

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky November 11, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 11, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Stinnett, Beard, Blues, Crosbie, Ellinger, Gorton, Gray, Henson, James, Lane, Lawless, Martin and McChord. Absent were Council Members Myers and Feigel.

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

Ordinances No. 172-2010 thru 188-2010 inclusive and Resolutions No. 553-2010 thru 581-2010 inclusive were reported as having been signed and published, and were ordered to record.

# Lexington-Fayette Urban County Government Council Meeting

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In honor of Veterans Day, a moment of silence was observed in place of an Invocation.

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Upon motion of Ms. Gorton, seconded by Ms. Henson, the minutes of the September 9 and 23, 2010 meetings were approved by unanimous vote.

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

Aye: Stinnett, Beard, Blues, Crosbie, Ellinger,  
Gorton, Gray, Henson, James, Lane,  
Lawless, Martin, McChord-----13

Nay: -----0

An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone for 0.37 net (0.44 gross) acre, for property located at 604-606 S. Broadway, including dimensional variances (Milling Properties, LLC).

An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a High Density Apartment (R-4) zone for 1.16 net (1.65 gross) acres, for property located at 3773-3789 Belleau Wood Dr., subject to certain use restrictions imposed as conditions of granting the zone change, including a conditional use permit (Sayre Christian Village).

An Ordinance amending Section 8 of Ordinance No. 96-2010 to correct a typographical error which inadvertently omitted Family Child Care from the list of accessory uses permitted in a Single Family Residential (R-1A) zone.

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An Ordinance designating Lexington, Fayette County, Ky. as a Recovery Zone for purposes of §§1400U-1 through 1400U-3 of the Internal Revenue Code of 1986, as amended, and approving other matters related thereto was given first reading.

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

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

Aye: Stinnett, Beard, Blues, Crosbie, Ellinger,  
Gorton, Gray, Henson, James, Lane,  
Lawless, Martin, McChord-----13

Nay: -----0

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

An Ordinance accepting the bid of Solar Technology, Inc., in the amount of \$38,140 for a solar powered incident response sign/trailer, for the Div. of Emergency Management/911, and appropriating funds pursuant to Schedule No. 68.

An Ordinance repealing Section 5-31 of the Code of Ordinances relating to installation of street trees; and amending Section 17b-8 to require removal of any plant growth that masks potential defects of street trees.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. of Emergency Management, 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 \$13,184.50 Commonwealth of Ky. funds, are for the purchase of equipment for the Urban Search and Rescue Program and the Dive/Water Rescue Program, for the Div. of Fire and Emergency Services, the acceptance of which obligates the Urban County Government for the expenditure of \$13,184.50 as a local match, appropriating funds pursuant to Schedule No. 58, 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 accept a Grant from the PNC Foundation, which Grant funds are in the amount of \$40,000, are for a financial literacy campaign targeted to low-income Census tracts, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 59, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with ATS Construction, for city street

resurfacing, increasing the contract price by the sum of \$2,490,000 from \$1,700,000 to \$4,190,000, and appropriating funds pursuant to Schedule No. 60.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Office of Homeland Security, 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 \$76,321 Federal funds, are for upgrades for the Div. of Police Hazardous Devices Unit's robot, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 61, 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 accept five (5) Grants from the Ky. Office of Homeland Security, which Grant funds are in the amount of \$337,700 Federal funds under the 2010 State Homeland Security Grant Program, are for the Public Safety Dive Team (\$113,500), the purchase of portable radios (\$69,400), the purchase of equipment for the Hazardous Devices Unit (\$116,500), the purchase of CBRNE equipment (\$20,300), and the purchase of an acoustical listening device for the Urban Rescue Team (\$18,000), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 62, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of its Various Purpose General Obligation Public Projects Bonds, Series 2010, in one or more subseries, in an aggregate principal amount not to exceed \$21,500,000; approving a form of Bond; authorizing designated officers to execute and deliver the Bonds; authorizing and directing the filing of notice with the State Local Debt Officer; providing for the payment and security of the Bonds; creating a Bond Payment Fund; creating a Sinking Fund; authorizing acceptance of the bid of the bond purchaser of the Bonds; and repealing inconsistent ordinances.

An Ordinance of Lexington-Fayette Urban County Government authorizing the issuance of Lexington-Fayette Urban County Government Various Purpose General

Obligation Refunding Bonds, Series 2010, in one or more subseries, in an aggregate principal amount not to exceed \$9,000,000 to advance refund (I) all or a portion of the outstanding principal amount of the Lexington-Fayette Urban County Government General Obligation Bonds, Series 2001B, the proceeds of which were used to finance the costs of establishing and implementing a Program to preserve and manage agricultural, rural and natural lands, including the purchase of Conservation Easements or Development Rights and (II) all or a portion of the outstanding principal amount of Lexington-Fayette Urban County Government General Obligation Bonds, Series 2002C, the proceeds of which were used to finance construction of a four-lane boulevard and improvements to storm and surface water collection, drainage and control facilities; approving a form of Bond; authorizing designated officers to execute and deliver the Bonds; providing for the payment and security of the Bonds; creating a Bond Payment Fund and Escrow Funds; maintaining the heretofore established Sinking Fund; authorizing acceptance of the bid of the Bond purchaser for the purchase of the Bonds; authorizing an Escrow Trust Agreement; and repealing inconsistent ordinances.

An Ordinance amending Section 5-32 of the Code of Ordinances of the Lexington-Fayette Urban County Government to adopt the fees established in 815 KAR 8:070; all effective on January 1, 2011.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of \$175,000 Commonwealth of Ky. funds, are for improvements to the Regional 911 System, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 63, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Engineering Technician Principal, Grade 115E, one (1) position of Environmental Inspector, Grade 113N, one (1) position of Engineering Technician, Grade 111N, and two (2) positions of Environmental Inspector II, Grade 117E, all in the Div. of Water Quality; abolishing one (1) position of Risk Management Analyst, Grade 115E, in the Div. of Risk Management and creating one (1) position of Risk

Management Analyst, Grade 115E, in the Dept. of General Services; transferring the incumbent; creating one (1) position of Environmental Enforcement Specialist, Grade 115E, in the Div. of Environmental Policy; creating one (1) position of Custodial Worker, Grade 102N, in the Div. of Facilities and Fleet Management; abolishing two (2) positions of Communications Officer Part-Time, Grade 111N, in the Div. of Police; and creating one (1) position of Commodity Marketing Manager, Grade 115E, in the Div. of Waste Management; and amending Section 22-5(2) of the Code of Ordinances abolishing two (2) positions of Custodial Worker P/T, Grade 102N, in the Div. of Facilities and Fleet Management; effective retroactive to June 21, 2010; and appropriating funds pursuant to Schedule No. 64.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept from the Institution of Fire Engineers, smoke alarms and drill sets (valued at \$3,200) for participation in an Integrated Risk Management Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and appropriating funds pursuant to Schedule No. 65.

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of \$307,896.50 Federal funds, for continuation of the Metropolitan Medical Response System (MMRS) Project, appropriating funds pursuant to Schedule No. 66, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 67.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$4,500 in the Div. of Engineering from Fund Balance/Council Capital Funds for the Maxwell St. Bike and Pedestrian Project, and appropriating and re-appropriating funds, Schedule No. 69.

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A Resolution authorizing and granting authority to the Div. of Police to administer the Secured by Design Program was given second reading.

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

Aye: Stinnett, Beard, Blues, Crosbie, Ellinger,  
Gorton, Gray, Henson, Lane, Lawless,  
Martin, McChord-----12

Nay: James-----1

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

Aye: Stinnett, Beard, Blues, Crosbie, Ellinger,  
Gorton, Gray, Henson, James, Lane,  
Lawless, Martin, McChord-----13

Nay: -----0

A Resolution accepting the bid of Bluegrass Towing, Inc., establishing a price contract for towing of LFUCG vehicles, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of American Fire & Security, LLC establishing a price contract for Fire Alarm Monitoring & Maintenance, for the Div. of Facilities and Fleet Management.

A Resolution ratifying the probationary civil service appointments of: Anthony King, Public Service Supervisor Sr., Grade 114E, \$2,046.08 bi-weekly, in the Div. of Streets, Roads and Forestry, effective October 25, 2010; Crystal Mundy, Administrative Specialist, Grade 110N, \$16.090 hourly, in the Div. of Purchasing, effective October 25, 2010; Phyllis Cooper, Director of Accounting, Grade 121E, \$3,365.38 bi-weekly, in the Div. of Accounting, effective November 15, 2010; approving the unclassified civil service appointment of: Michael White, Equipment Operator Sr. P/T, Grade 109N, \$12.31 hourly, in the Div. of Family Services, effective October 25, 2010.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Contract with Claunch Construction LLC, for Shillito Park Paved Trail, increasing the contract price by the sum of \$11,961 from \$959,562 to \$971,523.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with CDP Engineers, Inc., for Veterans Mountain Bike Trail Design, increasing the contract price by the sum of \$2,107.50 from \$22,354.00 to \$24,461.50.

A Resolution amending Section 4.506 of Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council, exempting the Planning Commission and Board of Adjustment from the general term limit restriction for appointment to boards, agencies and commissions.

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

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

Aye: Stinnett, Beard, Blues, Crosbie, Ellinger,  
Gorton, Gray, Henson, James, Lane,  
Lawless, Martin, McChord-----13

Nay: -----0

A Resolution of the Lexington-Fayette Urban County Government authorizing the advertisement for bids and the distribution of a Preliminary Official Statement for the purchase of the principal amount of its (I) Various Purpose General Obligation Public Projects Bonds to be issued in one or more subseries in an aggregate principal amount not to exceed \$21,500,000; and (II) Various Purpose General Obligation Refunding Bonds, Series 2010, to be issued in one or more subseries in a principal amount not to exceed \$9,000,000.

A Resolution accepting the response of Paladin, Inc., to RFP No. 43-2010 for Energy Assessment Retrofits at the Dunbar and Black & Williams Community Centers using Energy Efficiency and Conservation Block Grant funding, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Paladin, Inc., at a cost not to exceed \$65,010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Woodall Construction, Inc., for \$3,769.14, for the Meadows/Northland/Arlington Public Improvements, Design Phase 3C, increasing the contract price by the sum of \$3,769.14 from \$564,965.00 to \$568,734.14.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of a sanitary sewer easement on property located at 3598 Rabbits Foot Trail.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Agape Theatre Troupe, Inc. (\$500), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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A Resolution ratifying the probationary civil service appointments of: Elaine Dionne, Accountant, Grade 113E, \$1,743.44 bi-weekly, in the Div. of Revenue, effective October 25, 2010, Dennis Hoelzer, Public Service Worker Sr., Grade 107N, \$14.444 hourly, in the Div. of Water Quality, effective November 22, 2010, William Dixon, Public Service Worker Sr., Grade 107N, \$11.557 hourly, in the Div. of Water Quality, effective November 22, 2010, Jessica Williams, Budget Analyst, Grade 115E, \$1,769.07 bi-weekly, in the Div. of Budgeting, effective November 25, 2010, Brandon Dunstan, Graphic Designer, Grade 111N, \$16.464 hourly, in the Div. of Government Communications, effective September 27, 2010, Nelson Wright, Electrical Instrumentation Technician, Grade 113N, \$20.000 hourly, in the Div. of Waste Management, effective November 22, 2010, Cynthia Schuster, Administrative Officer Sr., Grade 120E, \$3,076.92 bi-weekly, in the Dept. of Finance and Administration, effective November 22, 2010, Stephen Mulligan, Finance & Investment Analyst, Grade 116E, \$1,843.44 bi-weekly, in the Dept. of Finance and Administration, effective November 15, 2010, Andrew German, Trades Worker Sr., Grade 109N, \$18.129 hourly, in the Div. of Streets, Roads and Forestry, effective November 15, 2010, Neal Martin, Trades Worker Sr., Grade 109N, \$17.763 hourly, in the Div. of Streets, Roads and Forestry, effective November 22, 2010, Nicole Arnett, Telecommunicator, Grade 111N, \$14.167 hourly, in the Div. of Emergency Management/911, effective November 22, 2010, Tamera Tipton, Telecommunicator Sr., Grade 113N, \$18.074 hourly, in the Div. of Emergency Management/911, effective November 22, 2010, Robert Bolson, Telecommunicator Sr., Grade 113N, \$17.602 hourly, in the Div. of Emergency Management/911, effective November 22, 2010, Johnas Newsome, Telecommunicator, Grade 111N, \$13.754 hourly, in the Div. of Emergency Management/911, effective November 29, 2010, Clarence Burnett, Equipment Operator Sr., Grade 111N, \$18.851 hourly, in the Div. of Waste Management, effective November 22, 2010, Gordon Gilliam, Equipment Operator Sr., Grade 111N, \$18.129 hourly, in the Div. of Waste Management, effective November 22, 2010, Liana Martin, Enterprise Systems

Developer, Grade 116E, \$2,192.76 bi-weekly, in the Div. of Enterprise Solutions, effective November 8, 2010, Dennis Bevels, Custodial Worker, Grade 102N, \$11.687 hourly, in the Div. of Facilities and Fleet Management, effective November 22, 2010; ratifying the probationary sworn appointments of: Robert Littrell, Fire Major, Grade 318E, \$3,521.79 bi-weekly, in the Div. of Fire and Emergency Services, effective October 13, 2010, Roger D. Smith, Fire Captain, Grade 316N, \$23.039 hourly, in the Div. of Fire and Emergency Services, effective October 13, 2010, Kelly Smith, Fire Lieutenant, Grade 315N, \$17.786 hourly, in the Div. of Fire and Emergency Services, effective October 13, 2010, Clifford Boyd, Fire Major, Grade 318E, \$3,521.79 bi-weekly, in the Div. of Fire and Emergency Services, effective October 25, 2010, Arthur Ashley, Fire Captain, Grade 316N, \$1,843.12 bi-weekly, in the Div. of Fire and Emergency Services, effective October 25, 2010, William Heselschwerdt, Randall Patterson, Fire Lieutenant, Grade 315N, \$1,422.88 bi-weekly, in the Div. of Fire and Emergency Services, effective October 25, 2010, Bryan Jared, Police Sergeant, Grade 315N, \$2,287.08 bi-weekly, in the Div. of Police, effective November 15, 2010; approving the permanent Community Corrections Officer appointment of: Jamie Conover, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 28, 2010; approving the unclassified civil service appointments of: Kenneth Brown, Child Care Program Aide P/T, Grade 107N, \$11.653 hourly, in the Div. of Family Services, effective November 22, 2010, Carissa Kelsey, Family Support Worker Sr., Grade 112N, \$16.884 hourly, in the Div. of Family Services, effective November 29, 2010, Harry Montgomery, Landfill Inspector P/T, Grade 108N, \$11.706 hourly, in the Div. of Waste Management, effective November 22, 2010 was given first reading.

Mr. Gray asked that more information be provided about the appointments listed in the resolution before the next Council meeting.

The resolution was ordered placed on file one week for public inspection.

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

A Resolution accepting the bid of R & B Cleaning Service, establishing a price contract for Custodial Services - Day Treatment Facility, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of R & L Cleaning Service, establishing a price contract for Custodial Services - Waste Management, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Clarke Power Service, establishing a price contract for Synthetic Transmission Fluid, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of ZKB Construction, establishing a price contract for snow removal, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Physio-Control, Inc., in the amount of \$14,126.25, for CPR Assist Device, for the Div. of Emergency Management/911.

A Resolution accepting the bid of J. Edinger & Son, Inc., establishing a price contract for snow plow assemblies, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Gooch Construction Co., Inc., in the amount of \$258,000, for the Dixie Pump Station Upgrade and Force Main Improvements, for the Div. of Water Quality, 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 accepting the bid of Simplex Grinnell LP, in the amount of \$47,620, for Design and Construction Modifications to Dry Pipe Sprinkler System, for the Div. of Waste Management.

A Resolution accepting the bids of Hydraulic Specialists, Inc., and Heavy Equipment Repair, establishing price contracts for hydraulic cylinder repair, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of AB Dick/KopyKat, establishing a price contract for digital multifunction copiers, for the Div. of Central Purchasing, and authorizing the Mayor to sign any necessary agreements related to the bid.

A Resolution accepting the bid of Guthrie Sales & Service, establishing a price contract for digital chlorine scales, for the Div. of Water Quality.

A Resolution accepting the bids of Anixter, Inc.; Communications Supply Corp.; Graybar; Rexel, Inc.; and Wesco Distribution, establishing price contracts for Fiber Optic Cable and Control Equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Labor Works Lexington, LLC, establishing a price contract for temporary labor services for the Div. of Waste Management (Collection Services).

A Resolution accepting the bid of Labor Works Lexington, LLC, establishing a price contract for temporary labor services for the Div. of Waste Management (Materials Recovery Facility).

A Resolution adopting the Lexington-Fayette County Mobile Home Park Guide for use by the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with Lexington Center Corp., and a Catering Contract with the Hyatt Regency for Police Awards Banquet.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (Final) to the Contract with Ky. Utilities, for the Downtown Lexington Streetscape Project, increasing the contract price by the sum of \$41,147.41 from \$97,636.01 to \$138,783.42.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (Final) to the Contract with Ky. Utilities, for the S. Limestone Streetscape Project, decreasing the contract price by the sum of \$115,216.70 from \$1,252,727.00 to \$1,137,510.30.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (Final) to the Contract with Insight Ky. Partners, II, LP, for the S. Limestone Streetscape Project, decreasing the contract price by the sum of \$193,900.80 from \$450,000.00 to \$256,099.20.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (Final) to the Contract with Windstream Ky. East, LLC, for the S. Limestone Streetscape Project, decreasing the contract price by the sum of \$64,369 from \$222,191 to \$157,822.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (Final) to the Contract with AT&T Southeast, for the S. Limestone Streetscape Phase 1, increasing the contract price by the sum of \$1,160.93 from \$9,755.00 to \$10,915.93.

A Resolution initiating Zoning Ordinance and Land Subdivision Regulations text amendments for Planning Commission consideration and recommendation to amend Section 18-4(d) of the Zoning Ordinance to provide that landscaping required by Article 18 shall be maintained in compliance with the Planting Manual, American National Standards and, as applicable, as specified in Landscaping Ordinances related to Man O' War Blvd., Old Frankfort Pike, Georgetown Rd., Richmond Rd., Downtown Street Trees, and Newtown Pike; to create Section 18-8 of the Zoning Ordinance to provide that violations of Article 18 are subject to penalty including civil citations; to amend the tree protection standards in Article 26-1 of the Zoning Ordinance to provide that standards and procedures for tree protection apply to re-developments; to amend Article 6-10(b) of the Land Subdivision Regulations to require street tree plantings on all collector/connector and local streets; to amend Article 6-10(b)(1) of the Regulations to remove the Landscape Examiner from the type and number determination for street trees; amending 6-10(b)(3) of the Regulations to remove the Div. of Building Inspection as the designated collector of the street tree fee; and amending Article 6-10(b)(4) of the Regulations to provide that street trees will be required in developments in accordance with the Engineering Manuals.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Modification to Agreement with the Ky. Dept. of Military Affairs, Div. of Emergency Management, for extension of the Agreement for funds for the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2009 through September 30, 2011, 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 Paladin, Inc, for energy assessment services for the Energizing the Arts Program, at a cost not to exceed \$46,182.50.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Statement of Agreement awarding an EcoArt Grant to Landsdowne Elementary increasing the Grant by the amount of \$750 from \$4,250 to \$5,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with EnergyCAP, Inc., for energy

management software, training and maintenance for three years, to include "Flowdown Requirements" as required by the U.S. Dept. of Energy.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Div. of Emergency Management and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$453,004 Federal funds and \$72,481 Commonwealth of Ky. funds under the Federal Emergency Management Agency's Hazard Mitigation Grant Program, and are for the acquisition and demolition of four residential properties in the Lafayette/Southbend Area.

A Resolution authorizing the Commissioner of Public Safety or his designee, on behalf of the Urban County Government, to sign an application for Trademark/Service Mark with the Commonwealth of Ky. to register a new Lexington Div. of Police Emblem, at a cost not to exceed \$10.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (Final) to the Contract with LAGCO Excavation, for the North Point Detention Basin Project, increasing the contract price by the sum of \$1,902.08 from \$30,774.00 to \$32,676.08.

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 rental of Norsworthy Auditorium, for the Kiddie Kapers Program, at a cost not to exceed \$988.73.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an extension to the Claim Plan Agreement for the Medicare Advantage Plan, with Humana Insurance Co. for the administration of Health Care Claims for the period of January 1, 2011 through December 31, 2011.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept Brad Mitchell's donation of "Coco," an Appaloosa/Draft Horse, for use by the Masterson Station Park Equestrian Program, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 2, to Contract #5797 (Resolution No. 693-2006) with Ky.

Theatre Management Group, Inc., extending the term of management for an additional three months, through March 31, 2011.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Ordering Document with Oracle America, Inc., for licenses and license support fees, at a cost not to exceed \$244,369.11 for the period of time from November 20, 2010 through October 19, 2011, with future fiscal years subject to sufficient funds being appropriated.

A Resolution providing that effective January 1, 2011 no employee or retiree of a Partner Agency and/or Satellite Agency of the Lexington-Fayette Urban County Government shall be eligible to participate in any Urban County Government Medical or Retirement Plan or receive any Urban County Government employee or retiree benefit, including but not limited to medical insurance, dental insurance, vision insurance, life insurance, 401K contributions and the like, and directing the Div. of Human Resources to notify in writing all such Agencies within three business days of the passage of this Resolution.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Neighborhood Action Match Grant Program Contracts with Ashland Park Neighborhood Association (\$2,000), Chilesburg Maintenance Association, Inc. (\$10,000), Creekside at Andover, Unit 2, Homeowners Association, Inc. (\$4,050), Fayette Park Homeowners Association (\$1,575), Gleneagles Owner's Association (\$9,579), Hill-N-Dale Neighborhood Association (\$10,000), Historic South Hill Neighborhood Association, Inc. (\$847), Lansdowne Neighborhood Association (\$2,040), Lansdowne-Merrick Neighborhood Association (\$1,405), Mentelle Neighborhood Association (\$4,540), Stuart Hall Homeowners Association (\$4,500), and Taborlake Homeowner's Association (\$10,000) for carrying out various neighborhood activities and improvements, at a cost not to exceed \$63,000.

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The following Communications were received from the Mayor for information only: (1) Transfer of Carol Sutton, Administrative Specialist, Grade 110N, from the Div. of Police to the Div. of Community Corrections, effective October 25, 2010; and (2) Voluntary demotion of T.J. Taylor, from Sewer Line Maintenance Superintendent, Grade 116E, \$2,430.48 bi-weekly in the Div. of Water Quality, to Engineering Technician Sr.,

Grade 113E, \$908.40 bi-weekly, in the Div. of Water Quality, effective November 15, 2010.

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Ms. Gorton announced that she had begun appointing members to the Standing Committees for the next year. She asked that Council Members fill out the form that she distributed and return it to her.

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Ms. Crosbie congratulated the Edith J. Hayes Middle School Football Team on their championship win over Morton Middle School.

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Commander Michael Blanton, Div. of Police, stated that Detective Elizabeth Adams had committed the offense of Unsatisfactory Performance, in violation of KRS 95.450 and General Order 73-2/H, Operational Rules, Section 1.11, in that on multiple days of 2008 through 2010, she failed to perform her duties as an investigator. During a review of her case assignments from 2008 to present, several deficiencies were discovered to include: Failure to follow up investigative leads concerning suspects in custody for a series of robberies in Tennessee wherein the suspects confessed to similar crimes in Lexington; Retaining an evidentiary video recording of a robbery in her desk for over 1 year before booking; Failure to make contact with victims in many of her assigned cases; Failure to perform routine follow up in many of her assigned cases; Failure to follow up reports documenting investigative actions taken in many of her assigned cases; and that the appropriate punishment for this offense is Forty (40) Hours Suspension Without Pay – and – An Agreement to Participate in an Employee Development Program to be Developed by Detective Adams' Supervisors and Completed Within Six (6) Months.

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

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Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by unanimous vote, the meeting adjourned at 7:40 p.m.

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Deputy Clerk of the Urban County Council