Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   February 3, 2011

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on February 3, 2011 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Gorton, Henson, Kay, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger and Ford. Absent was Council Member Farmer.

The reading of the Minutes of the previous meetings were waived.

Ordinances No. 6-2011 thru 9-2011 inclusive and Resolutions No. 13-2011 thru 33-2011 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Rabbi Marc Kline, Temple Adath Israel.

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Ms. Gorton reported from the February 1, 2011 Committee of the Whole Work Session. She stated that the Summary for the January 25, 2011 Committee of the Whole Work Session was approved, that the Committee had reviewed the docket and the budget amendments and had no referrals to report, and that the Committee had reviewed the list for Neighborhood Development Funds.

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Ms. Gorton made a motion, seconded by Mr. Blues, and approved by unanimous vote, to refer the issue of the procurement of golf carts to the General Government Committee.

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Ms. Gorton made a motion, seconded by Mr. Martin, and approved by unanimous vote, to refer the issue of the processing and approval of disability claims within the Dept. of Public Safety to the Public Safety and Public Works and Development Committee.

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Ms. Gorton made a motion, seconded by Mr. Blues, and approved by unanimous vote, to refer an updated report from the Div. of Waste Management regarding the revenue and expenses the current Solid Waste Tax has generated, a position of where we were as to knowing the cost of picking up a Herbie container, and an analysis of whether a fee or a tax was the better way to operate, to the Budget and Finance Committee. Mr. Martin also requested that residential and commercial information be provided.

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Ms. Gorton made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to place the confirmation of Ms. Janet Graham, Commissioner, Dept. of Law, onto the docket.

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Ms. Gorton made a motion, seconded by Ms. Henson, and approved by unanimous vote, to place the confirmation of Ms. Cheryl Taylor, Commissioner, Dept. of Environmental Quality, onto the docket.

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Ms. Gorton made a motion, seconded by Mr. Lane, and approved by unanimous vote, to place the confirmation of Ms. Jane Driskell, Commissioner, Dept. of Finance and Administration, onto the docket.

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Ms. Gorton made a motion, seconded by Mr. Myers, and approved by unanimous vote, to place the confirmation of Ms. Beth Mills, Commissioner, Dept. of Social Services, onto the docket.

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Ms. Gorton made a motion, seconded by Mr. Beard, and approved by unanimous vote, to place the confirmation of Mr. Clay Mason, Commissioner, Dept. of Public Safety, onto the docket.

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Upon request of Mr. Keith Horn, Dept. of Law, a police disciplinary hearing to be held at a Special Council Meeting was scheduled by the Council for March 1, 2011, at 5:00 p.m.

The Council asked questions of Mr. Horn regarding the individual for whom the hearing was being scheduled. Mr. Horn responded.

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

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

Nay: --0

An Ordinance changing the zone from an Interchange Service Business (B-5P) zone to a Professional Office (P-1) zone for 1.37 net (1.48 gross) acres, for property located at 2241 Buena Vista Rd. (Rooker Properties, LLC).

An Ordinance amending Articles 18-4(d), 18-8 and 26-1 of the Zoning Ordinance and amending Article 6-10 of the Subdivision Regulations all relating to landscaping and street tree regulations.

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. 88.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit three (3) Grant Applications to the Ky. Transportation Cabinet, to provide any additional information requested in connection with these Grant Applications, and to accept the Grants if the applications are approved, which Grant funds are in the amount of $135,000 Federal funds, are for the Traffic Safety Program ($100,000), the Collision Reporting Quality Control Project ($10,000) and the Speed Enforcement Project ($25,000), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2012 Schedule No. 3, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Equipment Operator Sr., Grade 109N, and one (1) position of Public Service Worker Sr., Grade 107N, in the Div. of Streets, Roads and Forestry; and amending Section 22-5(2) of the Code of Ordinances creating one (1) position of Construction Supervisor, Grade 118E, in the Dept. of Public Works and Development and appropriating funds pursuant to Schedule No. 87, effective retroactive to January 10, 2011.

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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. 91.

An Ordinance amending Section 23-5(b) of the Code of Ordinances abolishing two (2) positions of Police Captain, and creating two (2) positions of Police Lieutenant, in the Div. of Police, and appropriating funds, pursuant to Schedule No. 92.

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

Aye: Gorton, Henson, Kay, Lane, Lawless,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger, Ford------------------------------13

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

A Resolution accepting the bid of Key to Cleaning, establishing a price contract for Custodial Services - Versailles Rd. Campus, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Education Remedies, Inc., establishing a price contract for Custodial Services - Downtown Arts Center, for the Div. of Facilities and Fleet Management.

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

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

Nay: ---0

A Resolution accepting the bid of Brenntag Mid-South, Inc., establishing a price contract for phosphorous reduction chemicals, for the Div. of Water Quality.

A Resolution accepting the bid of Allied Technical Services, Inc., establishing a price contract for suction and discharge hose and related fittings, for the Div. of Water Quality.

A Resolution accepting the bid of Simplex Grinnell, establishing a price contract for sprinkler inspection services, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Key to Cleaning, establishing a price contract for Custodial Services - Cooperative Extension Office, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Priority One Emergency, Inc., establishing a price contract for Emergency Vehicle Lighting & Siren System, for the Div. of Police.

A Resolution accepting the bid of Hydro Controls, Inc., establishing a price contract for electric actuators, for the Div. of Water Quality.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the University of Ky. and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $500 Federal funds under the Child Care Infant/Toddler Provider Incentive Mini Grant Program, and are for the purchase of equipment for the Family Care Center.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Baby Health Service, Inc. ($800), Special Olympics Ky., Inc. ($625), Southern Middle School PTSA, Inc. ($400), 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 Change Order No. Three, to the Contract with Kay and Kay Contracting, LLC, for the Legacy Trail Project Phase 1, increasing the contract price by the sum of $26,495.00 from $6,538,524.25 to $6,565,019.25.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Four, to the Contract with Kay and Kay Contracting, LLC, for the Legacy Trail Project Phase 1, increasing the contract price by the sum of $11,570.60 from $6,565,019.25 to $6,576,589.85.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (Final), to the Contract with Spectrum Construction Services, for the Glendover West Boardwalk Railing Remediation (Arboretum), increasing the contract price by the sum of $1,630.27 from $39,936.92 to $41,567.19.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Mental Health Services Agreement with Bluegrass Regional Mental Health - Mental Retardation Board, Inc., for court ordered mental health evaluations of clients referred to the Div. of Youth Services, at a cost not to exceed $2,500.

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

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

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

Nay: --0

A Resolution accepting the bid of W. Rogers Co., in the amount of $1,786,000, for Deep Springs Pump Station Upgrade & 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 W. Rogers Co., related to the bid.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Benefits Insurance Marketing in the amount of $39,000 for FY 2011 and approximately $117,000 for FY 2012 to administer the benefits management process for the Urban County Government.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Office of Homeland Security, for modification of the Agreement for funds for the purchase of equipment for the Hazardous Devices Unit to expand the list of equipment that may be purchased, at no cost to the Urban County Government was given first reading.

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

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

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

Nay: --0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Bluegrass Community Foundation, Inc. ($825), March Madness Marching Band, Inc. ($350), First Bracktown, Inc. ($1,025), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading.

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

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

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

Nay: ---0

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A Resolution ratifying the unclassified civil service appointments of: Janet Graham, Commissioner of Law, Grade 212E, $4,615.38 bi-weekly, in the Dept. of Law, effective January 3, 2011, Thomas Clay Mason, Commissioner of Public Safety, Grade 212E, $4,615.38 bi-weekly, in the Dept. of Public Safety, effective January 24, 2011, Beth Mills, Commissioner of Social Services, Grade 210E, $4,038.46 bi-weekly, in the Dept. of Social Services, effective February 1, 2011, Jane Driskell Sistrunk, Commissioner of Finance and Administration, Grade 211E, $4,423.08 bi-weekly, in the Dept. of Finance and Administration, effective January 11, 2011, Cheryl Taylor, Commissioner of Environmental Quality, Grade 211E, $4,615.38 bi-weekly, in the Dept. of Environmental Quality, effective January 18, 2011 was placed on the docket for first reading.

Ms. Crosbie called for a Point of Order, and asked questions of Mr. Horn regarding the process for ratifying the appointments of the individuals in the resolution. Mr. Horn responded that the appointments could be separated if that was the desire of the Council.

Mr. Lane suggested that the Council be polled for any objection to placing the appointments in one resolution. No objection was stated.

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

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

Aye: Gorton, Henson, Kay, Lane, Lawless,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger, Ford--------------------------------13

Nay: Crosbie---1

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

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Ms. Christie Barbour of a Harley Davidson Edition pool table, for use at the Carver Community Center, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Settlement Agreement and Release with Julia Householder, at a cost to Julia Householder of $16,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One, to the Contract with Charles Deweese Construction, for the Lexington Streetscape Phase One West Main St. Project, increasing the contract price by the sum of $173,106.39 from $1,757,455.36 to $1,930,561.75.

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Upon motion of Mr. Lane, seconded by Ms. Gorton, and passed by unanimous vote, the following Communication from the Mayor was received and is as follows: (1) Recommending the reappointment of Ms. Glenda George, as Ex-Officio member, Designee for Mayor Gray, to the Lyric Theatre and Cultural Arts Center Corporation. Also, recommending the appointment of Ms. Danielle R. Adair to the Lyric Theatre and Cultural Arts Center Corporation, with a term to expire 12-8-13. Ms. Adair will fill the unexpired term of Ms. Kathy Jaeger.

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Mr. Bernard McCarthy, Harry St., spoke about hostile political discourse. He also spoke about adding bike lanes to streets and roads.

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Mayor Gray expressed the sympathy of the City and Council on the news of the passing of Mr. Beard’s mother-in-law.

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Upon motion of Mr. Ellinger, seconded by Ms. Crosbie, and approved by unanimous vote, the meetings adjourned at 6:39 p.m.

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Clerk of the Urban County Council