Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   August 21, 2008

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on August 21, 2008 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Myers, Stevens, Stinnett, Beard, Blevins, Blues, Crosbie, Ellinger, Gorton, Gray, Henson, James, Lane and McChord. Absent was Council Member DeCamp.

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

Ordinance No. 188-2008 and Resolutions No. 463-2008 thru 466-2008 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Lead Pastor Kevin Clark, Vineyard Community Church.

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The Mayor recognized Ms. Marlene Helm, Commissioner of the Dept. of Social Services, who spoke about the Summer Youth Employment Program. Ms. Helm recognized Ms. Daisy Brown, a parent of a Summer Youth Student, who spoke about the transformation of her daughter and the participation and impact the program made in her daughter's life.

Mr. Jerry Hale, Keeneland, spoke about the positive experience they had with the youths who participated in the program.

Ms. Helm asked that all the employers present stand and be recognized. She also recognized several employees who were involved in the program.

The Mayor stated his appreciation for these employees and commended their wonderful work.

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The Mayor asked Fire Chief Robert Hendricks to come to the podium to honor a citizen, Ms. Katelyn Stallard with a Certificate of Merit. Chief Hendricks stated that during a fire on August 20, 2008, Ms. Stallard woke neighbors before the Div. of Fire arrived to alert them to the situation. Chief Hendricks also recognized the firefighters in attendance.

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

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

Nay: --0

An Ordinance changing the zone from a Mixed Use 2 – Neighborhood Corridor (MU-2) zone to a Downtown Frame Business (B-2A) zone for 1.028 net

(1.66 gross) acres, for properties located at 502-526 South Broadway; 320 Pine Street; and 319 Cedar Street, subject to certain use restrictions imposed as conditions of granting the zone change. (CMW, Inc.)

An Ordinance changing the zone from a Professional Office (P-1) zone to a Highway Service Business (B-3) zone for 0.48 net (0.59 gross) acre, for property located at 1264 East New Circle Road (a portion of), subject to certain use restrictions imposed as conditions of granting the zone change. (D.J. Acquisition, LLC)

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of $35,000.00 Commonwealth of Ky. funds from the Law Enforcement Service Fee Program, are for support of the cost of police overtime hours for a Traffic Alcohol Patrol, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 33, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of $2,154,562.00 Commonwealth of Ky. funds, are for police training incentive funds, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 35, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Commission on Fire Protection, Personnel, Standards and Education, which Grant funds are in the amount of $2,037,506.00 Commonwealth of Ky. funds, are for training incentive funds for firefighters, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 36, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of $65,000.00 Federal funds, for the operation of the Drug Task Force in the Div. of Police, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 38, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Justice and Public Safety Cabinet, which Grant funds are in the amount of $50,000.00 Federal funds, for the continuation of the Street Sales Drug Enforcement Project, the acceptance of which obligates the Urban County Government for the expenditure of $16,667.00 as a local match, appropriating funds pursuant to Schedule No. 39, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Supplemental Agreement No. 1 with the Ky. Transportation Cabinet Dept. of Highways, for acceptance of additional federal funds for design of bike lanes on Rose Street in the amount of $10,000.00, and appropriating funds pursuant to Schedule No. 34.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Administrative Specialist, Grade 110N, and creating one (1) position of License Inspector, Grade 110N, in the Div. of Revenue.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Traffic Signal Technician Master, Grade 114N, abolishing one (1) position of Traffic Signal Technician, Grade 108N, and creating two (2) positions of Traffic Signal Technician Sr., Grade 112N, in the Div. of Traffic Engineering.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Staff Assistant, Grade 107N, in the Div. of Government Communications, creating one (1) position of Staff Assistant, Grade 107N, in the Div. of Parks and Recreation, and abolishing one (1) position of

Safety Specialist, Grade 115E, in the Div. of Risk Management; amending Section 22-5(2) of the Code of Ordinances abolishing two (2) positions of Telecommunicator – P/T, Grade 111N, in the Div. of Enhanced 911 and creating two (2) positions of Telecommunicator – P/T, Grade 111N, in the Div. of Emergency Management/911; transferring the incumbents; amending Section 8 of Ordinance No. 183-2008 to correct the division line number, amending Section 10 of Ordinance No. 183-2008 to correct the authorized strength for the position of Staff Assistant Sr., Grade 108N, and amending Section 12 of Ordinance No.183-2008 transferring the incumbents for certain positions from the Div. of Parks and Recreation to the Div. of Facilities and Fleet Management, retroactive to July 8, 2008, and appropriating funds pursuant to Schedule No. 37.

An Ordinance amending Section 3 of Ordinance No. 180-2008 correcting the subsection line number relating to Park Patrol Officer – P/T, and amending Section 9 of Ordinance No. 180-2008 to include a two and three tenths (2.3%) pay increase for employees holding the position of Staff to Council II, retroactive to June 23, 2008.

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. 32.

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

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

Nay: --0

A Resolution accepting the bid of Scotty Baesler, establishing a price contract for the Haley Pike Landfill Tobacco Barn Lease, for the Dept. of Environmental Quality.

A Resolution accepting the bids of Nugent Sand Company and Moore's Trucking, establishing price contracts for sand for golf courses, for the Div. of Parks & Recreation.

A Resolution accepting the bids of Supreme Medical; Grogan's Healthcare Supply, Inc.; Tri-anim Health Services, Inc.; and Henry Schein Matrix Medical, establishing price contracts for emergency medical supplies, for the Div. of Fire and Emergency Services.

A Resolution accepting the bids of Central Equipment Company; Ingram Truck & Tractor; Xenia Power Equipment; and Price's Tractor Sales, Inc., establishing price contracts for tractor and mower parts, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of Vulcan Materials Company and Lexington Quarry Company, establishing price contracts for rock, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bids of Orr Safety Corporation and Bluegrass Uniforms, establishing price contracts for Scott Breathing Apparatus Products, for the Div. of Fire and Emergency Services.

A Resolution accepting the bids of Traffic Parts, Inc.; Path Masters, Inc.; Baldwin & Sours, Inc.; and Traffic Control Products, Inc., establishing price contracts for traffic signal and control equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Kentucky Freightliner Trucks, Inc., establishing a price contract for a hook lift loader truck, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Grogan's Healthcare Supply, Inc., establishing a price contract for alternate care equipment for the Div. of Emergency Management/911.

A Resolution accepting the bid of Intelligent Products Company, in the amount of $127,310.00, for variable frequency drives, for the Div. of Water Quality.

A Resolution accepting the bid of Southern Rebinding Inc., establishing a price contract for record keeping supplies for the Fayette County Clerk's Office.

A Resolution accepting the bid of Scotty Baesler, establishing a price contract for the Haley Pike Landfill Mowing Lease, for the Dept. of Environmental Quality.

A Resolution ratifying the probationary civil service appointments of: Byron Mitchell, Engineering Technician, Grade 111N, $19.474 hourly, in the Div. of Water Quality, effective August 4, 2008; Amanda Williamson, Customer Service Specialist, Grade 110N, $13.147 hourly, in the Div. of Government Communications, effective August 18, 2008; Kyle Cooksey, Telecommunicator Sr., Grade 113N, $17.036 hourly, in the Div. of Emergency Management/911, effective August 18, 2008; Darryl Clay, Equipment Operator Sr., Grade 109N, $18.244 hourly, in the Div. of Waste Management, effective August 18, 2008; Mitchum Coyle, Equipment Operator, Grade 108N, $12.249 hourly, in the Div. of Water Quality, effective August 4, 2008; Gary Robertson, Public Service Worker Sr., Grade 107N, $13.231 hourly, in the Div. of Streets, Roads and Forestry, effective August 18, 2008; Thad Scott, Engineering Technician, Grade 111N, $16.108 hourly, in the Div. of Water Quality, effective August 18, 2008; ratifying the permanent civil service appointments of: James Wray, Engineering Technician Principal, Grade 115E, in the Div. of Engineering, effective July 7, 2008; Nelson Wright, Equipment Operator Sr., Grade 109N, in the Div. of Streets, Roads and Forestry, effective July 7, 2008; David Biliter, Park Designer, Grade 115E, in the Div. of Parks and Recreation, effective June 30, 2008; Alan Wells, Treatment Plant Operator, Grade 113N, in the Div. of Water Quality, effective July 21, 2008; Charles Begley, Solids Processing Supervisor, Grade 115E, in the Div. of Water Quality, effective August 4, 2008; Harrison Burrus, Thomas Hager, Avery Johnson, Terry Shelton, Darrel Stevens, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective July 7, 2008; Phillip Lykins, Clerical Assistant, Grade 104N, in the Dept. of General Services, effective July 7, 2008; Leopold Bond, Skilled Trades Worker, Grade 111N, in the Div. of Community Corrections, effective June 10, 2008; approving the probationary sworn appointments of: Joseph Eckhardt, Police Sergeant, Grade 315N, $26.388 hourly, in the Div. of Police, effective August 18, 2008;

Wallace Hays, Police Lieutenant, Grade 317E, $2,752.46 bi-weekly, in the Div. of Police, effective August 18, 2008; Sean Ray, Police Sergeant, Grade 315N, $26.388 hourly, in the Div. of Police, effective August 18, 2008; Todd Samuelson, Fire Captain, Grade 316N, $21.497 hourly, in the Div. of Fire and Emergency Services, effective July 7, 2008; Phillip McClain, Fire Lieutenant, Grade 315N, $16.261 hourly, in the Div. of Fire and Emergency Services, effective July 7, 2008; ratifying the permanent sworn appointments of: Melissa Sedlaczek, Police Lieutenant, Grade 317E, in the Div. of Police, effective May 11, 2008; Daniel Bellot, Kristin Chilton, Marcus Wainscott, Fire Major, Grade 318E, in the Div. of Fire and Emergency Services, effective July 7, 2008; Brian Strange, Larrell Ally, Sherianne Shuey, Fire Captain, Grade 316N, in the Div. of Fire and Emergency Services, effective July 7, 2008; Robert King, Carrie Bowling, Brian Cavill, Fire Lieutenant, Grade 315N, in the Div. of Fire and Emergency Services, effective July 7, 2008; ratifying the permanent Community Corrections appointments of: Franklin Anthony, Timothy Bowman, Dustin Hall, Matthew Lemonds, Nathanael Sutton, Shannon Aubrey, Christopher Connelley, Levod Jones, Beau Rideau, Sandra Woods, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective July 6, 2008; Amy Calcavecchia, Hugh Stone, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective July 6, 2008; Connie Arthur, Edward Callihan, Douglas Van Winkle, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 30, 2008; approving the unclassified civil service appointment of: Connie Godfrey, Social Worker Sr., Grade 113E, $1,859.36 bi-weekly, in the Div. of Adult Services, effective August 18, 2008; Susan Bush, Program Manager Sr., Grade 120E, $3,076.93 bi-weekly, in the Dept. of Environmental Quality, effective August 4, 2008; Vivian Lacey, Client Assessment Counselor, Grade 112E, $1,618.40 bi-weekly, in the Div. of Adult Services, effective August 18, 2008; Marie Simpson, Clinical Services Manager, Grade 117E, $2,307.68 bi-weekly, in the Div. of Family Services, effective August 4, 2008.

A Resolution making a Declaration of Official Intent with respect to reimbursement from subsequent borrowings of temporary advances made for capital expenditures for numerous Government projects, including but not limited to climate control facility for voting machines for Fayette County Clerk's Office; renovating, remodeling & repairing various Government facilities; sidewalk replacement, repair, and resurfacing; resurfacing and renovating of various Government owned parking lots and tennis courts; purchase, installation and maintenance of traffic signal equipment for the Div. of Traffic Engineering; the McConnell Springs improvements for the Div. of Water Quality; acquisition and installation of fiber optic cable; acquisition and installation of a variety of technology equipment, including software, computers, network upgrades and components, printers, plotters and servers; HVAC maintenance for various Government facilities; construction, maintenance and equipment installation at various Government park properties; funding for Purchase of Development Rights Program; construction of various shared use trails; purchase of paving equipment for the Div. of Streets, Roads and Forestry; funding for various projects, vehicles and equipment in the Div. of Fire and Emergency Services; purchase of Government wide security systems and equipment and telephone system; Government wide fleet replacement, all as described in the attached exhibit, in an approximate aggregate amount of $16,106,910.00.

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.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Master Consulting Services Agreement with CPS, for Police Sergeant and Lieutenant Promotional Testing, at a cost not to exceed $53,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Strand Associates, Inc., for development of the Salt Barn site, at a cost not to exceed

$143,500.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with Hall-Harmon Engineers, Inc., for design services for Rose Street Widening Project bike lanes, at a cost not to exceed $20,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Service Agreement with Hensley, Elam & Associates, related to hosting and management of software and data storage for the backup server for the Lexington Fayette Regional Emergency Operations Center, at a cost not to exceed $8,950.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Service Agreement with Norment Security Group, Inc., for maintenance of security locks, locking devices and electronic systems at the Detention Center, at a cost not to exceed $45,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute three (3) Mutual Aid Agreements with EKU Police Department, Fayette County Public Schools, Div. of Law Enforcement, and the Madison County Sheriff, for mutual aid, 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 Accreditation Agreement with the Council on Accreditation, for reaccreditation of the Dept. of Social Services, at a cost not to exceed $16,061.00 plus the cost of peer review site visit.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Cincinnati, New Orleans and Texas Pacific Railway Company, for installation of a sanitary sewer force main, at a cost not to exceed $26,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Pilgrim Baptist Church, for lease of parking spaces, at a cost not to exceed $1,000.00 with future yearly payments subject to sufficient funds being appropriated by the Urban County

Council.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement and related documents with Ikon Office Solutions, Inc., a State approved vendor, for a shared and networked copier (Canon IRC51851), for the Urban County Council Office for a term of forty-eight (48) months, subject to sufficient funds being appropriated in subsequent fiscal years, at a cost not to exceed $507.00 per month.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute six (6) Amendments to Agreements with the Ky. Transportation Cabinet, for extension of the West Hickman Trail, Loudon Avenue, South Limestone Multimodal Traffic Study and three (3) Traffic Signal Upgrades/Traffic Control Projects through June 30, 2009, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Aids Volunteers, Inc., for extension of the Agreement for the Housing Opportunities for Persons with Aids Project through December 31, 2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Amendments to two (2) Agreements with the Ky. Dept. of Military Affairs, Div. of Emergency Management, for extension of the Agreements for the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2007 and FY 2008 through June 30, 2010.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute five (5) Memorandums of Understanding with five (5) local law enforcement agencies, for Homeland Security funds for Mobile Data Computers and other equipment, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, for use of new ATF software, at no 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 McIlwain & Associates, for the Shillito Trail, increasing the contract price by the sum of $9,031.00 from $38,030.00 to $47,061.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with McIlwain & Associates, for the Shillito/Lafayette Trail, increasing the contract price by the sum of $4,974.00 from $19,270.00 to $24,244.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Statement of Compliance with the Commonwealth of Ky., Transportation Cabinet, for bridge posting requirements.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Notice to be recorded in the Fayette County Clerk's Office related to the closing of the Old Frankfort Pike Landfill stating that the property at 1631 Old Frankfort Pike has been utilized as a landfill and may not be disturbed without the permission of the Ky. Div. of Waste Management.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from the Critter Sitters of Lexington, Inc., Bluegrass Barkery, What's the Scoop, LLC, and Dogtown, LLC of six (6) bullet resistant dog vests, for use at the Div. of Police, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from the Financial Institutions' Security Officers' Association of Central Ky. of computer investigative items, for use at the Div. of Police, at no cost to the Urban County Government.

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A Resolution ratifying the probationary civil service appointments of: Dorinda Scheumann, Administrative Specialist Sr., Grade 112N, $19.357 hourly, in the Div. of Revenue, effective September 1, 2008; Steve Farmer, Engineering Technician Sr., Grade 113E, $1,936.64 bi-weekly, in the Div. of Water Quality, effective August 18, 2008; ratifying the probationary sworn appointments of: Christopher Sweat, Fire Captain, Grade 316N, $21.497 hourly, in the Div. of Fire and Emergency Services, effective August 13, 2008; Christian Ulrich, Fire Lieutenant, Grade 315N, $16.261 hourly, in the Div. of Fire and Emergency Services, effective August 13, 2008; Samuel Baumgartner, Derrick Breaux, Shawn Burger, Michael Curran, Brad Dusing, John Dyehouse, Drew Gilliam, Billy McIntosh, Matthew Meiser, Michael Moffitt, Timothy Nelms, Jason Neal, Andrew Norton, Jason Picklesimer, Steven Profitt, Joseph Sexton, Dustin Spillman, Chris Sutton, John Toppass, John Wells, Alex Wood, Firefighter, Grade 311N, $16.595 hourly, in the Div. of Fire and Emergency Services, effective September 2, 2008; approving the leave of absence of: Myra Campbell, Staff Assistant Sr., Grade 108N, in the Div. of Water Quality, request 90 day Council approved leave without pay from July 3, 2008 to September 30, 2008; John Dudley, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, request 90 day Council approved leave without pay from June 4, 2008 to September 1, 2008 was on the docket for first reading.

Upon motion of Ms. Henson, seconded by Ms. Gorton, and approved by unanimous vote, the resolution was amended to delete Derrick Breaux, Firefighter, and to add Wes Watts, Firefighter, Grade 311N, $16.595 hourly, in the Div. of Fire and Emergency Services.

A Resolution ratifying the probationary civil service appointments of: Dorinda Scheumann, Administrative Specialist Sr., Grade 112N, $19.357 hourly, in the Div. of Revenue, effective September 1, 2008; Steve Farmer, Engineering Technician Sr., Grade 113E, $1,936.64 bi-weekly, in the Div. of Water Quality, effective August 18, 2008; ratifying the probationary sworn appointments of: Christopher Sweat, Fire Captain, Grade 316N, $21.497 hourly, in the Div. of Fire and Emergency Services, effective August 13, 2008; Christian Ulrich, Fire Lieutenant, Grade 315N, $16.261 hourly, in the Div. of Fire and Emergency Services, effective August 13, 2008; Samuel Baumgartner, Shawn Burger, Michael Curran, Brad Dusing, John Dyehouse, Drew Gilliam, Billy McIntosh, Matthew Meiser, Michael Moffitt, Timothy Nelms, Jason Neal, Andrew Norton, Jason Picklesimer, Steven Profitt, Joseph Sexton, Dustin Spillman, Chris Sutton, John Toppass, Wes Watts, John Wells, Alex Wood, Firefighter, Grade 311N,

$16.595 hourly, in the Div. of Fire and Emergency Services, effective September 2, 2008; approving the leave of absence of: Myra Campbell, Staff Assistant Sr., Grade 108N, in the Div. of Water Quality, request 90 day Council approved leave without pay from July 3, 2008 to September 30, 2008; John Dudley, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, request 90 day Council approved leave without pay from June 4, 2008 to September 1, 2008 was given first reading as amended.

Upon motion of Mr. Lane, seconded by Ms. Crosbie, the rules were suspended by a majority vote (Ms. Gorton voted no).

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

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

Nay: ---0

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The following resolutions were given first reading. Upon motion of Mr. Lane, seconded by Ms. Crosbie, the rules were suspended by a majority vote (Ms. Gorton voted no).

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

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

Nay: ---0

A Resolution accepting the bid of Kentucky Utilities Company, Inc., in accordance with the provisions of Ordinance No. 175-2008, creating and offering for sale a three year franchise for the operation of a non-exclusive electric generation, transmission, and distribution system in Fayette County, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with Kentucky Utilities Company, Inc., incorporating the terms and conditions of Ordinance No. 175-2008.

A Resolution accepting the bid of Clark Energy Cooperative, Inc., in accordance with the provisions of Ordinance No. 175-2008, creating and offering for sale a three year franchise for the operation of a non-exclusive electric generation, transmission, and distribution system in Fayette County, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with Clark Energy Cooperative, Inc., incorporating the terms and conditions of Ordinance No. 175-2008.

A Resolution accepting the bid of Blue Grass Energy Cooperative Corporation, in accordance with the provisions of Ordinance No. 175-2008, creating and offering for sale a three year franchise for the operation of a non-exclusive electric generation, transmission, and distribution system in Fayette County, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Franchise Agreement with Blue Grass Energy Cooperative Corporation, incorporating the terms and conditions of Ordinance No. 175-2008.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Services Agreement with Roots & Heritage Festival, Inc., for the 2008 Roots & Heritage Festival, at a cost not to exceed $43,720.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Entry Permit with R. J. Corman Railroad Company/Central Kentucky Lines, for installation and monitoring of temporary pumping equipment in Town Branch Creek.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Application for Wire or Cable Line Crossing Under/Over Properties and Track with R. J. Corman Railroad Company, for pumping equipment in Town Branch Creek, at a cost not to exceed $300.00.

A Resolution directing that automobile traffic on Cheapside Street be restricted until November 1, 2008.

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

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County

Commonwealth Attorney’s Office, for a “Fast Track” prosecutor for the Street Sales Enforcement Project, at a cost not to exceed $49,331.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Fayette County Board of Education, for use of Bryan Station High School Auditorium, at a cost not to exceed $159.75.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Software License Agreement with New World Systems Corporation, for software licensing of fifty (50) mobile data computers, at a cost not to exceed $91,500.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Thoroughbred Hospitality, LLC, for lease of a cart barn, at a cost not to exceed $30,000.00 with future yearly payments subject to sufficient funds being appropriated in future fiscal years by the Urban County Council.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Georgetown Street Neighborhood Association, Inc. ($1,350.00), Lexington Art League, Inc. ($1,200.00), NAMI Lexington (KY), Inc. ($850.00), Central Kentucky Hospital Foundation, Inc. ($1,900.00), Lexington Humane Society ($250.00), Highlands Neighborhood Association, Inc. ($400.00) and Russell Cave Church of Christ, Inc. ($600.00), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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

A Resolution amending Section 2 of Resolution No. 294-2008 relating to the Neighborhood Development Fund Program to change the amount of the allocation to Independence Place, Inc. from $600.00 to $500.00.

* * *

Upon motion of Mr. Beard, seconded by Mr. Myers, and passed by unanimous vote, the communications from the Mayor were approved, and are as follows: (1) Recommending the reappointments of David Freibert and Harry Richart to the Downtown Development Authority Board, with terms to expire 1-15-2012, and (2) Recommending the reappointment of William Young, Jr. to the Lexington Center Corporation Board with a term to expire 2-28-2012.

* * *

Mr. Gray spoke about the Task Force for the purpose of examining the Police & Fire Pension Fund. The members were announced: Mr. Bill Lear, Chair, Dr. Charles Haywood, Mr. Chris Bartley, Mr. Anthany Beatty, Mr. Luther Deaton, Mr. Robert Hewett, Mr. Greg Kasden, Mr. John McCarty, Mr. Al Mitchell, Mr. P.G. Peeples, Mr. Mike Sweeney, Mr. Jerry Wright, Ms. Paul Hanson, Ms. Jeri Isbell, Ms. Sylvia Lovely, and Ms. Ann McBrayer; State Representatives Bill Farmer, Charlie Hoffman, Sannie Overly, Kathy Stein, Bob Damron, Carl Rollins, Jesse Crenshaw, Stan Lee, Ruth Ann Palumbo, and Susan Westrom; State Senators Tom Buford, Julian Carroll, and Alice Forgy Kerr. Mr. Gray invited all Council Members to serve on the Task Force as ex-officio members.

Mr. Tim Bennett, Commissioner of the Dept. of Public Safety, agreed to staff the Task Force, and would announce a schedule of meetings soon.

* * *

Fire Chief Robert Hendricks stated that Captain Chris A. Frontz has committed the offense of Insubordination: Failure to obey a supervisor's work related order, in violation of KRS 95.450 and Div. of Fire and Emergency Services SOP 572.02, in that on the 27th day of November, 2007, he took an excessive amount of time to evacuate the structure at 2148 Larkspur Drive while operating at a working structure fire, in contradiction to orders of Incident Command, and that the appropriate punishment for this conduct is a Written Reprimand.

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

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Fire Chief Robert Hendricks stated that Captain Gregg M. Bayer has committed the offense of Insubordination: Failure to obey a supervisor's work related order, in violation of KRS 95.450 and Div. of Fire and Emergency

Services SOP 572.02, in that on the 27th day of November, 2007, he took an excessive amount of time to evacuate the structure at 2148 Larkspur Drive while operating at a working structure fire, in contradiction to orders of Incident Command, and that the appropriate punishment for this conduct is a Written Reprimand.

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

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Mr. Bernard McCarthy, Harry Street, stated his concerns about a proposal in the newspaper which suggested narrowing Main Street (‘Streetscape proposal’).

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Upon motion of Mr. Myers, seconded by Mr. Blues, and approved by unanimous vote, the meeting adjourned at 7:57 p.m.

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Clerk of the Urban County Council