Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky   February 26, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on February 26, 2009 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Gray, Henson, James, Lane, Lawless, Martin, McChord, Myers, Stinnett, Beard, Blues, Ellinger, Feigel, and Gorton. Absent was Council Member Crosbie.

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

Ordinances No. 13-2009 thru 21-2009 inclusive and Resolutions No. 42-2009 thru 110-2009 inclusive were reported as having been signed and published, and were ordered to record.

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The Invocation was given by Pastor Tim Parsons of Center Point Church.

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The Mayor made a presentation of certificates to the Ky. - American Water Science Fair winners for grades four through twelve. The Science Fair was in its twenty-fifth year. The Mayor introduced Mr. Keith Partier, representing Ky. - American Water Company, and Mr. David Helm and Ms. Lori Bowen, representing Fayette County Public Schools. The winners were introduced in three groups – elementary, middle, and high school, the Mayor identified their schools, and they were given a certificate in recognition of outstanding achievement and accomplishments in the pursuit of science and knowledge.

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An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of its Industrial Building Revenue Bonds, Series 2009 (Transylvania University Project) in an aggregate principal amount not to exceed $6,500,000, and the loan of the proceeds thereof to Transylvania University for the purpose of financing various renovations, additions and improvements to the campus of the University; authorizing the execution and delivery on behalf of the Urban County Government of (1) a Trust Indenture pursuant to which the Bonds will be issued, (2) a Loan Agreement between the Urban County Government, as Lender, and Transylvania University, as Borrower, providing for loan repayments sufficient to pay the principal of and interest on the Bonds as the same become due, (3) a Bond Purchase Agreement providing for the sale of the Bonds on a negotiated basis, and (4) an Official Statement relating to the Bonds; and taking other related action was given second reading with a public hearing being held.

The Mayor opened the public hearing. There being no speakers, the Mayor closed the public hearing.

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

Aye: Henson, James, Lane, Lawless, McChord,
Myers, Stinnett, Beard, Blues, Ellinger,
Feigel, Gorton-------------------------------------12

Nay: ---0
(Mr. Gray and Mr. Martin abstained when the vote taken.)

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An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Administrative Officer, Sr., Grade 120E, in the Office of the Mayor and creating one (1) position of Administrative Officer, Sr., Grade 120E, in the Dept. of General Services; amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Administrative Officer, Grade 118E, in the Dept. of General Services and creating one (1) position of Administrative Officer, Grade 118E, in the Office of the Mayor; and appropriating funds pursuant to Schedule No. 111 was on the docket for second reading.

Mr. McChord made a motion, seconded by Mr. Lane, and approved by unanimous vote, to amend the ordinance to correct the job title for the position being created in the Office of the Mayor from Administrative Officer to Administrative Aide to the Mayor and that this was not a material change and did not require a new first reading.

An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Administrative Officer, Sr., Grade 120E, in the Office of the Mayor and creating one (1) position of Administrative Officer, Sr., Grade 120E, in the Dept. of General Services; amending Section 22-5(2) of the Code of Ordinances abolishing one (1) position of Administrative Officer, Grade 118E, in the Dept. of General Services and creating one (1) position of Administrative Aide to the Mayor, Grade 118E, in the Office of the Mayor; and appropriating funds pursuant to Schedule No. 111 was given second reading as amended.

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

Aye: Gray, Henson, James, Lane, Lawless,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger, Feigel, Gorton----------------14

Nay: --0

* * *

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

Aye: Gray, Henson, James, Lane, Lawless,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger, Feigel, Gorton----------------14

Nay: --0

An Ordinance accepting the bid of Allen Vanguard Tech., Inc., in the amount of $25,116.00 for a Ballistic Ensemble, for the Div. of Police, and appropriating funds pursuant to Schedule No. 108.

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. 107.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Supplemental Agreement No. 1 with the Ky. Transportation Cabinet, for the acceptance of additional Federal funds for the Newtown Pike Extension Project in the amount of $3,975,000.00, and appropriating funds pursuant to Schedule No. 109.

An Ordinance amending Section 21-5(2) of the Code of Ordinances creating two (2) positions of Program Manager Sr., Grade 120E and one (1) position of Administrative Officer, Grade 118E and amending Section 22-5(2) of the Code of Ordinances creating one (1) temporary position of Construction Supervisor, Grade 118E, ending on February 26, 2011, all in the Div. of Waste Management; and appropriating funds pursuant to Schedule No. 110.

An Ordinance 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 sidewalk easement and a temporary construction easement from Christine Richmond for the property located at 661 Georgetown St., for the Georgetown St. Sidewalk Project, authorizing payment in the amount of $100.00, plus usual and appropriate closing costs, and appropriating funds pursuant to Schedule No. 112.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the National Police Athletic League, which Grant funds are in the amount of $4,000 Federal funds, are for the continuation of the National Association of Police Athletic Leagues Youth Enrichment Program (PALYP), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 113, 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. State Police, which Grant funds are in the amount of $20,000.00 Federal funds, are for an Enforcing Underage Drinking Laws Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 114, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending Section 21-5(2) of the Code of Ordinances changing the job title of the position Plant Operation Supervisor Sr. Water and Air Quality, Grade 118E, to Plant Operation Supervisor Sr. Water Quality, Grade 118E.

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

An Ordinance amending Section 21-5(2) of the Code of Ordinances abolishing one (1) position of Administrative Specialist, Grade 110N, in the Div. of Accounting and creating one (1) position of Administrative Specialist, Grade 110N, in the Div. of Human Resources; transferring the incumbent; appropriating funds pursuant to Budget Schedule No. 115.

An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of Taxable General Obligation Pension Funding Bonds, Series 2009B in the aggregate principal amount of $70,000,000 (which amount may be increased or decreased by an amount of up to ten percent (10%)) for the purpose of financing the costs of funding unfunded liabilities of the Lexington-Fayette Urban County Government; approving the form of the Series 2009B Bonds; authorizing designated officers to execute and deliver the Series 2009B Bonds; authorizing and directing the filing of notice with the state local debt officer; providing for the payment and security of the Series 2009B Bonds; creating Bond Payment Funds; maintaining the heretofore established Sinking Fund; authorizing acceptance of the Bid of the Bond Purchaser for the purchase of the Series 2009B Bonds; and repealing inconsistent ordinances.

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. 116.

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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. for Local Development and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $38,500.00 Federal funds, and are for additions to the Raven Run Nature Center Project was given second reading with a public meeting being held.

Mr. Lane made a motion, seconded by Mr. McChord, and approved by unanimous vote, to amend the resolution to correct the name of the agency to which the grant application was to be submitted to the Kentucky Department for Local Government and that this was not a material change and did not require a new first reading.

The Mayor opened the public meeting.

Ms. James asked where the public could obtain information about the plans for the Raven Run Nature Center Project. Ms. Michelle Kosieniak, Division of Parks and Recreation, responded with information about project plans and funding.

There being no speakers, the Mayor closed the public meeting.

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. for Local Government and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $38,500.00 Federal funds, and are for additions to the Raven Run Nature Center Project was given second reading as amended.

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

Aye: Gray, Henson, James, Lane, Lawless,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger, Feigel, Gorton----------------14

Nay: ---0

* * *

A Resolution of the Lexington-Fayette Urban County Government approving the application of Transylvania University for Industrial Building Revenue Bond Financing of an Industrial Building Project; undertaking the issuance of Industrial Building Revenue Bonds to finance the project; authorizing the execution of a Memorandum of Agreement relating to the project and the Bonds; and taking other preliminary action was given second reading.

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

Aye: Henson, James, Lane, Lawless, McChord,
Myers, Stinnett, Beard, Blues, Ellinger,
Feigel, Gorton-------------------------------------12

Nay: ---0
(Mr. Gray and Mr. Martin abstained when the vote was taken.)

* * *

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

Aye: Gray, Henson, James, Lane, Lawless,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger, Feigel, Gorton----------------14

Nay: ---0

A Resolution accepting the bid of Nabco, Inc., establishing a price contract for Total Containment Vessel, for the Div. of Police.

A Resolution accepting the bids of United Rotary Brush Corporation and ODB, establishing price contracts for sweeper brooms, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of C & C Machine Shop, establishing a price contract for fabrication of Hydraulic Fluid Tanks (for Plow Trucks), for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of C & C Machine Shop, establishing a price contract for Fabrication of Calcium Tanks (for Plow Trucks), for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Vehicle Systems, Inc., in the amount of $30,000.00, for the Breathing Air Compressor for Mobile Use for the Div. of Fire and Emergency Services.

A Resolution accepting the bid of Radio Communications Systems, Inc. D/B/A RCS Communications, establishing a price contract for an Emergency Vehicle Lighting System, for the Div. of Police.

A Resolution accepting the bid of ITT Water and Wastewater, establishing a price contract for Submersible Sludge Mixers for Secondary Digesters, for the Div. of Water Quality.

A Resolution accepting the bid of Carpet World/Carpet One, in the amount of $28,211.22, for flooring replacement for the Downtown Arts Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Continental Web Press, establishing a price contract for the Fun Guide 2009, for the Div. of Parks and Recreation.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept donations from Hunter Presbyterian Church ($500.00), Joshua C. Santana, PSC ($100.00), and Richard and Judith Flewelling ($250.00), for the Cardinal Valley Center’s 2008 Holiday Celebration.

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

Dept. of Revenue, Finance and Administration Cabinet, for the Commonwealth of Ky., at no cost to the Urban County Government and further authorizing the Director of Revenue and other personnel to execute any documents related to the confidentiality of such information.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Rural and Inner City Adopt-A-Spot Program Agreements with Christ United Methodist Church, BSA #220 ($1,304.12); Aldersgate Methodist Church, BSA #59 ($1,567.20); Immanuel Baptist Church, BSA #41 ($1,231.68); Rosemont Baptist Church, BSA #98 ($1,157.40); Beaumont Presbyterian, BSA #279 ($1,038.28); Greater Faith Apostolic Church, BSA #238 ($1,103.60); Young Life ($1,265.40); Bluegrass Chapter Order of Demolay ($1,332.32); Christian Youth Fellowship ($1,942.51); Phillips Memorial Church ($2,191.56); Tates Creek HS Lacrosse Club ($522.98); Brown & Brown Assoc. ($772.00); Boy Scout Troop #103 ($298.85); Boy Scout Troop #13 ($1,992.32); Boy Scout Troop #186 ($273.95); Boy Scout Troop #382 ($448.27); Boy Scout Troop #246 ($636.12); and Tates Creek Presbyterian Church BS Troop 226 ($921.44); for participation in the Adopt-A-Spot Roadway Cleanup Program, 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 Supplemental Agreement No. 1 with the U.S. Dept. of the Army, for amendment of the permanent sanitary sewer easement for the property located at 1051 Russell Cave Rd., 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 Girl Scouts of Kentucky's Wilderness Road Council, Inc. ($1,000.00), Owl Foundation, Inc. ($625.00), and Bluegrass Alliance for Women, Inc. ($325.00), 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 Change Order No. One to the Contract with

Louisville Paving Company, for Glendover Tennis Court Renovation, increasing the contract price by the sum of $1,655.00 from $148,000.00 to $149,655.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Eubank & Steele, for Bell House door modifications, increasing the contract price by the sum of $4,901.35 from $16,800.00 to $21,701.35.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Host City Agreement with the World Games 2010 Foundation, Inc. and Lexington Host Committee, for hosting the 2010 World Equestrian Games, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an ordering document with Oracle USA, Inc., for the purchase of User Productivity Kits, licenses and related services, at a cost not to exceed $26,551.14.

A Resolution ratifying the probationary civil service appointment of: James McCarty, Landfill Inspector, Grade 108N, $12.265 hourly, in the Div. of Waste Management, effective February 2, 2009; ratifying the permanent civil service appointment of: Yvonne Brown, Child Care Program Aide, Grade 107N, in the Div. of Family Services, effective April 2, 2008; ratifying the probationary sworn appointments of: Tim Morrow, Joseph Whitt, Curtis Works, John Walters, Vicki Herald, Charles Bradshaw, Ernest Hudson, Fire Lieutenant, Grade 315N, $16.806 hourly, in the Div. of Fire and Emergency Services, effective January 5, 2009; Darren Day, Jeffery Shields, Charles Hopkins, Stephen Stipp, Marcus Blanton, Fire Lieutenant, Grade 315N, $16.806 hourly, in the Div. of Fire and Emergency Services, effective January 19, 2009, Ronald Madden, Brian Strange, Gregg Bayer, Brian Wood, Paul See, Fire Major, Grade 318E, $3,381.84 bi-weekly, in the Div. of Fire and Emergency Services, effective January 19, 2009, Carl Tackett, Roy McClain, Fire Captain, Grade 316N, $21.770 hourly, in the Div. of Fire and Emergency Services, effective January 5, 2009, Brad Whittaker, Bryan Mitchell, Edward Crews, James Harrod, C. R. Pendleton, Fire Captain, Grade 316N, $21.770 hourly, in the Div. of Fire and

Emergency Services, effective January 5, 2009, Michael Farmer, Michael Reece, Mark Samuelson, Michael Henderson, Chris O'Bryan, Fire Captain, Grade 316N, $21.770 hourly, in the Div. of Fire and Emergency Services, effective January 19, 2009; ratifying the probationary Community Corrections Officer appointments of: Bryan Richardson, John Cox, William Stewart, Linda Munnelly, Charles Fink, Chad Rankin, Wayne Wilson, Kim Jones, Leonard Stoecker, Philip Toms, William Fields Jr., Rudy Dawkins, Joseph Gallo, Michael Gabbard, Kellie Stidman, Community Corrections Officer, Grade 110N, $13.931 hourly, in the Div. of Community Corrections, effective February 16, 2009; approving the unclassified civil service appointments of: Freddy Dokossi, Custodial Worker, Grade 102N, $8.898 hourly, in the Div. of Family Services, effective February 16, 2009, Christopher Phillips, Public Service Worker, Grade 106N, $11.161 hourly, in the Div. of Waste Management, effective February 16, 2009, James Michael Webb, Commissioner of Public Works, Grade 211E, $4,076.93 bi-weekly, in the Dept. of Public Works, effective January 19, 2009; approving the unclassified civil service appointment to the Office of the Urban County Council of: Jamie Bloyd, Aide to Council, Grade 000E, $1,923.08 bi-weekly, in the Office of the Urban County Council, effective February 4, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security, for extension of the "All Hazards" Disaster Preparedness Plan for the 2010 World Equestrian Games Project 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 Change Order No. One to the contract with Todd Johnson Contracting, for the Coleman House and Ag Extension Office Pump Station Elimination Project, increasing the contract price by the sum of $20,092.05 from $279,367.92 to $299,459.97.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute lease renewals with the Commonwealth of Ky., for the lease of State Police CDL and Drivers License Offices, at no cost to the government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Foundation for Affordable Housing, Inc. ($1,700.00), Retired Professional Football Players of Kentucky, Inc. ($875.00), First Bracktown, Inc. ($1,150.00), Bryan Station Baseball Boosters, Inc. ($250.00), and One World Films, Inc. ($775.00), 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 Lease Agreement with Gary Randolph, for rental of the house at Kearney Hill Golf Course located at 3503 Kearney Rd., for services to be rendered and monthly revenue of $70.24; Edmon Chaney, for rental of the house at Masterson Station Park located at 3401 Shamrock Ln., for services to be rendered and monthly revenue of $294.55; Gary Newman, for rental of the house at Masterson Station Park located at 3561 Shamrock Ln., for services to be rendered and monthly revenue of $313.39; Chris Toutant, for rental of the house at Raven Run located at 5886 Jack's Creek Pike, for services to be rendered and monthly revenue of $173.71; Fred Williams, for rental of the house at Jacobson Park located at 4051 Richmond Rd., for services to be rendered and monthly revenue of $70.24; Jim Holman, for rental of the house at Cardinal Run North located at 2075 Parkers Mill Rd., for services to be rendered and monthly revenue of $355.25; Fred and Brenda Collinsworth, for rental of the house at Hisle Park located at 3601 Briar Hill Rd., for services to be rendered and monthly revenue of $317.98; Mitch Estepp and Hollis Harvill, for rental of the house at Caden Ln. located at 705 Caden Ln., for services to be rendered and monthly revenue of $329.93.

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

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

Aye: Gray, Henson, James, Lane, Lawless,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger, Feigel, Gorton----------------14

Nay: --0

A Resolution of the Lexington-Fayette Urban County Government authorizing the advertisement for bids and the distribution of a Preliminary Official Statement for the purchase of the principal amount of its $70,000,000 Taxable General Obligation Pension Funding Bonds, Series 2009B (which amount may be increased or decreased by an amount of up to ten percent (10%)).

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute five (5) Releases of Easements, releasing a storm easement on property located at 3769 Branham Park and 440 Weston Park, a streetlight easement on property located at 448 Weston Park and 452 Weston Park, a streetlight easement on property located at 456 Weston Park and 460 Weston Park, a streetlight easement on property located at 461 Weston Park and 465 Weston Park, and a streetlight easement on property located at 268 Somersly Place and 272 Somersly Place.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a streetlight easement on property located at 316-320 Silverbell Trace (Sunny Slope Farm).

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 sidewalk easement and a temporary construction easement from James and Linda Godfrey, for the property located at 385 Georgetown St., for the Georgetown St. Sidewalk Project, and authorizing payment in the amount of $100.00, 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 sidewalk easement and a temporary construction easement from James and Linda Godfrey, for the property located at 387

Georgetown St., for the Georgetown St. Sidewalk Project, and authorizing payment in the amount of $100.00, plus usual and appropriate closing costs.

A Resolution amending the Agreement with DRC Emergency Services, LLC, for storm debris cleanup services, by an amount not to exceed an additional $342,000.00 for additional work performed, for a total amount not to exceed $780,000.00, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Agreement with DRC Emergency Services, LLC.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Transportation Cabinet and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $65,000.00 Federal funds, and are for a Safe Routes to School Project, for the Young Men's Christian Association of Central Ky.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a corrected Encroachment Agreement with JDL-Lexington, LLC, to allow encroachment into the right-of-way at 222 W. Vine St., at no cost to the Urban County Government.

* * *

Upon motion of Ms. Gorton, seconded by Mr. Myers, and approved by unanimous vote, a Resolution accepting the bid of Storm Reconstruction Services, Inc., in an amount not to exceed $28,937.50, for storm cleanup services for the Div. of Parks and Recreation in Urban County Council Districts 4 & 5, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Storm Reconstruction Services, Inc., related to the bid was placed on the docket and given first reading.

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

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

Aye: Gray, Henson, James, Lane, Lawless,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger, Feigel, Gorton----------------14

Nay: ---0

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Upon motion of Ms. Gorton, seconded by Mr. Myers, and approved by unanimous vote, a Resolution accepting the bid of Arbor Masters Tree Service, in an amount not to exceed $26,000.00, for storm cleanup services for the Div. of Parks & Recreation in Urban County Council Districts 1 and 11, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Arbor Masters Tree Service, related to the bid was placed on the docket and given first reading.

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

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

Aye: Gray, Henson, James, Lane, Lawless,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger, Feigel, Gorton----------------14

Nay: ---0

* * *

Upon motion of Ms. Gorton, seconded by Mr. Myers, and approved by unanimous vote, a Resolution accepting the bid of Huffman Construction, Inc., in an amount not to exceed $50,000.00, for storm cleanup services for the Div. of Parks and Recreation at Avon, Lakeside, Picadome, and Tates Creek Golf Courses, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Huffman Construction, Inc., related to the bid was placed on the docket and given first reading.

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

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

Aye: Gray, Henson, James, Lane, Lawless,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger, Feigel, Gorton----------------14

Nay: --0

* * *

Upon motion of Ms. Gorton, seconded by Mr. Myers, and approved by unanimous vote, a Resolution accepting the bid of Stewart Contracting, LLC, in an amount not to exceed $39,390.00, for storm cleanup services for the Div. of Parks and Recreation in Urban County Council District 9 and at Meadowbrook Golf Course, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Stewart Contracting, LLC, related to the bid was placed on the docket and given first reading.

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

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

Aye: Gray, Henson, James, Lane, Lawless,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger, Feigel, Gorton----------------14

Nay: --0

* * *

Upon motion of Ms. Gorton, seconded by Mr. Myers, and approved by unanimous vote, a Resolution accepting the bid of Swartz Mowing, Inc., in an amount not to exceed $28,250.00, for storm cleanup services for the Div. of Parks and Recreation in Urban County Council District 2 and at Kearney Hill Golf Course, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Swartz Mowing, Inc., related to the bid was placed on the docket and given first reading.

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

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

Aye: Gray, Henson, James, Lane, Lawless,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger, Feigel, Gorton----------------14

Nay: ---0

* * *

Upon motion of Ms. Gorton, seconded by Mr. Myers, and approved by unanimous vote, a Resolution accepting the bid of DRC Emergency Services, LLC, in an amount not to exceed $177,887.50, for storm cleanup services for the Div. of Parks and Recreation in Urban County Council Districts 3, 6, 7, 8, 10, and 12, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with DRC Emergency Services, LLC, related to the bid was placed on the docket and given first reading.

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

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

Aye: Gray, Henson, James, Lane, Lawless,
Martin, McChord, Myers, Stinnett, Beard,
Blues, Ellinger, Feigel, Gorton----------------14

Nay: ---0

* * *

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

A Resolution accepting the bids of 2 MC Lawncare, LLC; A Plus Lawn and Landscape, Inc.; B J Mowing; Central Kentucky Turf, Inc.; Cut Above, LLC; G & G Lawn Care, LLC; Gainesway Services; Gault’s Lawn Care; Happy’s General Contracting & Maintenance; Hunter’s Lawn Service; J & S Turf Mowing; K and M Mowing, LLC; Landscape Supply and Design; Lexington Turf Maintenance, LLC; McGee Springs, Inc.; Robertson Mowing Service, LLC; Wright’s Farm Services, Inc.; Wright’s Home Improvement & Mowing, LLC; and ZKB Construction, Services, & Maintenance, establishing price contracts for

Mowing - City Areas, Medians, Nuisance and Downtown Parks, for the Div. of Parks and Recreation.

A Resolution accepting the bid of Madrax D/B/A Trilary, Inc., establishing a price contract for Trail Bollards, for the Div. of Parks and Recreation.

A Resolution accepting the bids of Insight Pipe Contracting, Inc.; Insituform Technologies, Inc.; Leak Eliminators, LLC; Pipe Eyes, LLC; Reynolds Inliner, Inc.; Sanitary Management & Engineering Company, Inc.; Tobacco Rose Farm Construction & Development Services; Triton Services, Inc.; Underground Technologies, Inc.; and Woodall Construction, establishing price contracts for sanitary sewer system rehabilitation, for the Div. of Water Quality.

A Resolution accepting the bid of Jarboe Construction, Inc., in the amount of $124,990.00, for the Passenger Elevator at the Carver Community Center, for the Div. of Parks and Recreation, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Jarboe Construction, Inc., related to the bid.

Declaration of Official Intent with respect to reimbursement of temporary advances made for capital expenditures to be made from subsequent borrowings.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Bluegrass Irish Society, Inc. ($400.00), and Oscar’s Gala, Inc. ($700.00), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution approving, pursuant to KRS 62.055 and Section 22-55.1 of the Code of Ordinances, the Bond with Surety of Donald W. Blevins, Jr., Fayette County Clerk, in the amount of $400,000.00, and directing the Dept. of Law to record the Bond, with Surety, along with a certified copy of this Resolution, in the Office of the Fayette County Clerk.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One to the Contract with Gershman, Brickner & Bratton, Inc., for Master Plan Recycling Program, increasing the contract price by the sum of $17,965.00 from $253,601.00 to $271,566.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. Two to the Contract with Bluegrass PRIDE, for environmental public education, increasing the contract price by the sum of $80,000.00 from $257,475.00 to $337,475.00.

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 temporary construction easement from Stonewall Wesleyan Methodist Church, for the property located at 3353 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,300.00, 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 temporary construction easement from Joseph and Margaret Fox, for the property located at 3432 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,000.00, 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 accept a Deed conveying a temporary construction easement from Gretchel and Jane Hignite, for the property located at 3433 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,375.00, 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 temporary construction easement from Helen Latham, for the property located at 3436 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $675.00, 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 temporary construction easement from Donna Rousey, for the property located at 3444 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $975.00, 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 temporary construction easement from David Noyes, for the property located at 3445 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $350.00, 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 temporary construction easement from Joseph Moore, for the property located at 3448 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $725.00, 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 temporary construction easement from Sterling and Rebecca Welch, for the property located at 3449 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,650.00, 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 temporary construction easement from Maryann Terry, for the property located at 3452 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $850.00, 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 temporary construction easement from Cameron and Mary Peck, for the property located at 3453 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,500.00, 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 temporary construction easement from Claudia Johnson and Janet Carter, for the property located at 3456 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $825.00, 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 temporary construction easement from Jack C. Rookard, Jr., for the property located at 3457 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $2,250.00, 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 temporary construction easement from Roger F. Owens, for the property located at 3460 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $675.00, 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 temporary construction easement from Roy Prater, for the property located at 3464 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $600.00, 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 temporary construction easement from John J. Riley, for the property located at 3465 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,550.00, 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 temporary construction easement from Dianne and John Gerstel, for the property located at 3468 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $650.00, 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 temporary construction easement from Zach and Linda Carter, for the property located at 3469 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $3,125.00, 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 temporary construction easement from Damien and Cathleen Moore, for the property located at 3470 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $600.00, 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 temporary construction easement from Evelyn Napier, for the property located at 3473 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,575.00, 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 temporary construction easement from Criss R. and Rebecca A. Chancellor, for the property located at 3506 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,050.00, 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 temporary construction easement from Maurice and Deborah Reed, for the property located at 3510 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $3,975.00, 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 temporary construction easement from Rose Grider, for the property located at 3514 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $1,400.00, 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 temporary construction easement from David and Sandra Evans, for the property located at 3561 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $575.00, plus usual and appropriate closing costs.

A Resolution ratifying the probationary civil service appointments of: Diana Caldwell, Social Worker Sr., Grade 113E, $1,282.24 bi-weekly, in the Dept. of Social Services, effective November 24, 2008, Angela Williams, Social Worker Sr., Grade 113E, $1,580.96 bi-weekly, in the Div. of Youth Services, effective March 2, 2009, Christopher Cooperrider, Deputy Director of Parks & Recreation, Grade 120E, $3,299.44 bi-weekly, in the Div. of Parks and Recreation, effective March 2, 2009, Letitia Chancellor, Telecommunicator Sr., Grade 113N, $16.961

hourly, in the Div. of Emergency Management/911, effective March 16, 2009, Thomas Webb, Program Manager Sr., Grade 120E, $2,919.93 bi-weekly, in the Div. of Environmental Policy, effective March 2, 2009, Monica Taylor, Telecommunicator Sr., Grade 113N, $17.036 hourly, in the Div. of Emergency Management/911, effective March 16, 2009, Sondra Stone, Buyer, Grade 112E, $1,595.12 bi-weekly, in the Div. of Purchasing, effective March 2, 2009, Jenny Cord, Telecommunicator Sr., Grade 113N, $19.098 hourly, in the Div. of Emergency Management/911, effective March 2, 2009; ratifying the permanent civil service appointments of: Thad Scott, Engineering Technician, Grade 111N, in the Div. of Water Quality, effective February 18, 2009, Byron Mitchell, Engineering Technician, Grade 111N, in the Div. of Water Quality, effective February 4, 2009, Amanda Williamson, Customer Service Specialist, Grade 110N, in the Div. of Government Communications, effective February 19, 2009; ratifying the permanent sworn appointments of: Reid Bowles, James Boyd, William Deeb, David Fetko, Aaron Greenleaf, Anthony Guidugli, Joseph Holland, Brian McAllister, Jervis Middleton, Joshua Mitchell, Adam Ray, Justin Rowland, Derek Smith, Gary Thurman, Jason Wallace, Police Officer, Grade 311N, in the Div. of Police, effective January 9, 2009; ratifying the probationary Community Corrections Officer appointments of: Mackenzie Moses, Christopher Layne, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective February 18, 2009; ratifying the permanent Community Corrections Officer appointments of: Stanley Anderson, David Brian, Christopher Canter, Stephanie Doss, Paul Gaines, John Gerardi, James Harmon, Adam Hires, Michele Hunt, Daniel Keeling, Kevin Lawson, Bane McCracken, Daniel Pedigo, Ann Schultz, Richelle Walker, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 1, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Oracle License and Service Agreement and any other related documents with Oracle and/or Metaformers, Inc., for acquisition of PeopleSoft Enterprise Real Estate Management and Enterprise Transaction

Billing Processor licenses, updates, and support, at a cost not to exceed $43,422.86.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (Final) to the Contract with Meyer Midwest, Inc., for the Elizabeth St. Drainage Improvements Project, increasing the contract price by the sum of $10,609.24 from $296,835.50 to $307,444.74.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract with the Lexington Legends Professional Baseball Club, for public education about stormwater and household waste management required by the Stormwater Quality Management Program, at a cost not to exceed $37,500.00.

A Resolution recognizing the disproportionate confinement of juvenile members of minority groups and stating the Urban County Council's support of efforts to reduce disproportionate minority confinement, the collection and aggregation of data by law enforcement agencies, and the continued funding of delinquency and crime prevention programs and alternatives to secure detention.

A Resolution authorizing the Div. of Human Resources to internally advertise for an Administrative Specialist Principal position in the Div. of Police.

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 sidewalk easement and a temporary construction easement from Geoffrey and Ingrid Grimes, for the property located at 325 Roosevelt Blvd., for the Georgetown St. Sidewalk Project, and authorizing payment in the amount of $150.00, 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 temporary construction easement from Brian A. and Kelly R. Miller, for the property located at 3440 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $725.00, 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 temporary construction easement from Unitarian Universalist Church of Lexington, for the property located at 3564 Clays Mill Rd., for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $8,850.00, 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 temporary construction easement from Robert and Rita Schara, for the property located at 664 Cromwell Way, for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $4,575.00, 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 temporary construction easement from Charles Watson and Catherine Prather, for the property located at 665 Cromwell Way, for the Clays Mill Rd. Improvement Project, and authorizing payment in the amount of $2,025.00, plus usual and appropriate closing costs.

A Resolution amending Section E of the Engineering Services Contract with Kinzelman, Klein and Gossman, LLC, for the Downtown Streetscape Masterplan to include two (2) additional traffic engineering services, increasing the contract price by the sum of $88,000.00.

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The following communications were received from the Mayor for information only: (1) Resignation of Steve Arnett, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective January 14, 2009, (2) Resignation of Daniel Keeling, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective March 4, 2009; (3) Resignation of William McCann, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective February 9, 2009; (4) Reinstatement of Bradley Chaney, Police Officer, Grade 311N, $19.117 hourly, in the Div. of Police, effective February 2, 2009; (5) Temporary Civil Service Appointment of Chester Kiehl, Administrative Specialist Principal, Grade 114E, $1,958.00 bi-weekly, in the Div. of Police, effective January 19, 2009 through April 18, 2009; (6) Temporary Civil Service Appointment of Theron Stephens, Sewer Line Maintenance Superintendent, Grade 116E, $2,142.92 bi-weekly, in the Div. of Water Quality, effective January 19, 2009 through April 18, 2009; and (7) Temporary Civil Service Appointment of Kevin Kewins, Public Service Supervisor Sr., Grade 114E, $1,641.38 bi-weekly, in the Div. of Parks and Recreation, effective December 18, 2008 through March 18, 2009.

* * *

Ms. Feigel stated that there was a meeting of the Chevy Chase Merchants Association scheduled for March 9, 2009, at 6:30 p.m., at Buddy's, to discuss the parking situation in Chevy Chase.

* * *

Mr. Bernard McCarthy, Harry Street, stated his concerns about streetscape projects. He also spoke about whether the gasoline tax should be replaced with an odometer tax.

* * *

Mr. Eric Patrick Marr, Cassidy Avenue, gave a presentation on transforming Lexington's economy. He spoke about indicators of economic development in the community, including stormwater fees, local layoffs, home sales, and Main St. Stimulus projects.

Mr. Ellinger made a motion, seconded by Ms. Feigel, to approve an additional two minutes. The motion passed by a vote of 11-3 (Lane, Blues, and Stinnett voted no).

Mr. Marr continued his presentation with information about the economy of Austin, Texas, and recommendations for Lexington's economy.

* * *

Police Commander Robert Stack stated that Detective Keith J. Ford has committed the offense of Improper Use of Division-Owned Vehicle, in violation of KRS 95.450 and General Order 73-2/H, Section 1.13, Operation of Vehicles, in that on various days of August-December, 2008, he used his Division-issued vehicle to travel to Morehead, Kentucky and other areas within the State of Kentucky but outside Fayette County on approximately six occasions without prior authorization from his Sector/Unit Commander, as required by General Order 73-3/M, Operation and Maintenance of Home Fleet Vehicles, Section G – Out-of-County Use of Police Vehicles, Sub-Section 1(a), and that the appropriate punishment for this conduct is a Written Reprimand and loss of home fleet privileges for sixty days.

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

* * *

Fire Chief Robert Hendricks stated that Firefighter Robert Smith has committed the offense of being absent without leave from regularly scheduled work hours, in violation of KRS 95.450 and Policy Statement 100.09, in that on the 21st day of December, 2008, he was absent without leave from work for forty-five minutes and exhibited 'failure to notify the appropriate Shift/Bureau Commander more than thirty minutes after the start of the shift,' and that the appropriate punishment for this conduct is a Written Reprimand.

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

* * *

Fire Chief Robert Hendricks stated that Firefighter Jeff Nally has committed the offense of being absent without leave from regularly scheduled work hours and conduct unbecoming an officer, in violation of KRS 95.450 and Policy Statement 100.09, in that on the 3rd day of December, 2008, he was absent without Leave from work for 2.5 hours and exhibited 'failure to notify the appropriate Shift/Bureau Commander more than thirty minutes after the start of the shift', and he was arrested, charged and convicted of D.U.I. (off duty), and that the appropriate punishment for this conduct is a Written Reprimand for the A.W.O.L., and a twenty-four hour suspension without pay for the D.U.I.

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

* * *

Upon motion of Mr. Myers, seconded by Ms. Gorton, and approved by unanimous vote, the Council adjourned at 8:30 p.m.

Clerk of the Urban County Council