Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky March 17, 2011

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on March 17, 2011 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane and Lawless.

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

Ordinances No. 18-2011 thru 24-2011 inclusive and Resolutions No. 64-2011 thru 96-2011 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Rev. Tanya Tyler, Ordained Minister in the Christian Church (Disciples of Christ).

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The Mayor introduced Ms. Kim Swayze, Toyota Motor Manufacturing, and Mr. Winn Stephens, American Red Cross, who spoke about the tragedy in Japan and what could be done to assist the people. Ms. Swayzie announced that the Bluegrass Community Walk for Tsunami Relief would be held in partnership with the American Red Cross. Mr. Stephens announced that the walk would be held on March 26, 2011, 10:00 a.m., at Coldstream Park, and that contributions would be welcome as well as participation. Mr. Stephens stated that as of March 17, 2011, there were 480,000 people left homeless by the tsunami.

The Mayor stated that Mr. Martin had suggested a moment of silence in honor of the people of Japan. The moment of silence was observed.

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The Mayor announced the winners of the Ky. American Water Co. Science Fair, held on February 12th and February 19th, 2011. He stated that 600 students had competed in grades 4-12, both public and private schools. He introduced Ms. Susan Lancho, External Affairs Manager for Ky. American Water Co., Ms. Cheryl Norton, President of Ky. American Water Co., and Mr. David Helm, Science Specialist for Fayette County Public Schools. The Mayor also welcomed the parents, families and students who were in attendance.

The Mayor asked the elementary school students to raise their hands as the name of their school was called: private and home-school, Ashland Elementary, Athens-Chilesburg Elementary, Booker T. Washington Elementary, Cassidy Elementary, Dixie Elementary, Glendover Elementary, James Lane Allen Elementary, Julius Marks Elementary, Liberty Elementary, Meadowthorpe Elementary, Picadome Elementary, Rosa Parks Elementary, Sandersville Elementary, and Veterans Park Elementary.

The Mayor asked the middle school students to raise their hands as the name of their school was called: private and home-school, Beaumont Middle, Bryan Station

Middle, Edythe J. Hayes Middle, Jesse Clark Middle, Morton Middle, Tates Creek Middle, and Winburn Middle.

The Mayor asked the high school students to raise their hands as the name of their school was called: Paul L. Dunbar High School.

It was explained that many of the Senior High level winners were attending a competition out of town and could not be in attendance.

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The Mayor recognized Ms. Henson, who, as Chair of the Affordable Housing Task Force, introduced Mr. John Farris, Commonwealth Economics. Mr. Farris was selected by the Task Force to conduct a study on the feasibility of implementing an affordable housing trust fund through a local insurance tax.

Mr. Farris spoke about the Task Force and made his presentation.

Ms. Henson made a motion, seconded by Mr. Ford, to refer the issue of a local insurance tax to support an affordable housing trust fund to the Council's Economic and Community Development Committee.

Mr. Ford spoke about the motion.

Ms. Crosbie asked questions of Ms. Henson regarding the status of the issue in committee. Ms. Henson responded that her motion would move the issue from the Affordable Housing Task Force to a Council committee.

Mr. Stinnett asked a question of Ms. Henson regarding the final report of the Affordable Housing Task Force. Ms. Henson responded about the timeline of the Task Force.

The motion **passed** by unanimous vote.

The following citizens spoke in favor of requesting the Council to fund the Affordable Housing Trust Fund: (1) Pastor Joseph Owens, Hickory Creek Circle; (2) Ms. Katherine Goetz, Hume Road, (3) Pastor Richard Gaines, Majestic View Lane, (4) Mr. Forrest Wiley, Hedgewood Court, (5) Ms. Katlain Akers, Saybrook Road, (6) Ms. Mary Alice Pratt, Zandale Drive, (7) Mr. William Moody, Keene Road, and 8) Mr. Adam Jones, Summerville Drive.

Ms. Lawless thanked Ms. Henson and others for all their work on this Task Force.

The Mayor thanked all of the representatives of BUILD for attending the meeting.

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Ms. Gorton made a motion, seconded by Mr. Blues, and approved by unanimous vote, to schedule a Special Council Meeting for a Police Disciplinary Hearing on April 26, 2011, at 5:00 p.m.

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Upon motion of Ms. Gorton, seconded by Mr. Beard, and approved by unanimous vote, the updates on investigations from the Fayette County Sheriff on Community Corrections, from the Div. of Fire and Emergency Services and from the Div. of Emergency Management/911 were referred to the Council's Public Safety and Public Works Committee.

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Upon motion of Ms. Gorton, seconded by Mr. Farmer, and approved by unanimous vote, the issue of the purchase of alternative fuel vehicles was referred to the Council's General Government Committee.

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Upon motion of Ms. Gorton, seconded by Mr. Blues, and approved by unanimous vote, a Special Meeting of the Council's Environmental Quality Committee was scheduled for April 19, 2011, at 11:00 a.m.

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Ms. Gorton reported on the assignments for the members of the FY 2012 Council Budget Link Committees, as well as the chairs of the committees.

Mr. Farmer asked questions about the process for the Link Committee meetings. Mr. Ellinger responded. Mr. Farmer also asked questions of Ms. Gorton.

Mr. Farmer made a motion, seconded by Mr. Ford, that the Council hold a budget workshop before the Mayor presents the FY 2012 Budget.

The Council discussed the motion.

The Mayor spoke to the Council's concerns.

The Council continued to discuss the motion.

Mr. Farmer amended his motion, seconded by Mr. Ford, and approved by unanimous vote, to schedule a Committee of the Whole meeting on March 22, 2011, from 11:30 a.m. to 1:00 p.m.

Mr. Farmer's amended motion to have a Committee of the Whole meeting on March 22, 2011 from 11:30 a.m. to 1:00 p.m., seconded by Mr. Ford, **passed** by majority vote (11-4).

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

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless------------15

Nay: --0

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).

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.

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.

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An Ordinance accepting the bid of The Southern Group, Inc., in the amount of $109,791 for Kearney Hills Golf Course Irrigation Replacement, for the Div. of Parks and Recreation, and appropriating funds pursuant to Schedule No. 108 was given first reading.

Ms. Lawless asked a question of Mr. Jerry Hancock, Director of the Div. of Parks and Recreation about the non-low bid.

The ordinance was ordered placed on file until April 14, 2011 for public inspection.

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An Ordinance amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Administrative Specialist P/T, Grade 110N, in the Div. of Emergency Management/911 and appropriating funds pursuant to Schedule No. 107 was given first reading.

Ms. Lawless asked questions of Ms. Leslie Jarvis, Acting Director of the Div. of Human Resources, regarding the ordinance.

The ordinance was ordered placed on file until April 14, 2011 for public inspection.

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The following ordinances were given first reading and ordered placed on file until April 14, 2011 for public inspection.

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.

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. 110.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of $320,320 (FHWA Planning), $48,400 (Federal Transit Administration Section 5303), $102,000 (Mobility Office (SLX)), $54,000 (Air Quality Planning (SLX)), $67,200 (Congestion Management (SLX)) and $52,800 (Bike/Ped (SLX)) Federal funds, are for the Div. of Planning Unified Work Program - FY 2012, the acceptance of which obligates the Urban County Government for the expenditure of $60,060 (FHWA Planning), $12,100 (Federal Transit Administration), $25,500 (Mobility Office (SLX)), $13,500 (Air Quality Planning (SLX)), $16,800 (Congestion Management (SLX)), and $13,200 (Bike/Ped (SLX)) as a local match, subject to sufficient funds being appropriated in FY 2012, appropriating funds pursuant to FY 2012 Schedule No. 6, 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. Transportation Cabinet, which Grant funds are in the amount of $490,000 Federal funds, are for the Lexington Traffic Movement and Revitalization Study, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 103, 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 National Association of Police Athletic/Activities League, Inc., 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 $30,000 Federal funds, are for a juvenile mentoring program in the Div. of Police, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 102, 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. Emergency Management Agency, which Grant funds are in the amount of $98,700 Federal funds and $15,792 Commonwealth of Ky. funds, are for the Lexington-Fayette County Comprehensive Hazard Mitigation Plan, the acceptance of which obligates the Urban County Government for the expenditure of $17,108 as a local match, appropriating funds pursuant to Schedule No. 104, 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. Div. of Emergency Management, which

Grant funds are in the amount of $97,125 Federal funds and $15,540 Commonwealth of Ky. funds, are for replacement of a generator at Fire Station One, the acceptance of which obligates the Urban County Government for the expenditure of $16,835 as a local match, appropriating funds pursuant to Schedule No. 105, 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 $388,400 Federal funds, are for continuation of the Chemical Stockpile Emergency Preparedness Program (CSEPP), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 106, 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. Cabinet for Health and Family 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 $448,036 Federal funds, are for continuation of the New Chance Program in the Div. of Family Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2012 Schedule No. 5, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

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The following resolutions were given second reading.

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 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.

Ms. Crosbie asked questions of Ms. Cheryl Taylor, Commissioner of the Dept. of Environmental Quality, and Ms. Irene Gooding, Acting Director of the Div. of Community Development, regarding the resolutions.

Upon motion of Mr. Martin, and seconded by Mr. Ellinger, the resolutions were approved by the following vote:

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless----------15

Nay: --0

* * *

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

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless----------15

Nay: --0

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 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 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.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop signs at Ridgecane Rd. and Sebastian Ln.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. for Local Development and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $75,000 Federal funds, and are for improvements for Hisle Farm Park was on the docket for first reading with a public meeting being held.

The Mayor opened the public meeting.

There being no citizens to appear before the Council, the Mayor closed the public meeting.

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

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

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless--------15

Nay: --0

* * *

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

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

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless--------15

Nay: --0

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

A Resolution accepting the bid of Compumeric Engineering, Inc. d/b/a Securr, establishing a price contract for trash and recycling containers, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Amteck, in the amount of $84,750 for electrical upgrades - Thompson Rd. Recycling Center, for the Div. of Waste Management.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Versailles Rd. Corridor Enhancements Project 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 an Agreement with Donald L. Crain, Esq., attorney with Frost Brown & Todd, LLC, for collective bargaining negotiations, at a cost not to exceed $60,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Grant Award Agreement awarding a Class A Incentive Grant for a stormwater quality project to Bluegrass PRIDE, Inc., in the amount of $19,200.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Grant Award Agreement awarding a Class A Incentive Grant for a stormwater quality project to WGPL Neighborhood Association, Inc., in the amount of $7,700.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Grant Award Agreement awarding a Class A Incentive Grant for a stormwater quality project to the Colony Unit Four Community Association, Inc., in the amount of $35,248.10.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Grant Award Agreement awarding a Class A Incentive Grant for a stormwater quality project to Ky. River Watershed Watch, Inc., in the amount of $1,800.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Modification to the Agreement awarding a Class A (Neighborhood) Incentive Grant for a stormwater quality project to Southern Heights Neighborhood Association, Inc., increasing the grant amount by the sum of $9,369.60 from $40,630.40 to $50,000.

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Upon motion of Ms. Gorton, seconded by Mr. Farmer, and approved by unanimous vote, a Resolution supporting and encouraging all residents of Lexington-Fayette County to participate in the American Heart Association's Central Ky. Start! Heart Walk on April 23, 2011 at Commonwealth Stadium and supporting the Leadership Lexington concept of Lexington-Fayette County becoming a Fit City was placed on the docket and given first reading.

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

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

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless--------15

Nay: ---0

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Upon motion of Ms. Crosbie, seconded by Mr. Blues, and approved by unanimous vote, a Resolution authorizing and directing the Div. of Traffic Engineering to install a multi-way stop at the intersection of Forest Hill Dr. and Gingermill Ln. was placed on the docket and given first reading.

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

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

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless--------15

Nay: ---0

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Upon motion of Mr. Stinnett, seconded by Ms. Crosbie, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a partial release of utility easement, releasing a portion of a utility easement on property located at 2260 Thunderstick Dr. was placed on the docket and given first reading.

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

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

Aye: Martin, McChord, Myers, Stinnett, Beard,
Blues, Crosbie, Ellinger, Farmer, Ford,
Gorton, Henson, Kay, Lane, Lawless--------15

Nay: ---0

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the University of Ky., for parking at UK Polk-Dalton Clinic, at no cost to the Urban County Government was on the docket for first reading.

Mr. Beard asked questions of Mr. Jamshid Baradaran, Director of the Div. of Facilities and Fleet Management, regarding the resolution.

The resolution was given first reading and ordered placed on file until April 14, 2011 for public inspection.

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A Resolution ratifying the probationary civil service appointments of: Demetria Kimball, Environmental Inspector II, Grade 117E, $1,914.56 bi-weekly, Kevin Lyne, Environmental Inspector II, Grade 117E, $1,897.84 bi-weekly, Bennie Begley, Sewer Line Maintenance Superintendent, Grade 116E, $2,430.48 bi-weekly, in the Div. of Water Quality, effective March 7, 2011; ratifying the permanent civil service appointments of: John Carey, Telecommunicator Supervisor, Grade 116E, Jason Eason, Kevin Owens, Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective February 28, 2011; ratifying the unclassified civil service appointment to the Office of the Urban County Council of: Leah Boggs, Aide to Council, Grade 000E, $2,057.69 bi-weekly, in the Council Office, effective February 28, 2011; ratifying the unclassified civil service pay increases in the Office of the Urban County Council of: Melynda Milburn Jamison, Aide to Council, Grade 000E, increase from $2,000.00 biweekly to $2,057.69 bi-weekly, effective February 28, 2011, Scott Seymour, Aide to Council, Grade 000E, increase from $1,942.31 bi-weekly to $2,057.69 bi-weekly, effective February 28, 2011; ratifying the temporary appointment in the Office of the Urban County Council of: Donna Jeannette Williams, Council Administrator, Grade 121E, $2,249.92 bi-weekly, effective February 21, 2011 was given first reading.

Mr. Stinnett asked a question of Ms. Leslie Jarvis, Acting Director of the Div. of Human Resources, regarding positions being eliminated as of March 31, 2011.

Ms. Lawless and Ms. Henson also asked questions of Ms. Jarvis regarding the same issue.

Mr. Richard Moloney, Chief Administrative Officer, stated that all options were being considered for funding.

The resolution was ordered placed on file until April 14, 2011 for public inspection.

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The following resolutions were given first reading and ordered placed on file until April 14, 2011 for public inspection.

A Resolution accepting the bids of Herb Geddes Fence Co., Inc.; S and T Fencing, Inc.; Rio Grande Fence; Shuck Fence Co., Inc.; Myers Fence, LLC; and A&W Fence Co., Inc., establishing price contracts for fencing, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Global Environmental Solutions, LLC, establishing a price contract for electronics waste recycling, for the Div. of Waste Management.

A Resolution accepting the bid of Machinex Technologies, Inc., in the amount of $106,440 for Eddy Current Separator - Thompson Rd. Material Recovery Facility, for the Div. of Waste Management.

A Resolution accepting the bid of Allied Technical Services, Inc., establishing a price contract for temporary pumping services, generators and emergency waste water treatment plant equipment rental, for the Div. of Water Quality.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Volunteers of America of Ky., Inc., for support of emergency housing for homeless families, at a cost not to exceed $8,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 7 to the Contract with Nesbit Engineering, Inc., for design of the Meadows/Northland/Arlington Public Improvements Project, Subphase 3D, increasing the contract price by the sum of $3,200.00 from $260,458.78 to $263,658.78, and amending Resolution 411-2010 related to Change Order No. 6 for the project to reflect that the correct subphase is Subphase 3D.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract Modification to the Engineering Services Agreement with GRW Engineers, Inc., for design of the Liberty Rd./Todds Rd. Section 2 Public Improvement Project, increasing the contract price by the sum of $271,053 from $399,992 to $671,045.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Blue Grass Community Foundation ($450), Big Brothers Big Sisters of the Bluegrass ($450), Lexington Dolphins, Inc. ($300), and Girls on the

Run ($450), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Assignment of Easement and an Amendment to License Agreement with the Cincinnati New Orleans and Texas Pacific Railway Co. and Don Jacobs, Inc., at a cost not to exceed $4,350.

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Upon motion of Mr. Stinnett, seconded by Mr. McChord, and passed by unanimous vote, the following Communications from the Mayor were approved and are as follows: (1) Recommending the appointments of Ms. Brittany Blackburn Koch and Ms. Morgan Hall to the CASA, with terms to expire 6-11-2013; (2) Recommending the appointments of Councilmember Bill Farmer, representing 3rd, 5th, or 11th Districts, Mr. Matthew A. Bland, and Mr. Logan K. Baker to the Corridors Commission, with terms to expire 8-1-2015, 8-1-2013, and 8-1-2011, respectively. Mr. Bland will fill the unexpired term of Mr. Jarrod Stanley, and Mr. Baker will fill the unexpired term of Mr. Wesley Raney; (3) Recommending the appointment of Councilmember Diane Lawless to the Special Events Commission, with a term to expire 6-1-2015; and (4) Recommending the appointment of Vice Mayor Linda Gorton, as LFUCG Co-Chair, to the Town and Gown Commission. Also, recommending the appointment of Ms. Melissa Lueker to the Town and Gown Commission, with a term to expire 2-1-2013. Ms. Lueker will fill the unexpired term of Ms. Penny Ebel.

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The following Communications from the Mayor were received for information only: (1) Temporary appointment of Jamshid Baradaran, Commissioner of General Services, Grade 210E, $4,230.77 bi-weekly, in the Dept. of General Services, effective March 3, 2011; and (2) Temporary appointment of Jimmy Ross, Program Coordinator, Grade 109N, $13.121 hourly, in the Div. of Facilities and Fleet Management, effective March 1, 2011.

Mr. Ellinger asked whether a confirmation hearing was required for the temporary appointment of a commissioner, and how long a temporary appointment could last.

Ms. Glenda George, Dept. of Law, responded that a temporary appointment was generally ninety days.

Ms. Lawless asked a question regarding the temporary appointment of Ms. Susan Bush, Director of the Div. of Environmental Policy, to Commissioner of the Dept. of Environmental Quality. The Mayor stated that his administration would obtain that information. Ms. George also responded.

The Council continued to ask questions regarding the temporary appointments listed in the Communications from the Mayor of the Mayor and of Mr. Richard Moloney, Chief Administrative Officer.

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Assistant Chief Mike Gribbin, Div. of Fire and Emergency Services, stated that Firefighter Rodney Mullannix 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)] 8c (1^{st} Occurrence), in that over the course of five (5) pay periods in late 2010 he allegedly was overpaid approximately $7,500. Firefighter Mullannix knew or should have known that the overpayment had occurred and should have reported it as soon as possible, and that the appropriate punishment for this offense is a Written Reprimand.

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

* * *

Assistant Chief Mike Gribbin, Div. of Fire and Emergency Services, stated that Firefighter Joseph Mouser had committed the offense of Being AWOL (Absent Without Approved Leave) for a Scheduled Class on Overtime, in violation of KRS 95.450 (inefficiency, misconduct, insubordination or violation of law or rule) and Div. of Fire and Emergency Services Policy Statement 100.09: Tardy, Late, AWOL, in that on the 11^{th} day of January, 2011, he was AWOL from an overtime assignment after failing to attend a scheduled class, and that the appropriate punishment for this offense is a Written Reprimand.

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

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Mr. Joe Sullivan, Freeman Drive, spoke about a problem with a utility easement on his mother's property on Windward Lane.

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Ms. Jamie Cooper, Laredo Drive, Civil Service Employees' Association Representative, addressed the issue of Council legislative aides receiving salary adjustments caused by inversions. She asked that if the moratorium on inversions had been lifted to please consider other employees as well.

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Mr. Robert Dalton, Douglas Avenue, stated that he had previously asked the Council and the public to support Kentucky House Bill 202, making it easier for Ky. veterans to get their CDL license. He announced that the bill had been approved by the House and the Senate, and that it would be signed into law. He thanked everyone for their support.

*   *   *

Ms. Gorton made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to go into closed session at 8:26 p.m. pursuant to KRS 61.810(1)(c) to discuss potential litigation, and pursuant to KRS 61.810(1)(f) for discussions which may lead to the discipline or dismissal of an individual employee.

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Upon motion, the meeting adjourned at 9:00 p.m.

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Clerk of the Urban County Council