Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky May 26, 2011

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on May 26, 2011 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Crosbie, Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Martin, McChord, Myers, Stinnett, and Blues. Absent was Council Member Beard.

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

Ordinances No. 57-2011 thru 61-2011 inclusive and Resolutions No. 172-2011 thru 188-2011 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky May 26, 2011

The Invocation was given by Rev. Nancy Jo Kemper, Disciples of New Union Christian Church.

* * *

The Mayor made a presentation in honor of Mr. Dave Sevigny, of DMD Data Systems, for having been named the Small Business Administration's 2011 Kentucky Small Business of the Year. He stated that DMD Data Systems had also been named Commerce Lexington's 2010 Small Business of the Year.

Mr. Sevigny thanked everyone and spoke about small business' role in the recovering economy.

* * *

The Mayor opened the Budget Content public hearing and spoke about the Mayor's Proposed Budget. He reviewed the procedure for the public hearings on the docket.

The following citizens spoke concerning the Budget Content: (1) Mr. Ralph Ruschell, Bryan Station Road; (2) Ms. Andrea Strassburg, Malabu Drive; (3) Mr. Ronald Reinhardt, Abbeywood Place who filed the following exhibit: (a) Petition Against the Closure of Meadowbrook Golf Course; (4) Ms. Gayle Bourne, Laketower Drive; (5) Mr. Dan Dotterweich, Wilmore, Ky., Div. of Computer Services employee; (6) Mr. Richard Burdsal, Stoneybrook Drive; (7) Ms. Melinda Flynn, Matthew Court; (8) Mr. Gary Burchfield, White Oak Trace, Div. of Computer Services employee; (9) Ms. Billie Mallory, Charles Young Community Center Task Force member; and (10) Mr. Chuck Woosley, LFUCG security officer, Div. of Security employee, who filed the following exhibit: (a) Letter to Urban County Council Members.

The Mayor thanked those who spoke. There being no one else to speak, the Mayor closed the public hearing.

* * *

The Mayor opened the Municipal Aid Program public hearing.

There being no one to speak, the Mayor closed the public hearing.

* * *

The Mayor opened the Coal Severance Tax public hearing.

There being no one to speak, the Mayor closed the public hearing.

*   *   *

The Mayor opened the Mineral Severance Tax public hearing.

There being no one to speak, the Mayor closed the public hearing.

*   *   *

Ms. Gorton reported from the May 24, 2011, Committee of the Whole Work Session that the Summary had been approved.

She also reported that a motion to hear the presentation reports out of order had been approved.

*   *   *

Ms. Gorton made a motion, seconded by Mr. Farmer, and approved by unanimous vote, to delay the presentation by Deputy Chief Boggs until there was written documentation/presentation until the next Committee of the Whole Work Session on June 7, 2011.

*   *   *

Ms. Gorton reported that there was a Closed Session at the May 24, 2011 Committee of the Whole Work Session, from which no motions came forward.

*   *   *

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

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

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

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.

*   *   *

An Ordinance amending Article 15-4(b) and creating Article 15-4(c) of the Zoning Ordinance relating to limit the allowable height of fencing abutting public or private streets and public property was on the docket for first reading.

Upon motion of Ms. Gorton, seconded by Mr. Farmer, and approved by unanimous vote, the ordinance was removed from the docket and referred to the Council Planning and Zoning Committee.

* * *

An Ordinance amending Articles 1 and 8 of the Zoning Ordinance relating to add a definition of catering and to add the uses of commissaries and catering as principal uses to the prohibited uses in the Agricultural zones; to add catering when associated with a restaurant in the Neighborhood Business (B-1) zone, the Downtown Business (B-2) zone and the Lexington Center Business (B-2B) zone; to add catering as a principal use in the Highway Service Business (B-3) zone; to add commissaries and catering as principal uses in the Wholesale and Warehouse Business (B-4) zone; and to delete caterers as a principal use in the Light Industrial (I-1) zone as that use will now be incorporated as a principal use in that zone by incorporation of all principal B-4 zone uses was on the docket for first reading.

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by unanimous vote, the ordinance was removed from the docket and referred to the Council Budget and Finance Committee.

* * *

An Ordinance pursuant to Section 6.12 of the Lexington-Fayette Urban County Government Charter consolidating the Dept. of Environmental Quality and the Dept. of Public Works and Development and creating the Dept. of Environmental Quality and Public Works; creating the Office of the Chief Development Officer; abolishing the office of the Office of the Chief Information Officer; changing the name of the Dept. of Finance and Administration to the Dept. of Finance; changing the name of the Div. of Streets, Roads and Forestry to the Div. of Streets and Roads; changing the name of the Div. of Community Development to the Div. of Grants and Special Programs; transferring the Divs. of Environmental Policy, Water Quality and Waste Management from the Dept. of Environmental Quality to the Dept. of Environmental Quality and Public Works; transferring the Divs. of Engineering, Streets, Roads and Forestry (Streets and Roads) and Traffic Engineering from the Dept. of Public Works and Development (Dept. of Public Works) to the Dept. of Environmental Quality and Public Works; transferring the Divs. of Community Development (Div. of Grants and Special Program) and Risk Management from the Dept. of Finance and Administration (Dept. of Finance) to the Office of the Chief Administrative Officer; transferring the Divs. of Computer Services, Government Communications, Enterprise Solutions from the Office of the Chief Information Officer to the Office of the Chief Administrative Officer; transferring the Divs. of Historic Preservation, Planning and Purchase of Development Rights from the Dept. of Public Works and Development (Dept. of Environmental Quality and Public Works) to the Office of the Chief Administrative Officer; transferring the Div. of Budgeting from the Office of Policy and Budget to the Dept. of Finance and Administration (Dept. of Finance); transferring the Div. of Human Resources from the Dept. of Finance and Administrative (Dept. of Finance) to the Dept. of Law; transferring the Div. of Building Inspection from the Dept. of Public Works and Development (Dept. of Environmental Quality and Public Works) to the Dept. of Public Safety; transferring the Office of Economic Development from the Office of the Senior Advisor to the Office of the Chief Development Officer; amending Section 21-5(2) of the Code of Ordinances creating one (1) position of Human Resources Manager, Grade 119E, one position of Payroll Analyst, Grade 115E and one (1) position of Administrative Specialist, Grade 110N, all in the Div. of Accounting; abolishing one (1) position of Human Resources Manager, Grade 119E, one (1) position of Payroll Analyst, Grade 115E, and one (1) position of Administrative Specialist, Grade 110N, all in the Div. of Human Resources; creating two (2) positions of Skilled Trades Worker Sr., Grade 112N and one (1) position of Trades Supervisor, Grade 113N, all in the Div. of Fire and Emergency Services; abolishing one (1) position of Operations Manager, Grade 116E, five (5) positions of Trades Supervisor, Grade 113N, six (6) positions of Skilled Trades Worker Sr., Grade 112N, one (1) position of Public Service Supervisor, Grade 111N, five (5) positions of Skilled Trades Worker, Grade 111N, one (1) position of Staff Assistant Sr., Grade 108N, one (1) position of Public Service Worker Sr., Grade 107N, one (1) position of Stores Clerk, Grade 107N, four (4) positions of Trades Worker, Grade 107N, one (1) position of Public Service Worker, Grade 106N, all in the Div. of Facilities and Fleet Management;

creating four (4) positions of Trades Supervisor, Grade 113N, one (1) position of Public Service Supervisor, Grade 111N, one (1) position of Staff Assistant Sr., Grade 108N, four (4) positions of Trades Worker, Grade 107N, one (1) position of Stores Clerk, Grade 107N, one (1) position of Public Service Worker Sr., Grade 107N, one (1) position of Public Service Worker, Grade 106N, five (5) positions of Skilled Trades Worker, Grade 111N, four (4) positions of Skilled Trades Worker Sr., Grade 112N and one (1) position of Operations Manager, Grade 116E, all in the Div. of Parks and Recreation; abolishing one (1) position of Urban Forester, Grade 116E, one (1) position of Arborist Technician, Grade 112N, two (2) positions of Public Service Supervisor, Grade 111N, six (6) positions of Public Service Worker Sr., Grade 107N, two (2) positions of Trades Worker Sr., Grade 109N, and two (2) positions of Equipment Operator Sr., Grade 109N, all in the Div. of Streets, Roads and Forestry (Div. of Streets and Roads); abolishing one (1) position of Municipal Engineer Sr., Grade 119E, one (1) position of Engineering Technician Principal, Grade 115E, one (1) position of Associate Engineer Technician Principal, Grade 114E, and four (4) positions of Engineering Technician, Grade 111N, all in the Div. of Engineering; creating one (1) position of Municipal Engineer Sr., Grade 119E, one (1) position of Engineering Technician Principal, Grade 115E, one (1) position of Associate Engineer Technician Principal, Grade 114E, four (4) positions of Engineering Technician, Grade 111N, two (2) positions of Public Service Supervisor, Grade 111N, six (6) positions of Public Service Worker Sr., Grade 107N, two (2) positions of Trades Worker Sr., Grade 109N, and two (2) positions of Equipment Operator Sr., Grade 109N, all in the Div. of Water Quality; creating one (1) position of Urban Forester, Grade 116E, and one (1) position of Arborist Technician, Grade 112N, all in the Div. of Environmental Policy; and creating three (3) positions of Managing Attorney, Grade 123E, all in the Dept. of Law; amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Senior Advisor, Grade 212E and three (3) positions of Administrative Aide to Mayor, Grade 118E, all in the Office of the Mayor; creating one (1) position of Chief Development Officer, Grade 212E, in the Office of the Chief Development Officer; creating one (1) position of Administrative Specialist Sr., Grade 112N, in the Div. of Accounting; creating three (3) positions of Administrative Officer, Grade 118E, in the Office of the Chief Administrative

Officer; and abolishing one (1) position of Senior Advisor, Grade 212E and one (1) position of Administrative Specialist Principal, Grade 114E, in the Office of the Chief Administrative Officer; transferring all incumbents and all vacant positions at the current job classification, pay grade and salary; amending Section 21-5(2) and 22-5(2) of the Code of Ordinances to renumber the affected sections; effective July 1, 2011 was on the docket for first reading.

Upon motion of Ms. Gorton, seconded by Mr. Lane, and approved by unanimous vote, the ordinance was tabled until the June 7, 2011 Committee of the Whole Work Session.

Ms. Gorton made a motion, seconded by Mr. Lane, and approved by unanimous vote, to receive additional information on the Mayor's proposed reorganization at the June 7, 2011, Committee of the Whole Work Session.

* * *

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. 121.

An Ordinance authorizing the Div. of Emergency Management/911 to purchase hardware, software and network components and any related installation and maintenance services and licenses for additional expansion of the existing Central Ky. 911 Infrastructure Network, from AK Associates, a sole source provider, at a cost not to exceed $175,000, and appropriating funds pursuant to Schedule No. 119.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Information Officer, Grade 113E, in the Div. of Environmental Policy, abolishing one (1) position of Information Officer, Grade 113E, in the Div. of Government Communications and transferring the incumbent; effective June 20, 2011.

* * *

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 was on the docket for second reading.

Mr. Ellinger stated that he had received additional information about the towing bids before the Council Meeting, and asked that Mr. Don Todd, attorney representing Mr. Johnny Winchester, Winchester (CTS) Towing, be allowed to speak.

Mr. Martin asked for a point of order on whether there was to be a public hearing on the resolution. The Mayor stated that he would allow comment.

Mr. Todd spoke about his client's bid for the towing contract.

Ms. Rena Wiseman, attorney representing Bluegrass Towing, handed out information to the Council and spoke about Mr. Todd's concerns.

Mr. Brian Marcum, Director of the Div. of Purchasing, spoke about the bid process.

Mr. Lane asked Mr. Marcum to address the differences in the towing bids.

Mr. Todd asked for additional time to speak, and the Mayor denied the request.

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

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

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

* * *

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 given second reading.

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

Aye: Ellinger, Farmer, Ford, Henson, Lane,
Martin, McChord, Myers, Stinnett, -------------9

Nay: Gorton, Kay, Lawless, Blues---------------------4
(Ms. Crosbie was absent when the vote was taken.)

* * *

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 was given second reading.

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

Aye: Ellinger, Farmer, Ford, Gorton, Henson,
Kay, Lane, Lawless, McChord, Myers,
Stinnett, Blues------------------------------------12

Nay: --0
(Ms. Crosbie was absent and Mr. Martin recused himself when the vote was taken.)

* * *

A Resolution of the Urban County Council providing that the Citizens' Advocate position shall be a part-time position was given second reading.

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

Aye: Farmer, Gorton, Henson, Kay, Lane,
Lawless, Martin, McChord, Blues-----------------9

Nay: Ellinger, Ford, Myers, Stinnett ---------------------4
(Ms. Crosbie was absent when the vote was taken.)

* * *

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

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

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 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 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.

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 Plainview Rd. Stormwater Improvements Project, and authorizing payment in the amount of $205,000, plus usual and appropriate closing costs.

* * *

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, and approved by unanimous vote, a Resolution amending Resolution No. 150-2011 to remove 400 McKenna Ct. and Units A & B 500 Shaftsbury Rd. from the changes to the street names and property address numbers was placed on the docket and given first reading.

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

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

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

Nay: ---0

*   *   *

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

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

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

Nay: --0

A Resolution accepting the bid of Interspiro, Inc., establishing a price contract for a complete SCUBA Dive System, for the Div. of Fire and Emergency Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with CDP Engineers, Inc., for the Green Acres Storm Sewer Project, increasing the contract price by the sum of $29,500 from $260,000 to $289,500.

A Resolution of the Lexington-Fayette Urban County Government directing the Lexington-Fayette Urban County Government Public Facilities Corp. to take certain formal actions as the agency, instrumentality and as the constituted authority of the Lexington-Fayette Urban County Government; specifically directing the issuance of and authorizing and approving $150,000,000 (which amount may be increased or decreased by an amount of up to ten percent (10%)) Lease Revenue Bonds, Series 2011A (Eastern State Hospital Project) of the Lexington-Fayette Urban County Government Public Facilities Corp.; and authorizing other actions in connection therewith.

Resolution of the Lexington-Fayette Urban County Government authorizing the advertisement for bids and the distribution of a preliminary official statement for the purchase of approximately one hundred fifty million dollars ($150,000,000) Lexington-Fayette Urban County Government Public Facilities Corp. Lease Revenue Bonds, Series 2011A (Eastern State Hospital Project).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with Lexington Center Corp., for space for the Senior Intern Luncheon, at a cost not to exceed $1,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Catering Contract with the Hyatt Regency Lexington, for catering services for the Senior Intern Luncheon, at a cost not to exceed $5,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Chrysalis House, Inc., for services for Chrysalis House youth from the Dept. of Social Services, Div. of Police and Div. of Parks and Recreation, at no cost to the Urban County Government.

A Resolution approving the FY 2011 Budget of the Transit Authority of the Lexington-Fayette Urban County Government (LexTran) pursuant to KRS 96A.360 and requesting that the Commissioner of Finance and Administration authorize the Fayette County Sheriff's Office to disburse the funds to LexTran collected from the ad valorem tax approved by voters on November 9, 2004.

* * *

A Resolution changing the street names and property address numbers of 2905 Liberty Rd. to 2927 Blairdon Circle, of 996, 992, 988, 989, 984 and 985 De Porres Ave. to 511, 515, 519, 520, 523 and 524 Erie Rd., of 1529 A and B Port Royal Dr. to 1968 Fair Oaks Dr., Unit 101 and 102, of 501 Blue Sky Pkwy. to 5031 Jo Marrs St., of 212 Rose St. to 350 Latrobe Ct., of 658 Dodge St. to 166 Lee St., of 1 Imperial Ct. to 779 Newtown Pike, of 1460 Newtown Pike to 1390 Olivia Ln., of 1901 Seven Pines Dr. to 1502 Port Royal Dr., of 3695 Nicholasville Rd. to 110 Rojay Dr., of 798 Georgetown St. to 711 Scoop Brown Way, of 1102 Winchester Rd. to 776 Statesman Way, of 439, 440, 436, 435, 428, 431, 424, 427, 420 and 416 Bamberger Rd. to 900, 903, 907, 908, 911, 912, 915, 916, 919 and 923 Waverly Dr., and of 3445 Richmond Rd. to 3743 Yorkshire Medical Park; and changing the property address numbers of 823-825 Euclid Ave. to 825 Euclid Ave., of 1829 Fielden Dr. to 1819 Fielden Dr., of 535-539 Goodloe St. to 535 Goodloe St., of 141 Midland Ave. to 143 Midland Ave., of 797 E. New Circle Rd. to 781 E. New Circle Rd., of 252 Old Mt. Tabor Rd. to 276 Old Mt. Tabor Rd., of 342 Preston Ave. to 340 Preston Ave., of 3, 2, 5, 4, 7, 6, 9, 8, 11, 10, 13, 12, 15, 14, 17, 16, 19, 18, 21, 20, 23, 22, 25, 24, 27, 26, 29, 28, 31, 28 1/2, 33, 30, 35, 32, 37, 34, 39, 36, 41, 38, 43, 40, 43 1/2, 42, 45, 44, 47, and 51 Richmond Ave. to 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, and 181 Richmond Ave., of 1528 Roanoke Rd. to 1530 Roanoke Rd., of 261-267 W. Short St. to 259 W. Short St., of 120 Walton Ave. to 128 Walton Ave., and of 3304, 3306, 3308, 3310, 3312, 3314, 3316, 3318, 3320, and 3322 Wood Valley Ct. to 3302, 3304, 3306, 3308, 3310, 3312, 3314, 3316, 3318, and 3320 Wood Valley Ct.; all effective thirty days from passage was on the docket for first reading.

Ms. Gorton made a motion, seconded by Mr. Lane, and approved by unanimous vote, to separate "of 3, 2, 5, 4, 7, 6, 9, 8, 11, 10, 13, 12, 15, 14, 17, 16, 19, 18, 21, 20, 23, 22, 25, 24, 27, 26, 29, 28, 31, 28 1/2, 33, 30, 35, 32, 37, 34, 39, 36, 41, 38, 43, 40, 43 1/2, 42, 45, 44, 47, and 51 Richmond Ave. to 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, and 181 Richmond Ave." from the resolution, and to place it on the docket as a separate resolution.

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

A Resolution changing the street names and property address numbers of 2905 Liberty Rd. to 2927 Blairdon Circle, of 996, 992, 988, 989, 984 and 985 De Porres Ave. to 511, 515, 519, 520, 523 and 524 Erie Rd., of 1529 A and B Port Royal Dr. to 1968 Fair Oaks Dr., Unit 101 and 102, of 501 Blue Sky Pkwy. to 5031 Jo Marrs St., of 212 Rose St. to 350 Latrobe Ct., of 658 Dodge St. to 166 Lee St., of 1 Imperial Ct. to 779 Newtown Pike, of 1460 Newtown Pike to 1390 Olivia Ln., of 1901 Seven Pines Dr. to 1502 Port Royal Dr., of 3695 Nicholasville Rd. to 110 Rojay Dr., of 798 Georgetown St. to 711 Scoop Brown Way, of 1102 Winchester Rd. to 776 Statesman Way, of 439, 440, 436, 435, 428, 431, 424, 427, 420 and 416 Bamberger Rd. to 900, 903, 907, 908, 911, 912, 915, 916, 919 and 923 Waverly Dr., and of 3445 Richmond Rd. to 3743 Yorkshire Medical Park; and changing the property address numbers of 823-825 Euclid Ave. to 825 Euclid Ave., of 1829 Fielden Dr. to 1819 Fielden Dr., of 535-539 Goodloe St. to 535 Goodloe St., of 141 Midland Ave. to 143 Midland Ave., of 797 E. New Circle Rd. to 781 E. New Circle Rd., of 252 Old Mt. Tabor Rd. to 276 Old Mt. Tabor Rd., of 342 Preston Ave. to 340 Preston Ave., of 1528 Roanoke Rd. to 1530 Roanoke Rd., of 261-267 W.

Short St. to 259 W. Short St., of 120 Walton Ave. to 128 Walton Ave., and of 3304, 3306, 3308, 3310, 3312, 3314, 3316, 3318, 3320, and 3322 Wood Valley Ct. to 3302, 3304, 3306, 3308, 3310, 3312, 3314, 3316, 3318, and 3320 Wood Valley Ct.; all effective thirty days from passage.

A Resolution changing the property address numbers of 3, 2, 5, 4, 7, 6, 9, 8, 11, 10, 13, 12, 15, 14, 17, 16, 19, 18, 21, 20, 23, 22, 25, 24, 27, 26, 29, 28, 31, 28 1/2, 33, 30, 35, 32, 37, 34, 39, 36, 41, 38, 43, 40, 43 1/2, 42, 45, 44, 47, and 51 Richmond Ave. to 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, and 181 Richmond Ave., effective thirty days from passage.

* * *

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

A Resolution accepting the bids of Batteries Plus, Worldwide Equipment, Truck Pro, and KOI Auto Parts, establishing price contracts for truck and automobile batteries, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Metis, Inc., establishing a price contract for Police Badges, for the Div. of Police.

A Resolution accepting the bid of Fabrication Solutions, Inc., establishing a price contract for bicycle racks, for the Dept. of Public Works and Development.

A Resolution accepting the bids of Wilson Equipment Co., LLC; Equipment Sales and Rental; Hertz Equipment Corp.; and Brandeis Machinery and Supply Co., establishing price contracts for equipment rental, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Tom Chesnut Excavation & Construction, LLC, establishing a price contract for fencing for Man-O-War Blvd., for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Stafford Environmental Services, Inc. d/b/a Bird Solutions Int’l, establishing a price contract for the installation of bird control netting, for the Div. of Waste Management.

A Resolution accepting the bids of Swartz Mowing, Inc., and Leak Eliminators, LLC, establishing price contracts for litter and debris removal for stormwater infrastructure, for the Div. of Water Quality.

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 Safe Routes to School Project through June 30, 2012, at no cost to the Urban County Government.

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 Old Frankfort Pike/Alexandria Dr. Stone Fence Project through June 30, 2012, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Aylesford Place Neighborhood Association ($1,050), Seedleaf, Inc. ($2,150), The Nest Center for Women, Children and Families ($675), Lansdowne Neighborhood Association ($2,000), Belleau Wood Neighborhood Association ($750), Woodhill Neighborhood Association, Inc. ($400), Woodhill Park, Inc. ($400), Squire Oak Homeowners Association, Inc. ($400), Chilesburg Maintenance Association, Inc. ($325), Retired Professional Football Players of Ky., Inc. ($675), and The Salvation Army ($750), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Dept. of Environmental Quality, on behalf of the Urban County Government, to provide funding to Lexington Children's Theater for an environmentally-themed program aimed at third-grade students, at a cost not to exceed $25,000.

A Resolution authorizing and directing the Dept. of Environmental Quality, on behalf of the Urban County Government, to provide funding to LexArts for a portion of the expense of a sound and video installation highlighting Town Branch Creek, at a cost not to exceed $15,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements, awarding Neighborhood Community and Sustainability Grants to 1st United Methodist Church ($2,500), Athens Chilesburg Elementary - PTA ($772), Aylesford Place Neighborhood Association ($2,475), Beaumont Residential Association ($2,500), Belleau Wood Neighborhood Association ($645), Blackford Oaks Place Owners Association ($2,500), Cumberland Hill Neighborhood Association ($2,210), Dove Creek Townhouse Owner’s Association ($2,500), Fairway Neighborhood Association ($2,500), First Alliance Church ($2,465), Gratz Park Neighborhood Association ($773), Gratz Park Neighborhood Association ($890), Hamburg Homeowners Association ($2,500), Hill N Dale Christian Church ($1,085), The Learning Center at Linlee (TLC) ($2,500), North Limestone Neighborhood Association ($2,500), Palomar Townhomes Homeowners Association ($2,442), Rosemont Baptist Church ($1,221), UK Student Sustainability Council UKY ($1,439), Tanbark Association of Neighbors ($2,500), Tates Creek Christian Church ($2,300), Temple Adath Israel ($2,500), Vineyard Neighborhood Association ($1,174), Walnut Creek Home Owner’s Association ($2,500), William Wells Brown Neighborhood Association ($2,450), at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor or his designee, on behalf of the Urban County Government, to execute a Business Associate Agreement with Central Bank & Trust Co., for processing Emergency Medical Service (EMS) payments in compliance with HIPAA regulations, at no cost to the Urban County Government.

A Resolution ratifying the permanent civil service appointments of: Phyllis Cooper, Director of Accounting, Grade 121E, in the Div. of Accounting, effective May 15, 2011; Dennis Bevels, Custodial Worker, Grade 102N, in the Div. of Facilities and Fleet Management, effective May 22, 2011; Anessa Snowden, Senior Adult and Therapeutic Recreation Services Administrator, Grade 116E, in the Div. of Parks and Recreation, effective June 13, 2011.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute concession contracts with various youth baseball leagues, for operation of concession stands during spring baseball season at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Environmental Assessment License with Speedway, LLC, for groundwater contamination testing in Johnson Heights Park, at no cost to the Urban County Government.

A Resolution initiating various Zoning Ordinance text amendments to authorize changes of certain permitting and enforcement functions of the Div. of Building Inspection to the Div. of Planning, and including the creation of a Zoning Compliance Permit.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Contract with GRW Engineers, Inc., for development of a stormwater master plan work plan and the completion of Supplemental Environmental Project K-2, as described in the Consent Decree, at a cost not to exceed $436,385.

* * *

Upon motion of Ms. Gorton, seconded by Mr. Lane, and approved by unanimous vote, a Resolution appointing James Edward Kemp, Joseph Daniel Reed and Phil Wayne McConathy as Reapportionment Commissioners to serve along with Don Blevins, Fayette County Clerk, who will be a non-voting member of the Reapportionment Commission; directing said Reapportionment Commissioners to lay off the district boundaries of the districts of the three (3) Fiscal Court Commissioners, three (3) Justices of the Peace (Magistrates) and three (3) Constables pursuant to KRS 67.045; providing that the three (3) voting members of the Reapportionment Commission shall be compensated in the amount of $200 each; and directing the Clerk of the Urban County Council to publish notice of the reapportionment proceedings was placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

* * *

Upon motion of Mr. Farmer, seconded by Ms. Crosbie, and passed by unanimous vote, the Communications from the Mayor were approved, and are as follows: (1) Recommending the appointment of Ms. Traci Brewer to the Commission for Citizens with Disabilities, with a term to expire 1-1-2015; (2) Recommending the appointment of Councilmember Steve Kay, as Council At-Large representative, to the Corridors Commission, with a term to expire 8-1-2015; (3) Recommending the reappointments of Mr. James Rebmann and Ms. Helen Weissinger to the Environmental

Commission, with terms to expire 10-1-2013 and 10-1-2014, respectively. Also, recommending the appointment of Mr. Stephen Garland to the Environmental Commission, with a term to expire 10-1-2014; and (4) Recommending the appointment of Ms. Karen Miner to the Tree Board, with a term to expire 4-19-2015.

* * *

Commander Michael Blanton, Div. of Police, stated that Detective Timothy W. Ball had committed the offense of Unsatisfactory Performance in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.11, in that on the 21st day of September, 2010, he failed to completely document his investigative actions at the time while assisting another detective on September 21, 2010 with an interview/ interrogation of a suspect in a criminal abuse case. Detective Timothy Ball did not formally document those actions in the permanent case file until February 3, 2011. In his sworn oral testimony in a suppression hearing on February 18, 2011, he testified that he completed his case documentation within a couple of days of September 21, 2010, and that the appropriate punishment for this offense is Eighty (80) Hours Suspension Without Pay.

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

* * *

Mr. Stinnett asked that during the Memorial Day Weekend, everyone should take time to reflect on those who have fought for our country.

* * *

Mr. Stinnett apologized to Ms. Leslie Jarvis, Acting Director of the Div. of Human Resources, for statements that had been made in a meeting earlier that day.

* * *

Mr. Kay stated that he had not realized that he was in attendance at the meeting of the Council Environmental Quality Committee on April 19, 2011, and apologized for the comments that were made regarding the Div. of Waste Management employees at that meeting.

* * *

Mr. Lane thanked Mr. Stinnett for his comments regarding the tone of the debate in an earlier meeting.

* * *

Mr. Bernard McCarthy, Harry Street, spoke about the necessary maintenance of Lexington's infrastructure, and possible revenue sources to fund that maintenance.

*   *   *

Ms. Gorton made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to go into closed session at 7:48 p.m. pursuant to KRS 61.810(1)(f) for the purpose of discussions which may lead to the discipline or dismissal of an individual employee.

*   *   *

Upon motion of Ms. Gorton, seconded by Ms. Crosbie, and approved by unanimous vote, the Council returned to open session with the same members present and adjourned the meeting at 8:14 pm.

____

Clerk of the Urban County Council