Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky December 2, 2010

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on December 2, 2010 at 7:00 P.M. Present were Mayor Newberry in the chair presiding, and the following members of the Council: Council Members Beard, Blues, Crosbie, Ellinger, Gorton, Gray, Henson, James, Lane, Lawless, Martin, McChord, Myers and Stinnett. Absent was Council Member Feigel.

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

Ordinances No. 193-2010 thru 208-2010 inclusive and Resolutions No. 594-2010 thru 632-2010 inclusive were reported as having been signed and published, and were ordered to record.

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A moment of silence was observed, with particular remembrance for the Kentuckians serving in the 101st Airborne Unit.

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Mr. Steve Feese, Director of the Div. of Waste Management, spoke about the Cash for Cans Program and presented plaques and checks to all winners. He stated that 27 Fayette County schools participated, both public and private, and 250,000 cans were collected. Mr. Gary Hoover, Fayette County Public Schools, presented the names of the public school winners, and Ms. Carol Bradford, Bluegrass PRIDE, presented the names of the private schools.

Participants not receiving prizes were Bryan Station High, Cardinal Valley Elementary, Cassidy Elementary, Dixie Elementary, Edith J. Hayes Middle, Glendover Elementary, Harrison Elementary, Henry Clay High, Lafayette High, Mill Creek Elementary, Picadome Elementary, Veterans' Park Elementary, Christ the King School, Lexington Universal Academy, Mt. Olivet Baptist School, Sayre Lower, Middle and Upper Schools. Schools winning prizes & certificates were: Montessori Middle, the Family Care Center, Lexington Day Treatment Center, Russell Cave Elementary, Meadowthorpe Elementary, Ashland Elementary, Rosa Parks Elementary, Bryan Station Middle, and Paul Lawrence Dunbar High.

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Mayor Newberry recognized the members of the Water Quality Management Fee Incentive Workgroup, including Council Member Linda Gorton, Mr. Andy Haymaker, Ms. Kelly Breeding, Mr. Patrick Brewer, Mr. Sanford Levy, Ms. Knox van Nagell, and Ms. Emma Tibbs. He presented them with a framed proclamation. Mr. Haymaker, who served as Chair of the Workgroup, spoke and thanked Mr. Charlie Martin, Director of the Div. of Water Quality and Ms. Susan Bush, Acting Commissioner of the Dept. of Environmental Quality, for their work, and presented them with the framed proclamation.

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

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

Nay: ---0

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).

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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An Ordinance amending Sections 2-442, 2-443, 2-444, and 2-447 of the Code of Ordinances, relating to the Internal Audit Board, to increase the number of members of the board from five (5) to seven (7); to require that the two additional members be appointed from the community at large; to require that appointment of two (2) members be based on recommendations of the Urban County Council; to provide that members may be removed only for cause after a hearing; to limit the number of consecutive terms members may serve to three full terms; to require that the chairman and vice-chairman be elected from the members from the community at large; and to require the board to adopt bylaws was on the docket for first reading.

Mr. Beard made a motion, seconded by Ms. Crosbie, to remove the ordinance from the docket and to refer it to the Intergovernmental Committee.

Mr. Stinnett stated that as the Intergovernmental Committee would no longer be in existence after January 1, 2011, and suggested that the item be referred to the

General Government Committee. Mr. Beard accepted the friendly amendment to his motion.

The motion **passed** by unanimous vote.

The ordinance was removed from the docket and placed into the General Government Committee.

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

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Military Affairs/Ky. Emergency Management Agency, which Grant funds are in the amount of $1,274,959 Federal funds, and $203,993 Commonwealth of Ky. funds, are for purchase and demolition of nine residential properties on Lone Oak Dr., Southbend Dr., and Lafayette Pkwy., the acceptance of which obligates the Urban County Government for the expenditure of $220,993 as a local match, appropriating funds pursuant to Schedule No. 72, 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 Deputy Director of Administrative Services - Water Quality, Grade 120E; creating two (2) positions of Environmental Inspector, Grade 113N; abolishing one (1) position of Engineering Technician Principal, Grade 115E, and one (1) position of Engineering Technician, Grade 111N, all in the Div. of Water Quality; amending Section 22-5(2) of the Code of Ordinances abolishing two (2) positions of Communications Officer - P/T, Grade 111N, in the Div. of Police and appropriating funds pursuant to Schedule No. 73.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Winmar Corp., for office space located at 125 Hisle Industrial Rd. for a three-year period, for the Div. of Water Quality, at a cost not to exceed $233,797.75 per year, subject to sufficient funds being appropriated in future fiscal years, and appropriating funds pursuant to Schedule No. 74.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Board of Emergency Medical Services, 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 $10,000 Commonwealth of Ky. funds, are for the purchase of EMS equipment, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY12 Schedule No. 1, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance expanding and extending the Full Urban Services District #1 to provide street lighting, street cleaning and garbage and refuse collection, to include the area defined as certain properties on the following streets: 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., Toll Gate Rd., and Atwood Dr.

An Ordinance expanding and extending Partial Urban Services District #3 for the Urban County Government for the provision of garbage and refuse collection, to include the area defined as certain properties on the following streets: Bracktown Rd., Bradley Ln., Leestown Rd., Standish Way, and Winston Ave.

An Ordinance expanding and extending Partial Urban Services District #5 for the Urban County Government for the provision of garbage and refuse collection and street lighting, to include the areas defined as certain properties on the following streets: Athenia Dr., Branchwood Place, Hildeen Dr., John Alden Ln., Monticello Blvd., Plymouth Rock Ct., Rebecca Dr., Wallingford Dr., Aldershot Dr., Blueberry Rd., Dellwood Dr., Potomac Dr., Springhill Dr., Sweetbriar Circle, and Worcester Rd.

An Ordinance extending the term for one (1) position in the Div. of Parks & Recreation and two (2) positions in the Div. of Human Resources proposed for abolishment as of December 31, 2010 to March 31, 2011 and appropriating funds pursuant to Schedule No. 81.

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Upon motion of Ms. Lawless, seconded by Ms. Crosbie, and approved by unanimous vote, an Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 75 was placed on the docket, given first reading, and ordered placed on file one week for public inspection.

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Upon motion of Ms. Lawless, seconded by Ms. Crosbie, and passed by unanimous vote, an Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $3,525 from Neighborhood Development Funds in the Div. of Traffic Engineering for installation and construction of a flashing light at the corner of Upper and Pine Sts., and appropriating and re-appropriating funds, Schedule No. 79 was placed on the docket.

Mr. Lane asked questions of Ms. Lawless about the ordinance. She responded.

The ordinance was given first reading and ordered placed on file one week

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Upon motion of Mr. Myers, seconded by Ms. Gorton, and approved by unanimous vote, an Ordinance pursuant to Section 2-1(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government, adopting a schedule of meetings for the Council for the calendar year 2011 was placed on the docket, given first reading, and ordered placed on file one week for public inspection.

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Upon motion of Ms. Gorton, seconded by Mr. Blues, and approved by unanimous vote, an Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements in the Div. of Fire Administration for funds in the amount of $3,000 from Neighborhood Development Funds for training equipment for the Training Academy, and appropriating and re-appropriating funds, Schedule No. 82 was placed on the docket, given first reading, and ordered placed on file one week for public inspection.

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Upon motion of Mr. Myers, seconded by Ms. Gorton, and approved by unanimous vote, an Ordinance amending certain of the Budgets of the Lexington-

Fayette Urban County Government to reflect current requirements for funds not more than $1,500 from Neighborhood Development Funds in the Div. of Fire and Emergency Services for an EMS Bicycle and appropriating and re-appropriating funds pursuant to Schedule No. 84 was placed on the docket, given first reading, and ordered placed on file one week for public inspection.

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

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

Nay: --0

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.

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

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

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

Nay: --0

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Conveyance of Right of Way Deed, transferring 1.179 acres in fee simple, .033 acres permanent easement, and 1.858 acres temporary easement, located in front of Masterson Station Park, from the Urban County Government to Commonwealth of Ky., for the sum of $31,600.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Woolpert, Inc., for Sanitary Sewer Assessments, decreasing the contract price by the sum of $2,633,902.02 from $2,933,902.20 to $300,000.00.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Amendment No. One to the Agreement with the U.S. Geological Survey for the permit required for continuous water quality monitoring pilot study, increasing the contract price by the sum of $19,000 from $67,680 to $86,680.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with the University of Ky. Research Foundation ($175), The Black Church Coalition of the Bluegrass, Inc. ($675), The Broke Spoke Lexington Community Bike Shop, Inc. ($1,200), YMCA of Central Ky., Inc. ($750), Downtown Lexington Corp. Foundation ($1,500), Copperfield Neighborhood Association, Inc. ($1,100), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading.

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

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

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

Nay: ---0

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Upon motion of Mr. Myers, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution amending Section 2 of Resolution 547-2010 which created the standing committees of the Urban County Council to provide for an Economic Development and Community Development Standing Committee was placed on the docket and given first reading.

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

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

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

Nay: ---0

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

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B Incentive Grant for a stormwater quality project to the University of Ky. Research Foundation, in the amount of $113,375.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B Incentive Grant for a stormwater quality project to Klausing Group, Inc., in the amount of $321,576.48.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B Incentive Grant for a stormwater quality project to Sanford E. Levy, LLC, in the amount of $2,600.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B Incentive Grant for a stormwater quality project to AIE Properties, LLC, in the amount of $109,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B Incentive Grant for a stormwater quality project to Community Montessori School, Inc., in the amount of $107,868.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B Incentive Grant for a stormwater quality project to Coca-Cola Refreshments USA, Inc., in the amount of $189,090.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B Incentive Grant for a stormwater quality project to the Fayette County Board of Education, in the amount of $57,800.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B Incentive Grant for a stormwater quality project to Ronald McDonald House Charities of the Bluegrass, Inc., in the amount of $201,285.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class B Incentive Grant for a stormwater quality project to WLEX Communications, LLC, in the amount of $115,869.06.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a License Application Order Form and Agreement with Rave Wireless, Inc., to provide software, training, and implementation services related to a 911 selfregistration portal for a period of up to three years, subject to sufficient funds being appropriated in future fiscal years, at a cost not to exceed $72,000 in FY 2011.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Environmental Protection Agency and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $1,000,000 Federal funds under the National Clean Diesel Funding Assistance Program, and are for repowering vehicles with propane conversion kits, installation of a propane fueling station on Old Frankfort Pike and purchase of new propane-powered vehicles.

A Resolution approving the granting of an inducement to nGimat, LLC, pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of the one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by nGimat, LLC, for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act, and any Agreement nGimat, LLC, has with the Ky. Economic Development Finance Authority related to the project; and taking other related action.

A Resolution approving the granting of an inducement to Illinois Tool Works, Inc., pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of the one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by Illinois Tool Works, Inc., for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act, and any Agreement Illinois Tool Works, Inc., has with the Ky. Economic Development Finance Authority related to the project; and taking other related action.

A Resolution approving the granting of an inducement to Escent Technologies, LLC, pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County

Government agrees to forego the collection of the one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by Escent Technologies, LLC, for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act, and any Agreement Escent Technologies, LLC, has with the Ky. Economic Development Finance Authority related to the project; and taking other related action.

A Resolution approving the granting of an inducement to NTSG, Inc., pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of the one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by NTSG, Inc., for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act, and any Agreement NTSG, Inc., has with the Ky. Economic Development Finance Authority related to the project; and taking other related action.

A Resolution approving the granting of an inducement to Galmont Consulting, LLC, pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of the one percent (1%) of the occupational license fees that would otherwise be due to it, which shall be retained by Galmont Consulting, LLC, for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act, and any Agreement Galmont Consulting, LLC, has with the Ky. Economic Development Finance Authority related to the project; and taking other related action.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Ky. Cabinet for Health and Family Services, for information sharing, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Tower License Agreement with Crown Castle GT Co., LLC, for upgrade of mobile data equipment, 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 use of Winburn Middle School Gymnasium for an after school program, at a cost not to exceed $7,340.85.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ky. Dept. of Fish and Wildlife Resources, for recreational fishing on Hisle Park Ponds.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Tennis Technology, Inc., for Shillito/Kirklevington Tennis, increasing the contract price by the sum of $1,395 from $113,653 to $115,048.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with MCCI, LLC, for Legistar Software subscription, configuration and implementation, for the Council Clerk's Office, at a cost not to exceed $87,375 FY2011, subject to sufficient funds being appropriated in future years.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Woodall Construction for Lexington Streetscape Phase One Improvements, Main St. Streetscape Project, increasing the contract price by the sum of $42,913.07 from $2,603,629.38 to $2,646,542.45.

A Resolution accepting the response of BTM Engineering, Inc., in the amount of $23,500, for the Lexington Mall Sanitary Sewer Relocation Project, for the Dept. of Environmental Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement, related to RFP No. 44-2010.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (Final) to the Contract with Claunch Construction, LLC, for the Leesway Dr. Sanitary Sewer Improvements Project, increasing the contract price by the sum of $11,454.77 from $314,165.65 to $325,620.42.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Arrow Electric Co., for conduit installation on Sir Barton Way for the Fiber Optic Cable Installation Program, increasing the contract price by the sum of $7,060 from $87,996 to $95,056.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Stantec Consulting Services, for Sanitary Sewer Assessment Project, increasing the contract price by the sum of $136,000 from $599,200 to $735,200.

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Upon motion of Mr. Beard, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution of the Lexington-Fayette Urban County Government authorizing the designation of additional Economic Development Projects to be financed with a portion of the proceeds of its Various Purpose General Obligation Public Projects Bonds, Series 2010 was placed on the docket, given first reading, and ordered placed on file one week for public inspection.

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Upon motion of Mr. Ellinger, seconded by Mr. Beard, and approved by unanimous vote, the following resolutions were placed on the docket, given first reading, and ordered placed on file one week for public inspection.

A Resolution accepting the bid of Worldwide Equipment, in the amount of $124,703, for front end loader for refuse collection, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Giles Farm Equipment and Montgomery Tractor Sales, Inc., establishing price contracts for supplemental tractor parts and accessories, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Whayne Supply Co., in the amount of $202,640, for diesel particulate filters and cleaning system, for the Dept. of General Services.

A Resolution accepting the bid of Grant’s Excavating, Inc., in the amount of $173,000, for the Griffin Gate #2 Pump Station Replacement, for the Div. of Water

Quality and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Grant's Excavating, Inc., related to the bid.

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The following Communication was received from the Mayor for information only: (1) Resignation of William Martin, Human Resources Manager, Grade 119E, in the Div. of Human Resources, effective November 19, 2010.

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Mr. Bernard McCarthy, Harry Street, spoke about the issue of the Commonwealth of Kentucky's Bullying Law, and the proposed changes. He urged the Mayor and the Council to support a stronger law.

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Ms. Jamie Cooper, Civil Service Employees' Association representative, spoke about the three positions in the Lexington-Fayette Urban County Government that had recently been extended and suggested other options instead of abolishing the positions after March.

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Chief Robert Hendricks, Div. of Fire and Emergency Services, stated that Firefighter Rollie Brown had committed the offense of Misconduct in violation of KRS 95.450 (inefficiency, misconduct, insubordination or violation of law or rule) and the LFUCG Uniform Disciplinary Code [Section 21-45(h) of Code of Ordinances] Chapter 17, 6b (Violent Behavior on the Job), LFUCG CAO Policy #34; Violence in the Workplace, and Section 23-41(5) of the Code of Oridnances (conduct unbecoming or prejudicial to the service), in that on the 27th day of September, 2010, he was involved in an altercation between himself and another firefighter that included physical contact and verbal threats, 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 in which he is currently enrolled.

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

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Ms. Gorton made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to go into closed session pursuant to KRS 61.810(1)(f) for the purpose of discussions which may lead to the appointment or dismissal of an individual employee.

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Upon motion of Mr. Martin, seconded by Mr. Ellinger, and approved by unanimous vote, the Council returned to open session with the same members present and with Mr. Gray in the chair presiding.

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Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by unanimous vote, an Ordinance pursuant to Section 22-45(3) of the Code of Ordinances extending the term of employment for the Council Administrator for an additional two-year term, corresponding with the terms of the district councilmembers was placed on the docket, given first reading, and ordered placed on file one week for public inspection.

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Upon motion of Ms. Crosbie, seconded by Mr. Martin, and approved by unanimous vote, the meeting adjourned at 9:15 p.m.

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Clerk of the Urban County Council