Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky March 20, 2008

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on March 20, 2008 at 7:00 P.M. Present were Mayor Jim Newberry and the following members of the Council: Council Members Stevens, Stinnett, Beard, Blevins, Blues, Crosbie, DeCamp, Ellinger, Gorton, Gray, Henson, James, Lane, McChord and Myers.

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

Ordinances No. 43-2008 thru 54-2008 inclusive and Resolutions No. 88-2008 thru 116-2008 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky March 20, 2008

The Invocation was given by Mr. Arty Greene, Administrative Aide to the Mayor.

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The following ordinances were given second reading. Upon motion of Mr. Blevins, seconded by Dr. Stevens, the ordinances were approved by the following vote:

Aye: Stevens, Stinnett, Blevins, Blues, Crosbie, DeCamp, Ellinger, Gorton, Gray, Henson, James, Lane, McChord, Myers -------------- 14

Nay: -- 0
(Mr. Beard was absent when the vote was taken.)

An Ordinance changing the zone from a Highway Service Business (B-3) zone to a Professional Office (P-1) zone for 3.12 net (3.70 gross) acres and from a Professional 0ffice (P-1) zone to a Highway Service Business (B-3) zone for 7.47 net (12.38 gross) acres of property located at 3194 Beaumont Centre Circle (a portion of) and 3100, 3101, and 3110 Wall Street subject to certain use restrictions imposed as conditions of granting the zone change. (Beaumont Investments, LLC

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Camp Dresser & McKee, Inc., for sewer system capacity assessment work, hydraulic modeling, and related matters, at a cost not to exceed $2,827,319.00, and appropriating funds pursuant to Schedule No. 148.

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. 147.

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An Ordinance of the Lexington-Fayette Urban County Council (A) authorizing the issuance of Lexington-Fayette Urban County Government Adjustable Rate Industrial Building Revenue Bonds, Series 2008 (Roman Catholic Diocese of Lexington Project) in the aggregate principal amount not to exceed $5,000,000, (the “Bonds”); (B) approving and authorizing the execution and delivery of (I) a Trust Indenture between the Lexington-Fayette Urban County Government (the "Issuer") and The Bank of New York Trust Company, N.A., as Trustee, securing the Bonds, (II) a Loan Agreement between the Issuer and Roman Catholic Diocese of Lexington (the "Diocese"), (III) a Bond Purchase Agreement among the Issuer, the Diocese and Fifth Third Securities, Inc., (IV) a Tax Compliance Agreement between the Issuer and the Diocese, (V) a Preliminary Offering Circular and an Offering Circular relating to the issuance and sale of the Bonds, and (VI) any and all other related documents; and (C) authorizing the taking of other related action was given second reading with a public hearing being held.

The Mayor opened the public hearing.

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

Upon motion of Mr. Blevins, seconded by Dr. Stevens, the ordinance was approved by the following vote:

Aye: Stevens, Stinnett, Blevins, Blues, Crosbie, DeCamp, Ellinger,
Gorton, Gray, Henson, James, Lane, McChord, Myers -------------- 14

Nay: --- 0
(Mr. Beard was absent when the vote was taken.)

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

An Ordinance changing the zone from a Highway Service Business (B-3) zone to a Light Industrial (I-1) zone for 0.78 net (1.12 gross) acre of property located at 990-992 West New Circle Road. (Hands on Originals)

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Single Family Residential (R-1E) zone for 0.269 net (0.366 gross) acre of property located at 317 Robertson Street. (Derek Thomas)

An Ordinance amending Article 1-11 and Article 8-15(d), 8-15(n), and 8-15(o) of the Zoning Ordinance to change the definition of extended-stay hotel and to permit extended-stay hotels in the Professional Office (P-1) zone.

An Ordinance amending Article 22A, 22A-1 and 22A-2 of the Zoning Ordinance to change the name of the Growth Area Planned Unit Development

(PUD-1) zone to Residential Planned Unit Development (PUD-1) zone and to reduce the location and size criteria for the Planned Unit Development (PUD-1) zone.

An Ordinance accepting the bid of MAC Construction & Excavating, Inc. in the amount of $1,178,972.60, for Meadows-Northland– Arlington Neighborhood Improvements-Phase III B, and appropriating funds pursuant to Schedule No. 155.

An Ordinance pursuant to Ordinance No. 197-2002 adjusting the salaries of employees occupying the position of Engineering Technician Principal, Telecommunicator, Telecommunicator Sr., Telecom Supervisor, Computer Analyst, and Equipment Operator Sr., in various divisions, after review pursuant to the Pay Equity Ordinance, effective retroactive to the dates described in each item; and appropriating funds pursuant to Budget Schedule No. 150.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Knight Foundation at Bluegrass Community Foundation, which Grant funds are in the amount of $4,000.00, are for operation of a life skills program at the Div. of Youth Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 153, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Ordinance No. 4-2008 to create one (1) position of Recreation Specialist Sr., Grade 113E, in the Div. of Parks and Recreation, to become effective retroactive to January 10, 2008.

An Ordinance amending Section 3 of Ordinance No. 3-2008 to correct an error in the salary of Kenneth Johnson, Equipment Operator Sr., Grade 109N, from $9.855 hourly to $14.359 hourly, effective retroactive to January 10, 2008, and pursuant to the Pay Equity Ordinance adjusting the salaries of employees occupying the position of Equipment Operator Sr., in the Div. of Waste Management to become effective retroactive to October 15, 2007, and appropriating funds pursuant to Budget Schedule No. 152.

An Ordinance amending Section 23-5 of the Code of Ordinances abolishing one (1) position of Police Captain, and creating one (1) position of Police Lieutenant, in the Div. of Police.

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. 149.

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 remaining in FY 2007 into FY 2008 in the General Services District – General Fund using anticipated bond budget savings as the funding source as approved at the March 18, 2008 Council Work Session, Schedule No. 154.

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The following resolutions were given second reading. Upon motion of Dr. Stevens, seconded by Mr. Myers, the resolutions were approved by the following vote:

Aye: Stevens, Stinnett, Beard, Blevins, Blues,
Crosbie, DeCamp, Ellinger, Gorton, Gray,
Henson, James, Lane, McChord, Myers --------------------------------- 15

Nay: -- 0

A Resolution accepting the bid of Scheller's Fitness & Cycling, establishing a price contract for bicycles for Emergency Medical Services.

A Resolution accepting the bid of Arnold, Dugan & Meyers, in the amount of $590,000.00, for West Hickman WWTP aerated sludge holding tank improvements, for the Div. of Water and Air Quality.

A Resolution accepting the bid of Muse Electric Co. Inc., in the amount of $19,865.00, for the Detention Center electrical supply expansion, for the Divs. of Community Development and Community Corrections.

A Resolution accepting the bids of Anaconda Sports, Inc., Sport Supply Group, Inc. dba BSN Sports/Collegiate Pacific, S&S Worldwide, Riddell, Flaghouse, Incorporated, MSA Management, Ad Starr, and Bill Fritz Sports Corp, establishing price contracts for athletic equipment.

A Resolution accepting the bid of Bluegrass Fire Equipment, establishing a price contract for fire hose nozzles.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with EHI, Inc., for consulting services for the East End Small Area Plan, at a cost not to exceed $100,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Community Action Council of Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc., for an extension of the Agreement for use of HOME Investment Partnership Program funds for a tenant based rental assistance program to June 30, 2009, at no additional cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Bluegrass Contracting Corporation, for the Meadows/Northland/Arlington Public Improvements Project, Phase 2C, decreasing the contract price by the sum of $36,038.83 from $1,052,532.52 to $1,016,493.69.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with HDR/Quest Engineers, Inc., for Star Shoot Parkway Extension Project, increasing the contract price by the sum of $1,125.00 from $106,500.00 to $107,625.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 to the Contract with CDP Engineers, Inc., for South Elkhorn Pump Station Force Main Improvement Project, increasing the contract price by the sum of $33,500.00 from $454,000.00 to $487,500.00.

A Resolution amending Section 2 of Resolution No. 39-2008 which approved the Contract with Zambelli Fireworks Manufacturing Corporation for July 4, 2008 and 2009 fireworks exhibitions to correct the amount payable pursuant to the Contract.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the KY Office of Homeland Security and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $23,893.00 Federal funds, and are for the purchase of a Rajant InstaMESH Breadcrumb deployable 2.4GHZ Wi-Fi wireless system, for the Div. of Fire and Emergency Services Mobile Command Post.

A Resolution ratifying the permanent civil service appointments of: Connie Michalski, Staff Assistant Sr., Grade 108N, in the Div. of Police, effective February 20, 2008; Brian Reynolds, Laboratory Technician, Grade 109N, in the Div. of Water and Air Quality, effective March 19, 2008; Matt Epperson, Golf Course Clubhouse Attendant, Grade 106N, in the Div. of Parks and Recreation, effective April 1, 2008; Wilma Williams, Staff Assistant Sr., Grade 108N, in the Div. of Police, effective February 20, 2008; Lincoln Mackey, Engineering Technician Sr., Grade 113E, in the Div. of Engineering, effective March 4, 2008; Aleta Rados, Administrative Specialist Sr., Grade 112N, in the Div. of Family Services, effective February 20, 2008; ratifying the probationary sworn appointments of: Franklin Patrick, Kevin Metcalf, April McCrickard, Jones Hiatt, Jason Yeager, James Lowe, Police Sergeant, Grade 315N, $26.388 hourly, in the Div. of Police, effective February 18, 2008; approving leave of absence for: Michael Roland, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, requests a 90 day Council approved leave without pay from January 15, 2008 to April 13, 2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Environmental and Public Protection Cabinet, and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $203,250.00 Commonwealth of Ky. Funds from the Ky. Recycling, Household Hazardous Waste and Mercury Management Grant Program, and are for the purchase of a glass cleaning system in order to offer a new one sort recycling system.

A Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Topeka Road and Hill N Dale Road.

A Resolution amending Section 1 of Resolution No. 13-2008 establishing a price contract for wireless phone service with Cricket Communications, to correct a clerical error in the name of the vendor.

A Resolution amending Section 1 of Resolution No. 33-2008 establishing a price contract for hydraulic oil with Elite Petroleum, Inc., to correct a clerical error in the identification of the vendor.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute three (3) Claims Payment Agreements with Humana Insurance Company for employee health insurance plans Platinum PPO, Gold PPO, and Silver HDHP for the period of January 1, 2008 through December 31, 2008, at a cost not to exceed $28,903,620.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Mentelle Neighborhood Association, Inc. ($1,000.00) and Fairway Neighborhood Association, Inc. ($200.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Second Amendment to Client Engagement Agreement with Metaformers, Inc., to provide for the implementation of the PeopleSoft modules for treasury, projects, grants and contracts and to extend the term of the Agreement through November 30, 2008, at an additional cost not to exceed $641,161.00, with an effective date of February 1, 2008.

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A Resolution of the Lexington-Fayette Urban County Government, authorizing the issuance of up to $8,500,000 principal amount of “Lexington-Fayette Urban County Government Adjustable Rate Demand Industrial Building Revenue Bonds, Series 2008 (Northeast Christian Project)”; authorizing the execution and delivery of a Loan Agreement; authorizing the execution and delivery of a Trust Indenture securing such Bonds; authorizing the execution and delivery of a Tax Regulatory Agreement with respect to such Bonds; authorizing the execution and delivery of a Bond Purchase Agreement with respect to such Bonds and other documents and taking other related action was given second reading with a public hearing being held.

The Mayor opened the public hearing.

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

Upon motion of Dr. Stevens, seconded by Mr. Myers, the resolution was approved by the following vote:

Aye: Stevens, Stinnett, Beard, Blevins, Blues,
Crosbie, DeCamp, Ellinger, Gorton, Gray,
Henson, James, Lane, McChord, Myers --------------------------------- 15

Nay: -- 0

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

The resolutions were given second reading. Upon motion of Mr. Blevins, seconded by Mr. DeCamp, the resolutions were approved by the following vote:

Aye: Stevens, Stinnett, Beard, Blevins, Blues,
Crosbie, DeCamp, Ellinger, Gorton, Gray,
Henson, James, Lane, McChord, Myers --------------------------------- 15

Nay: -- 0

A Resolution accepting the bid of Path Master, Inc., establishing a price contract for traffic signal controllers, for the Div. of Traffic Engineering.

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 a permanent storm sewer and temporary construction easements from East End Church of Christ, Inc., for property located at 3055 Todds Rd., for the Cadentown Sanitary Sewer Project, and authorizing payment in the amount of $15,500.00, 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 a permanent sanitary sewer easement and temporary construction easement from Our House on Todds, LLC, located at 3021 Todds Rd., for the

Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with 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 a permanent sanitary sewer easement and temporary construction easement from Daniel Morton Webster III, located at 3041 Todds Rd., for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with 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 a permanent sanitary sewer easement and temporary construction easement from Michael Heidt, located at 3045 Todds Rd., for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with 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 a permanent sanitary sewer easement and temporary construction easement from Jeffrey S. Leonard, located at 3017 Todds Rd., for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with 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 a permanent sanitary sewer easement and temporary construction easement from Our House on Todds, LLC, located at 3051 Todds Rd., for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with 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 a permanent sanitary sewer easement and temporary construction easement from Courtney S. Burton, located at 3073 Todds Rd., for the

Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

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

A Resolution accepting the bid of VSA, in the amount of $32,964.00, for production switcher for GTV3.

A Resolution accepting the bid of Vogelpohl Fire Equipment, establishing a price contract for heavy duty power rescue tools, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of A & A Safety, Inc., establishing a price contract for hydraulic USAR rescue tools (HD), for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Choice Equipment, LLC, establishing a price contract for automotive lifts, for the Div. of Fleet Services.

A Resolution accepting the bid of Central Seal Company, establishing a price contract for raised pavement marker installation, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Emergency Equipment, establishing a price contract for high pressure air lifting bag system and accessories, for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of G & K Services, establishing a price contract for uniform rental, for the Div. of Fleet Services.

A Resolution accepting the bid of Superior Demolition, Inc., in the amount of $20,400.00, for demolition of residential structures for the Div. of Community Development.

A Resolution accepting the bid of E-Z Go Textron, in the amount of $310,910.00, for golf carts for the Div. of Parks and Recreation.

A Resolution accepting the bid of Tim Garnett, LLC, in the amount of $21,005.00, for Jacobson Park new accessible restroom.

A Resolution accepting the bid of Thorobilt Construction, in the amount of $29,875.00, for the Gratz Park kitchen roof replacement.

A Resolution accepting the bids of Claunch Construction, LLC, G & G Paving and Construction, Inc., L-M Asphalt Partners, Ltd. (dba ATS Construction), Randle-Davies Construction Company, The Allen Company, Inc., Tom Chesnut Excavation & Construction, LLC, and Woodall Construction Company, Inc., establishing unit price contracts for paved trail construction, for the Div. of Engineering.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Hope Center, Inc., for an increase of $460.00, for a total of $25,180.00, in Emergency Shelter Grant Funds for operation of an emergency and transitional shelter for men, at a cost not to exceed an additional $460.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a General Warranty Deed for the property located at 405 Shawnee Avenue from James and Janet Estepp, for the Meadows-Northland-Arlington Phase 3B Improvements, and authorizing payment in the amount of $53,000.00, 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 to accept a General Warranty Deed for the property located at 406 Shawnee Avenue from D2H Investments, LLC, for the Meadows-Northland-Arlington Phase 3B Improvements, and authorizing payment in the amount of $53,000.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from the Jessamine County Emergency Management Agency of Twenty-Four (24) “Emergency Scene Ahead” signs with base and carrying case, for use at the Div. of Environmental and Emergency Management, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Boy Scout Troop 911, Inc. ($1,000.00), Radcliffe/Marlboro Neighborhood Association Inc. ($578.00), Joyland Neighborhood Association, Inc. ($420.00), and Winburn Neighborhood Association, Inc. ($600.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution ratifying the probationary civil service appointments of: Kenzie Gleason, Planner Sr., Grade 117E, $1,691.84 bi-weekly, in the Div. of Planning, effective March 17, 2008; John Saylor, Arborist Technician, Grade 112N, $18.922 hourly, in the Div. of Streets, Roads and Forestry, effective March 17, 2008; ratifying the permanent civil service appointments of: Philip Stiefel, Computer Systems Manager Sr., Grade 120E, in the Div. of Computer Services, effective April 1, 2008; Wally Barker, Human Resources Manager, Grade 119E, in the Div. of Human Resources, effective March 3, 2008; Wilma Williams, Staff Assistant Sr., Grade 108N, in the Div. of Police, effective February 20, 2008; Scott Bitner, Public Service Worker, Grade 106N, in the Div. of Parks and Recreation, effective April 1, 2008; Kathleen O'Neill, Administrative Specialist, Grade 110N, in the Div. of Historic Preservation, effective March 17, 2008; Erin Back, Golf Course Clubhouse Attendant, Grade 106N, in the Div. of Parks and Recreation, effective April 1, 2008; approving the unclassified civil service appointment of: Carisa Kelsey, Family Support Worker, Grade 112N, $16.341 hourly, in the Div. of Family Services, effective February 28, 2008; approving the unclassified civil service appointment to the Office of the Urban County Council: Mary Tackett, Aide to Council, Grade 000E, $1,807.69 bi-weekly, in the Office of the Urban County Council, effective February 25, 2008.

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 and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $187,500.00 Federal funds, and are for continuation of the Street Sales Drug Enforcement Project.

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 and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $35,000.00 Commonwealth of Ky. funds from the Law Enforcement Service Fee Program, and are for police officer overtime hours for a Traffic Alcohol Patrol Program.

A Resolution accepting the proposal of Express Personnel Services, in the amount of $20.15 per hour, not to exceed $30,000.00, for an Inventory/Warehouse Specialist to maintain current inventory and control system for Metropolitan Medical Response Systems (MMRS) related equipment purchases.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 2 (Final) to the Contract with Lenco Excavation, Inc., for 7th Street at Old Railroad Improvement Project, increasing the contract price by the sum of $3,952.23 from $249,130.97 to $253,083.20.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ratio Architects, Inc., for a Central Sector Small Area Plan, at a cost not to exceed $110,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Project Lifesaver, Inc. ($825.00) and Big Brothers/Big Sisters of the Bluegrass, Inc. ($825.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Chenault Road Neighborhood Association, Inc. ($4,999.00) for a public project for the Office of the Urban County Council, at a cost not to exceed the sum stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Encroachment Agreement with the Cincinnati, New Orleans and Texas Pacific Railway Company, for the North Elkhorn Wastewater Project, at a cost not to exceed $24,625.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Consulting Services Agreement with

Metaformers, Inc., for implementation services for Peoplesoft Software – Phase II, at a cost not to exceed $4,326,790.

A Resolution making a Declaration of Official Intent with respect to reimbursement from subsequent borrowings of temporary advances made for capital expenditures for implementation of Phase II of the Peoplesoft Software (STARS expansion) in an approximate amount of $5,500,000.00.

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Upon motion of Mr. DeCamp, seconded by Mr. McChord and passed by unanimous vote, the communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Ms. Kristina M. Stambaugh to the Commission for Citizens with Disabilities with a term to expire 1-1-2009. Ms. Stambaugh will fill the unexpired term of Ms. Amy DiLorenzo; (2) Recommending the appointment of Mr. William J. Baggerman to the Raven Run Nature Sanctuary Advisory Board with a term to expire 1-13-2010. Mr. Baggerman will fill the unexpired term of Mr. Clay Smitson, Trails Rep; (3) Recommending the appointment of Mr. William M. Ballard, Jr., representing the 6th District, to the Parks and Recreation Advisory Board with a term to expire 1-14-2012. Also, recommending the reappointment of Mr. Lee Meyer, representing the 9th District, and Mr. Freddy Peralta, representing the 11th District, to the Parks and Recreation Advisory Board with terms to expire 1-14-2012; (4) Recommending the reappointment of Ms. Leslie Phillips to the Civil Service Commission with a term to expire 4-01-2012 and (5) Recommending the reappointment of Mr. Van Meter Pettit, At-Large position, and Mr. John B. Park, business community representative, to the Greenspace Commission with terms to expire 7-18-2011.

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The following communications were received from the Mayor for information only: (1) Resignation of Jon Taylor, Public Service Worker Sr., Grade 107N, in the Div. of Parks and Recreation, effective March 7, 2008; (2) Resignation of Jacquelyn Taylor, Telecommunicator Supervisor, Grade 116E, in the Div. of Enhanced 911, effective March 4, 2008; (3) Resignation of Robert Williams, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 23, 2008; (4) Resignation of Krista Richardson, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 5, 2008; (5) Resignation of Deborah Lennon, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 15, 2008; (6) Resignation of Lindsey Blair, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 5, 2008; (7) Resignation of Joseph Speakes, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 11, 2008 and (8) Resignation of Danny Jett, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 10, 2008.

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Ms. Diana Butler, Parkers Mill Road, Civil Service Employees Association representative, asked the Mayor and Council to consider a salary increase for the non-collective bargaining employees during the budget process.

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Commander Mark Barnard, Div. of Police, stated that Officer Matthew Jordan has committed the offense of Operation of Vehicles in violation of KRS 95.450 and General Order 73-2/H, Section 1.13 in that on the 4th day of January, 2008, he proceeded to a dispatched call of “shots fired” with emergency equipment activated, that Officer Jordan lost control of his cruiser and struck a light pole, that Officer Jordan’s operation of his vehicle exceeded the limitations of conditions and his unsafe operation of the vehicle was the sole contributing factor in the crash, that Officer Jordan was also not wearing his seatbelt when he was operating his vehicle, as required by State law and that the appropriate punishment for this conduct is 10 Hours Suspension Without Pay and Loss of Home Fleet Privileges for 40 Hours.

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

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Commander Mark Barnard, Div. of Police, stated that Officer Jeremy Brislin has committed the offense of At-Fault Collisions in violation of KRS 95.450 and General Order 73-2/H, Section 1.40 in that on multiple days 2007 to 2008, he has been involved in 3 vehicle collisions during the last 12 months in which he has been at fault, that the details of the collisions are listed below: 5-7-07 – Officer Brislin was behind a vehicle at Rojay & Nicholasville Road attempting to make a right turn, that the light was red and the vehicle had to stop due to oncoming traffic, that Officer Brislin did not observe that the vehicle had stopped and struck the rear of the non-employee's vehicle – a Letter of Counseling was issued; 10-29-07 – Office Brislin attempted to position his vehicle behind a parked patrol vehicle at Price and Florence, that he struck the passenger side of his vehicle with the bumper of the parked patrol vehicle which caused damage to both vehicles – a Letter of Counseling was issued and retraining was scheduled for December 3rd, 2007; 1-30-08 – Officer Brislin was maneuvering his vehicle from an unpaved area to a paved area when the undercarriage of his patrol vehicle struck a curb causing damage to the fire suppressant system; and that the appropriate punishment for this conduct is a Written Reprimand, Loss of Home Fleet Privileges for 80 Hours and Retraining.

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

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Commander Mark Barnard, Div. of Police, stated that Officer David Loy Lunsford has committed the offense of Incompetence in violation of KRS 95.450 and General Order 73-2/G, Section 1.11 in that on various days March through November, 2007 he showed an inability or an unwillingness to perform assigned tasks and has a written record of repeated infractions of rules, regulations, manuals or directions, as demonstrated by: 1) Received a Written Reprimand for Incompetence stemming from a traffic stop in which a Formal Complaint was filed (3-22-07); 2) Issued a Letter of Counseling for failing a formal inspection and failing to report damage to cruiser (6-29-07); 3) Issued a Letter of Counseling for failing to turn in monthly activity on time after being notified by e-mail and during roll call (8-8-07); 4) Issued a Letter of Counseling for failing to report to duty on time twice in one month, an officer was sent to his home to check his status (10-9-07); 5) Removed from Spanish Class due to his disruptive behavior which included poking other officers during class and constant talking which interfered with the other officers' ability to learn. He also failed to turn in assignments and made no effort to make up the work (11-15-07) and that the appropriate punishment for this conduct is 40 Hours Suspension Without Pay and 60 Days of Intense Supervision.

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

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Commander Mark Barnard, Div. of Police, stated that Officer Benjamin Limp has committed the offense of Incompetence in violation of KRS 95.450 and General Order 73-2/H, Section 1.11 in that on various days June 2007 to January 2008, he failed to sufficiently perform his duties as demonstrated by the following: 6-29-07 – mishandled evidence that resulted in the evidence being lost – Officer Limp received a Written Reprimand; 12-10-07 – failed to sign out on a Court Attendance Form as required by policy; form was sent back to Officer Limp for proper documentation of the time he left court; 1-8-08 – failed to complete Cocaine Field Test Form that had to be sent back for correction – Officer Limp received a Letter of Counseling; 1-8-08 – Lieutenant Hart contacted by Pre-Trial Services informing him Officer Limp attempted to obtain bond reduction for a suspect; Officer Limp did so to have suspect work as an informant – Officer Limp failed to contact a supervisor or obtain prior prosecutorial approval before requesting a bond reduction for suspect; 1-11-08 – failed to contact County Attorney's Office in a prompt manner after they attempted to call him re. court cases – Officer Limp received a Letter of Counseling and that the appropriate punishment for this conduct is 40 Hours Suspension Without Pay and Mandatory Employee Assistance Program.

Upon motion of Dr. Stevens and seconded by Ms. Gorton, the disciplinary action was approved by unanimous vote.

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Mr. McChord asked both the Police and Fire Chief to look into the standards for disciplinary issues.

The Mayor asked Mr. Tim Bennett, Commissioner of the Dept. of Public Safety, to follow up on this as well.

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Mr. Jack Barnett, McDowell Road, Div. of Streets, Roads and Forestry employee, thanked the Council for the support they have shown the Urban County Government employees.

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Mr. David Sams, Winter Garden Drive, Div. of Waste Management employee, asked the Council to support House Bill 519 which deals with hazardous job classification.

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Upon motion of Mr. Myers, seconded by Ms. Crosbie and passed by unanimous vote, the Council adjourned at 7:51 p.m.

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Clerk of the Urban County Council