

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky June 21, 2012

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on June 21, 2012 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Henson, Kay, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger, Farmer, Ford and Gorton. Absent was Council Member Lane.

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

No resolutions or ordinances were reported as having been signed and published, or ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky June 21, 2012

The Invocation was given by Pastor Charles Johnson, Temple of Prayer.

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Upon motion of Ms. Gorton, seconded by Ms. Crosbie, the Minutes of the March 22, April 10, 12, 17, and 26, May 10, 17 and 29, 2012 Council Meetings were approved by unanimous vote.

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The Mayor and Mr. Stinnett presented a commemoration to Mr. Ryne Combs, 2012 graduate of Bryan Station High School, who was named Kentucky's Mr. Baseball for 2012. Mr. Stinnett stated Mr. Combs was the son of Ms. Susan Combs, Div. of Accounting. The Mayor also acknowledged that Mr. Mike Henderson, Principal of Bryan Station High School, and Mr. Chad Luhman, Athletic Director of Bryan Station High School were in attendance.

Mr. Eddie Brooks, Baseball Coach at Bryan Station High School, spoke about Mr. Combs' accomplishments.

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An Ordinance appropriating the Revenues, Expenditures/Expenses and Interfund Transfers for the General Services District Fund, the Tenant Relocation Fund, the Urban Services Districts Fund, the Police Confiscated Federal Fund, the Police Confiscated State Fund, the Public Safety Fund, the Spay and Neuter Fund, the Municipal Aid Program Fund, the County Aid Program Fund, the Mineral Severance Fund, the Coal Severance Fund, the Miscellaneous Special Revenue Fund, the Police Confiscated - Treasury Fund, the FY 2013 Bond Projects Funds, the Sanitary Sewer Revenue and Operating Fund, the Sanitary Sewer Construction Fund, the Lexington-Fayette Urban County Government Public Facilities Corporation General Fund, the Lexington-Fayette Urban County Government Public Facilities Corporation Parks Projects Fund, the Lexington-Fayette Urban County Government Public Parking Corporation Fund, the Water Quality Management Fund, the Landfill Fund, the Right of Way Program Fund, the Extended School Program Fund, the Prisoners' Account Fund, the Enhanced 911 Fund, the LexVan Program Fund, the Lexington-Fayette Urban County Government Public Library Corporation Fund, the City Employees' Pension

Fund, the Police and Fire Retirement Fund of the Lexington-Fayette Urban County Government, the Medical Insurance Fund, the Property and Casualty Claims Fund, and the Reallocation of Bond Project Funds, on a divisional level by four (4) control levels, for the fiscal year ending June 30, 2013, for the Lexington-Fayette Urban County Government and its agencies and instrumentalities; approving and adopting the Capital Improvement Program for Fiscal Years (FY) 2013 through (FY) 2018, as a portion of the Fiscal Year (FY) 2013 Annual Capital Improvements Budget; and approving funding for the Lexington-Fayette Urban County Tourist and Convention Commission from the Transient Room Tax, said funding to equal 99 ½% of the revenue from the tax was on the docket for second reading.

Ms. Gorton made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to remove the reference in the ordinance to the Spay and Neuter Fund, and that this was not a material change and did not require a new first reading.

An Ordinance appropriating the Revenues, Expenditures/Expenses and Interfund Transfers for the General Services District Fund, the Tenant Relocation Fund, the Urban Services Districts Fund, the Police Confiscated Federal Fund, the Police Confiscated State Fund, the Public Safety Fund, the Municipal Aid Program Fund, the County Aid Program Fund, the Mineral Severance Fund, the Coal Severance Fund, the Miscellaneous Special Revenue Fund, the Police Confiscated - Treasury Fund, the FY 2013 Bond Projects Funds, the Sanitary Sewer Revenue and Operating Fund, the Sanitary Sewer Construction Fund, the Lexington-Fayette Urban County Government Public Facilities Corporation General Fund, the Lexington-Fayette Urban County Government Public Facilities Corporation Parks Projects Fund, the Lexington-Fayette Urban County Government Public Parking Corporation Fund, the Water Quality Management Fund, the Landfill Fund, the Right of Way Program Fund, the Extended School Program Fund, the Prisoners' Account Fund, the Enhanced 911 Fund, the LexVan Program Fund, the Lexington-Fayette Urban County Government Public Library Corporation Fund, the City Employees' Pension Fund, the Police and Fire Retirement Fund of the Lexington-Fayette Urban County Government, the Medical Insurance Fund, the Property and Casualty Claims Fund, and the Reallocation of Bond Project Funds, on a divisional level by four (4) control levels, for the fiscal year ending June 30, 2013, for

the Lexington-Fayette Urban County Government and its agencies and instrumentalities; approving and adopting the Capital Improvement Program for Fiscal Years (FY) 2013 through (FY) 2018, as a portion of the Fiscal Year (FY) 2013 Annual Capital Improvements Budget; and approving funding for the Lexington-Fayette Urban County Tourist and Convention Commission from the Transient Room Tax, said funding to equal 99 ½% of the revenue from the tax was given second reading as amended.

Upon motion of Mr. Stinnett, and seconded by Ms. Henson, the ordinance was approved by the following vote:

Aye: Henson, Kay, Lawless, Stinnett, Beard,
Blues, Ellinger, Farmer, Ford, Gorton -----10

Nay: Martin, McChord, Myers, Crosbie-----4

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

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

Nay: -----0

An Ordinance amending Section 2-180 of the Code of Ordinances of the Lexington-Fayette Urban County Government to add the Commissioner of Finance or his or her designee as an ex-officio, voting member of the Board of Commissioners of the Lexington and Fayette County Parking Authority effective July 1, 2012.

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 Parks and Recreation from Neighborhood Development Funds for the Better Bites Concessions Program, and appropriating and re-appropriating funds, Schedule No. 75.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$1,225 for the Div. of Parks and Recreation from Neighborhood Development Funds for the purchase of new bleachers for the Kenwick Community Center, and appropriating and re-appropriating funds, Schedule No. 74.

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. 73.

An Ordinance creating and establishing for bid a non-exclusive gas franchise for the placement of facilities for the transmission, distribution and sale of gas for heating and other purposes within the public rights-of-way of Fayette County for a three (3) month duration, with an additional extensions of time not to exceed six (6) months if a long term franchise is not offered prior to expiration, in return for payment to the Urban County Government of the sum of at least three percent (3%) of each franchisee's gross annual revenues received from the sale, distribution, and/or delivery of gas within Fayette County; and further providing for compliance with relevant laws, regulations, and standards; a performance bond; indemnification; insurance; access to property and inspections; reporting; audits; notice of filings with the Public Service Commission; cancellation or termination; penalties for violations; and bid requirements; all effective on date of passage.

An Ordinance creating and establishing for bid a non-exclusive electric franchise for the placement of facilities for the transmission, distribution and sale of electrical energy within the public rights-of-way of Fayette County for a three (3) month duration, with additional extensions of time not to exceed six (6) months if a long term franchise is not offered prior to expiration, in return for payment to the Urban County Government of the sum of at least three percent (3%) of each franchisee's gross annual revenues received from electric service provided within Fayette County; and further providing for compliance with relevant laws, regulations and standards; a performance bond; indemnification; insurance; access to property and inspections; reporting; audits; notice of filings with the Public Service Commission; cancellation or termination; penalties for violations; and bid requirements; all effective on date of passage.

An Ordinance amending Section 13-13(b) of the Code of Ordinances related to special fees to add a Scrap Metal Dealer's License at \$500 per year.

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An Ordinance amending Section 24-51 of the Code of Ordinances relating to inmate medical fees to increase the co-payment an inmate pays for medical care from five dollars (\$5.00) to fifteen dollars (\$15.00), to require an inmate to pay the cost of

prescription medication if the prescription is fourteen dollars and ninety-nine cents (\$14.99) or less and to pay a co-payment of fifteen dollars (\$15.00) if the prescription costs more than fourteen dollars and ninety-nine cents (\$14.99), to include a booking fee of thirty-five dollars (\$35.00), and to provide that any fees received shall be used to help offset the costs of operating the detention center was given first reading.

Ms. Lawless made a motion to amend the ordinance to include that fifty (50) percent of the commissary fees that are deposited in an inmate's account should be kept for commissary items and fifty (50) percent of the commissary fees be put in a medical account if so needed.

Mr. Ellinger called for a point of order that the amendment should be made when the ordinance became eligible for second reading.

Ms. Susan Lamb, Clerk of the Urban County Council, stated that would be an appropriate procedure.

The Mayor accepted the point of order, and asked that the Clerk continue with first reading of ordinances.

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

An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a Neighborhood Business (B-1) zone for 0.225 net (0.273 gross) acre, for property located at 763 Lane Allen Rd. (Sable Holdings, LLC).

An Ordinance amending Articles 13-4 and 13-9 of the Zoning Ordinance to update membership provisions of the Historic Preservation Commission and references to codes for properties within the Historic Overlay (H-1) zone.

An Ordinance amending Article 8-20(b) of the Zoning Ordinance to add retail sales of automotive parts with storage and distribution of inventory to other local establishments under the same ownership in the Highway Service Business (B-3) zone.

An Ordinance amending Subsections 16-16.2(c), 16-64(c), and 16-404(4) of the Code of Ordinances of the Lexington-Fayette Urban County Government to provide for a penalty for unpaid bills after fifteen (15) days and interest at the statutory rate; creating Sections 16-16.4, 16-64.1, and 16-404.1 of the Code to provide for a two (2) year period effective August 1, 2012 within which to file a claim for refund and a claims

process; creating Subsection 16-59(b)(3) of the Code to provide for billing credits; amending Section 16-63 of the Code to provide for monthly billings and billing adjustments within two (2) years; amending Subsection 16-64(a) of the Code to provide for assessment of fees or expenses incurred as a result of discontinuing water service; and amending Subsection 16-408(2) of the Code relating to the membership of the Water Quality Fees Board; all effective August 1, 2012.

An Ordinance pursuant to Sections 3.02(24) and 6.12 of the Charter of the Lexington-Fayette Urban County Government transferring the Div. of Engineering and the incumbents in all authorized positions as well as all vacant positions from the Dept. of Environmental Quality and Public Works to the Dept. of Planning, Preservation and Development at their current job classification, pay grade and salary.

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. 1.

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Ms. Gorton made a motion, seconded by Mr. Blues, to place on the docket an ordinance waiving the provisions of Section 22-43(2) of the Code of Ordinances, which provides for cost of living increases for the council members, during Calendar Year 2012.

Ms. Crosbie asked that Ms. Gorton clarify her motion. Ms. Gorton restated her motion.

The motion **failed** by a vote of 5-8 (Ms. Henson, Mr. Martin, Mr. McChord, Mr. Myers, Mr. Stinnett, Mr. Beard, Ms. Crosbie, and Mr. Ellinger voted **no**, and Mr. Farmer abstained when the vote was taken).

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A Resolution accepting the Collective Bargaining Agreement with Bluegrass Fraternal Order of Police, Lodge No. 4 on behalf of Police Officers and Sergeants in the Div. of Police was given second reading.

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

Aye: Henson, Kay, Lawless, McChord, Myers,
Stinnett, Beard, Blues, Crosbie, Ellinger,
Farmer, Gorton-----12

Nay: Martin-----1
(Mr. Ford abstained when the vote was taken.)

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A Resolution accepting the bid of Galls, Inc., establishing a price contract for a web-based Quartermaster Program - Public Safety Uniforms, for the Div.'s of Police, Fire and Emergency Services, and Community Corrections was given second reading.

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

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

Nay: Martin-----1

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

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

Nay: -----0

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Mutual Release Agreement with Gershman, Brickner and Bratton, Inc., Routeware, Inc., and C2Logix, Inc. and authorizing final payment to Gershman, Brickner and Bratton, Inc. for the Materials Recovery Facility Project and Waste Management Routing Project at a cost not to exceed \$45,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Vanhook Enterprises, Inc., for West Hickman Creek Waste Water Treatment Plant Solids Building Odor-HVAC improvements, increasing the contract price by the sum of \$5,830.18 from \$699,000.00 to \$704,830.18.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Entry Permit with Marathon Pipe Line LLC, for access to a portion of the West Hickman Wastewater Treatment Plant property for a pipeline testing project, at no cost to the Urban County Government.

A Resolution approving the renewal for one (1) year of the Contract for Services with Group CJ of Lexington, Ky., for stormwater public outreach and education, for the Div. of Environmental Policy, authorized by Resolution No. 201-2011, at a cost not to exceed \$209,000.

A Resolution approving Professional Services Agreements for Landscape Architectural Services for the Div. of Water Quality with Perkins Landscape Architecture, LLC, M2D Design Group, PLLC, and Barrett Partners, Inc. for a one (1) year term, with five (5) one (1) year renewals at the discretion of the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with Sensabaugh Design and Construction, for a pole barn storage building, increasing the contract price by the sum of \$3,275 from \$189,000 to \$192,275.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Modification to Agreement with the Ky. Div. of Emergency Management, for extension of the project to replace a generator at Fire Station One through June 13, 2014, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant application to the Ky. Cabinet for Health and Family Services, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$314,247 Federal funds, are for continuation of the New Chance Program in the Div. of Family Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, 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. Dept. of Juvenile Justice, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$16,183 Federal funds under the Juvenile Accountability Block Grant Program, are for continuation of the Juvenile Surveillance Program, professional services, professional development, drug testing services and supplies, and educational

materials, the acceptance of which obligates the Urban County Government for the expenditure of \$1,798 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with West End Community Empowerment Project of Lexington, Inc., for lease of space at the Black and Williams Neighborhood Center at 498 Georgetown St.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Affiliation Agreement with the University of Ky., designating the University as the affiliate sponsor for a Paramedic Education Program for the Div. of Fire and Emergency Services, at no cost to the Urban County Government.

A Resolution of the Lexington-Fayette Urban County Government authorizing and acknowledging the execution and delivery of (1) a Third Amendment to Bond Purchase and Loan Agreement among the Lexington-Fayette Urban County Government, Central Bank & Trust Co., a Ky. Banking Corp., and the Lexington Christian Academy, Inc. and (2) any and all other related documents necessary thereto.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept the Proposals for FY2013 for Excess Insurance from, and to execute any necessary contracts and documents on behalf of the Urban County Government with the following insurance companies and/or their respective brokers: Workers' Compensation Insurance from New York Marine and General Insurance Co. at a cost not to exceed \$351,018; excess property, boiler and machinery insurance from Public Entity Property Insurance Program at a cost not to exceed \$274,882; excess special liability from National Casualty Co. at a cost not to exceed \$460,995; international from Great Northern Insurance Co. at a cost not to exceed \$3,250, self-insurance auto no-fault bond from International Fidelity Insurance Co. at a cost not to exceed \$2,545; and aviation liability from Phoenix Aviation Managers at a cost not to exceed \$4,581; all subject to sufficient funds being appropriated.

A Resolution accepting the bid of Whayne Supply Co., in the amount of \$37,963.56, for replacement batteries and charges for waste water treatment plant generators, for the Div. of Water Quality.

A Resolution accepting the bid of Minnifield Enterprize, in the amount of \$11,300, for electrical work for the Charles Young Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Ennis Paint, Inc., and Colorado Paint Co., establishing price contracts for traffic marking paint, for the Div. of Traffic Engineering.

A Resolution ratifying the probationary civil service appointments of: Dustin Baker, GIS Programmer/Analyst, Grade 117E, \$1,881.20 bi-weekly, in the Div. of Computer Services, effective June 25, 2012, Tamoy Carter, Equipment Operator Sr., Grade 109N, \$15.080 hourly, in the Div. of Waste Management, effective June 4, 2012, Connie Godfrey, Director Adult Services, Grade 120E, \$3,332.32 bi-weekly, in the Div. of Adult Services, effective May 21, 2012 and Michelle Haynes, Telecommunicator Sr., Grade 113N, \$20.262 hourly, in the Div. of Emergency Management/911, effective June 4, 2012; ratifying the permanent civil service appointments of: Greg Isaac, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective May 7, 2012, Jeffrey Clay, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective May 7, 2012 and Barry Prater, Commodities Marketing Manager, Grade 115E, in the Div. of Waste Management, effective May 7, 2012; ratifying the approved Council Leave for: Syglenda R. Faulkner, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective August 18, 2011 thru November 10, 2011; ratifying the unclassified civil service appointment of: Steven Smith, Aide to Council, Grade 000E, \$2,057.68 bi-weekly, in the Council Office, effective May 2, 2012; ratifying the unclassified civil service pay increases in the Office of the Urban County Council: Ronald Seymour, Aide to Council, Grade 000E, from \$2,057.69 bi-weekly to \$2,089.57 bi-weekly, in the Office of the Urban County Council, effective May 21, 2012.

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 Radcliffe Rd. and Haggard Ln.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ashland Park Neighborhood Association, Inc., for a public right-of-way beautification project, at no cost to the Urban County Government.

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A Resolution accepting the bid of Excellance, Inc., in the amount of \$245,030.68, for Emergency Care Unit, for the Div. of Fire and Emergency Services was given first reading.

Mr. Richard Moloney, Chief Administrative Officer, asked that the rules be suspended in order to give second reading to the resolution.

Upon motion of Mr. Farmer, seconded by Mr. Beard, the rules were suspended by a majority vote of 12-0 (Mr. Martin and Ms. Crosbie were absent when the vote was taken.)

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

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

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

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A Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointment: John Maxwell, Director Human Resources, Grade 123E, \$3,638.65 bi-weekly, in the Div. of Human Resources, effective upon passage of Council was given first reading.

Mr. Richard Moloney, Chief Administrative Officer, asked that the rules be suspended in order to give second reading to the resolution.

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 12-0 (Mr. Martin and Ms. Crosbie were absent when the vote was taken.)

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

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

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

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The following resolutions were given first reading. Mr. Richard Moloney, Chief Administrative Officer, asked that the rules be suspended in order to give second reading to the resolutions.

Ms. Gorton asked questions of Mr. Moloney about the need for the passage of the resolutions before July 1. Mr. Moloney and the Mayor responded.

Upon motion of Ms. Gorton, seconded by Mr. Kay, the rules were suspended by a majority vote of 12-0 (Mr. Martin and Ms. Crosbie were absent when the vote was taken.)

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

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

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

A Resolution authorizing the Div. of Emergency Management/911 to obtain up to three (3) years of software maintenance services from Vision Solutions, a sole source provider, at a cost not to exceed \$21,841.20 (FY 2012).

A Resolution authorizing the Div. of Emergency Management/911 to obtain up to three (3) years of software, hardware, services and maintenance related to the Emergency Call Tracking System for the Central Ky. 911 Network Enhance from Directapps, Inc., a sole source provider, at a cost not to exceed \$9,600 (FY 2012), and authorizing the Mayor to execute any necessary documents.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an amendment to CHDO Agreement with the Fayette County Local Development Corp., for an additional \$87,187 in HOME Investment Partnership Program funds for development of rental housing units was given first reading.

Mr. Richard Moloney, Chief Administrative Officer, asked that the rules be suspended in order to give second reading to the resolution.

Upon motion of Mr. Blues, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 12-0 (Mr. Martin and Ms. Crosbie were absent when the vote was taken.)

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

Aye: Henson, Kay, Lawless, McChord, Myers,
Stinnett, Beard, Blues, Ellinger, Farmer,
Gorton-----11

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

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with the Board of Education of Fayette County and the Ky. State Police, for services under the 2010 Project Safe Neighborhood Program, at a cost not to exceed \$10,000 for the Board of Education of Fayette County and \$23,027 for the Ky. State Police was given first reading.

Mr. Richard Moloney, Chief Administrative Officer, asked that the rules be suspended in order to give second reading to the resolution.

Upon motion of Mr. Blues, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 12-0 (Mr. Martin and Ms. Crosbie were absent when the vote was taken.)

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

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

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

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Contract with Group CJ of Lexington, Ky., for an education and outreach campaign for municipal services billing for the Div. of Environmental Policy, at a cost not to exceed \$225,000 and providing that additional education and outreach services may be required by the Urban County Government, if necessary, at an additional cost not to exceed \$150,000 was given first reading.

Mr. Richard Moloney, Chief Administrative Officer, asked that the rules be suspended in order to give second reading to the resolution.

Upon motion of Mr. Ellinger, seconded by Ms. Gorton, the rules were suspended by a majority vote of 12-0 (Mr. Martin and Ms. Crosbie were absent when the vote was taken.)

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

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

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

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with REACH, Inc., for an additional \$166,000 for the First-Time Homebuyers Program, at a cost not to exceed an additional \$166,000 was given first reading.

Mr. Richard Moloney, Chief Administrative Officer, asked that the rules be suspended in order to give second reading to the resolution.

Upon motion of Mr. Ellinger, seconded by Mr. Beard, the rules were suspended by a majority vote of 12-0 (Mr. Martin and Ms. Crosbie were absent when the vote was taken.)

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

Aye: Henson, Kay, Lawless, McChord, Myers,
Stinnett, Beard, Blues, Ellinger, Farmer,
Gorton-----11

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

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Institute of Police Technology and Management, and a Facility Usage Application with Fayette County Public Schools, for Crisis Hostage Negotiations Level I Course, at a cost not to exceed \$12,500 was given first reading.

Mr. Richard Moloney, Chief Administrative Officer, asked that the rules be suspended in order to give second reading to the resolution.

Upon motion of Mr. Kay, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 12-0 (Mr. Martin and Ms. Crosbie were absent when the vote was taken.)

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

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

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

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The following resolutions were given first reading. Upon motion of Ms. Gorton, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 13-0 (Mr. Martin was absent when the vote was taken.)

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

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

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

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with NAMI Lexington (\$325), The Southland Association, Inc. (\$800), Garden Springs Neighborhood Association (\$975), Harrods Hill Neighborhood Association (\$1,125), Camp Nelson Honor Guard (\$4,278), CASA of Lexington, Inc. (\$1,275), American Lung Association of Ky., Inc. (\$985), Beaumont Centre Family YMCA (\$875), Rare Inner City Ministries (\$950), Psi Tau Chapter, Omega Psi Phi Fraternity (\$525), Imani Family Life Center (\$475), Girl Scouts of Ky.'s Wilderness Road Council, Inc. (\$422.90), Center for Women, Children, and Families, Inc. (\$422.90), Chrysalis House, Inc. (\$422.90), Ky. Student Veterans, Inc. (\$422.90), Bluegrass Community Foundation, Inc. (\$3,500), Bluegrass Community Foundation, Inc. (\$3,000), African Cemetery No. 2, Inc. (\$130) and Green Acres-Hollow Creek-Breckenridge Neighborhood Association (\$440), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Salvation Army (\$2,000), for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Creation Technologies of Lexington of a Big Belly solar powered trash compactor, for use at the Fifth Third Pavilion in Cheapside Park, at no cost to the Urban County Government was given first reading.

Upon motion of Ms. Gorton, seconded by Mr. Blues, the rules were suspended by a majority vote of 12-0 (Mr. Martin and Ms. Crosbie were absent when the vote was taken.)

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

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

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

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Commonwealth of Ky. State Board of Elections for the acceptance of \$1,125,000 for the purchase of voting equipment was given first reading.

Mr. Richard Moloney, Chief Administrative Officer, asked that the rules be suspended in order to give second reading to the resolution.

Upon motion of Mr. Ellinger, seconded by Ms. Gorton, the rules were suspended by a majority vote of 12-0 (Mr. Martin and Ms. Crosbie were absent when the vote was taken.)

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

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

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

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The following resolutions were given first reading. Upon motion of Mr. Myers, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 13-0 (Mr. Martin was absent when the vote was taken.)

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

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

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

A Resolution authorizing and directing the Dept. of Finance, beginning Fiscal Year 2013 and the beginning of each fiscal year thereafter (July 1), to designate a fund of at least \$200,000 to fund abatement related activities, defined as mowing, weeds, trash and debris, by the Div. of Code Enforcement.

A Resolution authorizing and directing the Commissioner of Public Safety to evaluate the functions of all positions within the Div. of Police and the Div. of Fire and Emergency Services to determine whether the totality of a position's duties can be performed by a non-sworn employee.

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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 Universal Environmental Services, establishing a price contract for used oil recycling, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Ecolab, Inc., establishing a price contract for laundry dispensing system and supplies, for the Div. of Community Corrections.

A Resolution accepting the bid of Bluegrass Mailing Data and Fulfillment Services, establishing a price contract for print and mailing services - Sewer, Landfill and Water Quality Fees, for the Div. of Revenue.

A Resolution accepting the bids of Commercial Services, Inc. d/b/a Signs Now; Rocal, Inc.; and Saf-Ti-Co, Inc., establishing price contracts for Sanitary Sewer Overflow (SSO) signs, for the Div. of Water Quality, and authorizing the Mayor to execute any related Agreements.

A Resolution ratifying the probationary civil service appointment of: Alicia Smith, Administrative Specialist Sr., Grade 112N, \$18.194 hourly, in the Div. of Human Resources, effective June 18, 2012.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute seven (7) Releases of Easements releasing various streetlight, sanitary sewer, storm and drainage easements on various properties located on Weston Park.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Dept. of Military Affairs, Div. of Emergency Management, for extension of the Southbend-Lone Oak Dr.-Lafayette Parkway Flood Mitigation Project through September 14, 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 Agreement with Bluegrass Regional Mental Health-Mental Retardation Board, Inc., d/b/a Comprehensive Care Center, for mental health services for inmates at the Detention Center, at a cost not to exceed \$881,265.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with Central Business Systems, for mail equipment and maintenance, at a cost not to exceed \$3,107.28.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Lexington-Fayette County NAACP Branch, for lease of space at the Black and Williams Neighborhood Center located at 498 Georgetown St.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Urban League of Lexington-Fayette County, for lease of space at Black and Williams Neighborhood Center at 498 Georgetown St.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Lexington-Fayette Urban County Human Rights Commission, for purchase of services for FY 2013, at a cost not to exceed \$200,260.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Education, Div. of School and Community Nutrition, 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 \$79,000 Federal funds, are for participation in the Child Care Food Program at the Family Care Center, 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 the Mayor, on behalf of the Urban County Government, to execute an Amendment to Sublease and Management Agreement (Contract # 4730) with Lexington Arts and Cultural Council, Inc., for management and operation of the Downtown Arts Center.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Letter Agreement with Dean Dorton Allen Ford, PLLC, for preparation of the Sheriff's Settlement for the 2011 Property Tax Year, at a cost not to exceed \$15,000 in FY 2013.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from Pedal the Planet, Inc., of 3 Fix-It Stations, for use at Legacy Trail, at no cost to the Urban County Government.

A Resolution amending Section 1 of Resolution No. 333-2006 which authorized and directed the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying permanent storm sewer and temporary construction easements from David Freeman for property located at 695 Woodward Ln., for the Wilderness Rd./Woodward Ln. Sanitary Sewer Project, changing the cost from no cost to the Urban County Government to \$1,796.85, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying permanent sanitary sewer and temporary construction easements from Sheldon T. and Janet L. Reynolds, for the property located at 683 Woodward Ln., for the Wilderness Rd./Woodward Ln. Sanitary Sewer Project, and authorizing payment in the amount of \$849.90, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying

permanent sanitary sewer and temporary construction easements from Ronald and Rose Crim, for the property located at 679 Woodward Ln., for the Wilderness Rd./Woodward Ln. Sanitary Sewer Project, and authorizing payment in the amount of \$261.90, plus usual and appropriate closing costs.

A Resolution changing the street names and property address numbers of 1400 Corona Dr. to 4513 Clubhouse Dr.; 2980 Mahala Ln. to 3048 Drexel Pass; 772 $\frac{1}{2}$ Shelby Ave. to 913 Highland Dr.; 454 E. Maxwell St. to 304 Transylvania Park, 1076 Wyndham Hills Dr. to 3964 Wyndham Ridge; changing the property address number of 1360, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1414, 1413, 1416, 1415, 1416 $\frac{1}{2}$, 1417, 1418, 1420, 1426, 1428, 1430, 1432, 1434, 1436, 1437, 1438, 1441-1443, 1440, 1442, 1447-1449, 1450, 1453, and 1457-1459 Elizabeth Street to 1351, 1484, 1485, 1488, 1489, 1492, 1493, 1496, 1497, 1500, 1505, 1506, 1509, 1512, 1513, 1516, 1517, 1521, 1525, 1529, 1533, 1537, 1541, 1545, 1546, 1549, 1550, 1557, 1561, 1562, 1565, 1570, and 1574 Elizabeth St., 4986 Newtown Pike to 4980 Newtown Pike, 3200 Nicholasville Rd. to 3220 Nicholasville Rd., 570-576 Quin Shearer Ct. to 576 Quin Shearer Ct., and 2051 Richmond Rd. to 2041 Richmond Rd.; and changing the street names of 336, 338, 340, 342, 344, 346, and 348 Campsie Pl. to 336, 338, 340, 342, 344, 346, and 348 Campsie Ct.; all effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the U.S. Dept. of Justice and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of \$129,533 Federal funds under the State Criminal Alien Assistance Program (SCAAP), and are for reimbursement of costs related to the incarceration of undocumented criminal aliens.

A Resolution authorizing Dean Dorton Allen Ford, PLLC to conduct a financial audit of all Lexington-Fayette Urban County Government Funds for Fiscal Year 2012 for an amount not to exceed \$124,000, and authorizing the Mayor, on behalf of the Urban County Government, to execute any necessary agreement or documents with Dean Dorton Allen Ford, PLLC related to the audit.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a FY2013 Purchase of Service Agreement with Lexington's Children's

Museum, Inc. d/b/a Explorium of Lexington, to provide education and cultural experience for children and their caregivers, at a cost not to exceed \$169,000, subject to sufficient funds being appropriated.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement releasing a portion of a sanitary sewer easement on property located at 4101 Tates Creek Rd.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Bluegrass Workforce Investment Board, 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 \$115,000 Federal funds, and are for a Workforce Investment Act Project for the Div. of Youth Services, the acceptance of which obligates the Urban County Government for the expenditure of \$33,940 as a local match, 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 accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of \$2,721,700 Federal funds, are for the Legacy Trail Phase III, the acceptance of which obligates the Urban County Government for the expenditure of \$680,425 as a local match, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with RCC Consultants, Inc., a sole source provider, for technical systems review services, at a cost not to exceed \$35,820.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with CDP Engineers, Inc., for the Loudon Avenue Sidewalk Project, for the Div. of Engineering, at a cost not to exceed \$44,652.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Department of Military Affairs, Div. of Emergency Management, for extension of the Comprehensive Hazard Mitigation Plan Update Project through June 30, 2014, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Modification #3 to the Neighborhood Stabilization Program Funding Agreement with the Ky. Dept. for Local Government, for \$27,072 in additional Federal funds for unanticipated program costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the University of Louisville Research Foundation, for extension of the Agreement for Hazard Mitigation Planning Services through June 30, 2013.

A Resolution authorizing the Div. of Emergency Management/911, on behalf of the Urban County Government, to purchase Zumro non ambulatory roller systems on carts with accessories under the Metropolitan Medical Response System Project and the Chemical Stockpile Emergency Preparedness Program from Advance Eco Systems, Inc., a sole source provider, at a cost not to exceed \$48,000.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Five to the Contract with Woodall Construction Co., Inc., for the construction of Clays Mill Rd. Improvements Project, increasing the contract price by the sum of \$76,318.31 from \$3,674,372.29 to \$3,750,690.60.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with M2D Design Group, for the Gainesway Trail Project, for the Div. of Engineering, at a cost not to exceed \$43,825.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Div. of Forestry, which Grant funds are in the amount of \$10,000 Federal funds, are for the treatment of ash trees on publicly managed lands, 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 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, 2012 through December 31, 2012.

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Mr. Ford made a motion, seconded by Mr. Ellinger, to place on the docket a Resolution approving the Communication of the Chief Administrative Officer relating to the Petition for Recognition of the American Federation of State, County, and Municipal Employees, Council 62, for the purpose of meeting and conferring.

The Mayor recognized Mr. Richard Moloney, Chief Administrative Officer, who spoke about the purpose of the resolution. The Mayor asked Mr. Ed Gardner, Dept. of Law, to further explain the purpose of the resolution.

Ms. Gorton asked Ms. Janet Graham, Commissioner of the Dept. of Law, about the timing of the resolution.

Mr. Kay asked questions of Mr. Gardner. Mr. Gardner responded.

Ms. Crosbie asked questions of Mr. Ford. Mr. Gardner and Mr. Ford responded.

The Mayor asked Ms. Graham if there was anything more that needed to be explained to the Council. Ms. Graham further clarified the intent of the resolution. The Mayor stated the Administration would not be asking for the rules to be suspended for second reading.

The Council continued to ask questions of Ms. Graham.

The motion **passed** by a majority vote of 11-1 (Ms. Crosbie voted **no**, and Mr. Martin and Mr. Stinnett were absent when the vote was taken.)

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

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Upon motion of Ms. Gorton, seconded by Mr. Farmer, and passed by a majority vote of 12-0 (Mr. Martin and Ms. Crosbie were absent when the vote was taken), the Communications from the Mayor were approved, and are as follows: (1) Recommending the reappointment of Ms. Janice L. Meyer to the Board of Adjustment, with a term to expire 7-1-2016; (2) Recommending the appointments of Mr. Jason L. Lee, as at-large representative, and Dr. Jacqueline R. Matar, as physician representative, to the Board of Health, with terms to expire 6-30-2014 and 6-30-2013, respectively. The term of Dr. Patricia Burkhart expires 6-30-2012, and Dr. Michael Moore is no longer serving; (3) Recommending the reappointments of Dr. Nat H. Sandler and Mr. Scott White, as at-large representatives, to the Board of Health, with

terms to expire 6-30-2014; (4) Correcting the term of Ms. Sandra N. Canon, Board of Health, from 6-30-2016 to 6-30-2013, in accordance with KRS 212.632; (5) Recommending the appointments of Mr. Roger D. Ledgridge and Mr. Anthony D. Perkins, and the reappointment of Mr. James R. Rogers, to the CASA Board, with terms to expire 6-11-2016; (6) Recommending the appointment of Councilmember Julian Beard, as Council representative, to the Internal Audit Board, with term to expire 12-31-2012. Councilmember George Myers is no longer serving; (7) Recommending the appointment of Ms. Paula B. King, as at-large representative, to the Lyric Theatre & Cultural Arts Center Corporation, with a term to expire 12-8-2013. Ms. King will fill the unexpired term of Ms. Natalie Barrett; (8) Recommending the appointments of Ms. Jill M. Bertelson, as 11th District representative, and Ms. Stacey A. Rearic, as 9th District representative, to the Parks and Recreation Advisory Board, with terms to expire 1-14-2016. Mr. Michael Crain and Mr. Lee Meyer are no longer serving; (9) Recommending the appointment of Ms. Karen Mundy, and the reappointment of Mr. L. Michael Owens, to the Planning Commission, with terms to expire 7-1-2016. The term of Ms. Marie Copeland expires July 1, 2012; and (10) Recommending the appointment of Mr. Joseph A. Clabes, as LBAR representative, to the Rural Land Management Board, with a term to expire 4-1-2016. Ms. Karen Mundy is no longer serving.

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Assistant Chief Dwayne Holman, Div. of Police, stated that Detective Edward J. Duerson had committed the offense of Violating Any Rules of the Division, as listed, in violation of KRS 95.450 and G.O. #73-2/H, Operational Rules, Section 1.35 – G.O. 73-3M, Amendment 3 and Section II, Sub Section C, 21, in that on the 30th day of April, 2012, he drove his assigned LFUCG police vehicle, P #07365, a 2007 Ford Expedition, to his residence at 1057 Bay Colony Drive, Richmond, KY. Detective Duerson had not filled out the proper authorization request and/or made payments for taking his assigned vehicle out of county. During the evening on April 30, 2012, an unknown suspect broke into the unsecured Police vehicle, P #07365 and removed Detective Duerson's duty weapon, a Glock Model 17 handgun, from the passenger compartment, and that the appropriate punishment for this offense is a 60-Day Suspension of Home Fleet Privileges – and – Written Reprimand.

Ms. Gorton asked questions of Assistant Chief Holman regarding the charges. Assistant Chief Holman explained.

Upon motion of Mr. McChord, seconded by Mr. Farmer, the disciplinary action was approved by a majority vote of 12-0 (Mr. Martin and Ms. Crosbie were absent when the vote was taken.)

* * *
Ms. Lawless spoke about the Open Places, Sacred Spaces program. She asked for additional support from council members in the form of letters.

Ms. Gorton asked questions of Ms. Lawless about the project, specifically in regard to Scott Street. Ms. Lawless responded.

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Mr. Bob Orbach, Morgan Hills Drive, thanked the Council for the additional funding allotted for the Human Rights Commission in Fiscal Year 2013.

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Ms. Priscilla Muhammad, Lexington resident, spoke about gang violence in the Tates Creek Road area. She stated she had spoken with Mr. Myers about a program to reach out to gang members. She recommended an Office of Gang Intervention.

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Ms. Janet Tucker, Johnson Avenue, spoke against the issue of increased fees at Community Corrections.

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Mr. Brannon Dunn, Red Clover Lane, stated his concerns about the proposed increase in fees at the Detention Center. He also spoke about House Bill 463.

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Ms. Shaye Simonec, Aylesford Place, stated her concerns with laws that prevent the riding of bicycles on the sidewalks downtown.

The Mayor suggested she speak with Mr. Derek Paulsen, Commissioner of the Dept. of Planning, Preservation and Development about her concerns. He also noted that Ms. Gorton was very involved with the Bicycle Task Force.

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Mr. Charles Payne, Bal Harbor Court, stated his concerns about the proposed increase in fees at the Detention Center.

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Mr. Gregory Capillo, North Hanover Avenue, stated his concerns about the proposed increase in fees at the Detention Center.

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Mr. Bernard McCarthy, Harry Street, spoke about safety issues with riding bicycles on streets. He also suggested extending several streets.

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Ms. Lydia Islan, North Broadway, Transylvania University student, spoke about pedestrian safety at the University.

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Mr. Michael Ide, Lithonia Avenue, stated his concerns about the proposed increase in fees at the Detention Center, and spoke in support of the American Federation of State, County, and Municipal Employees (AFSCME) and sanitation workers.

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Ms. Gorton made a motion, seconded by Mr. Kay, and approved by a majority of vote 11-0 (Mr. Martin, Mr. McChord, and Ms. Crosbie were absent when the vote was taken), to go into Closed Session pursuant to KRS 61.810(1)(c) for the purpose of discussing proposed or pending litigation, and pursuant to KRS 61.810(1)(f) for a discussion that may lead to the appointment, discipline or dismissal of an employee.

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Upon motion of Ms. Lawless, seconded by Mr. Farmer, and approved by a majority vote of 11-0 (Mr. Martin, Mr. McChord, and Ms. Crosbie were absent when the vote was taken), the Council returned to Open Session with the same members present, and with the Vice-Mayor in the chair presiding in the absence of Mayor Gray.

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Upon motion of Mr. Farmer, seconded by Mr. Ellinger, and approved by a majority vote of 11-0 (Mr. Martin, Mr. McChord, and Ms. Crosbie were absent when the vote was taken), the meeting adjourned at 9:03 p.m.

Clerk of the Urban County Council