Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky April 28, 2011

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on April 28, 2011 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Beard, Blues, Crosbie, Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Martin, McChord, Myers, and Stinnett.

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

Ordinances No. 33-2011 thru 43-2011 inclusive and Resolutions No. 122-2011 thru 140-2011 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Rev. Dalene Vasbinder, Pastor of Woodland Christian Church.

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Mr. Lane recognized Boy Scout Troop #103, with Scoutmaster Paul Diletto, St. Elizabeth Ann Seton Catholic Church. He thanked them for attending the meeting.

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The Mayor introduced Ms. Ramona Newman, Frankfort City Clerk, who was in attendance to observe the Granicus computer system. He welcomed her to the meeting.

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Upon motion of Mr. Ellinger, seconded by Ms. Gorton, the minutes of the January 25, 5:00 p.m., and February 8, 2011 Council meetings were approved by majority vote (Mr. Kay was absent when the vote was taken).

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The Mayor recognized Dr. Rice Leach, Public Health Commissioner, and Mr. Kevin Hall, Director of Communications, with the Dept. of Health. Dr. Leach spoke about the 2011 Public Health Heroes, as determined by the Dept. of Health, and about the history of the program. He introduced winner Ms. Jill Chenault-Wilson, Director of the William Wells Brown Community Center, and spoke about her accomplishments. He then introduced Dr. Malkanthie McCormick, professor of infectious disease at the University of Ky., and spoke about her accomplishments.

The Mayor presented a Proclamation in honor of National Public Health Week.

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The Mayor introduced Ms. Tish Clayborn, Chair of the Mayor's Task Force on Health and Wellness, who gave a presentation on the mission and goals of the Task Force. She invited everyone to attend the next meeting.

Mr. McChord thanked Ms. Clayborn for all the work of the Task Force, and spoke about the next Second Sunday event in Lexington.

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Ms. Gorton reported that the Summary of the April 12, 2011, Committee of the Whole Work Session had been approved.

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Ms. Gorton reported that the Committee of the Whole had recommended hiring a full-time Citizens' Advocate.

She also reported that the Committee of the Whole had made a motion to recommend changing the word 'periodic' to the word 'annual' in the Facilities Usage Policy.

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Ms. Gorton reported that due to a lack of time, the Council Members had been unable to give their Council Reports at the Committee of the Whole Work Session on April 26, 2011, and requested that they be allowed to give their reports during the Council Meeting.

The Mayor stated that they would be allowed to give their reports during the Announcements portion of the meeting.

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An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit the 2011 Consolidated Plan/Grant Application to the U.S. Dept. of Housing and Urban Development, to provide any additional information requested in connection with this Grant Application, and to accept the Grant if the application is approved, which Grant funds are in the amount of $3,641,000 Federal funds, are for FY2012 Community Development Block Grant Program ($2,050,000), HOME Program ($1,500,000), and Emergency Shelter Grant Program ($91,000), the acceptance of which obligates the Urban County Government for the expenditure of $351,500 from various funding sources as local cash match and $67,000 in-kind match; appropriating funds pursuant to FY2012 Schedule No. 9; authorizing the Mayor to transfer unencumbered funds within the Grant budget; and authorizing the Mayor to execute Agreements for the approved Plan was given second reading.

Ms. Lawless asked questions of Ms. Irene Gooding, Acting Director, Div. of Community Development, regarding the programs included in the ordinance. Ms. Gooding responded.

Upon motion of Ms. Gorton, and seconded by Ms. Lawless, the ordinance was approved by the following vote:

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

Nay: ---0
(Mr. Ford recused himself when the vote was taken.)

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

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

Nay: --0

An Ordinance changing the zone from a Wholesale and Warehouse Business (B-4) zone to a Neighborhood Business (B-1) zone for 0.74 net (1.07 gross) acre, for property located at 369 Codell Dr. (a portion of) (Equity Alliance of Lexington, LLC).

An Ordinance changing the zone from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone for 0.594 net (0.829 gross) acre, for property located at 1389 Alexandria Dr. (W. Nelson McMakin).

An Ordinance changing the zone from a Highway Service Business (B-3) zone to a Wholesale & Warehouse Business (B-4) zone for 1.083 net and gross acres, for property located at 763 and 779 Newtown Pike (portions of), subject to certain use restrictions imposed as conditions of granting the zone change (SCW Newtown, 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. 112.

An Ordinance approving and adopting an Amendment to the 2010 Consolidated Plan to include the purchase of two residential units, relocation of the residents and demolition of the units in the Meadows/Northland/Arlington Project.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with the Ky. Energy and Environment Cabinet, for the acceptance of additional Federal funds for the Wolf Run

Creek Watershed Based Plan in the amount of $20,266, the acceptance of which obligates the Urban County Government for the expenditure of $13,510.67 as a local match, and appropriating funds pursuant to Schedule No. 114.

An Ordinance authorizing 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 $750,000 Federal funds, are for the S. Limestone Streetscape Transportation Enhancement Project, and the acceptance of which obligates the Urban County Government for the expenditure of $187,500 as a local match, appropriating funds pursuant to Schedule No. 115, 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 and submit a Grant Application to the Ky. Dept. of Juvenile Justice, 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 $241,845 Commonwealth of Ky. funds, are for operation of the Day Treatment Program, for the Div. of Youth 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. 7, 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 Lexington-Fayette County Health Dept., which Grant funds are in the amount of $483,202 Federal funds, are for the Home Network Project at the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2012 Schedule No. 8, 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 accept a Grant from the University of Ky., which Grant funds are in the amount of $496.50 Federal funds under the Child Care Infant/Toddler Provider Incentive Mini Grant Program, are for the purchase of equipment for the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 113, 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 and submit a Grant Application to the U.S. Dept. of Health and Human 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 $180,000 Federal funds, are for operation of the M.A.S.H. Drop Inn Facility, the acceptance of which obligates the Urban County Government for the expenditure of $20,000 to be provided by the M.A.S.H. Drop Inn operating budget, appropriating funds pursuant to FY 2012 Schedule No. 10, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing the Mayor to execute an Agreement with M.A.S.H. Services of the Bluegrass, Inc., for operation of the Drop Inn Facility at a cost not to exceed $180,000.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Sponsorship Agreement with and accept a $2,000 donation from PNC Bank, National Association, for the Senior Intern Program, and appropriating funds pursuant to Schedule No. 111.

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Upon motion of Ms. Gorton, seconded by Mr. Farmer, and approved by unanimous vote, the following ordinances were placed on the docket without public hearings, given first reading, and ordered placed on file two weeks for public inspection.

An Ordinance amending Ordinance No. 105-2009, the Newtown Pike Extension Ordinance, disapproving a request to amend to apply standards only to commercial development and approving a request to waive the bulk plane and parking lot standards applied in Section 10 for property located at 502-526 South Broadway, 320 Pine St., and 319 Cedar St. (Jeff Morgan).

An Ordinance changing the zone from a Professional Office (P-1) zone to a High Rise Apartment (R-5) zone for 0.376 net (0.42 gross) acre, with dimensional variances, for property located at 407 Marquis Ave., subject to certain use restrictions imposed as conditions of granting the zone change (FEDE, LLC).

* * *

Upon motion of Ms. Gorton, seconded by Mr. Farmer, and approved by unanimous vote, 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 placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

* * *

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. 116.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $1,547 from Neighborhood Development funds in the Div. of Parks and Recreation for personnel expenses related to William Wells Brown Community Center summer programs, and appropriating and re-appropriating funds, Schedule No. 117.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Modification #1 to the Neighborhood Stabilization Program Funding Agreement with the Ky. Dept. for Local Government to clarify eligible uses of funds and to include a provision for loan servicing by Ky. Housing Corp was given second reading.

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

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

Nay: ---0
(Mr. Ford recused himself when the vote was taken.)

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

Nay: --0

A Resolution accepting the bid of E-Z Pack Manufacturing, LLC, establishing a price contract for rear loading truck mounted refuse body, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Century Equipment, establishing a price contract for golf carts, for the Div. of Parks and Recreation.

A Resolution accepting the bid of ProKleen Industrial Services d/b/a PortaKleen, establishing a price contract for portable restroom units, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Ennis Paint, Inc., establishing a price contract for traffic marking paint, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Accent Wire, establishing a price contract for bailing wire, for the Div. of Waste Management.

A Resolution authorizing the Div. of Community Corrections to purchase drug testing assays for the Community Alternative Program's drug testing program, from ThermoFisher Scientific (d/b/a Microgenics), a sole source provider, at a cost not to exceed $41,652, and authorizing the Mayor to execute necessary documents.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Commercial Services Agreement with Insight Communications Co., LP, to provide internet network connectivity to the Div. of Emergency Management/911 using federal grant funds, at an annual cost not to exceed $960.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Granicus, Inc., for addition of the Word Add-In Module, and integration with Legistar, at a cost not to exceed $1,625.

A Resolution changing the street names and property address numbers of 2515 Harrodsburg Rd. to 2376 Alexandria Dr., of 588, 600, and 601 Judy Ln. to 2278, 2277, and 2281 Allen Dr., of 600 Parkside Dr. to 2297 Allen Dr., of 1200 Centre Pkwy. to 3554 Appian Way, of 928 N. Limestone to 122 Arceme Ave., of 3252 Bay Springs Park to 3297 Blackford Pkwy., of 400 McKenna Ct. to 1752 Bryan Station Rd., of 2849 Trailwood Ln. to 2772 Burnt Mill Rd., of 1100 and 1092 Spring Run Rd. to 3861 and 3872 Hidden Springs Dr., of 538 Parkside Dr. to 2309 Irene Dr., of Units A and B 500 Shaftsbury Rd. to Units 101 and 102 1210 Meadow Ln., of 1049 Millcreek Ct. to 1162 Millcreek Dr., of 1112 Centre Pkwy. to 3503 Olympia Rd., of 469, 461, 463, 468, 460 and 462 W. Fifth St. Ct. to 475, 483, 491, 476, 484, and 490 Pilgrim Ct., of 408 W. New Circle Rd. to 1499 Russell Cave Rd., of 1725 Chelmsford Dr. to 617 Stonehaven Dr., of 2601 Kearney Creek Ln. to 2777 Sullivans Trace, and of 509, 511, 513, 515, 519, 521, 523, and 527 Bourbon Ave. to 470, 474, 478, 482, 486, 490, 494, and 498 Willy St.; changing the property address numbers of 217-219 Albany Rd. to 219 Albany Rd., of 1805-1865 Alexandria Dr. to 1801 Alexandria Dr., of 2045 Altamont Ct. to 2035 Altamont Ct., of 362-366 Aylesford Pl. to 364 Aylesford Pl., of 2537 Berea Rd. to 2540 Berea Rd., of 370 Glen Arvin Ave. to 366 Glen Arvin Ave., of 1100 Horsemans Ln. to 1050 Horsemans Ln., of 350 Lisle Industrial Ave. to 336 Lisle Industrial Ave., of Units A and B 3386 Moundview Ct. to 3386 and 3388 Moundview Ct., of 510 and 262 W. New Circle Rd. to 540 and 260 W. New Circle Rd., of 580 W. Sixth St. to 575 W. Sixth St., and of 495-497 W. Third St. to 497 W. Third St.; and changing the street name of 1953, 1949, and 1945 Mark Ave. to 1953, 1949, and 1945 Dark Tower Rd.; all effective thirty days from passage.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Commercial Services Agreement with Insight Communications Co., LP, to provide internet network connectivity to the Div. of Emergency Management/911, at an annual cost not to exceed $720.

A Resolution changing the street names and property address numbers of 3000 Blackford Pkwy. To 3220 Bledsoe Pl., of 937 Williamson St. to 230 Driscoll St., and of 326 W. Fifth St. to 465 Kenton St.; changing the property address numbers of 604 S. Broadway to 606 S. Broadway, of 666 Cielo Vista Road to 668 Cielo Vista Rd., of 800

Florence Ave. to 794 Florence Ave., of 355 S. Limestone to 357 S. Limestone, and of 1513 Versailles Rd. to 1511 Versailles Rd.; and changing the street names of a section of Von Alley to Merlot Alley, and of a section of Morris Alley to Soup Perkins Alley; all effective thirty days from passage.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Assignment accepting a permanent easement for stormwater runoff for property located at 2299 Brannon Rd. at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Gershman, Brickner & Bratton, Inc., for waste management routing software and implementation services, for the Div. of Waste Management, increasing the contract price by the sum of $66,000 from $1,655,596 to $1,721,596.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Lease Renewal Agreements with Commonwealth of Ky., for State Police CDL Office and Drivers License Office at 162 E. Main St.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with International Public Management Association of Human Resources, for the purchase of test products and services, for the Div. of Human Resources, at a cost not to exceed $1,000.

A Resolution ratifying the probationary civil service appointments of: Andre Scott, Equipment Operator, Grade 108N, $17.242 hourly, in the Div. of Water Quality, effective April 18, 2011, Steve Zahn, Equipment Operator, Grade 108N, $16.219 hourly, in the Div. of Water Quality, effective April 18, 2011, ratifying the probationary sworn appointments of: Robert Crow, Fire Captain, Grade 316N, $23.039 hourly, in the Div. of Fire and Emergency Services, effective March 28, 2011, Jeremy Greer, Fire Lieutenant, Grade 315N, $17.786 hourly, in the Div. of Fire and Emergency Services, effective March 28, 2011.

A Resolution approving, pursuant to KRS 62.055 and Section 22-55.1 of the Code of Ordinances, the bond with surety of Jon Larson, County Judge/Executive, in the amount of $10,000, and directing the Dept. of Law to record the bond, with surety, along with a certified copy of this Resolution, in the Office of the Fayette County Clerk.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept an Easement from Ky.-American Water Co. for the property located at 3720 Richmond Rd., for the East Hickman Pump Station Overflow Spillway, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (2) Final to the Contract with Bluegrass Contracting Corp. for the Vaughn's Branch Flood Hazard Mitigation Project, increasing the contract price by the sum of $9,968.24 from $1,251,663.75 to $1,261,631.99.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (2) to the Contract with Stantec Consulting Services, Inc., for the Loch Lomond Drainage Improvements Project, increasing the contract price by the sum of $6,165.25 from $67,340.00 to $73,505.25.

A Resolution of the Urban County Council electing Doug Martin, as representative for Council Districts 9,10, and 12, and Peggy Henson, as representative for Council Districts 3, 5, and 11, to the Transportation Policy Committee of the Lexington Area Metropolitan Planning Organization.

A Resolution initiating Zoning Ordinance text amendments for Planning Commission consideration and recommendation, to amend Article 5-1(a) of the Zoning Ordinance to provide for right of entry and administrative search warrants; and amending Articles 5-9, 17-14, 23c-13 and 26-12 to provide for civil fines.

A Resolution initiating Zoning Ordinance text amendments to define and regulate temporary structures.

A Resolution initiating Zoning Ordinance text amendments to define and regulate circuses and carnivals.

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A Resolution accepting the bid of ABR Construction, Inc., in the amount of $555,431.65, for the Lexington Mall Sanitary Sewer Relocation, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with ABR Construction, Inc., related to the bid was given first reading.

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

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

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

Nay: ---0

* * *

Mr. Myers made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to amend a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Joyland Neighborhood Association ($500), Lexington Fast-Pitch Softball, Inc. ($250), Chrysalis House, Inc. ($800), William Wells Brown Neighborhood Association ($1,000), Southland Association, Inc. ($2,025), and Capacity, Inc. ($275), for the Office of the Urban County Council, at a cost not to exceed the sums stated, to include an allocation of $300 to the Gainesway Neighborhood Association.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Joyland Neighborhood Association ($500), Lexington Fast-Pitch Softball, Inc. ($250), Chrysalis House, Inc. ($800), William Wells Brown Neighborhood Association ($1,000), Southland Association, Inc. ($2,025), Capacity, Inc. ($275), and Gainesway Neighborhood Association, Inc. ($300), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading as amended.

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

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

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

Nay: ---0

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following: Jennifer Thompson, $19.768 hourly, Jeremy Knight, $19.332 hourly, Tyler Henningsen, $17.551 hourly, Environmental Inspector, Grade 113N, in the

Div. of Water Quality, effective upon passage, and authorizing the beginning employment upon successful completion of a physical or medical examination as required was given first reading.

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

The resolution was given second reading.

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

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

Nay: ---0

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easements, releasing a 30-foot utility, sanitary sewer and streetlight easement, a 12-foot sanitary sewer easement, and a 10-foot streetlight easement on property located at 3840 Camelot Dr., 600 Greenfield Dr., and 3773, 3777, 3781, 3785, and 3789 Belleau Wood Dr. (Sayre Christian Village Nursing Home) was given first reading.

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

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

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

Nay: ---0

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Upon motion of Ms. Gorton, seconded by Mr. Farmer, and approved by unanimous vote, a Resolution approving the bylaws of the Internal Audit Board was placed on the docket and given first reading.

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

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

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

Nay: ---0

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Upon motion of Ms. Gorton, seconded by Mr. McChord, and approved by unanimous vote, a Resolution adopting Findings of Fact and Conclusions of Law and imposing the discipline of Demotion to Police Officer upon Earl Rayford by reason of his misconduct within the meaning of and in violation of KRS 95.450, Section 23-42 of the Code of Ordinances of the Lexington Fayette Urban County Government, and the rules of the Div. of Police was placed on the docket and given first reading.

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

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

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

Nay: ---0

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Ms. Gorton made a motion, seconded by Mr. Blues, and approved by unanimous vote, to extend the tabling of a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Purchase of Service Agreement with Downtown Lexington Corp., to include event management responsibilities for the July 4th Festival, Ky. Christmas Chorus, Winter Festival and Holiday Market, Official Tree Lighting, and Vintage Ky. Wine Festival, at a cost not to exceed $120,000, until the May 10, 2011, Committee of the Whole Work Session, and to include a presentation on the resolution at that time.

* * *

A Resolution designating Tates Creek Golf Course and Clubhouse, and Athens Softball Complex Concession Stand/Pavilion as parks and park facilities where the Director of the Div. of Parks and Recreation may authorize the possession, sale, delivery and consumption of alcoholic beverages and apply for a malt beverage license for sale of malt beverages at the listed locations was given first reading.

Ms. Henson asked questions of Mr. Jerry Hancock, Director of the Div. of Parks and Recreation, regarding the parameters of the sale of alcohol at the designated facilities. Mr. Hancock responded.

The resolution was ordered placed on file two weeks for public inspection.

* * *

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

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

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, and to accept Deeds for easements needed for Phase 3D of the Meadows-Northland-Arlington Neighborhood Improvement Project, at a cost not to exceed $2,000.

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 Lafayette Parkway Stormwater Project, at a cost not to exceed $1,600,000.

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 the Loudon Ave. Sidewalk Project to include the project budget as part of the Agreement, at no cost to the Urban County Government.

A Resolution approving, pursuant to KRS 62.055 and Section 22-55.1 of the Code of Ordinances, the bond with surety of Donald W. Blevins, Jr., Fayette County Clerk, in the amount of $400,000, and directing the Dept. of Law to record the bond, with surety, along with a certified copy of this Resolution, in the Office of the Fayette County Clerk.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Federal Bureau of Investigation, Dept. of Veterans Affairs, for jurisdiction at the Dept. of Veterans Affairs.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Minnifield Enterprize, Inc., for West Sector Roll Call Renovation, increasing the contract price by the sum of $8,370 from $58,964 to $67,334.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for use of the William Wells Brown Elementary School for the final resource fair of the Hope VI Housing Project, at a cost not to exceed $671.70.

* * *

Ms. Henson announced that the Spring Clean Event would be held at Valley Park on Saturday, April 30, 2011, from 1:00 p.m. to 6:00 p.m., and she encouraged volunteers to come and help.

She also announced that on Sunday, May 1, 2011, from 1:00 p.m. to 4:00 p.m., there would be a clean-up of Preston Cave Springs.

* * *

Ms. Crosbie announced that the Dance Attack Dance Teams, sponsored by the Div. of Parks and Recreation, had competed one week earlier, with the Senior team winning 1st, 2nd, and 3rd overall awards, the Intermediate team winning 1st and 2nd overall awards, the Junior team winning 1st and 2nd overall awards, and the Petite team winning a 2nd overall award. She stated that their annual recital would be held over several shows at the Opera House on April 30, 2011, and she encouraged everyone to come and support the teams.

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Ms. Crosbie thanked Officer Kevin Watts, Div. of Police, for having been the DARE Officer in the Woodhill neighborhood for a number of years, and congratulated him on his service.

* * *

Mr. Farmer extended thanks to the employees of Kentucky Utilities, Inc., for their service during the various storms over the previous week.

Mr. Farmer also thanked Mr. Rocky Burke, Executive Director, LexTran, and announced that the LexTran Trolley Blue Route would be extended on Saturday, April 30, 2011, from 10:00 a.m. to 1:00 p.m., to run to the corner of High St. and Euclid Ave.

in the Chevy Chase neighborhood. He encouraged everyone to ride the trolley to shop at the Farmer's Market.

* * *

Mr. Stinnett made a motion, seconded by Mr. Lane, to ask the Vice-Mayor to form a Task Force within thirty days, with a limit of one year, to evaluate two issues within the Div. of Waste Management: 1) to define the level of service to be offered to the citizens, and 2) to determine the best way to fund the services offered.

Ms. Gorton asked that if any Council Members were interested in serving to please let her know.

The motion was approved by unanimous vote.

* * *

Mr. Stinnett stated that a decision needed to be made on the closing of the Constitution and Berryhill swimming pools, and asked questions of Mr. Jerry Hancock, Director of the Div. of Parks and Recreation, regarding the logistics of opening or closing the pools.

Mr. Hancock responded regarding the various expenses associated with opening the pools. He also stated that he had received a lot of input from the community regarding closing the pools on Mondays, and that after looking at the numbers the Div. of Parks and Recreation would only save approximately $10,000 by taking that step. He stated that keeping the pools open on Mondays should be reconsidered.

Mr. Stinnett responded to Mr. Hancock's comments.

Mr. Stinnett made a motion, seconded by Mr. Myers, to keep the Constitution and Berryhill swimming pools open throughout the remainder of Fiscal Year 2011, and through the rest of the Fiscal Year 2012 swimming season.

Ms. Lawless asked questions of Mr. Hancock regarding Div. of Parks and Recreation revenues. He responded.

The Mayor asked for clarification on Mr. Stinnett's motion. Mr. Stinnett responded, and Mr. Richard Moloney, Chief Administrative Officer, also provided information.

Ms. Crosbie asked questions of Ms. Jane Driskell, Commissioner of the Dept. of Finance and Administration, about budgeted funds for the pools being used elsewhere. Ms. Driskell responded about how the recommendations from the Div. of Parks and

Recreation were considered. Ms. Crosbie asked additional questions. Mr. Hancock also responded to the questions.

Ms. Crosbie asked a question of Mr. Stinnett about the timing of the issue and asked if additional information could be gathered for a Special Council Meeting, as the Council was not scheduled to meet again until May 12, 2011. Mr. Stinnett responded about the budgeted funds needed, and explained why the issue needed to be considered at that time.

The Council continued to discuss the issue, and to ask questions of Mr. Hancock and Mr. Stinnett.

Mr. Ford asked questions of Mr. Hancock. Mr. Ford made a motion, seconded by Ms. Gorton, to amend Mr. Stinnett's motion to postpone the motion and discussion to the May 12, 2011 Council meeting, with financial information to be gathered in the interim to be presented at that meeting.

Ms. Henson asked questions of Mr. Hancock.

Ms. Crosbie asked Mr. Ford for clarification on his motion, and whether his motion could include that the financial information be provided to the Council prior to the May 12, 2011 meeting. Mr. Ford agreed that the information should be provided prior to the May 12, 2011 meeting.

Mr. Myers asked if Mr. Hancock could also include in the information to be provided, an estimate of what it would cost to put in the splash pads that were mentioned.

The Council continued to discuss Mr. Ford's motion.

Mr. Lane asked a question of Mr. Hancock regarding total pool revenues. He responded.

Mr. Ford withdrew his motion to amend Mr. Stinnett's motion. Ms. Gorton did not withdraw her second. The motion to amend Mr. Stinnett's motion remained on the floor.

The motion to amend Mr. Stinnett's motion **failed** by a vote of 7-8.

The Council continued to discuss Mr. Stinnett's motion.

The Mayor made several comments regarding the motion and about the budget process.

Mr. Ford made a comment about the timing of the motion during Council reports. Mr. Stinnett responded about the Mayor's decision to allow Council reports during the Announcements portion of the meeting.

Mr. Stinnett's motion, seconded by Mr. Myers, to keep the Constitution and Berryhill swimming pools open throughout the remainder of Fiscal Year 2011, and through the rest of the Fiscal Year 2012 swimming season, **passed** by a majority vote of 9-6 (Crosbie, Farmer, Ford, Gorton, Lane, and Lawless voted **no**).

Mr. Lane asked for a point of order regarding the number of votes required in order to place a resolution on the docket. The Mayor ruled that the action was appropriate.

* * *

Mr. Ellinger made a motion, seconded by Mr. Farmer, to keep all the swimming pools open on Mondays.

Ms. Lawless stated that the issue was in the Council Links meetings, and suggested that the issue be held until the Links report-out.

Mr. Hancock stated that the decision would need to be made quickly in order for the proper steps to be taken to open the pools on time. He stated that the decision to keep the pools open on Mondays could be handled later than the decision to close or open certain pools for the summer.

Ms. Gorton stated that the Links would not report out until May 24, 2011, and that the Div. of Parks and Recreation would need a directive before that date. Mr. Hancock responded that he could work with the Dept. of Finance and Administration to figure out the funding for keeping the pools open on Mondays.

Mr. Kay and Mr. Myers asked questions of Mr. Hancock. Mr. Hancock responded.

Mr. Kay asked that Mr. Ellinger restate his motion. He restated the motion to keep the swimming pools open on Mondays for both Fiscal Years 2011 and 2012.

The motion **passed** by unanimous vote.

Mr. David Barberie, Dept. of Law, stated that the two issues that had been voted on regarding the swimming pools would need to be placed on the docket in the form of resolutions in order for Council action to be taken, likely at the next scheduled Council meeting. He also stated that the funds would have to be researched and appropriated.

The Mayor asked a question of Mr. Barberie about the number of votes needed to place a resolution on the docket. Mr. Barberie responded.

Ms. Gorton asked a question of Ms. Jane Driskell, Commissioner of the Dept. of Finance and Administration, about budget adjustments that would need to be made in order to take the actions that had been discussed. Ms. Driskell responded.

Mr. Ford asked questions of Mr. Barberie regarding the Council actions taken.

Mr. Stinnett clarified that it would take eight votes to place a resolution or ordinance on the docket, and that it would take ten votes to suspend the rules and to give second reading to the ordinance or resolution. Mr. Barberie agreed with Mr. Stinnett's statement.

* * *

Ms. Lawless reminded everyone that the Farmer's Market was now open on Saturday downtown, and on Sunday on Southland Drive. She also announced that the grand opening of Shorty's would be on Sunday, May 1, 2011, on Short Street.

She announced that the first Thursday Night Live of the season was taking place on April 28, 2011.

* * *

Mr. Lane spoke about the Council's role to set the budget and appropriations, and the Mayor's role in implementing the budget.

* * *

Mr. Ford announced that the Charles Young Center Redevelopment Task Force would meet on May 4, 2011, at 5:30 p.m., at the Government Center in the 5th Floor Conference Room.

He also announced that Ms. Yetta Young would be the new Executive Director of the Lyric Theatre, and asked everyone to welcome her. He announced that the next meeting of the Lyric Theatre Board of Directors would be on Friday, May 6, 2011, at 11:30 a.m. at the Lyric Theatre

Mr. Ford announced that the Ky. Black Caucus of Local Elected Officials would convene its Spring Summit on April 29 & 30, 2011, in Hopkinsville, Ky., with a special guest of Mr. James Mitchell, Council Member from Charlotte, North Carolina, President of the National League of Cities, in attendance for a report.

* * *

Ms. Gorton announced that there would be a ribbon-cutting ceremony on May 14, 2011, at 11:00 a.m., at the Arboretum, for the new Children's Garden. She invited everyone to come and see it.

* * *

Mr. Kay stated his concerns about the Council's role in making budget decisions.

* * *

Mr. Bernard McCarthy, Harry Street, spoke about possible layoffs within the Urban County Government, and stated his concerns about the situation with the Fire Chief.

* * *

Mr. Beard made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to go into closed session pursuant to KRS 61.810(1)(c) for the purpose of discussing pending and potential litigation.

* * *

Upon motion, the Council returned to open session at 9:26 p.m. with the same members present.

* * *

Upon motion, the Council adjourned at 9:27 p.m.

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Clerk of the Urban County Council