Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   May 12, 2011

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on May 12, 2011 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Blues, Crosbie, Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Martin, McChord, Myers, Stinnett, and Beard.

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

Ordinances No. 44-2011 thru 56-2011 inclusive and Resolutions No. 141-2011 thru 171-2011 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Rev. Bob Sessum, retired, Church of the Good Shepherd.

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The Mayor made a presentation, along with Assistant Chief Mike Gribbin, Div. of Fire and Emergency Services, and the Emergency Medical Advisory Board, honoring two local pioneers in emergency medicine, the late Dr. Franklin Moosnick, and Dr. Dennis Kelley, retired. He made remarks about the accomplishments of Dr. Moosnick and Dr. Kelley, and stated that the week of May 16 – 20, 2011, was Emergency Medicine Week.

The Mayor introduced Mrs. Marilyn Moosnick, widow of Dr. Moosnick, and Dr. Dennis Kelley. Dr. Kelley spoke about Dr. Moosnick's work in emergency medicine. He also introduced Ms. Donna Hunter, who trained the first classes of paramedics in Lexington.

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Ms. Gorton made her report from the May 10, 2011, Committee of the Whole Work Session. She stated that the Summary of the April 26, 2011 Committee of the Whole Work Session was approved.

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Ms. Gorton made a motion, seconded by Mr. Ellinger, to place on the docket the LexTran Budget as presented. She stated that despite the Council's positive vote to add the Budget to the docket, the Council had been advised by the Dept. of Law that they should wait to place it on the docket until after the May 18, 2011 meeting of the LexTran Board of Directors.

Mr. Blues asked questions of Ms. Gorton regarding the potential changes in the LexTran Budget.

The motion **failed** unanimously.

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Ms. Gorton reported that there were no motions to come forward from an April 19, 2011 meeting of the Council Environmental Quality Committee.

She stated that two motions had come forward from the May 3, 2011 meeting of the Environmental Quality Committee: a motion to hold a Special Environmental Quality

Committee meeting on June 21, 2011 at 11:00 a.m. to discuss the storm baseline for the Remedial Measures Plan and other items deemed necessary was approved; a motion to recommend that the Div. of Water Quality fund an acute grant program not to exceed $100,000 and develop grant criteria for a pilot program was approved.

Mr. Martin asked questions of Ms. Gorton regarding the second motion.

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Ms. Gorton reported that there were no motions to come forward from the April 19, 2011 Special Public Safety/Public Works and Development Committee meeting.

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Ms. Gorton reported that there were no motions to come forward from the April 19, 2011 Social Services Committee meeting.

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Ms. Gorton reported that there were no motions to come forward from the May 3, 2011 Planning & Zoning Committee meeting.

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An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Risk Management Analyst, Grade 115E, in the Div. of Risk Management and creating one (1) position of Risk Management Analyst, Grade 115E, in the Dept. of General Services; transferring the incumbent; and appropriating funds pursuant to Schedule No. 64 was on the docket for second reading.

Ms. Gorton reported that a motion to remove the ordinance from the docket at the May 10, 2011 Committee of the Whole Work Session had failed by a vote of 5-10.

The ordinance was given second reading.

Mr. Stinnett asked questions of Mr. Jamshid Baradaran, Acting Commissioner, Dept. of General Services, regarding the funding for the position in the ordinance. Mr. Baradaran responded.

Mr. Richard Moloney, Chief Administrative Officer, also responded to the question.

The Council continued to ask questions of Mr. Baradaran and Mr. Moloney.

Ms. Gorton asked questions of Ms. Glenda George, Dept. of Law.

The Council continued to ask questions of Mr. Baradaran and Mr. Moloney.

Upon motion of Mr. Ellinger, and seconded by Mr. Lane, the ordinance **failed** to pass by the following vote:

Aye: Farmer, Ford, Lane, Martin, McChord,
Myers, Stinnett-------------------------------------7

Nay: Blues, Crosbie, Ellinger, Gorton, Henson,
Kay, Lawless, Beard--------------------------------8

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

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

Nay: --0

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).

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.

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.

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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. 118.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements in the Div. of Traffic Engineering for funds in the amount of $637.60 from Neighborhood Development Funds for traffic calming signs in the Third Council District, and appropriating and re-appropriating funds, Schedule No. 120.

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

Nay: ---0

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 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.

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.

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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 was on the docket for first reading.

Ms. Gorton made a motion, seconded by Mr. Myers, and approved by unanimous vote, to substitute the most updated Agreement with the Downtown Lexington Corporation for the Agreement in the resolution.

Mr. Martin made a motion, seconded by Ms. Gorton, to remove the resolution from the docket, and to place on the docket a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement for Special Events with Downtown Lexington Corp., at a cost not to exceed $120,000.00.

Ms. Crosbie asked questions about the necessity of substituting a new resolution of Ms. Glenda George, Dept. of Law.

The motion passed unanimously.

The resolution was given first reading. Upon motion of Mr. Blues, 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. Ellinger, the resolution was approved by the following vote:

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

Nay: --0

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Upon motion of Ms. Gorton, seconded by Mr. Farmer, and approved by unanimous vote, a Resolution establishing a Residential Parking Permit Program for the 600 block of Providence Rd., from 8:00 a.m. to 5:00 p.m., Monday through Friday, from August 1 through May 15 of each year; and waiving the provisions relating to the mechanics of designating Residential Parking Permit areas adopted by Resolution No. 168-90 and amended by Resolution Nos. 450-91 and 433-2006 was placed on the docket and given first reading.

Upon motion of Mr. Blues, 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. Ellinger, the resolution was approved by the following vote:

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

Nay: --0

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Upon motion of Mr. Blues, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Attorney's Office, for the Fayette County Attorney's Office to conduct a driver's education pilot program at the Old Frankfort Pike Landfill, at no cost to the Urban County Government was placed on the docket and given first reading.

Upon motion of Mr. Blues, 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. Ellinger, the resolution was approved by the following vote:

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

Nay: --0

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

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

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

Nay: --0

A Resolution accepting the bid of Lagco, Inc., in the amount of $653,826.50, for the Anniston/Wickland Capital Storm Sewer Improvements Phase II, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lagco, Inc., related to the bid.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Bluegrass Council of Boy Scouts of America, Inc. ($700) and Thursday's Child, Inc. ($375), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following: Stephanie Hong, Director of Youth Services, Grade 120E, $3,228.24 bi-weekly, in the Div. of Youth Services, effective June 1, 2011, Joanna Rodes, Director of Family Services, Grade 120E, $2,894.96 bi-weekly, in the Div. of Family Services, effective upon passage, and authorizing the beginning employment upon successful completion of a physical or medical examination as required.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute three (3) Partial Releases of Easements, releasing portions of utility easements on property located at 1786 Battery St., 1791 Battery St., and 2413 Patchen Wilkes Dr.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement awarding a Class A (Neighborhood) Incentive Grant for a stormwater quality project to Neighbors United for South Elkhorn Creek, Inc., at a cost not to exceed $5,470.

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A Resolution authorizing and directing the Div. of Parks and Recreation to keep Berryhill and Constitution pools open for FY 2011 and FY 2012 during the regular swimming season was on the docket for first reading.

Ms. Gorton made a motion, seconded by Ms. Lawless, to remove the resolution from the docket.

The motion **failed** by a vote of 7-8 (Ellinger, Farmer, Henson, Lane, Martin, McChord, Myers, and Stinnett voted **no**).

The resolution was given first reading and ordered placed on file two weeks for public inspection.

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Ms. Gorton reported on a series of motions from the May 10, 2011, Committee of the Whole Work Session. She stated that a motion to hire a full-time Citizen's Advocate had failed by a vote of 4-11. She stated that a motion to amend the previous motion referencing the Citizen's Advocate to include not paying more than $40,000 for the position had failed by a vote of 3-12.

Ms. Gorton made a motion, seconded by Mr. Farmer, to place on the docket a Resolution of the Urban County Council providing that the Citizens' Advocate position shall be a part-time position.

The motion **passed** by a majority vote of 10-5 (Crosbie, Ellinger, Ford, Myers and Stinnett voted **no**).

The resolution was given first reading and ordered placed on file two weeks for public inspection.

Ms. Gorton stated that she had spoken with the Dept. of Law, and that the following motion did not require Council action, but would be included in a later ordinance changing the position of Citizens Advocate. Ms. Gorton reported that the motion made at the May 10, 2011 Committee of the Whole Work Session to amend the previous motion referencing the Citizens' Advocate position to become effective when the Citizens Advocate is hired passed by a vote of 11-3.

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Upon motion of Ms. Gorton, seconded by Mr. Farmer, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration, and any other documents necessary, and to accept a Deed for the property located at 405 Plainview Rd., for the Planview Rd. Stormwater Improvements Project, and authorizing payment in the amount of $205,000, plus usual and appropriate closing costs 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 first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bid of Aramsco, Inc., establishing a price contract for hospital PPE kits, for the Div. of Emergency Management/911.

A Resolution accepting the bid of Bluegrass Towing, Inc., establishing a price contract for towing, for the Dept. of General Services, the Div.'s of Police and Code Enforcement, and the Parking Authority.

A Resolution accepting the bid of L&P Wire Tie Systems in the amount of $25,030 for a wire tie system for the 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 modification of the scope of work and extension of the Newtown Pike Landscaping Project through June 30, 2012, at no cost to the Urban County Government.

A Resolution authorizing and directing the Div. of Parks and Recreation to keep all Lexington-Fayette Urban County Government swimming pools open on Mondays for FY 2011 and FY 2012 during the regular swimming season.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Software License Agreement and Software Maintenance Agreement with FATPOT Technologies, LLC, to provide software maintenance and support of the mobile data software used by the Div. of Fire and Emergency Services for an initial term of one (1) year, and with up to five (5) annual renewals of one year each, subject to sufficient funds being appropriated in future fiscal years, at a cost not to exceed $30,000 in FY 2011.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Lease Agreement with Community Action Council for Lexington-Fayette, Bourbon, Harrison, and Nicholas Counties, Inc., for 522 Patterson St., at a cost not to exceed $3,100.

A Resolution ratifying the probationary civil service appointments of: Ernest Clark, Public Service Supervisor, Grade 111N, $19.539 hourly, in the Div. of Streets, Roads and Forestry, effective May 9, 2011; ratifying the permanent civil service appointments of: Darrell Hager, Public Service Supervisor, Grade 111N, in the Div. of Parks and Recreation, effective March 25, 2011, Debra Sue Miller, Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective April 25, 2011; ratifying the unclassified civil service appointment to the Office of the Urban County Council of: Elizabeth Chatterton, Aide to Council, Grade 000E, $2,089.60 bi-weekly, in the Council Office, effective April 18, 2011.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Seniors Plan Master Contract with Humana, for the Police and Firefighters Senior Plan, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Seniors Plan Master Contract with Anthem Health Plans of Ky., Inc., for the Police and Firefighters Senior Plan, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Authorized Provider Agreement with American Red Cross, allowing the Urban County Government to provide training courses offered by the American Red Cross, for one (1) year beginning January 1, 2011, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for use of the William Wells Brown Gymnasium for Parks Athletic Programs, at a cost not to exceed $1,326.25.

A Resolution rescinding Resolution No. 74-2011 and authorizing the Div. of Waste Management to pay for labor and equipment rental and related peripherals for relining the baler at the Materials Recovery Facility from IPS Balers Manufacturing, Inc., a sole source provider, at a cost not to exceed $28,000.

A Resolution authorizing the Div. of Waste Management to purchase a Heil Dualift Combination Cable and Hook Lift Hoist from Central Indiana Truck Equipment Corp., a sole source provider, at a cost not to exceed $60,170.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with U.S. Geological Survey, for the continuing and ongoing maintenance and operation of existing stream flow and precipitation gauges, at a cost not to exceed $90,240.

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Upon motion of Ms. Crosbie, seconded by Mr. Beard, and passed by unanimous vote, the Communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Ms. Debbie Wimsatt to the Alarm Advisory Board, with a term to expire 7-1-2015; (2) Recommending the reappointments of Ms. Anna

Greene, Ms. Alice Jackson, Mr. Henry Kenion, and Mr. Ben Turpin to the Black and Williams Neighborhood Community Center Board, with terms to expire 1-27-2015; (3) Recommending the reappointment of Mr. Robert Magrish to the Board of Architectural Review, with a term to expire 6-30-2014. Also, recommending the appointment of Mr. Graham Pohl to the Board of Architectural Review, with a term to expire 6-30-2014; (4) Recommending the appointments of Mr. Joe Schuler and Ms. Annemarie Margaret Vandervort to the CASA, with terms to expire 6-11-2013; (5) Recommending the appointments of Mr. Salvador Rangel and Ms. Renee Sloan Reynolds to the Human Rights Commission, with terms to expire 1-1-2015; (6) Recommending the reappointment of Mr. Francis (Sandy) Collins-Camargo to the Infrastructure Hearing Board, with a term to expire 2-1-2015; (7) Recommending the appointments of Vice Mayor Linda Gorton, as Ex-Officio member, Mr. Brent Rice and Mr. Craig Turner to the Lexington Center Corporation Board of Directors, with terms to expire 2-28-2015. Vice-Mayor Gorton, Mr. Rice and Mr. Turner will replace Mayor Jim Gray, Mr. William Bishop, and Mr. Ed Holmes, who are no longer serving; and (8) Recommending the reappointment of Ms. Janet Cabaniss to the Masterson Station Park Advisory Board, with a term to expire 5-1-2015.

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Mr. Ford announced that on May 14, 2011, there would be a celebration commemorating the 150th birthday of Mr. Isaac Murphy, at the site of the Isaac Murphy Memorial Art Garden.

He also announced that the East End Small Area Plan Community Forum Update would be held on May 16, 2011, 6:00 p.m., at the Lyric Theatre.

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Ms. Lawless announced that the Tuska Historic House Museum would have a sale and a clean-up event on May 14, 2011, from 9:00 a.m. to 3:00 p.m., at the corner of Old Park Ave. and Central Ave.

She also welcomed all new businesses in the Third District, and stated that the Arboretum Children's Garden grand opening celebration would be on May 14, 2011 at 11:00 a.m.

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Mr. Don Todd, attorney for CTS Towing, asked the Council to review his client's bid for the LFUCG towing contract, and filed the following exhibits: (A) CTS Towing

Packet, LFUCG Bid 32-2011, which included: (1) CTS Towing Bid, (2) Statistics/Cost, (3) Code Enforcement Affidavit, (4) Photos (Bluegrass & CTS Towing), (5) Equipment, Lot, Storage Building Specs, (6) Note 4.8 (Joint Contractors), and (7) Reporting Requirement; and (B) Letter from Billy Blair, EVP/Chief Lender of Bank of Lexington.

Ms. Rena Wiseman, attorney for Bluegrass Towing, spoke on behalf of her client, in response to the award of the bid for the LFUCG towing contract.

Mr. Myers made a motion, seconded by Mr. Farmer, and approved by unanimous vote, to approve an additional two minutes of time for Mr. Todd.

Mr. Todd resumed his argument.

Ms. Wiseman spoke for an additional period of time.

Mr. Brian Marcum, Director of the Div. of Purchasing, spoke about the bid process, and responded to comments made by Mr. Todd and Ms. Wiseman

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Mr. Bernard McCarthy, Harry St., spoke about the benefits of hiring civilian paramedics, which would be different from firefighter/paramedics.

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Mr. Jeff Jones, LFUCG employee representing other employees in the Div. of Waste Management, stated the employees' offense at statements made by Mr. Richard Miller, Div. of Waste Management, and asked for a public apology. He spoke about the specific comments made in the meeting and stated that he had a DVD recording of the meeting available. He also stated that he had spoken with his supervisor regarding the incident.

The Mayor responded to Mr. Jones' concerns, and apologized on behalf of the group. Mr. Jones thanked him for his remarks.

The Council responded to Mr. Jones' concerns, and also apologized. They thanked the Div. of Waste Management employees' for their hard work.

Mr. Ford responded to Mr. Jones' statements, and asked questions of Mr. Jones regarding the incident. Mr. Jones responded. Mr. Ford asked for accountability from the Div. of Waste Management, and asked for a verbal and written apology from Mr. Steve Feese, Director of the Div. of Waste Management.

The Council continued to discuss the issue and to ask questions of Mr. Jones.

Mr. Steve Feese, Director of the Div. of Waste Management, came forward to explain what had happened. He apologized for what happened, and stated that he had spoken with Mr. Miller regarding the incident.

The Council continued to discuss the issue.

Mr. Ford made a motion, seconded by Ms. Gorton, to go into closed session pursuant to KRS 61.810(1)(f) for the purpose of discussions which may result in the discipline or dismissal of an individual employee.

Upon request, Mr. Ford withdrew his motion, and Ms. Gorton her second, until the end of Public Comments.

Following Public Comments, Mr. Ford made a motion, seconded by Mr. Farmer, to go into closed session pursuant to KRS 61.810(1)(f) for the purpose of discussions which may result in the discipline or dismissal of an individual employee.

Ms. Crosbie asked a question regarding the employee in question. The Mayor responded that he understood the employee to be a contractor.

Ms. Crosbie asked additional questions regarding an investigation of Ms. Janet Graham, Commissioner of the Dept. of Law. Ms. Graham responded that they had previously been unaware of the incident.

Ms. Lawless asked questions of Ms. Graham regarding whether a closed session was needed if the employee was a contractor.

Ms. Crosbie asked Mr. Ford to repeat his motion, and asked whether the Council needed to go into closed session for this discussion. Mr. Ford explained his motion.

The Mayor said that he understood that the language of the motion allows for discussion, and ruled that the motion was appropriate.

Mr. Ford's motion **passed** by unanimous vote.

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Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by unanimous vote, the Council returned to open session at 8:16 p.m. with the same members present.

Ms. Gorton made a motion, seconded by Mr. Ellinger, to ask the Administration to investigate the situation which had been brought forth by an employee in the Div. of Waste Management.

Mr. Martin asked if the motion included a report-out from the Administration.

Mr. Ellinger asked if there could be a time limit on the investigation, such as a report-out at the next Council meeting.

Ms. Graham responded that they could report back in two weeks.

Mr. Ford asked Ms. Gorton to repeat her motion, which she did.

Mr. Ford made a motion to amend Ms. Gorton's motion, for the Administration to investigate the discussion brought forth by the Div. of Waste Management as it related to Human Resources policies for LFUCG employees, and for the Dept. of Law to research the contract with the consultant for the review of Council on what action the Council may take to bring discipline to the contractor.

Mr. Ford's motion failed for lack of a second.

Ms. Gorton further explained her motion.

Ms. Crosbie asked if the motion included a report in two weeks. Ms. Gorton responded.

Ms. Gorton's motion **passed** by a majority vote of 14-0 (Mr. Ford was absent when the vote was taken).

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Upon motion of Ms. Gorton, seconded by Ms. Crosbie, and approved by a majority vote of 14-0 (Mr. Ford was absent when the vote was taken), the meeting adjourned at 8:19 p.m.

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Deputy Clerk of the Urban County Council