no cost to the Urban County Government, and appropriating funds pursuant to Schedule No. 42.

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. 43.

An Ordinance amending Subsection 13-5(a) of the Code of Ordinances, Lexington-Fayette Urban County Government, to add the word initial and the term if otherwise required; creating Subsection 13-6(L) of the Code to exempt individuals and sole proprietorships from payment of the annual minimum license fee after initial licensure if their reported gross income is $4,400 or less; amending Section 13-9 of the Code to clarify the application of the minimum license fee, to require payment each year by no later than the due date for the filing of net profit returns with licensure valid for the calendar year in which payment of the fee was submitted, and to delete the requirements of obtaining a separate license for each location and the posting of said licenses.

An Ordinance authorizing the issuance of Cultural and Recreational Revenue Refunding Bonds, Series 2010A (Centenary United Methodist Church Project), in the authorized principal amount of $2,400,000 (the "Series 2010A Bond") and Cultural and Recreational Revenue Refunding Bonds, Series 2010B (Centenary United Methodist Church Project), in the authorized principal amount of $1,100,000 (the "Series 2010B Bond") of the Lexington-Fayette Urban County Government, the proceeds of which shall be loaned to Centenary United Methodist Church, Inc. to finance the cost of the following: (I) Series 2010B Bond shall be used to refinance outstanding debt, including penalties and/or premiums, the proceeds of which were used to construct, install, renovate and equip certain capital improvements to the facilities of Centenary United Methodist Church, Inc., located at 2800 Tates Creek Rd., Lexington, Ky. 40502 (the "Main Campus"), including without limitation the construction of the Foundry, which consists of a Multi-Purpose Room used for fellowship and various instructional, cultural and recreational programs, and the installation of a new roof on the Main Campus, excluding, however, the Foundry, Sanctuary and Chapel; (II) Series 2010A Bond shall be used to refinance outstanding debt, including penalties and/or premiums, the proceeds of which were used to acquire approximately 100 acres located at 4701 Athens Boonesboro Rd., Lexington, Ky. 40509, which is used for athletic and recreational programs; and (III) to pay costs and expenses of issuance related to the foregoing, providing for the pledge of revenues for the payment of such Bonds, authorizing a Bond Purchase Agreement and a Loan Agreement appropriate for the protection and disposition of such revenues and to further secure such Bonds; recognizing the Bonds as qualified tax exempt obligations under I.R.C. §265(b)(3)(G) (i) and (ii); and authorizing other actions in connection with the issuance of such Bonds.

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

Aye: Lane, Lawless, McChord, Myers, Stinnett,
Beard, Blues, Crosbie, Ellinger, Feigel,
Gorton, Henson---12

Nay: ---0
(Mr. Martin, Mr. Gray, and Ms. James were absent when the vote was taken.)

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.

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 Work P/T, Grade 000N, $20.769 hourly, in the Div. of Community Corrections, effective September 10, 2010.

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The following resolutions were given first reading. Upon motion of Mr. Blues, seconded by Mr. Myers, the rules were suspended by unanimous vote.

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

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

Nay: --0

A Resolution accepting the bid of Hydromax USA, LLC, establishing a price contract in the amount of $2,934,316.40, subject to actual units purchased, for the SSA Group 2/3 Sewershed Field Activities/ Field Services - Contract 3, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Hydromax USA, LLC, related to the bid.

A Resolution ratifying the probationary civil service appointments of: Phillina Wingate, Telecommunicator Sr., Grade 113N, $16.643 hourly, in the Div. of Emergency Management/911, effective October 25, 2010; Christopher Peters, Maintenance Mechanic, Grade 113N, $17.446 hourly, in the Div. of Water Quality, effective September 27, 2010; Winona Embry, Payroll Analyst, Grade 115E, $1,760.96 bi-weekly, in the Div. of Human Resources, effective September 27, 2010; Robin Adams, Staff Assistant Sr., Grade 108N, $17.631 hourly, in the Div. of Revenue, effective September 27, 2010; Jennetha Murphy, Staff Assistant Sr., Grade 108N, $11.592 hourly, in the Div. of Waste Management, effective October 18, 2010; ratifying the probationary sworn appointments of: Eric Hobson, Joshua Yahr, Eric McCrickard, Police Sergeant, Grade 315N, $2,287.08 bi-weekly, in the Div. of Police, effective September 27, 2010; approving the unclassified civil service appointment of: Diane Woods, Life Skills Program Instructor, Grade 110N, $20.194 hourly, in the Div. of Family Services, effective October 18, 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Fayette County Public Schools, for operation of the National School Lunch Program at the Family Care Center and Day Treatment Center, at a cost not to exceed $1.50 for each breakfast, $2.75 for each lunch, and $0.75 for each snack.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the loan of 125 Handheld Two-Way Radios from the Harris Corp., for use during the 2010 World Equestrian Games and Spotlight Lexington, 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 the Professional Services Agreement with the University of Ky. Research Foundation (Resolution No. 160-2010), for Archaeological Monitoring for the Main St. Streetscape Improvements Project (Phase A), for the Div. of Historic Preservation, 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 the Professional Services Agreement with the University of Ky. Research Foundation (Resolution No. 249-2010), for Archaeological Monitoring for the Main St. Streetscape Improvements Project (Phase B), for the Div. of Historic Preservation, 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 the Professional Services Agreement with the University of Ky. Research Foundation, for Archaeological Monitoring for the Vine St. Streetscape Improvements Project (Phase B), for the Div. of Historic Preservation, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Statement of Work Agreement with VeBridge, for installation and configuration of Hyland's Enterprise Document Management System, for the Div. of Water Quality, at a cost not to exceed $53,800.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Bryan Station High School PTSA, Inc. ($875), NAMI Lexington, Inc. ($800), Bryan Station High School PTSA, Inc. ($500), Ky. Humanities Council, Inc. ($725), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding and a Contract Agreement with Green Roofs for Healthy Cities - North America, Inc., for provision of professional services for a Green Roof symposium, at a cost not to exceed $15,000.

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A Resolution initiating a Zoning Ordinance text amendment to repeal Article 20 of the Zoning Ordinance related to erosion and sediment control was given first reading.

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

The resolution was given second reading.

Mr. Martin asked a question of Mr. Logan Askew, Commissioner of the Dept. of Law, and Ms. Susan Bush, Acting Commissioner of the Dept. of Environmental Quality about the resolution. Ms. Bush and Mr. Askew responded with clarification about the intent of the resolution.

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

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

Nay: --0

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Upon motion of Mr. Stinnett, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with World Games 2010 Foundation, Inc., for reimbursement of reasonable fire overtime expenses for services at the World Equestrian Games up to $373,700 was placed on the docket.

Ms. Crosbie asked questions of Mr. Stinnett regarding the resolution. Mr. Stinnett and the Mayor responded.

Mr. Gray asked questions of Mr. Stinnett regarding the resolution.

The resolution was given first reading. Upon motion of Mr. Blues, seconded by Mr. Myers, the rules were suspended by unanimous vote.

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

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

Nay: --0

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Upon motion of Mr. Stinnett, seconded by Mr. McChord, and approved by unanimous vote, a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with World Games 2010 Foundation, Inc., for reimbursement of reasonable police overtime expenses for services at the World Equestrian Games up to $336,380 was placed on the docket.

Ms. James asked questions of Mr. Rick Curtis, Dept. of Public Safety, regarding the timeline for reimbursement for overtime expenses. Mr. Curtis responded.

Ms. Crosbie asked questions of the Mayor regarding the resolution.

Mr. Gray asked questions of the Mayor and of Mr. Logan Askew, Commissioner of the Dept. of Law, regarding the Agreement associated with the resolution. Mr. Stinnett also clarified.

The resolution was given first reading. Upon motion of Mr. Blues, seconded by Mr. Myers, the rules were suspended by unanimous vote.

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

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

Nay: ---0

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Upon motion of Mr. McChord, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Drug Enforcement Administration, for the Tactical Diversion Task Force was placed on the docket and given first reading.

Upon motion of Mr. McChord, seconded by Mr. Ellinger, the rules were suspended by unanimous vote.

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

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

Nay: ---0

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Mr. Myers made a motion, seconded by Ms. James, that 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 be removed from the table and placed on the docket for first reading, and that it be amended to include the two changes recommended by the Committee of the Whole at its September 21, 2010 meeting.

Ms. Feigel stated her concerns regarding the motion.

Mr. Lane made a motion to amend Mr. Myer's motion to maintain having seven Councilmembers on each committee, to have six council committees instead of seven as has been proposed, to maintain the Work Session two times per month rather than Committee of the Whole meetings, and that the Committee of the Whole would review the new structure and recommend any necessary modifications prior to June 30, 2011, after an implementation date of January 1, 2011.

Ms. Gorton called for a point of order clarifying the motion. She stated that Mr. Lane's motion was not in order at that time as the resolution had not yet been removed from the table. The Mayor agreed.

Mr. Myers responded to several points made by Mr. Lane.

Mr. Beard asked questions of Mr. Myers about the process for the resolution. Mr. Myers responded.

Mr. Myers' motion **passed** by a majority vote of 10-5 (Lane, Martin, McChord, Beard and Feigel voted **no**).

Mr. Lane asked for a point of order as to whether the original resolution or the amended resolution was to be given first reading. The Mayor responded with his understanding of the motion. Mr. Myers clarified that it would be the amended resolution to be given first reading.

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 3.103 to provide that councilmembers may introduce legislation at any meeting of the Urban County Council; 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 given first reading.

Mr. Myers clarified the new amendments to the resolution.

Mr. Myers made a motion, seconded by Ms. James, to amend the resolution to change the number of committees from eight to seven and to combine the Public Safety committee with the Public Works committee.

Mr. Stinnett asked questions of Mr. Myers about the motion.

The Council discussed the motion.

Mr. Lane suggested an amendment to reevaluate the restructuring by June 30, 2011 and to make any necessary changes. Mr. Myers and Ms. James accepted the friendly amendment.

The Council continued to discuss the motion.

Ms. Lawless suggested an amendment to the motion to require that all council members to serve on at least three committees. Mr. Myers and Ms. James accepted the friendly amendment.

The Council continued to discuss the motion.

Ms. James stated that she had verified with the Law Dept. that the resolution already included a requirement for council members to serve on at least three committees.

The Council continued to discuss the motion.

Mr. Gray asked a question about the procedure for setting the agenda for a committee of the whole work session. The Mayor responded.

Mr. Myers' motion, seconded by Ms. James, to amend the resolution to change the number of committees from eight to seven, to combine the Public Safety committee with the Public Works committee, and to reevaluate the restructuring by June 30, 2011 and to make any necessary changes, **passed** by a majority vote of 10-5 (Lane, McChord, Stinnett, Beard and Feigel voted **no**).

The Mayor asked the Dept. of Law whether the amendments constituted a material change and would require a new first reading of the resolution. Ms. Susan Lamb, Clerk of the Urban County Council, responded that it would require a new first reading.

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 3.103 to provide that councilmembers may introduce legislation at any meeting of the Urban County Council; 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; and to provide for a review of the restructuring prior to June 30, 2011, effective January 1, 2011 was given first reading as amended and ordered placed on file until October 14, 2010 for public inspection.

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A Resolution specifying the intention of the Urban County Council to expand and extend the Full Urban Services District #1 to provide street lighting, street cleaning and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these services in this area, which area is defined as certain properties on the following streets: Blackhorse Ln., Georgetown St., Goodpaster Way, Lakewood Dr., McConnells Trace, New River Place, Orchard Grass Rd., Patchen Wilkes Dr., Pokeberry Park, Polo Club Blvd., Polo Club Ln., Rain Garden Way, Real Quiet Ln., Sand Lake Dr., Sewanee Ln., Shaker Run Circle, Sorrell Way, Sunningdale Dr., Sweet Clover Ln., and Toll Gate Rd. was given first reading.

Ms. Feigel asked a question of Mr. George Milligan, who was representing the Dept. of Public Works and Development, about the extension of the Urban Services District to include a street in her district.

Mr. Milligan responded that he would provide the information to Ms. Feigel.

The resolution was ordered placed on file until October 14, 2010 for public inspection.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Hustonville, LLC, for a Halloween event at Jacobson Park, September 23, 2011 through October 31, 2011 was given first reading.

Ms. Crosbie asked a question of Ms. Kimra Cole, Commissioner of the Dept. of General Services, regarding the timeframe for the Agreement. Ms. Cole responded.

The resolution was ordered placed on file until October 14, 2010 for public inspection.

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A Resolution authorizing the Div. of Streets, Roads and Forestry to purchase a "Mr. Manhole" replacement cutter package and repair parts, from Critex, LLC, a sole source provider, at a cost not to exceed $30,000 was given first reading.

Mr. Beard asked a question of Mr. George Milligan, who was representing the Dept. of Public Works and Development, regarding the equipment in the resolution. Mr. Milligan responded.

The resolution was ordered placed on file until October 14, 2010 for public inspection.

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The following resolutions were given first reading and ordered placed on file until October 14, 2010 for public inspection.

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

A Resolution accepting the bid of Paul Miller Ford, Inc., establishing a price contract for reflective vehicle decals, for the Div. of Police.

A Resolution accepting the bids of Vulcan Materials Co. and Lexington Quarry Co., establishing price contracts for rock, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Brock McVey Co., establishing a price contract for central air filters, for the Div. of Community Corrections.

A Resolution accepting the bids of KOI Auto Parts; B.W. Rogers, Co. (Fluid Power Products Div.); Applied Industrial Technologies, Inc.; Superior Hose & Fittings, Inc.; General Parts, Inc.; and Power Train of Ky., establishing price contracts for hydraulic hose fittings, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of S & S Truck Tire Center, establishing a price contract for truck tire re-treading, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Polydyne, Inc. and Atlanco, establishing price contracts for Polymer Flocculants, for the Div. of Water Quality.

A Resolution accepting the bid of Radio Communications Systems, Inc. d/b/a RCS Communications, establishing a price contract for communication system and component maintenance, for the Div. of Police.

A Resolution accepting the bids of Dixon Electric, Inc.; Hills Electric, LLC; Davis H. Elliott Construction Co., Inc.; and Arrow Electric Co.; establishing price contracts for underground electrical service installation, for the Div. of Parks and Recreation.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #3 to provide garbage and refuse collection; finding a need for this service in the area included; finding the ability of the Urban County Government to provide this service in the area, which area is defined as certain properties on the following streets: Bracktown Rd., Bradley Ln., Leestown Rd., Standish Way, and Winston Ave.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #5 to provide street lighting and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these services in this area, which area is defined as certain properties on the following streets: Athenia Dr., Branchwood Place, Hildeen Dr., John Alden Ln., Monticello Blvd., Plymouth Rock Ct., Rebecca Dr., and Wallingford Dr.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3 to the Contract with Woodall Construction Co., Inc., for the Southend Park Temporary Housing Development for the Newtown Pike Extension Project, decreasing the contract price by the sum of $50,181.91 from $834,755.83 to $784,573.92.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bluegrass Regional Mental Health-Mental Retardation Board, Inc., d/b/a Comprehensive Care Center, for mental health services for inmates at the Detention Center, at a cost not to exceed $834,755.68.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Amy Slatin, 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 an Agreement with U.S. Geological Survey, for the continuing and ongoing maintenance and operation of existing stream flow and precipitation gauges, at a cost not to exceed $67,680.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Healthway Trail Project through June 30, 2011, at no cost to the Urban County Government.

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 359 E. Third St. and 950 Whitney Ave.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Bluegrass State Games, Inc., for organization and execution of the Bluegrass State Games, at a cost not to exceed $52,500.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Free Contracting, for the Solid Waste Facility Expansion, decreasing the contract price by the sum of $69,051.64 from $1,208,101.20 to $1,146,142.36.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract for Like Kind Exchange with Big Ass Fans, Inc., for Isis Fans in exchange for admission and participation fees, in the Div. of Parks and Recreation.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Utilities Co., for electric service, for the Limestone Streetscape Project, at a cost not to exceed $31,920.24.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 12 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 $37,850.00 $6,576,501.51 to $6,614,351.51.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to transfer property and temporary construction easements to the Ky. Transportation Cabinet and to execute Certificates of Consideration and any other necessary documents for the widening of Leestown Rd. along the south side of Leestown Rd. in the vicinity of the Bracktown Rd. intersection, at no cost to the Urban County Government.

* * *

Upon motion of Mr. Beard, seconded by Ms. James, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Ms. Sandra Cowan to the Commission for Citizens with Disabilities, with a term to expire 1-1-2011. Ms. Cowan will fill the unexpired term of Mr. David Hartsek; (2) Recommending the reappointment of Ms. Mary Wathen to the Convention and Visitors Bureau Board of Directors, with a term to expire 9-9-2012; and (3) Recommending the appointments of Mr. Timothy Davis and Mr. Gene Travers to the Explorium Board, with terms to expire 7-1-2012.

* * *

Ms. Lawless reminded everyone about the events and street closings going on in conjunction with Spotlight Lexington, and stated that information was available online at www.lexingtonky.gov.

* * *

Ms. Lawless stated that the WGPL Neighborhood Association Picnic would take place on Saturday, September 25, 2010 at 2:00 p.m. at the end of Goodrich Ave.

* * *

Ms. Lawless thanked all employees for their work with the World Equestrian Games, and especially thanked Ms. Susan Bush, Acting Commissioner of the Dept. of Environmental Quality and Mr. Steve Feese, Director of the Div. of Waste Management for taking care of a garbage pickup issue downtown.

* * *

Ms. Lawless asked a question about whether Mr. George Milligan, who was representing the Dept. of Public Works and Development, had been appointed by

Council. The Mayor and Ms. Kimra Cole, Commissioner of the Dept. of General Services, responded.

Ms. Lawless asked Ms. Susan Lamb, Clerk of the Urban County Council, to check the record to determine when Mr. George Milligan was appointed by the Council.

* * *

Ms. Crosbie stated that the American Farmland Trust holds a contest each year wherein customers vote on top farmers' markets. The Bluegrass Farmers' Market was voted number one in Kentucky by its customers, and came in twentieth in the Small Market Class in the United States.

* * *

Ms. Crosbie mentioned that a constituent had experienced difficulty in claiming a prize associated with Spotlight Lexington. The Mayor stated that he would pass on the message to Ms. Krista Greathouse, Administrative Aide to the Mayor.

* * *

Ms. Lawless asked a question about the budget for Spotlight Lexington, and whether the Council had access to the information. Ms. Shaye Raybold, Chief of Staff to the Mayor's Office, responded with information about the accounting. Ms. Rabold also mentioned that she could be contacted along with Ms. Greathouse with questions about Spotlight Lexington.

* * *

Mr. Blues made a motion, seconded by Mr. Martin, and approved by unanimous vote, to go into Closed Session pursuant to KRS 61.818(1)(c) for the purpose of discussing pending litigation.

* * *

The Council returned at 8:50 p.m. with the same members present.

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Upon motion of Mr. Blues, seconded by Mr. Martin, and approved by unanimous vote, the Council returned to Open Session.

* * *

Upon motion of Mr. Myers, seconded by Ms. Crosbie, and approved by unanimous vote, the meeting adjourned at 8:51 p.m.

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Clerk of the Urban County Council