Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky April 9, 2009

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on April 9, 2009 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Lane, Martin, McChord, Myers, Stinnett, Beard, Blues, Ellinger, Feigel, Gorton, Gray, Henson and James. Absent were Council Members Crosbie and Lawless.

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

Ordinances No. 35-2009 thru 40-2009 inclusive and Resolutions No. 206-2009 thru 246-2009 inclusive were reported as having been signed and published, and were ordered to record.

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky April 9, 2009

The Invocation was given by Pastor Chad Mondragon, Providence Community Baptist Church.

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Upon motion of Ms. Gorton, seconded by Mr. Martin, and passed by majority vote (Mr. Gray was absent when the vote was taken.), the Minutes of the October 28, November 6 and 20, and December 4 and 9, 2008 Council Meetings were approved.

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

Aye: Lane, Martin, McChord, Myers, Stinnett,
Beard, Blues, Ellinger, Feigel, Gorton,
Gray, Henson, James---------------------------13

Nay: ---0

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a High Density Apartment (R-4) zone for 0.08 net (0.09 gross) acre; and from a Planned Neighborhood Residential (R-3) zone with conditional zoning restrictions to a High Density Apartment (R-4) zone, for 0.35 net (0.40 gross) acre, for property located at 852 Campbell Ln., subject to certain use restrictions imposed as conditions of granting the zone change (RML Construction, RLLP (AMD.)).

An Ordinance changing the zone from a Single Family Residential (R-1B) zone to a Light Industrial (I-1) zone, for 1.16 net (1.26 gross) acres, for property located at 550 and 560 Stone Rd., subject to certain use restrictions imposed as conditions of granting the zone change (Property Partners, LLC).

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Remotec, Inc., a sole source provider, for hybrid radio assembly and foldable video antenna assembly, at a cost not to exceed $55,307.00, and appropriating funds pursuant to Schedule No. 119.

An Ordinance amending Section 22-5(2) of the Code of Ordinances creating two (2) temporary positions of Staff Assistant Sr., Grade 108N, for a term of three (3) years beginning March 1, 2009 and ending April 1, 2012, in the Div. of Water Quality, and appropriating funds pursuant to Budget Schedule No. 120.

An Ordinance reclassifying Donald Bowman from Treatment Plant Operator-Apprentice, Grade 107N, to Treatment Plant Operator, Grade 113N, in the Div. of Water Quality, to become effective retroactive to December 22, 2008; and pursuant to Ordinance No. 197-2002, adjusting the salaries of three (3) employees in the Div. of Water Quality, after review pursuant to the Pay Equity Ordinance, to become effective retroactive to December 22, 2008; and appropriating funds pursuant to Budget Schedule No. 121.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of Human Resources Analyst, Grade 115E and creating one (1) position of Total Rewards Assistant, Grade 112N, in the Div. of Human Resources and appropriating funds pursuant to Schedule No. 122.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which Grant funds are in the amount of $372,300.00 Federal funds, are for continuation of the Chemical Stockpile Emergency Preparedness Program (CSEPP), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 124, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance accepting the bid of Elza Construction, LLC, in the amount of $540,335.25, for demolition and site preparation for the construction of single family homes, for the Office of the Mayor, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Elza Construction, LLC, related to the bid and appropriating funds pursuant to Schedule No. 125.

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. 126.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of $324,000.00 Commonwealth of Ky. Funds, are for the Intelligent Transportation System/Congestion Management System (ITS/CMS) Traffic Improvement Project, the acceptance of which obligates the Urban County Government for the expenditure of $81,000.00 as a local match, appropriating funds pursuant to Schedule No. 127, 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 Modification to Agreement with the Ky. Office of Homeland Security, for the purchase of related equipment for the Total Containment Vessel, at no cost to the Urban County Government, and appropriating funds pursuant to Schedule No. 123.

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

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit the 2009 Consolidated Plan/Grant Application to the U.S. Dept. of Housing and Urban Development, to provide any additional information requested in connection with this Grant application, and to accept the Grant if the application is approved, which Grant funds are in the amount of $3,508,440.00 Federal funds, are for FY2010 Community Development Block Grant Program ($2,045,837.00), HOME Program ($1,357,050.00), Emergency Shelter Grant Program ($91,408.00), and the American Dream Down Payment Initiative ($14,145.00), the acceptance of which obligates the Urban County Government for the expenditure of $319,337.00 from various funding sources as local cash match and $67,408.00 in-kind match;

appropriating funds pursuant to FY2010 Schedule No. 1; authorizing the Mayor to transfer unencumbered funds within the Grant budget; and authorizing the Mayor to execute Agreements for the approved plan.

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. 128.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Office of Homeland Security, which Grant funds are in the amount of $337,000.00 Federal funds, are for the purchase of explosive device mitigation and remediation equipment, for the Div. of Police's Bomb Squad, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 129, 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 an Amendment to the Agreement with the Ky. Transportation Cabinet, for acceptance of additional Federal funds in the amount of $156,000.00, for the Air Quality Planning Project ($54,000.00) and the Mobility Coordination Project ($102,000.00), the acceptance of which obligates the Urban County Government for the expenditure of $39,000 as a local match, and extending the projects through June 30, 2010, and appropriating funds pursuant to FY2010 Schedule No. 2.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Board of Emergency Medical Services, which Grant funds are in the amount of $10,169.49 Commonwealth of Ky. funds, are for the purchase of a Gilderscope Ranger Intubation Device, for the Div. of Fire and Emergency Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2010 Schedule No. 3, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

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A Resolution ratifying the probationary civil service appointments of: Darryl Clay, Public Service Supervisor, Sr., Grade 114E, $1,605.44 bi-weekly, in the Div. of Waste Management, effective March 30, 2009; Bill Warren, Jr., Engineering Technician Sr., Grade 113E, $1,981.20 bi-weekly, in the Div. of Water Quality, effective April 13, 2009; James Worten, Jr., Plant Operations Supervisor Sr., Grade 118E, $2,182.80 bi-weekly, in the Div. of Water Quality, effective March 30, 2009; ratifying the permanent civil service appointment of: Jill Wilson, Recreation Specialist Sr., Grade 113E, in the Div. of Parks and Recreation, effective February 27, 2009; ratifying the probationary sworn appointments of: Christopher Sweat, Fire Captain, Grade 316N, in the Div. of Fire and Emergency Services, effective February 13, 2009, Christian Ulrich, Fire Lieutenant, Grade 315N, in the Div. of Fire and Emergency Services, effective February 13, 2009, Mark Brown, Fire Captain, Grade 316N, in the Div. of Fire and Emergency Services, effective March 10, 2009, Chris Bartley, Fire Lieutenant, Grade 315N, in the Div. of Fire and Emergency Services, effective March 10, 2009; approving the unclassified civil service appointments of: Adam Clary, Deputy Coroner, Grade 112E, $14.554 hourly, in the Office of the Coroner, effective March 30, 2009, Conni Hayes, Staff Assistant Sr., Grade 108N, $13.000 hourly, in the Office of the Coroner, effective March 30, 2009 was on the docket for second reading.

Ms. Henson made a motion, seconded by Mr. Lane, and approved by unanimous vote, to amend the resolution to change the sworn appointments from ratifying probationary sworn appointments to ratifying permanent sworn appointments, and that this was a material change and would require new first reading.

A Resolution ratifying the probationary civil service appointments of: Darryl Clay, Public Service Supervisor, Sr., Grade 114E, $1,605.44 bi-weekly, in the Div. of Waste Management, effective March 30, 2009; Bill Warren, Jr., Engineering Technician Sr., Grade 113E, $1,981.20 bi-weekly, in the Div. of Water Quality, effective April 13, 2009; James Worten, Jr., Plant Operations Supervisor Sr., Grade 118E, $2,182.80 bi-weekly, in the Div. of Water Quality, effective March 30, 2009; ratifying the permanent civil service appointment of: Jill Wilson, Recreation Specialist Sr., Grade 113E, in the Div. of Parks and Recreation, effective February 27, 2009; ratifying the permanent sworn appointments of: Christopher Sweat, Fire Captain, Grade 316N, in the Div. of Fire and Emergency Services, effective February 13, 2009, Christian Ulrich, Fire Lieutenant, Grade 315N, in the Div. of Fire and Emergency Services, effective February 13, 2009, Mark Brown, Fire Captain, Grade 316N, in the Div. of Fire and Emergency Services, effective March 10, 2009, Chris Bartley, Fire Lieutenant, Grade 315N, in the Div. of Fire and Emergency Services, effective March 10, 2009; approving the unclassified civil service appointments of: Adam Clary, Deputy Coroner, Grade 112E, $14.554 hourly, in the Office of the Coroner, effective March 30, 2009, Conni Hayes, Staff Assistant Sr., Grade 108N, $13.000 hourly, in the Office of the Coroner, effective March 30, 2009 was given new first reading as amended.

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

Aye: Lane, Martin, McChord, Myers, Stinnett,
Beard, Blues, Ellinger, Feigel, Gorton,
Gray, Henson, James---------------------------13

Nay: ---0

* * *

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

Aye: Lane, Martin, McChord, Myers, Stinnett,
Beard, Blues, Ellinger, Feigel, Gorton,
Gray, Henson, James---------------------------13

Nay: ---0

A Resolution accepting the bid of KIMCO, establishing a price contract for custodial services at the Operation Adjustment Center, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of KOI Auto Parts, establishing a price contract for truck and automobile batteries, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Education Remedies, Inc., establishing a price contract for custodial services - Police Headquarters, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Education Remedies, Inc., establishing a price contract for custodial services - Phoenix Building, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Education Remedies, Inc., establishing a price contract for custodial services - Streets Roads and Forestry, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bids of G & G Paving & Construction, Inc., in the amount of $37,100.00, and Asphalt Paving & Maintenance, Inc., in the amount of $5,750.00, for Valley Park Parking Renovation, for the Div. of Parks and Recreation, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with G & G Paving, Inc., and Asphalt Paving & Maintenance, Inc., related to the bids.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Sherry Guiler, as a Sexual Assault Nurse Examiner, to provide on-call forensic examinations under the Sexual Assault Nurse Examiner Program, at a cost not to exceed $40.00 for each scheduled on-call period, $230.00 for each completed forensic examination, $50.00 per case for professional testimony in court, and the reasonable cost of medical liability insurance.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Lease with Baesler Farms, to amend the lease for mowing at Haley Pike Landfill to also permit the planting of tobacco, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. League of Cities and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $922.50 under the 2009 Safety and Liability Grant Program, and are for the purchase of personal protective safety jackets for traffic technicians, for the Div. of Traffic Engineering.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Bluegrass Youth for Christ, Inc. ($360.00), 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 a Certificate of Consideration and accept a Deed for the property located at 272 Derby Dr. from Erik Miller, for the Derby Dr. Storm Water Improvement Project, and authorizing payment in the amount of $118,300.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with the Fayette County Board of Education, for use of the Sandersville Elementary Gym, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with the Fayette County Board of Education, for use of the Cardinal Valley Elementary Gym, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Farm and Garden Market Cooperative Association, Inc., D/B/A Lexington Farmers' Market, for the management of the Lexington Farmers' Market in downtown Lexington.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Designation of Applicant's Agent Resolution designating Acting Commissioner of Finance William O'Mara as the Urban County Government's authorized agent for the purpose of obtaining certain federal financial assistance under the Disaster Relief Act or the President's Disaster Relief Fund.

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

Fayette County Parking Authority, for office space for the Parking Authority in the Phoenix Building, at an annual rental rate of $4,500.00 to be paid by the Parking Authority to the Urban County Government.

A Resolution recognizing the 2010 World Equestrian Games as a local celebration such that related decorations or displays are generally exempted, pursuant to Section 17-2(e) of the Zoning Ordinance, Lexington-Fayette Urban County Government, from the provisions of Article 17 of the Zoning Ordinance, and establishing guidelines for use by the Lexington-Fayette Urban County Government in determining whether such a decoration or display by a business is exempt.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Commitment Card to join the Waste Buster Recycling Program with Bluegrass PRIDE, for promotion of recycling, at no cost to the Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a State Funded Memorandum of Agreement with the Commonwealth of Ky., Energy and Environment Cabinet, for the Waste Tire Amnesty Program, providing for the reimbursement in an amount not to exceed $100,000.00 from the Waste Tire Trust Fund.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Contract Modification (#1) to the Engineering Services Agreement with Strand Associates, Inc., for design of the salt barn at 5680 Athens-Boonesboro Rd., at a cost not to exceed $15,000.00.

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 permanent drainage easement from Arthur and Linda Blanton, for the property located at 404 Shawnee Ave., for Phase 3C of the Meadows-Northland-Arlington Neighborhood 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 permanent sidewalk easement from Lones and Marian Wells, Jr., for the property located at 462 Shawnee Ave., for Phase 3C of the Meadows-Northwood-Arlington Neighborhood Improvement 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 permanent sanitary sewer and temporary construction easements from Merv Properties, LLC, for the property located at 1211 Manchester St., for the North Elkhorn Force Main Project, and authorizing payment in the amount of $9,625.00, plus usual and appropriate closing costs.

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with the Lexington Center Corporation, for the Celebration of Disabilities Expo, at a cost not to exceed $950.00 was given first reading.

Upon motion of Ms. James, and seconded by Ms. Gorton, the rules were suspended by unanimous vote.

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

Aye: Lane, Martin, McChord, Myers, Stinnett,
Beard, Blues, Ellinger, Feigel, Gorton,
Gray, Henson, James---------------------------13

Nay: ---0

* * *

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

A Resolution accepting the bid of A & B Industrial Sheet Metal, in the amount of $19,915.00, for Rooftop Make-Up Air Unit Replacement, for the Div. of Water Quality.

A Resolution accepting the bid of Jack Doheny Supplies, Inc., in the amount of $319,400.00, for 15 Cubic Yard Combination Sewer Cleaner, for the Div. of Water Quality.

A Resolution accepting the bid of Jack Doheny Supplies, Inc., in the amount of $224,200.00, for 3 Cubic Yard Combination Sewer Cleaner, for the Div. of Water Quality.

A Resolution accepting the bid of Spectrum Contracting Services, in the amount of $129,444.00, for the Castlewood Park Picnic Shelter and Restroom Building, 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 Spectrum Contracting Services, related to the bid.

A Resolution accepting the bid of Boerger, LLC, in the amount of $34,422.00, for Secondary Digester Transfer Pumps, for the Div. of Water Quality.

A Resolution ratifying the probationary civil service appointments of: Dolores Couch, Eligibility Counselor, Grade 110E, $1,235.52 bi-weekly, in the Div. of Adult Services, effective April 20, 2009, Stacy Jacobs, Computer Analyst, Grade 115E, $1,973.84 bi-weekly, in the Div. of Computer Services, effective April 6, 2009, John Angel, Public Service Supervisor, Grade 111N, $19.104 hourly, in the Div. of Water Quality, effective April 13, 2009, La'Yvonne Sensabaugh, Social Worker Sr., Grade 113E, $1,613.28 bi-weekly, in the Div. of Youth Services, effective April 13, 2009; ratifying the permanent civil service appointment of: Shaun Gatewood, Public Service Worker Sr., Grade 107N, in the Div. of Streets, Roads & Forestry, effective April 6, 2009; ratifying the unclassified civil service appointment of: Gary Gardner, Construction Supervisor, Grade 118E, $2,898.48 bi-weekly, in the Div. of Waste Management, effective March 23, 2009; approving the unclassified civil service appointment to the Office of the Urban County Council: Diana Queen, Aide to Council, Grade 000E, $2,038.47 bi-weekly, in the Office of the Urban County Council, effective April 1, 2009.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation from Ky.'s Div. of Emergency Management of 20 Suction Quickdraw with rechargeable batteries, for use at the

Div. of Fire and Emergency Services, 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 the Ky. Transportation Cabinet, for extension of the South Limestone Multimodal Traffic Study Project through June 30, 2010, 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 Certificate of Consideration and accept a Deed conveying a greenway from Boston Rd. Development, LLC, for property located at 3881 Dylan Pl., 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 the Ky. Transportation Cabinet, for extension of the Traffic Signal Upgrades and Traffic Control Projects through June 30, 2010, at no cost to the Urban County Government.

A Resolution ratifying the Dept. of Law's execution, on behalf of the Urban County Government, of a Settlement Agreement, Stipulation and Recommendation, and any other necessary settlement documents in Ky. Public Service Commission Case No. 2008-00427, pertaining to the rates of Ky.-American Water Company.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Understanding with Windstream Ky. East LLC, for the Downtown Lexington Streetscape Project, at a cost not to exceed $41,918.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Certificates of Consideration and other necessary documents, for property interests for the Sugar Mill Mitigation Project, at a cost not to exceed $411,520.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Lafayette High School

Baseball Boosters, Inc. ($200.00), Black Church Coalition of the Bluegrass, Inc. ($1,450.00), and Iglesia Nueva Vida, Inc. ($500.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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Upon motion of Ms. Gorton, seconded by Ms. Henson, and passed by unanimous vote, the communications from the Mayor were approved and are as follows: (1) recommending the appointment of Ms. Mary H. Witt to the Agricultural Extension District Board, with a term to expire 1-1-2012. Ms. Witt will fill the expired term of Ms. Debbie Rice; (2) recommending the appointments of Ms. Karla R. Groves, Ms. Yavaletta K. Cooper, and Dr. James Templin to the Court Appointed Special Advocates (CASA), with terms to expire 6-11-2010. Also, recommending the reappointment of Ms. Jane H. Bennington to the Court Appointed Special Advocates (CASA), with a term to expire 6-11-2010; (3) recommending the appointment of Ms. Guadalupe A. Mejia to the Environmental Commission, as 2nd District Representative, with a term to expire 10-1-2013; (4) recommending the appointment of Mr. Arthur Wrobel to the Greenspace Commission, as Conservation/Environmental Community Representative, with a term to expire 7-18-2011; and (5) recommending the reappointment of Ms. Karen W. Angelucci to the Tree Board, with a term to expire 4-19-2013.

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The following communications were received from the Mayor for information only: (1) Resignation of Christine Meyer, Hostler, Grade 104N, in the Div. of Police, effective April 12, 2009; and (2) Resignation of Meagan Taylor, GIS Specialist, Grade 114N, in the Div. of Computer Services, effective March 27, 2009.

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Fire Chief Robert Hendricks, Div. of Fire and Emergency Services, stated that Firefighter Robert Smith has committed the offense of Being Absent Without Leave from required Pre-Disciplinary Review Board hearing, in violation of KRS 95.450 and Policy Statement 100.09 Article 20 (7) Collective Bargaining Agreement, in that on the 30th day of January, 2009, he was absent without Leave for a hearing for the charge of A.W.O.L. which resulted in the 2nd offense of being A.W.O.L., and that the appropriate punishment for this conduct is a 72 hour suspension without pay and mandatory completion of counseling through the Employee Assistance Program to help with issues related to attendance and punctuality.

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

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Captain John Dixon, Div. of Police, stated that Officer David Loy Lunsford has committed the offense of Failure to Report for Duty & Failure to Make Notification to Supervisor in violation of KRS 95.450 and General Order 73-2/H, Section 1.08, Reporting For Duty, in that on the 4th day of January, 2009 he was assigned to the Bureau of Administration on a light duty status due to a work-related injury. Officer Lunsford was assigned under the supervision of Sergeant J. Decker and was placed in a position of Teleserve while on light duty status. On January 4, 2009, Officer Lunsford was scheduled to work a 10-hour shift from 0700-1700 hours. On this date, he neglected to report for duty and also failed to contact a supervisor which is a requirement of General Order 92-7/B, Section IV, H6(a). He was contacted at approximately 1300 hours by Sergeant May who was made aware of his failure to report to his Teleserve assignment. At that time, Officer Lunsford provided no excuse and/or explanation for his absence. Since that date, he has forwarded a memorandum which documents that he was aware of his Teleserve assignment on January 4, 2009 from 0700-1700 hours and acknowledges his failure to report for duty and failure to make notification to his supervisor. Officer Lunsford's memorandum also documents that he was unable to provide a reason for his failures to report for duty and to contact a supervisor with the exception that he indicates he was not mentally fit to perform his duties, and that the appropriate punishment for this conduct is 80 Hours Suspension Without Pay.

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

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Mayor Newberry announced that the Neighborhood Leaders Forum would be held on Thursday, April 16, 2009 from 5:30 p.m. to 9:00 p.m., in the third floor community room of the Phoenix Building. He stated that the evening would start with a tour of the Traffic Management Center, and that light refreshments would be served.

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Ms. Gorton announced that the report of the Storm Water Fee Task Force had been distributed to Council Members, and that it would be available to the public beginning Friday, April 10, 2009.

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Mr. Bernard McCarthy, Harry Street, stated his concerns about Downtown Development and the proposed Downtown Streetscape project.

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Upon motion of Mr. Stinnett, seconded by Ms. Henson, and approved by unanimous vote, the meeting adjourned at 7:37 p.m.

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Clerk of the Urban County Council