Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky November 18, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 18, 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, Feigel, Gorton, Gray, Henson, James, Lane, Lawless, Martin, McChord and Myers.

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

Ordinances No. 189-2010 thru 192-2010 inclusive and Resolutions No. 582-2010 thru 593-2010 inclusive were reported as having been signed and published, and were ordered to record.

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A moment of silence was observed in place of an Invocation.

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Upon motion of Mr. Beard, seconded by Ms. Gorton, the minutes of the October 14, 21, and November 9, 2010 meetings were approved by majority vote (Ms. James and Mr. Lane were absent when the vote was taken).

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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 was on the docket for second reading.

Mr. Ellinger made a motion, seconded by Ms. Crosbie, to remove the language “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” from the ordinance and to table it to the first scheduled Council Meeting in January.

The motion passed by a majority vote of 14-0 (Ms. James was absent when the vote was taken.)

Ms. Lawless asked questions of Ms. Linda Rumpke, Commissioner of the Dept. of Finance and Administration, regarding the positions listed in the ordinance.

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; 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 was given second reading as amended.

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

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

Nay: --0

* * *

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 was given second reading.

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

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

Nay: Gray--1

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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 was given second reading.

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

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

Nay: Martin---1

*   *   *

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

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

Nay: ---0

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 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 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 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.

* * *

An Ordinance adding a Neighborhood Design Character Overlay (ND-1) zone for 53.7± net (67.5± gross) acres, to preserve existing neighborhood character for properties located at 601-821 Cooper Dr.; 1212-1251 Eldemere Rd.; 1203-1304 Kastle Rd.; 600-818 Montclair Dr.; 1213-1283 Scoville Rd.; 1200-1252 Summit Dr.; and 1500-1600 Tates Creek Rd. (even addresses only) (Urban County Planning Commission) was on the docket for first reading.

Ms. Lawless made a motion, seconded by Ms. Feigel, and approved by unanimous vote, to schedule a special meeting of the Council on January 25, 2011, at 5:00 p.m. in order to hold a public hearing on a proposed Neighborhood Design Overlay (ND-1) for the Montclair neighborhood, as initiated and recommended for approval by the Planning Commission.

The ordinance was given first reading and ordered placed on file until January 25, 2011.

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An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a Professional Office (P-1) zone for 0.298 net (0.373 gross) acre, for property located at 1610-1612 Harrodsburg Rd. (Lare Properties, LLC) was given first reading.

Mr. Martin made a motion, seconded by Mr. Lane, to suspend the rules for the purpose of giving second reading to the ordinance.

Ms. James and Ms. Gorton asked questions of Mr. Martin about the reason for the suspension of rules.

The motion **failed** to pass by a vote of 1-12 (Stinnett, Beard, Blues, Crosbie, Ellinger, Feigel, Gorton, Henson, James, Lane, Lawless and Myers voted no, and Mr. Gray and Mr. McChord were absent when the vote was taken.)

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 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. 70.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $1,275 from Council Neighborhood Development Funds in the Div. of Parks and Recreation for relocation of WWII Plaque to Veteran’s Park, and appropriating and re-appropriating funds, Schedule No. 71.

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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 second reading.

Ms. Henson made a motion, seconded by Ms. James, and approved by unanimous vote, to amend the resolution to remove ratifying the probationary civil service appointment of Nelson Wright, Electrical Instrumentation Technician, Grade 113N, $20.000 hourly, in the Div. of Waste Management, effective November 22, 2010, and that this was not a material change and did not require a new first reading.

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, 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 second reading as amended.

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

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

Nay: ---0

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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 was given second reading.

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

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

Nay: Gray--1

* * *

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 was given second reading.

Ms. Crosbie asked questions of Mr. Rama Dhuwaraha, Chief Information Officer, regarding the resolution.

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

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

Nay: ---0

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

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

Nay: ---0

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 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 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.

*   *   *

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

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

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

Nay: --0

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Reimbursement Agreement with the Dogwood Trace Neighborhood Association for Site Restoration associated with the South Elkhorn Force Main Project, at a cost not to exceed $29,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (Final) to the Contract with MAC Construction for the South Elkhorn Force Main Project, increasing the contract price by the sum of $161,997.32 from $11,127,272.22 to $11,289,269.54.

*   *   *

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

A Resolution accepting the bid of DataWorks Plus in the amount of $57,010, for a digital application server, for the Div. of Police.

A Resolution ratifying the probationary civil service appointments of: Gregory Harbut, Public Service Supervisor Sr., Grade 114E, $1,709.52 bi-weekly, in the Div. of Waste Management, effective November 22, 2010; Charles Doerge, Enterprise Systems Developer, Grade 116E, $2,812.37 bi-weekly, in the Div. of Enterprise Solutions, effective November 22, 2010; Ilir Ailu, Equipment Operator Sr., Grade 109N, $12.459 hourly, in the Div. of Waste Management, effective December 6, 2010; Dennis McGovern, Jobey Harvey, Equipment Operator Sr., Grade 109N, $14.836 hourly, in the Div. of Waste Management, effective December 6, 2010; Donnie Jent, Equipment Operator Sr., Grade 109N, $13.971 hourly, in the Div. of Waste Management, effective

December 6, 2010; ratifying the permanent civil service appointments of: Trina Brown, Administrative Specialist Sr., Grade 112N, in the Dept. of Social Services, effective October 26, 2010; Robert Meyer, Skilled Trades Worker Sr., Grade 112N, in the Div. of Facilities and Fleet Management, effective October 12, 2010.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the Amended 2010 General Term Orders for the Fayette County Clerk and the Fayette County Sheriff.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the 2011 General Term Orders for the Fayette County Clerk and the Fayette County Sheriff, establishing the number of deputies and assistants allowed to each and the compensation allowed to each deputy and assistant, subject to the limits for each category as specified in the General Term Orders and subject to the fees collected by the officers respectively in their seventy-five percent (75%) accounts pursuant to KRS 64.350(1).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easements, releasing a streetlight easement and a drainage easement on property located at 1908-1920 General Warfield Way and a Partial Release of Easement, releasing a portion of a streetlight easement on property located at 1869 Goodpaster Way.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Application to Participate in the Internal Revenue Service E-File Program, for the Volunteer Income Tax Assistance Programs at the Gainesway Empowerment Center, the Central Ky. Job Center and the Family Care Center, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for rental of Winburn Middle School for a Cheerleader Showcase, at a cost not to exceed $197.93.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Group Sales Agreement with Hyatt Regency Lexington, for 2011 Bluegrass Invitational Wheelchair Tournament, at a cost not to exceed $3,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Agreement with various youth baseball leagues, for fall youth baseball.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with Lexington Center Corp., for Martin Luther King Day Celebration, at a cost not to exceed $9,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Chilesburg Maintenance Association, Inc. ($1,000), North Pointe Neighborhood Homeowners Association, Inc. ($500), ACT Ministries, Inc. ($350), Bluegrass Greenworks, Inc. ($300), Bluegrass Community Action Partnership, Inc. ($1,000), and ENA, Inc., d/b/a NECCO ($350), 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 Purchase of Service Agreement with Lyric Theatre and Cultural Arts Center, Inc., to provide services to the public, at a cost not to exceed $236,777.

* * *

Mr. Bernard McCarthy, 515 Harry Street, spoke about parallel and perpendicular streets, and intersections in the Urban County.

* * *

Chief Robert Hendricks, Div. of Fire and Emergency Services, stated that Firefighter Thomas Merideth had committed the offense of Misconduct in violation of KRS 95.450 (inefficiency, misconduct, insubordination or violation of law or rule) and Article 21 Section 1 of the Collective Bargaining Agreement; and Section 23-41(5)(conduct unbecoming or prejudicial to the service); and Section 23-42(1) (intoxication) of the Code of Ordinances in that on the 22nd day of July, 2010, he was arrested for the charge of DUI while off duty, and that the appropriate punishment for this conduct is 24 Hours Suspension Without Pay for Currently Scheduled Work Hours, and further, Completion of the Court Ordered DUI Program.

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

* * *

Chief Robert Hendricks, Div. of Fire and Emergency Services, stated that Firefighter John Gentry had committed the offense of Misconduct and Inefficiency in violation of KRS 95.450 (inefficiency, misconduct, insubordination or violation of law or rule) and LFUCG Uniform Disciplinary Code [Section 21-45(h) of Code of Ordinances] Chapter 17, 8c (misconduct) and 8d (inefficiency) and Section 23-41(5) of the Code of Ordinances (conduct unbecoming or prejudicial to the service) in that on the 28th day of August, 2010, he engaged in misconduct by failing to get out of an Emergency Care Unit and render aide to a patient or assist his fellow crew members on a medical response, and has engaged in a course of inefficiency by failing to meet performance standards with continued occurrences of misconduct after being disciplined for same, and that the appropriate punishment for this conduct is 72 Hours Suspension Without Pay From Currently Scheduled Work Hours and Completion of the Employee Assistance Program.

Mr. Beard made a motion, seconded by Mr. Blues, to approve the recommended discipline.

Mr. Myers asked questions of Chief Hendricks regarding the disciplinary action. Chief Hendricks responded.

Mr. Myers asked if it was possible to invite the disciplinary board to come before Council and explain the action. The Mayor responded that they could be asked, but he was not sure if they could be compelled to come.

Mr. Myers made a motion to extend an invitation to the disciplinary board to attend a Council Meeting to discuss the disciplinary action, and also to table the disciplinary action until after their acceptance or denial of the invitation. The Mayor stated that the motion would be best made as two separate motions.

Mr. Myers withdrew his first motion, and made a motion to table the disciplinary action. The motion died for lack of a second.

Mr. Myers made a motion, seconded by Ms. Crosbie, to extend an invitation to the disciplinary board to attend a Council Meeting to discuss the disciplinary action.

Ms. Crosbie asked questions about the composition of the review board. She also asked questions of Mr. Myers about his first motion to table the disciplinary action.

Ms. Gorton asked questions of Chief Robert Hendricks, Div. of Fire and Emergency Services. Mr. Mike Sanner, Dept. of Law, responded.

The Council continued to ask questions of Chief Hendricks and Mr. Sanner.

Mr. Myers clarified that his motion to invite the disciplinary board to attend a Council Meeting to discuss the disciplinary action was contingent upon whether the Council has the authority to invite the disciplinary board.

The Mayor stated that Mr. Myers' motion to invite the disciplinary board to attend a Council Meeting to discuss the disciplinary action was to be considered as an amendment to Mr. Beard's motion to approve the recommended disciplinary action. Mr. Myers' motion to amend **passed** by a majority vote of 8-7 (Lane, Henson, Gorton, Blues, Beard, Stinnett, and Martin voted **no**).

The Mayor restated the amended motion by Mr. Beard, which was to approve the recommended discipline and to invite the disciplinary board to come before the Council to discuss the disciplinary action.

Mr. Martin made a motion, seconded by Ms. Crosbie, to bifurcate the motion in order to consider each part separately.

Ms. Gorton and Mr. Blues asked questions of Mr. Martin.

Mr. Martin's motion **passed** by majority vote.

Mr. Martin made a motion, seconded by Ms. Crosbie, to approve the recommended disciplinary action. The motion **failed** by a vote of 7-8 (James, Ellinger, Crosbie, Stinnett, Myers, Martin, McChord and Lawless voted **no**).

Mr. Martin made a motion, seconded by Ms. Crosbie, to invite the disciplinary board to attend a Council Meeting to discuss the disciplinary action. The motion **passed** by a majority vote of 13-2 (Lane and Beard voted **no**).

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Upon motion of Ms. Gorton, seconded by Mr. Myers, and approved by unanimous vote, the meeting adjourned at 8:10 p.m.

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Deputy Clerk of the Urban County Council