Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky September 29, 2011

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on September 29, 2011 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Myers, Stinnett, Beard, Blues, Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Martin, and McChord. Absent was Councilmember Crosbie.

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

Resolutions No. 381-2011 thru 397-2011, and Ordinances No. 115-2011 thru 119-2011, inclusive were reported as having been signed and published, and ordered to record.

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The Invocation was given by Pastor Victor Sholar, Main Street Baptist Church.

Mr. Myers asked Pastor Sholar to speak about his biography and his church. Pastor Sholar made a few remarks about his church and their services.

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Mayor Gray presented a Proclamation in honor of National Alcohol and Drug Addiction Recovery Month, and spoke about the occasion. He presented it to Ms. Lisa Minton, Executive Director of Chrysalis House.

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Mayor Gray presented a Proclamation in honor of the 50th Anniversary of the Lexington Philharmonic to Mr. Greg Jenkins, President of the Board of Directors and Ms. Allison Kaiser, Executive Director of the Lexington Philharmonic.

Mr. Jenkins spoke about the organization and thanked the Mayor and Council for the recognition.

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

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

Nay: --0

An Ordinance amending Article 27-8 of the Zoning Ordinance to update references to codes for properties within the CA Overlay Zone.

An Ordinance changing the zone from a Planned Neighborhood Residential (R-3) zone to a High Density Apartment (R-4) zone for 6.81 net (8.24 gross) acres, for property located at 2391 Sir Barton Way (Thompson Thrift Development, Inc.).

An Ordinance amending Articles 1, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 19, 22-A, 24, 25, and 27 of the Zoning Ordinance to authorize changes in permitting and enforcement functions to the Div. of Planning and to create a zoning compliance permit.

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. 33.

An Ordinance amending Section 21-5(2) of the Code of Ordinances changing the job title of the Director of Community Development to the Director of Grants and Special Programs in the Div. of Grants and Special Programs and amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Administrative Officer, Grade 118E and creating two (2) positions of Administrative Officer P/T, Grade 118E in the Office of the Chief Administrative Officer, and appropriating funds pursuant to Schedule No. 34.

An Ordinance amending Sections 15, 16, 18 and 19 of Ordinance No. 69-2011 relating to the reorganization, correcting subsection line numbers in the Code of Ordinances, effective retroactive to July 1, 2011.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Staff Assistant Sr., Grade 108N and one (1) position of Administrative Officer, Grade 118E, in the Office of the Commissioner of Social Services; creating one (1) position of Administrative Specialist Sr., Grade 112N and one (1) position of Social Worker, Grade 111E, in the Div. of Adult Services; abolishing one (1) position of Administrative Officer, Grade 118E, one (1) position of Administrative Specialist Sr., Grade 112N, one (1) position of Social Worker, Grade 111E and one (1) position of Staff Assistant Sr., Grade 108N, all in the Div. of Youth Services; amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Equipment Operator P/T, Grade 108N, in the Div. of Family Services and creating one (1) position of Equipment Operator P/T, Grade 108N, in the Div. of Youth Services and transferring the incumbents, and appropriating funds pursuant to Schedule No. 36.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Administrative Specialist Sr., Grade 112N, in the Div. of Youth Services and amending Section 22-5(2) of the Code of Ordinances, creating one (1) position of Commissioner of Planning, Grade 210E, in the Office of the Chief Administrative Officer, and appropriating funds pursuant to Schedule No. 35.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $750 for the Div. of Historic Preservation from Neighborhood Development Funds to assist with restoration of Skuller's Clock, and appropriating and re-appropriating funds, Schedule No. 37.

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

An Ordinance amending Section 14-10(f)(6) of the Code of Ordinances relating to citation authority to provide that Chapter 17B of the Code of Ordinances may be enforced by the Urban Forester, Arborist Technician, and Environmental Enforcement Specialist employed in the Div. of Environmental Policy.

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. 38.

An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Administrative Specialist Sr., Grade 112N; amending Section 22-5(2) of the Code of Ordinances extending the term of the temporary position of Program Manager Sr., Grade 120E, from July 1, 2012 to July 1, 2015, all in the Dept. of Environmental Quality and Public Works; and appropriating funds pursuant to Schedule No. 39.

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A Resolution accepting the bid of Saffire Cleaning Service, LLC, establishing a price contract for Custodial Services - Police Headquarters, for the Div. of Facilities and Fleet Management was on the docket for second reading.

Ms. Henson made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to amend the resolution to change the facility name for the Custodial Services from Police Headquarters to the Day Treatment Center and that this was not a material change and would not require a new first reading.

A Resolution accepting the bid of Saffire Cleaning Service, LLC, establishing a price contract for Custodial Services – Day Treatment Center, for the Div. of Facilities and Fleet Management was given second reading as amended.

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

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

Nay: ---0

* * *

A Resolution amending Resolution No. 298-2011, changing the contractor from Hayden Construction to Burdette Construction; and changing the contract amount from $48,859 to $59,730 was on the docket for second reading.

Upon motion of Mr. Ford, seconded by Mr. Myers, and approved by unanimous vote, the resolution was removed from the docket.

* * *

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (Final) to the Contract with Hall Contracting Corp., for South Elkhorn Pump Station Improvements, for the Div. of Water Quality, increasing the contract price by the sum of $82,037.33 from $3,842,000.00 to $3,952,024.33 was on the docket for second reading.

Mr. McChord made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to amend the resolution to change the contract amount being changed to $3,869,987.00 and that this was not a material change and did not require a new first reading.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two (Final) to the Contract with Hall Contracting Corp., for South Elkhorn Pump Station Improvements, for the Div. of Water Quality, increasing the contract price by the sum of $82,037.33 from $3,869,987.00 to $3,952,024.33 was given second reading as amended.

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

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

Nay: --0

* * *

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

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

Nay: --0

A Resolution accepting the bid of Task, Inc., establishing a price contract for greenways maintenance supplemental, for the Div. of Engineering.

A Resolution accepting the bids of Bluegrass Uniforms; Bluegrass Fire Equipment, Inc.; U.S. Calvary; Wynn Fire Equipment, LLC; and Galls, Inc. (an Aramark Co., LLC), establishing price contracts for Fire Recruit Equipment, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Kiesler Police Supply, establishing a price contract for ammunition, for the Div. of Police.

A Resolution accepting the bids of the Inkspot, Inc., and Uniforms Manufacturing, Inc., establishing price contracts for uniforms for various departments and divisions.

A Resolution accepting the bids of Municipal Sales, Inc., and Duke's Root Control, Inc., LLC, establishing price contracts for sewer line chemical root control, for the Div. of Water Quality.

A Resolution ratifying the probationary civil service appointments of: Elizabeth Ashley Johnson, Staff Assistant Sr., Grade 108N, $12.374 hourly, in the Div. of Police, effective September 16, 2011, Kevin Wagner, Project Manager, Grade 114E, $1,587.52 bi-weekly, in the Div. of Water Quality, effective September 19, 2011, Irene Gooding, Director Grants and Special Programs, Grade 121E, $3,599.84 bi-weekly, in the Div. of Grants and Special Programs, effective October 1, 2011, David Smith, Engineering Technician Sr., Grade 113E, $1,523.20 bi-weekly, in the Div. of Water Quality, effective September 19, 2011, Donald Mott, Public Service Worker Sr., Grade 107N, $12.050 hourly, in the Div. of Water Quality, effective September 19, 2011, Billy Prater, Engineering Technician Principal, Grade 115E, $1,796.16 bi-weekly, in the Div. of Water Quality, effective September 19, 2011, James Dennis, Police Analyst, Grade 111N, $17.530 hourly, in the Div. of Police, effective September 19, 2011; ratifying the temporary appointment in the Office of the Urban County Council of: Donna Jeannette Williams, Council Administrator, Grade 121E, $2,474.96 bi-weekly, in the Council Office, effective July 12, 2011; approving Council Leave for Kevin Bolton, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, requests ninety (90) days Council Leave effective July 28, 2011.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Siemens Healthcare Diagnostics, Inc., a sole source provider, for the purchase of drug testing reagents, for the Div. of Community Corrections, at a cost not to exceed $230,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Humanities Council ($100), Dove Creek Townhome Owner's Association ($500) and Lexington Art League ($275), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Div. of Emergency Management/911 to obtain support services for its Emergency Notification System from Dialogic Communications Corp. (DCC) d/b/a Cassidian Communications, a sole source provider, at a cost not to exceed $31,329.60, and authorizing the Mayor to execute any necessary documents.

A Resolution authorizing the Div. of Emergency Management/911 to obtain 911 database management services from AK Associates, Inc., a sole source provider, at a cost not to exceed $85,000, and authorizing the Mayor to execute any necessary documents.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with UK Arboretum, to provide water quality related workshops, at a cost not to exceed $50,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a three (3) year Network Services Contract with Insight Ky. Partners, II, LLP, for services used by the Div. of Fire and Emergency Services to link components of the 800 MHz radio system, at an annual cost not to exceed $10,800 in Fiscal Year 2012 and future fiscal years subject to sufficient funds being appropriated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Management Agreement with Ky. Theater Management Group, Inc., for a one year extension.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Environmental Protection Agency, which Grant funds are in the amount of $200,000 Federal funds, are for a Brownfields Assessment Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with Claunch Construction, LLC, for the Meadows/ Northland/ Arlington Public Improvements Project, Subphase 2E, increasing the contract price by the sum of $8,379.10 from $1,022,759.00 to $1,031,138.10.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Three to the Contract with CDP Engineers, Inc., for the West Hickman Trail Project, increasing the contract price by the sum of $17,680 from $138,250 to $155,930.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Contract with Claunch Construction, LLC, for the West Hickman Trail Project, decreasing the contract price by the sum of $7,828.32 from $477,343.40 to $469,515.08.

A Resolution authorizing the Div. of Human Resources to internally advertise for vacant positions, if requested by the Division Director, from the date of passage of this Resolution through December 31, 2011 and authorizing the Div. of Human Resources to advertise externally if a qualified internal applicant pool does not exist within the first week of any internal advertisement.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with the Fayette County Board of Education, for use of the Henry Clay High School Track, at a cost not to exceed $78.60.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Interlocal Cooperation Agreement with the Jessamine County Ky. Sheriff, for Fayette County Div. of Police full police powers in portions of Jessamine County where the Urban County Government owns property (i.e. Veterans Park and West Hickman Treatment Plant).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Internal Revenue Service, Criminal Investigation, for the Financial Crimes Task Force.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Internal Revenue Service, Criminal Investigation, for reimbursement of certain Div. of Police expenses.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Lease Agreement with the Ky. Horse Park, for the Mounted Police Colloquium.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Sales Agreement with Horizon Information Systems, Inc., for the purchase of software for the representative payee program, for the Dept. of Social Services, at a cost not to exceed $5,552.50.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (Final) to the Contract with Gooch Construction Co., for the Della Dr. Storm Water Pipe Relocation Project, increasing the contract price by the sum of $12,678.28 from $94,422.00 to $107,100.28.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Kenvirons, Inc., for the Dixie Pump Station Upgrade and Force Main Improvements Project, increasing the contract price by the sum of $11,021.39 from $30,730.00 to $41,751.39.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (Final) to the contract with Gooch Construction, Inc., for the Trinity Rd. - Wellington Way Storm Water Project, increasing the contract price by the sum of $3,620 from $82,970 to $86,590.

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

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

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

Nay: --0

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of Palomar Blvd. and Peppertree Dr.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of Firebrook Blvd. and Clubside Ct.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of Dogwood Trace Blvd. and Agape Dr.

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The following resolutions were given first reading. Ms. Glenda George, Attorney, Dept. of Law, requested on behalf of the Administration that the rules be suspended to give second reading to the resolutions.

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

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

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

Nay: ---0

A Resolution ratifying the probationary civil service appointments of: Gordon Mitchell, Equipment Operator Sr., Grade 109N, $16.977 hourly, in the Div. of Waste Management, effective September 26, 2011; and ratifying the unclassified civil service appointment in the Office of the Chief Administrative Officer of: Marian C. Zeitlin, Administrative Officer P/T, Grade 118E, $961.54 bi-weekly, effective upon passage of Council.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute two Agreements with the U.S. Dept. of Justice - Drug Enforcement Administration, for continuation of the State and Local Task Force and Tactical Diversion Task Force.

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following: Wilbert Stephens, Maintenance Mechanic, Grade 113N, $20.134 hourly, in the Div. of Water Quality; Jarrod Jaeger, Community Corrections Officer, Grade 110N, $14.340 hourly, and Jason Burden, Skilled Trades Worker, Grade 111N, $15.130 hourly, in the Div. of Community Corrections, Jeffrey Clay, Equipment Operator Sr., Grade 109N, $18.851 hourly, Greg Isaacs, Equipment Operator Sr., Grade 109N, $13.330 hourly, and Benjamin Lay, Equipment Operator Sr., Grade 109N, $12.606 hourly, in the Div. of Waste Management; and authorizing the beginning of probationary civil service probationary period upon successful completion of a physical or medical examination as required; authorizing the unclassified civil service appointments of: Paula King, Administrative Officer P/T, Grade 118E, $961.54 bi- weekly, in the Office of the Chief Administrative Officer, and Rodney Guy, Equipment Operator P/T, Grade 108N, $11.706 hourly, in the Div. of Family Services; authorizing the unclassified civil service appointment to the Office of the Urban County Council: Andrea James, Aide to Council, Grade 000E, $2,089.60 bi-weekly, in the Council Office, and authorizing the beginning employment upon successful completion of a physical or medical examination as required, effective upon passage of Council was given first reading.

Upon motion of Mr. Ford, seconded by Mr. Martin, 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: Myers, Stinnett, Beard, Blues, Ellinger,
Farmer, Ford, Gorton, Henson, Kay,
Lane, Lawless, Martin, McChord----------------14

Nay: --0

* * *

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of Central Ave. and Old Park Ave was given first reading.

Upon motion of Ms. Lawless, seconded by Mr. Martin, 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: Myers, Stinnett, Beard, Blues, Ellinger,
Farmer, Ford, Gorton, Henson, Kay,
Lane, Lawless, Martin, McChord----------------14

Nay: --0

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A Resolution authorizing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of Romany Rd. and Providence Ln. 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. Gorton, and seconded by Mr. Ellinger, the resolution was approved by the following vote:

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

Nay: --0

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Upon motion of Ms. Lawless, seconded by Ms. Gorton, and approved by unanimous vote, a Resolution authorizing the Mayor or his designee, on behalf of the Urban County Government, to execute a Federal Equitable Sharing Agreement and related Certification, with the Dept. of Justice and the Dept. of the Treasury, for participation in the Federal Equitable Sharing Program was placed on the docket and given first reading.

Ms. Glenda George, Attorney, Dept. of Law, requested on behalf of the Administration that the rules be suspended to give second reading to the resolution.

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. Gorton, and seconded by Mr. Ellinger, the resolution was approved by the following vote:

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

Nay: --0

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Upon motion of Ms. Lawless, seconded by Mr. Farmer, and approved by unanimous vote, a Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Andover Neighborhood Association ($650), for the Office of the Urban County Council, at a cost not to exceed the sum stated was placed on the docket and given first reading.

Upon motion of Ms. Lawless, seconded by Mr. Martin, the rules were suspended by a majority vote of 13-1 (Mr. Farmer voted no).

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

Nay: ---0

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

A Resolution accepting the bids of Hallmark Trophies, Inc. and Proforma Bluegrass Advertising Specialties, establishing price contracts for Trophies, Plaques and Silver, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Gulf States Distributors, establishing a price contract for Patrol Rifles, for the Div. of Police.

A Resolution accepting the bids of Big Beaver Tree Service, Inc., Lexington Tree Service, Inc., and Swartz Mowing, Inc., establishing price contracts for tree removal, for the Div. of Streets and Roads.

A Resolution accepting the bid of Graybar, in the amount of $43,704, for a variable frequency drive for Lower Cane Run Pump Station, for the Div. of Water Quality.

A Resolution accepting the bid of Red Zone Robotics, Inc., establishing a price contract for rental of autonomous inspection equipment for small diameter pipe, for the Div. of Water Quality.

A Resolution establishing a Residential Parking Permit Program for the 600 block of Berry Ln., 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.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Lexington Citizen Police Academy Alumni Association ($2,000), Clemens Heights Neighborhood Association ($1,050), and CKHHI, Inc. ($750), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Div. of Emergency Management/911 to obtain 911 software maintenance support services from 911 Data Master, Inc., a sole source provider, at a cost not to exceed $87,000, and authorizing the Mayor to execute any necessary documents.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the Home Depot's donation of landscaping material and supplies valued at $1,000 in honor of the 10th Anniversary of September 11, 2001, for use by Fire Station No. 16, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept Fayette Heating & Air's donation of an air conditioning unit and its installation, for use by Fire Station No. 2, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a New Case Document, Amendment to Plan Management Agreement, and Amendment to Group Stop-Loss Policy Extension with Humana Insurance Co. for the administration of health care claims for the period of January 1, 2011 through December 31, 2011.

A Resolution declaring as surplus and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute Deeds and any other necessary documents for the sale and transfer of .079 acres of the 2.3 acre tract known as 365 White Oak Trace.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 3 to the Contract with H. W. Lochner, Inc., for right-of-way services for Newtown Pike Extension Project Mitigation Area, increasing the contract price by the sum of $7,600.00 from $215,731.25 to $223,331.25.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the U.S. Dept. of Justice, which Grant funds are in the amount of $77,639 Federal funds, are for Project Safe Neighborhoods Program, for the U.S. Attorney's Office for the Eastern District of Ky., the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet, 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 $50,000 Federal funds, and are for continuation of the Sexual Assault Nurse Examiner (SANE) Program, the acceptance of which obligates the Urban County Government for the expenditure of $28,150 as a local match, and authorizing the Mayor to transfer unencumbered funds with the Grant budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from UniverSoul Circus of 100 complimentary tickets for the Community Center Youth at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Outgoing Loan Receipt with the William S. Webb Museum of Anthropology for the loan of artifacts to Raven Run Nature Center.

A Resolution, pursuant to Code of Ordinances Section 18-66, designating the speed limit on Pepperhill Rd. between Montavesta Rd. to Chinoe Rd. as 25 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution changing the street names and property address numbers of 137 Cox St. to 126 Buchanan St., of 142 Cox St. to 809 Manchester St., of 585 E. Second St. to 245 Delmar Ave., of 2645 Kearney Creek Ln. to 3000 Locust Blossom Cove, of 305 Northland Dr. (Units A, G, H, B, E, C, F, and D) to 305 Ballpark Dr. (Units 101, 102, 103, 104, 201, 202, 203, and 204), of 309 Northland Dr. (Units A, G, H, B, E, C, F, and D) to 309 Ballpark Dr. (Units 101, 102, 103, 104, 201, 202, 203, and 204), of 313 Northland Dr. (Units A, G, H, B, C, E, F, and D) to 313 Ballpark Dr. (Units 101, 102, 103, 104, 201, 202, 203, and 204), of 315 Northland Dr. (Units F, G, H, J, K, L, M, N, O, G1, G2, G3, A, C, B, D, and E) to 315 Ballpark Dr. (Units 106, 107, 201, 202, 203, 204, 205, 206, 207, 1, 2, 3, 101, 102, 103, 104, and 105) of 3741 Sleepy Hollow Ln. to 1973 Deer Meadow Trace, of 1477 North Broadway (Units A, G, H, B, C, E, F, and D) to 301 Ballpark Dr. (Units 101, 102, 103, 104, 201, 202, 203 and 204); changing the property address numbers of 631 Bellaire Ave. to 633 Bellaire Ave., of 239 Shady Ln. to 241 Shady Ln., of 425 W. Second St. to 429 W. Second St., of 121 Church St. to 125 Church St., of 180 North Broadway to 182 North Broadway, of 2120 Deauville Dr. to 2168 Deauville Dr., and of 621 Burbank Ct. to 619 Burbank Ct.; and changing the street name of 836, 837, 840, 841, 844, 845, 848, 849, 852, 853, 856, 857, 860, and 861 Cedarwood Dr. to 836, 837, 840, 841, 844, 845, 848, 849, 852, 853, 856, 857, 860, and 861 Sugarcane Way, of 111 and 137 Cox St. to 111 and 137 Oliver Lewis Way, and of 949, 952, 954, 955, 960, 962, and 964 Pine St. to 949, 952, 954, 955, 960, 962, and 964 Tarr Trace, all effective thirty days from passage.

A Resolution specifying the intention of the Urban County Council to expand and extend the Full Urban Services District #1 to provide street lighting, street cleaning and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these services in this area, which area is defined as certain properties on the following streets: Calypso Breeze Dr., Carducci St., Coroneo Ln., Falling Leaves Ln., Firethorn Pl., Forest Spring Ct., Golden Bell Pl., Greenville Terrace, Grey Lag Way, Hardwood Rd., Kiawah Dr., Magnolia Gardens Pl., Polo Club Blvd., Sandhurst Cove, Seneca Park, Sir Barton Way, Sperling Dr., Sunflower St., Tea Olive Way, and Towne Square Park.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #3 to provide garbage and refuse collection; finding a need for this service in the area included; finding the ability of the Urban County Government to provide this service in this area, which area is defined as certain properties on the following streets: Blue Bonnet Ct., Blue Bonnet Dr., Golden Trophy Trail, Waveland Museum Ln., and Winthrop Dr.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #5 to provide street lighting and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these services in this area, which area is defined as certain properties on the following streets: Albany Rd., Albemarle Rd., Halifax Ct., and Rosemont Garden.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. American Water Co. and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $500 under the Ky. American Water Firefighting Support Grant, and are for the purchase of 25 Personal Protective Equipment Hoods, for the Div. of Fire and Emergency Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute two (2) Partial Releases of Easements, releasing portions of sanitary sewer easements on property located at 1000 Jouett Creek Dr. and 1105 Jouett Creek Dr.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Sanitary Sewer Easement, releasing a portion of a sanitary sewer easement on property located at 122 Somersly Place.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of a sanitary sewer easement on property located at 4161 Victoria Ct.

A Resolution revoking Resolution No. 262-2010 and approving the granting of an Inducement to SIS Holding Co., Inc., and its affiliates SIS, LLC and VBS, LLC pursuant to the Ky. Business Investment Act created by House Bill 3 of the 2009 Extraordinary Legislative Session, whereby Lexington-Fayette Urban County Government agrees to forego the collection of one percent (1%) of the occupational license fees that would otherwise be due to it, which shall instead be retained by the company and its affiliates for a term of not longer than ten (10) years from the activation date established by the Ky. Business Investment Program, subject to the limitations contained in the Ky. Business Investment Act, and any Agreement the company and/or its affiliates have with the Ky. Economic Development Finance Authority related to the Project; and taking other related action.

A Resolution of the Lexington-Fayette Urban County Council relating to the issuance by the Ky. Economic Development Finance Authority of Revenue Bonds to finance, among other things, costs incurred by Baptist Healthcare System, Inc., in constructing and acquiring certain hospital facilities in the Urban County; and waiving review by the Industrial Revenue Review Board.

A Resolution adopting the 2011 update of the Floodplain Management Plan.

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Upon motion of Ms. Gorton, 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 Mr. Brandon J. Combs, as Alternate, to the Address Enforcement Administrative Hearing Board, with a term to expire 2-1-2013. Mr. Combs will fill the unexpired term of Mr. Steve Fosson; (2) Recommending the appointment of Ms. Catherine A. DeFlorio to the Domestic Violence Prevention Board, with a term to expire 9-30-2013. Ms. DeFlorio will fill the unexpired term of Ms. Jennifer Karim; (3) Recommending the appointment of Mr. J. Blake Brickman to the Downtown Development Authority Board of Directors, with a term to expire 1-15-2014; (4) Recommending the appointment of Mr. Gary W. Ludwick, as CPA representative, to the Internal Audit Board, with a term to expire 12-1-2014; and (5) Recommending the appointment of Ms. Constance W. Brannen, as Ky. Border Collie Assn. representative, to the Masterson Station Park Advisory Board, with a term to expire 5-1-2015.

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The following Communications from the Mayor were received for information only: (1) Reinstatement of Michael Stidham, Community Corrections Officer, Grade 110N, $16.810 hourly, in the Div. of Community Corrections, effective September 23, 2011; and (2) Resignation of Jenny Cord, Telecommunicator Sr., Div. of Emergency Management/911, effective September 9, 2011.

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Ms. Gorton announced that there would be a meeting of the Committee of the Whole on Monday, October 3, 2011, from 9:00 a.m. to 12:00 p.m. to interview Council Administrator candidates. She also announced that there would be a meeting of the Committee of the Whole on Tuesday, October 4, 2011, at 10:00 a.m. to make any recommendations to the Redistricting Proposal, which will then be sent through the Administrative Review Process.

* * *

Ms. Gorton stated that there were no new business items to consider at the Council Work Session scheduled for October 4, 2011, and asked if the Council wished to still hold the meeting in order to consider committee reports.

Mr. Lane stated that he would agree with cancelling the meeting.

Mr. Lane made a motion, seconded by Mr. McChord, to cancel the October 4, 2011 Council Work Session.

Ms. Gorton asked if the Administration had any pressing business that would need to be considered. The Mayor responded.

Mr. Ford stated his concerns about cancelling the Work Session, and what it would mean for the public.

Mr. Martin stated that he would be in favor of cancelling the meeting.

The motion **passed** by a majority vote of 13-1 (Mr. Ford voted no.)

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Mr. Farmer made a statement about the traffic issues that occurred in downtown Lexington on September 28, 2011, due to a seminar that was held at Rupp Arena.

There was discussion among the Council regarding the traffic issue, and the Mayor also responded to the issue.

* * *

Mr. Stinnett announced a new Lexington Humane Society location for adoption of pets would be opening on October 1, 2011, at 10:00 a.m., in the Petsmart Store at the Hamburg Shopping Center.

He also asked the Mayor to update the Council on the funds that were in the budget for the 25 police officer positions, in light of the grant that was just received for the funding of new officers in the Div. of Police. He also congratulated the Administration on the receipt of the grant.

* * *

Ms. Lawless announced that there would be an Art Festival on National Avenue on Saturday, October 1, 2011. She also announced that there would be a neighborhood picnic in the WGPL Neighborhood on Sunday, October 2, 2011, at the end of Goodrich Avenue.

Ms. Lawless stated that her Aide, Ms. Diana Queen, would have her last day in the office on September 30, 2011, and thanked her for service and her help.

* * *

Mr. Ford announced a meeting of the Commission on Youth and Public Safety would meet on October 4, 2011, at 5:30 p.m., at the Fayette County Extension Office, 1140 Red Mile Place.

He also announced that there would be a meeting of the Charles Young Center Task Force on October 5, 2011, at the Charles Young Center at 540 E. Third St.

* * *

Mr. Ford congratulated the Div. of Police and the Administration on the receipt of a grant to fund 25 additional police officers.

The Mayor asked Mr. Geoff Reed, Senior Advisor for Policy & Government Relations, Mayor's Office, to explain about the grant funds.

Ms. Gorton thanked Mr. Reed and the Div. of Police for the work in winning the grant.

Mr. Stinnett asked questions of the Mayor and Mr. Reed regarding the funding. Both responded.

Mr. McChord thanked the Div. of Police.

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Mr. Dwayne Holman, Commander, Div. of Police, stated that Officer Edward R. Thurman had committed the offense of Misconduct in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.02, in that on the 19th day of August, 2011, he, while performing traffic control due to a road closure, responded to an approaching vehicle by throwing both a traffic wand and his flashlight, striking the vehicle. The driver was approaching in order to ask for directions, and that the appropriate punishment for this offense is Eighty (80) Hours Suspension Without Pay – and – Mandatory Employee Assistance Program.

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

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Mr. Bernard McCarthy, Harry Street, asked the Mayor and Council to intervene with Kentucky American Water Company in order to complete repairs to his street.

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Ms. Lillie Miller Johnson, Conservation Officer, Fayette County Conservation District, gave a presentation on the Fayette County Conservation District and their need for an increase in the millage tax.

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Upon motion of Mr. Myers, seconded by Ms. Gorton, and approved by unanimous vote, the meeting adjourned at 7:31 p.m.

Clerk of the Urban County Council