Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   March 3, 2011

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

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

Ordinances No. 16-2011 thru 17-2011 inclusive and Resolutions No. 53-2011 thru 63-2011 inclusive were reported as having been signed and published, and were ordered to record.

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Lexington, Kentucky March 3, 2011

The Invocation was given by Rev. Kate West, Disciples of Christ.

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Upon motion of Mr. Ellinger, seconded by Ms. Crosbie, the Minutes of the January 13, January 25, and January 27, 2011 Council meetings were approved by unanimous vote.

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Ms. Gorton made a motion, seconded by Mr. Blues, and approved by unanimous vote, to go into closed session pursuant to KRS 61.810(1)(c), for purpose of discussing potential litigation, and pursuant to KRS 61.810(1)(f) for purpose of discussions which might lead to the discipline or dismissal of an employee.

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Ms. Gorton made a motion, seconded by Mr. Blues, and approved by unanimous vote, to return to open session at approximately 8:10 p.m., with the same members present.

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Ms. Gorton reported from the March 1, 2011 Committee of the Whole Work Session that the Summary was approved with the requested changes.

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Ms. Gorton made a motion, seconded by Ms. Crosbie, and approved by unanimous vote, to remove the issue of the reimbursement report on Spotlight Lexington from the Council's Public Safety and Public Works Committee.

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Mr. Ellinger made a report on the February 22, 2011 meeting of the Council Budget and Finance Committee.

Ms. Crosbie asked a question about the scheduling of a presentation. Mr. Ellinger stated that it had not been rescheduled.

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

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

Nay: --0

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. 93.

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 Waste 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 $3,000 Commonwealth of Ky. funds, are for the disposal/recycling of waste tires, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 89, 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 Ky. Dept. of Military Affairs, Div. of Emergency Management, which Grant funds are in the amount of $115,734.38 Federal funds, are for the support of emergency preparedness activities in Lexington-Fayette County, the acceptance of which obligates the Urban County Government for the expenditure of $115,734.38 as a local match, appropriating funds pursuant to Schedule No. 90, 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 Agreements with the Central Ky. Area Drug Task Force, Hollingsworth and James, LLC, the Board of Education of Fayette County Ky., Ky. State Police, Lexington Children's Theatre, Inc., the Fayette County Commonwealth Attorney's Office, the Kenton County Commonwealth Attorney's Office, and the Commonwealth Attorney, 28th Judicial Circuit, for services under the 2009 Project Safe Neighborhood Program, at a cost not to exceed $3,000 for the Central Ky. Area Drug Task Force, $4,000 for Hollingsworth and James, LLC, $20,000 for the Board of Education of Fayette County Ky., $10,000 for the Ky. State Police, $7,168 for Lexington Children's Theatre, Inc., $9,500 for the Fayette County Commonwealth Attorney's Office, $8,500 for the Kenton County Commonwealth Attorney's Office, and $7,000 for the Commonwealth Attorney, 28th Judicial Circuit, and appropriating funds pursuant to Schedule No. 95.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of $19,060 Federal funds, are for the Safe Havens and Supervised Visitation Program, the acceptance of which obligates the Urban County Government for the expenditure of $6,354 as a local match to be provided by Sunflower Kids, Inc., appropriating funds pursuant to Schedule No. 94, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing the Mayor to execute an Agreement with Sunflower Kids, Inc., for supervised visitation and monitored exchange services, at a cost not to exceed $19,060.

An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Senior Advisor, Grade 212E, one (1) position of Sr. Administrative Aide to Mayor, Grade 120E, one (1) position of Administrative Aide to Mayor, Grade 118E and abolishing one (1) position of Staff Assistant Sr., Grade 108N and appropriating funds pursuant to Schedule No. 96.

An Ordinance amending Ordinance No. 6-2011 changing the zone from a Single Family Residential (R-1C) zone to a Wholesale and Warehouse Business (B-4) zone for 2.52 net (2.73 gross) acres, for property located at 1528, 1532, and 1534 N. Limestone, to add certain use restrictions imposed as conditions of granting the zone change, as set forth in the recommendation of the Planning Commission and approved by the Urban County Council (James Waller).

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Upon motion of Ms. Lawless, seconded by Mr. Ellinger, and approved by unanimous vote, an Ordinance changing the zone from a Townhouse Residential (R-1T) zone to a Planned Neighborhood Residential (R-3) zone for 0.299 net (0.420 gross) acre, for property located at 412 S. Mill St. (a portion of), subject to certain use restrictions imposed as conditions of granting the zone change (WML Properties, LLC) was placed on the docket without a public hearing, given first reading, and ordered placed on file two weeks for public inspection.

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Ms. Gorton made a motion, seconded by Ms. Henson, and approved by majority vote, to table an Ordinance ratifying the 2010 Div. of Community Corrections Policy and Procedure Manual and adopting it in lieu of the Policy and Procedure Manual adopted in Ordinance No. 133-2009, which provides procedures for general management, public information, inmate information system and inmate records, budgeting and accounting, inmate accounts, commissary, staffing, disciplinary actions, sworn status, appearance, code of ethics, court proceedings, personnel records, physical fitness, training requirements, off-duty employment, drug free workplace policy, employee assistance program, tobacco free/no smoking designation, admissions, commitment authority, inmate records, inmate searches, inmate property, orientation, transfer and release, objective classification, security assessments, custody assessments, disciplinary segregation, administrative segregation, inmate supervision, security procedures, inspections, searches, transportation of inmates, use of restraints, use of force, weapons, use of firearms, emergency procedures and operations, inmate health care, food service procedures, equipment maintenance, control and use of dangerous materials, sanitation, hygiene, inmate services unit, statement of inmate rights, disciplinary offenses, hearing procedures, inmate grievance procedures, probation services unit, community alternative program-goals, drug testing unit, and community service unit to the March 15, 2011 Committee of the Whole Work Session/Work Copy Docket.

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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. 99.

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Commonwealth of Ky. Office of Highway Safety, 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 $25,000 Federal funds, are for "Click It or Ticket" Safety Belt Enforcement Mobilization, the acceptance of which does not obligate the Urban County

Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 100, 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. Justice and Public Safety Cabinet, 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 $100,000 Commonwealth of Ky. funds from the Law Enforcement Service Fee Program, are for support of the cost of police overtime hours for a Traffic Alcohol Patrol, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2012 Schedule No. 4, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing the Mayor, on behalf of the Urban County Government, to execute an Addendum to the Lease Agreement with Gray Television Licensee, LLC d/b/a WKYT-TV, for an extension of the term of the leased space for the 800 megahertz trunked radio system effective January 1, 2011, at a cost not to exceed $7,392 for the first year of the Addendum, and appropriating funds pursuant to Schedule No. 101.

An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating two (2) positions of Construction Supervisor P/T, Grade 118E, in the Div. of Waste Management, and appropriating funds pursuant to Schedule No. 97.

An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Project Engineering Coordinator, Grade 119E, for a three-year term, in the Div. of Water Quality, and appropriating funds pursuant to Schedule No. 98.

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Upon motion of Ms. Gorton, seconded by Mr. Ford, and approved by unanimous vote, an Ordinance amending Section 2-151(b) of the Code of Ordinances to provide that members of the "Keep Lexington Beautiful Commission" may be employed in Fayette County to be eligible for board membership was placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

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

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

Nay: ---0

A Resolution accepting the bid of Aramsco, Inc., establishing a price contract for seismic acoustic listening devices and accessories, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Madrax d/b/a Trilary, Inc., establishing a price contract for trail bollards, for the Div. of Parks and Recreation.

A Resolution accepting the bids of Aulick Chemical Solutions, Inc., and ChemTreat, Inc., establishing price contracts for manhole odor control chemical and containment delivery system, for the Div. of Water Quality.

A Resolution accepting the bid of Gooch Construction, Inc., in the amount of $82,970, for Trinity Rd. Stormwater 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, Inc., related to the bid.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Modification to the New Chance Program Funding Agreement with the Ky. Cabinet for Health and Family Services to correct language in the original agreement and remove references to services no longer provided by the Family Care Center.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Homeland Security and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $13,600 Federal funds from the Fire Prevention and Safety Grant Program, and are for a mobile home fire safety improvement program.

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 2008 through June 30, 2011, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, for property interests needed for the Shandon-Cabot Stormwater Project, at a cost not to exceed $1,200,000.

A Resolution authorizing the Mayor, on behalf of the Urban county Government, to execute Change Order No. Two to the Contract with Sherman-Carter-Barnhart Architects, PSC, for Meadows/Northland/Arlington Public Improvements Design Phase 5A, increasing the contract price by the sum of $46,500.00 from $188,271.18 to $234,771.18.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Citizen's Fire Academy Alumni Association ($90), First Bracktown, Inc. ($500), 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. One (Final) to the contract with IPS Baler, Inc., for the Materials Recovery Facility for the baler project, increasing the contract price by the sum of $28,000.00 from $33,233.20 to $61,233.20.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (Final) to the Contract with Machinex Technologies, Inc., for modifications at the Municipal Recycling Center, decreasing the contract price by the sum of $127,743.49 from $3,861,910.00 to $3,734,166.51.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Lexington Legends, for public education events and activities, at a cost not to exceed $29,500.

A Resolution initiating Zoning Ordinance text amendments to Article 15-4 regulating the height of fencing and the construction of fencing abutting public property.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Friends of the Lexington Mounted Police of flooring materials, for use at the Mounted Unit's Arena, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Marrillia Design and Construction, for the Lexington Streetscape Phase One, Vine St. Project, increasing the contract price by the sum of $124,158.01 from $1,639,925.81 to $1,764,083.82.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Clinical/Practical Education Agreement with Eastern Ky. University, for Occupational Therapy Students to work as interns at the Lexington Senior 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 Certificates of Consideration and other necessary documents and to accept Deeds for property interests needed for the Wolf Run Pump Station Expansion and Relocation Project, at a cost not to exceed $263,665.10.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Triplett Striping, Inc., for the Town Branch Waste Water Treatment Plant, Pump Station Pump Replacement Project, increasing the contract price by the sum of $45,518.59 from $686,412.00 to $731,930.59.

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

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

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

Nay: ---0

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Housing and Urban Development and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $1,430,000 Federal funds, and are for continuation of the Housing Opportunities for Persons with AIDS Program.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Omnisource Integrated Supply, LLC, to increase the amount to be paid for inventory services for the Metropolitan Medical Response System (MMRS) Project to $45,000 for FY 2011.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Professional Services Agreements with Jessica Collins, Lianne McBride, Carrie Barnett, Susan Noel, Jessica Barker, Brigette Ganahl, Rosemary Dailey and Susanna Moberly, as Sexual Assault Nurse Examiners, to provide on-call forensic examinations under the Sexual Assault Nurse Examiner Program, at a cost not to exceed $40 for each scheduled on-call period, $230 for each completed forensic examination, $50 per case for professional testimony in court, and the reasonable cost of medical liability insurance.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit two (2) Grant Applications to the Ky. Emergency Management Agency and to provide any additional information requested in connection with these Grant Applications, which Grant funds are in the amount of $50,456 Federal funds, and are for a generator for the Emergency Operations Center ($39,000) and a tornado-safe room at the Versailles Rd. Complex ($11,456).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute the Designation of Applicant’s Agent Resolution designating Commissioner Jane C. Driskell, Dept. of Finance and Administration, as the Urban County Government’s authorized agent for the purpose of obtaining certain federal financial assistance under the Disaster Relief Act or the President’s Disaster Relief Fund.

A Resolution authorizing and directing the Dept. of Law, on behalf of the Urban County Government, to accept a Deed of Easement from Jane Graves Blackford, Elizabeth E. Blackford, William B. Blackford, Jr., Nancy Blackford, Ball-Bryant, LLC and North Forty Properties, LLC, for temporary construction, staging and access easements and a permanent sanitary sewer easement on property located at 3200 Blackford Pkwy. and to accept a Deed of Easement form Ball-Bryant, LLC and North Forty Properties, LLC, for temporary construction easements and a permanent sanitary sewer easement on property located at 3210 Blackford Pkwy., and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Deeds of Easement to certify the consideration, at no cost to the Urban County Government.

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following: Kevin Adams, Electrical Instrumentation Technician, Grade 112N, $19.018 hourly, in the Div. of Waste Management, effective upon passage of Council, and authorizing the beginning employment upon successful completion of a physical or medical examination as required, effective upon passage of Council.

A Resolution ratifying the probationary civil service appointments of: Shepherd Avery, Landfill Inspector, Grade 108N, $11.479 hourly, in the Div. of Waste Management, effective March 21, 2011; ratifying the probationary sworn appointments of: Jamie Tinsley, Fire Lieutenant, Grade 315N, $17.786 hourly, in the Div. of Fire and Emergency Services, effective February 13, 2011; Ronald Keaton, Bradley Ingram, Police Sergeant, Grade 315N, $28.588 hourly, in the Div. of Police, effective March 7, 2011; James Wright, Brian Maynard, Police Lieutenant, Grade 317E, $3,025.14 bi-weekly, in the Div. of Police, effective March 7, 2011.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Easement Release Agreement, releasing a streetlight easement on property located at 209 Ruccio Way.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Utility Easement, releasing a utility easement on property located at 2866-2878 Rio Dosa Dr. (Victory Lutheran Church).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a streetlight easement on property located at 561 E. Fourth St., a/k/a 409 Julia Way.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept donations from Lexmark of office furniture, and Kenny Isaacs Interiors of carpet tiles, for use in the Mayor’s Office, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Personal Services Contract with Commonwealth of Ky., Dept. of Ky. State Police, for reimbursement for Police overtime for the World Equestrian Games.

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Ms. Gorton made a motion, seconded by Mr. Ford, to place on the docket a Resolution expressing that the Urban County Council has no confidence in the current leadership of the Lexington-Fayette Urban County Government's Div. of Fire and Emergency Services.

Mr. Lane made a motion, seconded by Mr. Ellinger, and approved by majority vote (Mr. Ford voted **no**), to substitute instead of the stated motion, the placement of a Resolution supporting the Mayor and administration in moving forward with the process to correct the management issues in the Div. of Fire and Emergency Services on the docket.

Ms. Gorton withdrew her motion in favor of Mr. Lane's motion.

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by unanimous vote, a Resolution supporting the Mayor and administration in moving forward with the process to correct the management issues in the Div. of Fire and Emergency Services was placed on the docket and 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, and seconded by Mr. Ellinger, the resolution was approved by the following vote:

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

Nay: --0

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

A Resolution accepting the bid of PIE Management, LLC, establishing a price contract for temporary labor, for the Dept. of General Services and the Div. of Parks and Recreation.

A Resolution accepting the bid of Chesapeake Bay Coatings, in the amount of $10,609.40, for pool paint, for the Div. of Parks and Recreation.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $270,000 Federal funds, and are for continuation of the Street Sales Drug Enforcement Project for FY 2012.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of Ky., for space in the University of Ky. Hospital emergency room for use as a clinical practice area for the Sexual Assault Treatment Program, at a cost not to exceed $3,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Amendment No. 13 to the Contract with Entran (formerly known as American Consulting Engineers, PLC) for professional services for the Newtown Pike Extension Project, increasing the contract price by the sum of $241,964.00 from $6,614,351.51 to $6,856,315.51.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Young Marines Captain Reginald Underwood Unit, Inc. ($550), Bryan Station High School PTSA, Inc. ($200), 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 Amendment No. 3, to Contract #5797 (Res. No. 693-2006) with Ky. Theatre Management Group, Inc., extending the term of management for an additional seven months, through October 31, 2011.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Contract with Architectural Graphics, Inc., for the Lexington Wayfinding Program, increasing the contract price by the sum of $14,096.39 from $389,145.79 to $403,242.18.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Chestnut Health System, Inc.'s GAIN Coordination Center, for data storage and data sharing for the purpose of assessing youth substance abuse, for the Div.'s of Youth and Family Services, at a cost not to exceed $820.

A Resolution authorizing the Div. of Water Quality, on behalf of the Urban County Government, to purchase three (3) mixing compressors for the Town Branch

Wastewater Treatment Plant from Sihi Pumps, Inc. c/o KY Sherman & Schroder Equipment Co., a sole source provider, at a cost not to exceed $40,689.

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Upon motion of Ms. Gorton, seconded by Mr. McChord, and approved by unanimous vote, a Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Ridgecane Rd. and Sebastian Ln. was placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

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Upon motion of Ms. Crosbie, seconded by Ms. Gorton, and passed by unanimous vote, the Communications from the Mayor were received and are as follows: (1) Recommending the appointment of Councilmember Tom Blues, as Chair, to the Corridors Commission, with a term to expire 8-1-2011; (2) Recommending the appointment of Ms. Jane Driskell, as Designee for Mayor Gray, to the Internal Audit Board; (3) Recommending the appointments of Mr. Clay Mason, as Commissioner of Public Safety, and Ms. Jane Driskell, as Commissioner of Finance and Administration, to the Police and Fire Retirement Fund Board; and (4) Recommending the appointments of Ms. Anna M. Johnson and Ms. Robynn Michelle Pease to the Social Services Advisory Board, with terms to expire 3-3-2015. Also, recommending the appointment of Ms. Beth Mills, as Commissioner of Social Services, Ex-Officio member, to the Social Services Advisory Board.

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The following Communication from the Mayor was received for information only: (1) Approving the voluntary demotion of Gregory Harbut, from Public Service Supervisor Sr., Grade 114E, to Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective February 14, 2011.

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Commander Shawn Coleman, Div. of Police, stated that Officer Amy J. Hawkins had committed the offense of Inappropriate Action in violation of KRS 95.450 and General Order 73-2/H, Operational Rules, Section 1.48, in that on the 28th day of October, 2010, she initiated a traffic stop on a female motorist for disregarding a stop sign on Duncan Machinery Road at Old Frankfort Pike. During the course of the investigative stop, Officer Hawkins made the decision to arrest the motorist for not having insurance on her vehicle. This decision was made against the motorist's protests that she had insurance and that her husband was minutes away with the proof that she was unable to find in the car. In addition, this decision was made without Officer Hawkins inquiring through the E911 Information Channel as to the insurance status on the car which is an acceptable measure identified in KRS as being one part of two required pieces of information to determine proof of insurance. Once the motorist was transported to the Detention Center, her husband arrived at the traffic stop within minutes with physical proof of insurance on the vehicle that she had been driving. Officer Hawkins refused to accept this proof as dissolution of her probable cause for the "No Insurance" charge and arrest and, in fact, did nothing proactive to mitigate the charge/arrest. The judgment employed by Officer Hawkins for affecting an arrest on a person for operating a motor vehicle without insurance was questionable when the most prudent and most practiced decision is a Citation, and that the appropriate punishment for this offense is a Written Reprimand.

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

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Commander Shawn Coleman, Div. of Police, stated that Officer Steven McCane had committed the offense of Misconduct in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.02, in that on the 22nd day of November, 2010, he contacted a Fayette County Attorney's Prosecutor and requested dismissal of a citation. On November 22nd, 2010, Commander Robert Stack received a call from a Fayette County Attorney's Prosecutor informing him that Officer McCane had contacted her requesting dismissal of a citation written to a violator on November 5, 2010. The prosecutor agreed to dismiss the citation before learning that Commander Stack had actually issued the citation. Commander Stack informed the prosecutor that he did not agree with dismissal of the citation since he had observed the violator disregard two stop signs, and that the appropriate punishment for this offense is Ten (10) Hours Suspension Without Pay.

Mr. Farmer asked a question about the disciplinary action. Commander Coleman responded.

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

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Upon motion of Mr. Stinnett, seconded by Ms. Crosbie, and approved by unanimous vote, the meeting adjourned at approximately 9:08 p.m.

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Clerk of the Urban County Council