

Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky June 7, 2012

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on June 7, 2012 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Ford, Gorton, Henson, Kay, Lane, Lawless, Martin, Myers, Stinnett, Beard, Blues, Crosbie, Ellinger and Farmer. Absent was Council Member McChord.

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

Resolutions No. 247-2012 thru 286-2012, and Ordinances No. 58-2012 thru 67-2012, inclusive were reported as having been signed and published, and ordered to record.

Lexington-Fayette Urban County Government Council Meeting

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The Invocation was given by Father Thomas Gallaway, Pastor of St. Andrew Orthodox Church.

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Upon motion of Mr. Blues, seconded by Ms. Crosbie, the Minutes of the January 12, 24 (11:30 a.m.), 24 (6:00 p.m.), and 26, February 16 and 23, and March 8, 2012 Council Meetings were approved by unanimous vote.

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The Mayor congratulated Ms. Meredith Nelson, Deputy Clerk of the Urban County Council, on her induction into Beta Phi Mu, Library and Information Science Honor Society.

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The Mayor congratulated Coach Kathy Broadnax and the Bryan Station High School Track and Field team on their state championship. Mr. Stinnett joined the Mayor in recognizing the team. The Mayor proclaimed June 7, 2012, as Bryan Station Track and Field Day in Lexington.

Coach Kathy Broadnax thanked the Mayor and Council for the recognition, and spoke about the team. She introduced her Assistant Coaches, Ms. Christina Coleman and Mr. Donnie Catlett, and those members of the team in attendance: Mr. Woody LaPierre, Mr. Devin Thomas, Mr. Tre Duncan, Mr. Benito Botaka, Mr. Clarke Blackburn, Mr. Jacob McLimore, Mr. Corey Williams, Mr. Ishmael Webb, Mr. Bolaji Ogbulu, and Mr. John Rhodes.

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Mr. Ellinger introduced Mr. Jon Woodall, who spoke about a new event that he has organized with the Lexington Cancer Foundation called 'Roll for the Cure.' He spoke about the event, which is to take place August 24 - 25, 2012, in Lexington.

Mr. Woodall introduced Ms. Kristi Martin of the Lexington Cancer Foundation, who had been instrumental in planning the event. He invited interested citizens to visit www.lexingtonfoundation.org and to go to the Roll for the Cure link.

Mr. Ellinger made additional comments, and encouraged everyone's participation.

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An Ordinance of the Lexington-Fayette Urban County Government authorizing the issuance of its Industrial Building Revenue Bonds, Series 2012 (Transylvania University Project) in an aggregate principal amount not to exceed \$10,350,000, and the loan of the proceeds thereof to Transylvania University for the purpose of financing various 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 on the docket for second reading with a public hearing being held.

The Mayor opened the public hearing. There being no citizens to speak, the Mayor closed the hearing.

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

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

Nay: -----0

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

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

Nay: -----0

An Ordinance amending Ordinance No. 37-2012, relating to the creation of the Dept. of Planning, Preservation and Development, to correct a typographical error in Section 4 to reflect the correct number of staff assistant positions.

An Ordinance amending Section 21-5(2) of the Code of Ordinances, abolishing one (1) position of HCM Manager Enterprise Solutions, Grade 119E and creating one

(1) position of Information Systems Service Level Manager, Grade 121E in the Div. of Enterprise Solutions.

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. 71.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$2,000 in the Div. of Code Enforcement from the Neighborhood Development funds for sidewalk repair and replacement match grant fund for property owners in the Fourth Council District, and appropriating and re-appropriating funds, Schedule No. 72.

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An Ordinance amending Section 24-51 of the Code of Ordinances relating to inmate medical fees to increase the co-payment an inmate pays for medical care from five dollars (\$5.00) to fifteen dollars (\$15.00), to require an inmate to pay the cost of prescription medication if the prescription is fourteen dollars and ninety-nine cents (\$14.99) or less and to pay a co-payment of fifteen dollars (\$15.00) if the prescription costs more than fourteen dollars and ninety-nine cents (\$14.99), to include a booking fee of thirty-five dollars (\$35.00), and to provide that any fees received shall be used to help offset the costs of operating the detention center was on the docket for first reading.

The following citizens spoke against the proposed ordinance: (1) Mr. Anthony Everett, Beasley Street, Human Rights Commissioner; (2) Mr. Brannon Dunn, Red Clover Lane; (3) Mr. Damon Muhammad, Polk Lane; (4) Mr. James Mason, Lexington; (5) Ms. Joy Berry, Shannon Court; (6) Mr. Corey Dunn, Pimlico Parkway, who passed out a letter to the Council addressed to Mr. Rodney Ballard, Director of Community Corrections; and (7) Dr. Jacobi Williams, Magnolia Gardens Place.

The Mayor thanked everyone for sharing their points of view and spoke about the process for enacting the ordinance.

Ms. Lawless asked that the following information be provided before there is a vote on passage of the ordinance: data on the markup on commissary items at the Detention Center, data on the average amount of money available in inmates'

commissary accounts, and what items the inmates are required to pay for out of that account.

Ms. Gorton reminded the Council there was a workshop scheduled for June 19, 2012, at 9:00 a.m. in order to discuss the issue.

Mr. Ford asked about economic considerations in enacting the ordinance, and stated that the comments from the public on social justice had been valuable. He said he looked forward to attending the workshop on June 19th.

Mr. Ford made a motion, seconded by Mr. Beard, to table the ordinance until after the workshop to be held on June 19, 2012.

Ms. Gorton asked a technical question of the Div. of Budgeting, about whether the ordinance needed to be enacted before the end of the fiscal year. Ms. Elizabeth McGee, Div. of Budgeting, stated that a budget amendment could come forward later.

The motion to table **passed** by a majority vote of 11-2 (Mr. Lane and Mr. Blues voted no, and Ms. Crosbie was absent when the vote was taken).

Ms. Henson stated that she had a list of questions that she wanted to send to Mr. Clay Mason, Commissioner of the Dept. of Public Safety, and Mr. Rodney Ballard, Director of the Div. of Community Corrections, before the June 19 workshop.

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An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 73 was on the docket for first reading.

Ms. Gorton made a motion, seconded by Mr. Farmer, to amend the ordinance to add budget amendments to provide funds for various divisions, and that it was necessary to walk on these items to get two readings during Fiscal Year 2012.

Mr. Stinnett made a motion, seconded by Mr. Farmer, and approved by unanimous vote, to amend Ms. Gorton's motion to include Budget Journal 4271.

Ms. Gorton's motion passed by unanimous vote.

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 73 was given first reading as amended and ordered placed on file two weeks for public inspection.

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

An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of \$750 for the Div. of Parks and Recreation from Neighborhood Development Funds for the Better Bites Concessions Program, and appropriating and re-appropriating funds, Schedule No. 75.

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

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Upon motion of Mr. Ellinger, seconded by Ms. Henson, and approved by a majority vote of 13-1 (Ms. Crosbie voted no), the following ordinances were placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

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

cancellation or termination; penalties for violations; and bid requirements; all effective on date of passage.

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

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Upon motion of Mr. Stinnett, seconded by Mr. Blues, and approved by a majority vote of 13-1 (Ms. Lawless voted no), an Ordinance amending Section 13-13(b) of the Code of Ordinances related to special fees to add a Scrap Metal Dealer's License at \$500 per year was placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

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

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

Nay: -----0
(Mr. Ford recused himself when the vote was taken.)

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Eighth Amendment to Agreement with AmeriNational Community Services, Inc., for loan servicing for the HOME and CDBG Housing Rehabilitation and Homeownership Programs to extend the agreement through June 30, 2014, at an additional cost not to exceed \$60,000.

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

Development Corporation, for transfer of properties located at 440 and 445 Chestnut St., acquired under the Neighborhood Stabilization Program, for rehabilitation and construction by the Corporation for rental housing for low-income households.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Contract Modification No. 1 to the Engineering Services Agreement with Strand Associates, Inc., for the Lexington Distillery District Improvements Program Feasibility Study, for streetscapes improvements and the Town Branch Trail along the corridor from Oliver Lewis Way to S. Forbes Rd., increasing the contract amount by the sum of \$83,202 from \$418,000 to \$501,202 was given second reading.

Upon motion of Mr. Beard, and seconded by Ms. Lawless, the resolution was approved by the following vote:

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

Nay: Beard-----1

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The following resolutions were given first reading. Upon motion of Mr. Beard, and seconded by Ms. Lawless, the resolutions were approved by the following vote:

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

Nay: -----0

A Resolution accepting the bid of W. Rogers Company, in the amount of \$4,313,000.00, for the Wolf Run Pump Station Relocation - Contract A, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with W. Rogers Company, related to the bid.

A Resolution accepting the bid of J.R. Horn Co., LLC, establishing a price contract for sandblasting and painting of existing final clarifier mechanisms, for the Div. of Water Quality, and authorizing the Mayor to execute any related agreement.

A Resolution accepting the bid of Windstream Communications, Inc., establishing a price contract for telephone maintenance, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of Herrick Co., Inc., in the amount of \$244,650, for the West Hickman Thickener #2 Replacement, for the Div. of Water Quality, and authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government, to execute an Agreement with Herrick Co., Inc., related to the bid.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute four Agreements with the Ky. Office of Homeland Security, for extension of the Special Operations, Hazardous Materials and Technical Rescue Equipment Project; the Hazmat Training Project; the Hazardous Devices Unit Robot Upgrade Project; and the Dynamic Entry Training Project through December 31, 2012, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security, for extension of the FY 2012 Metropolitan Medical Response System (MMRS) Project through December 31, 2012, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Ky. Office of Homeland Security, for extension of the FY 2011 Metropolitan Medical Response System (MMRS) Project through December 31, 2012, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the Newtown Pike Landscaping Project through June 30, 2013, 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 Safe Routes to School Project through June 30, 2013, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to accept a donation from former Planning Commission Chair Walter May of seven planning related books and publications, for use by the Div. of Planning, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Change Order No. One (1) to the Contract with ABR Construction, Inc., for the Lexington Mall Sanitary Sewer Trunk Realignment, increasing the contract price by the sum of \$6,028.06 from \$555,431.65 to \$561,459.71.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with U.S. Geological Survey, for the continuing and ongoing maintenance and operation of existing stream flow and precipitation gauges, at a cost not to exceed \$115,740.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Thomson West, for on-line legal research and publications, for the Dept. of Law, at a cost not to exceed \$35,000 on an annual basis.

A Resolution establishing a Residential Parking Permit Program for the 1200 block of Kastle Rd. for the following addresses only: 1211 - 1231, on the west side and 1216 - 1240 on the east side, from 8:00 a.m. to 4:00 p.m., Monday through Friday; from September 1 through May 31; and waiving the provisions relating to the mechanics of designating residential parking permit areas adopted by Resolution No. 168-90 and amended by Resolution Nos. 450-91 and 433-2006.

A Resolution amending Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council, amending Section 2.204 providing that the Council may consider and act on any matter referred to a Council committee.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Lansdowne Elementary School PTA, Inc. (\$575) and Southern Heights Neighborhood Association (\$770), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a contract with the Verdin Co., a sole source provider, for restoration of the historic Skuller's Street Clock, at a cost not to exceed \$25,415 was given first reading.

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

Upon motion of Ms. Lawless, seconded by Mr. Ellinger, the rules were suspended by unanimous vote.

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

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

Nay: -----0
(Ms. Crosbie was absent when the vote was taken.)

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Highlands Neighborhood Association, Inc. (\$500), Meadowthorpe Neighborhood Association, Inc. (\$300), Georgetown Neighborhood Association (\$1,625), Dove Creek Townhome Owner's Association (\$200), Lansdowne Neighborhood Association, Inc. (\$750), Southern Elementary P.T.A. Inc. (\$350), Central Kentucky Radio Eye (\$525), Sisters Road to Freedom, Inc. (\$100), Cardinal Valley Neighborhood Association (\$500), Downtown Lexington Corporation Foundation (\$800), Eastland Parkway Neighborhood Association, Inc. (\$500), The Cottages of Liberty Woods Neighborhood Association (\$500), Sweet Blessings, Inc. (\$250), Bryan Station Alumni Foundation, Inc. (\$2,000), Victory Christian Church (\$600), Vineyard Neighborhood Corporation (\$2,780), Eastern Little League Baseball, Inc. (\$3,000), Visually Impaired Preschool Services (\$1,800), Institute 193 (\$250), Latitude, LLC (\$250), WGPL Neighborhood Association (\$500), Columbia Heights Neighborhood Association (\$500), Mentelle Park Neighborhood Association (\$500) and Cheapside Entertainment District (\$500), for the Office of the Urban County Council, at a cost not to exceed the sums stated was on the docket for first reading.

Mr. Stinnett made a motion, seconded by Ms. Crosbie, and approved by unanimous vote, to amend the resolution to add Neighborhood Development Fund allocations to Bryan Station Football Boosters, Inc. (\$1,000), Kentucky Junior Miss Pageant, Inc. (\$500), Lexington Humane Society (\$2,000), Big Brothers/Big Sisters of the Bluegrass, Inc. (\$2,000), and Danby Corner's Neighborhood Association (\$5,575).

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Agreements with Highlands Neighborhood Association, Inc. (\$500), Meadowthorpe Neighborhood Association, Inc. (\$300), Georgetown Neighborhood Association (\$1,625), Dove Creek Townhome Owner's Association (\$200), Lansdowne

Neighborhood Association, Inc. (\$750), Southern Elementary P.T.A. Inc. (\$350), Central Ky. Radio Eye (\$525), Sisters Road to Freedom, Inc. (\$100), Cardinal Valley Neighborhood Association (\$500), Downtown Lexington Corporation Foundation (\$800), Eastland Parkway Neighborhood Association, Inc. (\$500), The Cottages of Liberty Woods Neighborhood Association (\$500), Sweet Blessings, Inc. (\$250), Bryan Station Alumni Foundation, Inc. (\$2,000), Victory Christian Church (\$600), Vineyard Neighborhood Corporation (\$2,780), Eastern Little League Baseball, Inc. (\$3,000), Visually Impaired Preschool Services (\$1,800), Institute 193 (\$250), Latitude, LLC (\$250), WGPL Neighborhood Association (\$500), Columbia Heights Neighborhood Association (\$500), Mentelle Park Neighborhood Association (\$500), Cheapside Entertainment District (\$500), Bryan Station Football Boosters, Inc. (\$1,000), Ky. Junior Miss Pageant, Inc. (\$500), Lexington Humane Society (\$2,000), Big Brothers/Big Sisters of the Bluegrass, Inc. (\$2,000) and Danby Corner's Neighborhood Association (\$5,575), for the Office of the Urban County Council, at a cost not to exceed the sums stated was given first reading as amended.

Upon motion of Mr. Martin, seconded by Ms. Henson, the rules were suspended by unanimous vote.

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

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

Nay: -----0
 (Ms. Crosbie was absent when the vote was taken.)

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Upon motion of Ms. Henson, seconded by Mr. Kay, and approved by unanimous vote, a Resolution authorizing the Div. of Human Resources to make a conditional offer to the following probationary civil service appointments: James Smith, Equipment Operator Sr., Grade 109N, \$18.750 hourly, in the Div. of Waste Management, effective upon passage of Council, Timothy Lee, Equipment Operator Sr., Grade 109N, \$16.033 hourly, in the Div. of Waste Management, effective upon passage of Council, Darrell Turley, Equipment Operator Sr., Grade 109N, \$18.750 hourly, in the Div. of Waste Management, Ersula Killens, Stores Clerk, Grade 107N, \$14.499 hourly, in the Div. of

Facilities and Fleet Management, effective upon passage of Council, Preston Thomas, Electrical Instrumentation Tech, Grade 113N, \$19.332 hourly, in the Div. of Facilities and Fleet Management, effective upon passage of Council was placed on the docket and given first reading.

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

Upon motion of Mr. Kay, seconded by Ms. Gorton, the rules were suspended by unanimous vote.

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

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

Nay: -----0
(Ms. Crosbie was absent when the vote was taken.)

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

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

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

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

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

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

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

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

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant application to the Ky. Cabinet for Health and Family Services, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$314,247 Federal funds, are for continuation of the New Chance Program in the Div. of Family Services, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Ky. Dept. of Juvenile Justice, to provide any additional information requested in connection with this Grant Application, and to accept this Grant if the application is approved, which Grant funds are in the amount of \$16,183 Federal funds under the Juvenile Accountability Block Grant Program, are for continuation of the Juvenile Surveillance Program, professional services, professional development, drug testing services and supplies, and educational

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

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

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

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

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

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

funds being appropriated was placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

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Upon motion of Ms. Gorton, seconded by Mr. Farmer, and approved by unanimous vote, the following resolutions were placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

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

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

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

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

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Ms. Henson made a motion, seconded by Mr. Ellinger, to place on the docket a Resolution ratifying the probationary civil service appointments of: Dustin Baker, GIS Programmer/Analyst, Grade 117E, \$1,881.20 bi-weekly, in the Div. of Computer Services, effective June 25, 2012, Tamoy Carter, Equipment Operator Sr., Grade 109N, \$15.080 hourly, in the Div. of Waste Management, effective June 4, 2012, Connie Godfrey, Director Adult Services, Grade 120E, \$3,332.32 bi-weekly, in the Div. of Adult Services, effective May 21, 2012 and Michelle Haynes, Telecommunicator Sr., Grade 113N, \$20.262 hourly, in the Div. of Emergency Management/911, effective June 4, 2012; ratifying the permanent civil service appointments of: Greg Isaac, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective May 7, 2012, Jeffrey Clay, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective May 7, 2012 and Barry Prater, Commodities Marketing Manager, Grade 115E, in the Div. of Waste Management, effective May 7, 2012; ratifying the approved Council Leave for: Syglenda R. Faulkner, Equipment Operator Sr., Grade 109N, in the Div. of

Waste Management, effective August 18, 2011 thru November 10, 2011; ratifying the unclassified civil service appointment of: Steven Smith, Aide to Council, Grade 000E, \$2,057.68 bi-weekly, in the Council Office, effective May 2, 2012; ratifying the unclassified civil service pay increases in the Office of the Urban County Council: Ronald Seymour, Aide to Council, Grade 000E, from \$2,057.69 bi-weekly to \$2,089.57 bi-weekly, in the Office of the Urban County Council, effective May 21, 2012.

Ms. Gorton asked a question about the appointments named in the resolution. Ms. Hilary Angelucci, Office of the Mayor, and Mr. Keith Horn, Dept. of Law, responded.

The motion passed by unanimous vote.

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

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Upon motion of Mr. Ford, seconded by Mr. Kay, and approved by unanimous vote, a Resolution authorizing and directing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at the intersection of Radcliffe Rd. and Haggard Ln. was placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

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Upon motion of Mr. Farmer, seconded by Mr. Ford, and approved by unanimous vote, a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Ashland Park Neighborhood Association, Inc., for a public right-of-way beautification project, at no cost to the Urban County Government was placed on the docket, given first reading, and ordered placed on file two weeks for public inspection.

* * *

The following Communications from the Mayor were on the docket for consideration: (1) Recommending the reappointment of Mr. Gregory E. Hosfield to the Board of Architectural Review, with a term to expire 6-30-2016; (2) Recommending the appointment of Ms. Gwendolyn R. Pinson, as at-large representative, recommended by the Urban County Council, to the Internal Audit Board, with a term to expire 12-1-2016; (3) Recommending the appointment of Ms. Susan W. Wright to the Library Board of Trustees, with a term to expire 7-20-2015. Ms. Wright will fill the unexpired term of Mr.

John Stempel; and (4) Recommending the reappointment of Mr. James H. Frazier to the Parking Authority Board, with a term to expire 6-1-2016.

Mr. Ellinger made a motion, seconded by Mr. Beard, to approve the Communications from the Mayor.

Mr. Martin asked a question about the recommendation on Communication #2, which was a recommendation from the Urban County Council. Ms. Gorton responded about the process for selecting the recommended individual, and stated she had selected the nominee to the Internal Audit Board based on Council feedback.

Mr. Farmer stated his additional concerns about the process for choosing a nominee.

The motion **passed** by majority vote (Ms. Crosbie was absent when the vote was taken).

* * *

The following Communications from the Mayor were received for information only: (1) Civil service salary adjustment of Joseph Bryant, Building Inspector, Grade 113N, from \$21.453 hourly to \$25.013 hourly, in the Div. of Building Inspection, effective May 21, 2012; (2) Acting assignment of Gerald Slatin, Director of Purchasing, Grade 121E, effective April 23, 2012; (3) Reinstatement of Chad May, Community Corrections Officer, Grade 110N, effective May 21, 2012; (4) Resignation of Brian Hayes, Municipal Engineer, Grade 119E, in the Div. of Water Quality, effective May 4, 2012; (5) Resignation of George Guyn, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective May 21, 2012; (6) Resignation of Tammy Hayden, Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective May 14, 2012; (7) Resignation of Michael Stidham, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 22, 2012; (8) Resignation of Ronald Ball, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 4, 2012; (9) Resignation of Joseph Higgins, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective May 28, 2012; (10) Resignation of Kenneth Benson, Equipment Operator Sr., Grade 109N, in the Div. of Waste Management, effective April 20, 2012; (11) Resignation of Kellie Stidham, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 20, 2012; (12) Resignation of Eli Johnston, Community

Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 17, 2012; (13) Resignation of Rebecca Simpson, Internal Auditor, Grade 118E, in the Office of Internal Audit, effective May 4, 2012; (14) Resignation of David Dillon, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 29, 2012; (15) Resignation of Johnas Newsome, Telecommunicator, Grade 111N, in the Div. of Emergency Management/911, effective May 11, 2012; (16) Resignation of Jason Nehmer, Staff to Council, Grade 000E, in the Council Office, effective May 1, 2012; (17) Resignation of Adrienne Coffey, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective May 3, 2012; and (18) Resignation of Ryan Ashcraft, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective April 23, 2012.

* * *
Commander Kelli Edwards, Div. of Police, stated that Officer Greg Wims had committed the offense of Inappropriate Action in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.48, in that on the 7th day of March, 2012, he at approximately 1836 hours, was dispatched, along with other officers, to a disorder call in the area of 522 Hollow Creek Road. Officer Wims has been determined to be the primary investigator of the incident in which he utilized the Police Information Channel to conduct a warrants check on both involved parties. At the time of the incident, it was determined that an active EPO/DVO existed involving the two parties that were present at the scene of the incident. The DVO stipulated a 'No Contact' Order, among other things, placing the suspect in violation of the Order. This information was provided to Officer Wims by the Police Information Channel Dispatcher, which was acknowledged by Officer Wims via radio. Officer Wims failed to take appropriate action by not enforcing this Order and not arresting the suspect, Mr. William Redd, for violation of the DVO, and that the appropriate punishment for this offense is a Written Reprimand.

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, the disciplinary action was approved by majority vote (Ms. Crosbie was absent when the vote was taken.).

* * *
Commander Kelli Edwards, Div. of Police, stated that Officer Greg Wims had committed the offense of Misconduct in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.02, in that on the 11th day of March, 2012, he at

approximately 0310 hours and while off duty, became involved in a disorder in the parking lot of the Lansdowne Shopping Center. When a uniformed officer working in an off-duty capacity intervened in the disorder in an attempt to separate the involved parties and take enforcement action, Officer Wims escalated his disorderly actions by physically and verbally challenging the uniformed officer, and that the appropriate punishment for this offense is Ninety (90) Days Suspension Without Pay – and - Participation in the Mandatory Employee Assistance Program.

Upon motion of Mr. Ellinger, seconded by Ms. Gorton, the disciplinary action was approved by majority vote (Ms. Crosbie was absent when the vote was taken.).

* * *
Mr. Blues explained his earlier vote against tabling an Ordinance amending Section 24-51 of the Code of Ordinances relating to inmate medical fees to increase the co-payment an inmate pays for medical care from five dollars (\$5.00) to fifteen dollars (\$15.00), to require an inmate to pay the cost of prescription medication if the prescription is fourteen dollars and ninety-nine cents (\$14.99) or less and to pay a co-payment of fifteen dollars (\$15.00) if the prescription costs more than fourteen dollars and ninety-nine cents (\$14.99), to include a booking fee of thirty-five dollars (\$35.00), and to provide that any fees received shall be used to help offset the costs of operating the detention center.

* * *
Mr. Martin announced that Good Foods Co-op, Bluegrass PRIDE, and the Southland Association were holding a clean-up event on Southland Drive, June 9, 2012, beginning at 8:00 a.m.

He announced that also on June 9, 10-12, from 10:00 a.m. to 12:00 p.m., a bike show would be held at Gethsemani Christian Church.

He announced that the Open Gates Neighborhood Association would hold a neighborhood garage sale on June 8-9, 2012.

He also spoke about the Southland Jamboree, also a Miles Osland's jazz quintet appearance on June 12, 2012, at the Moondance at Midnight Pass amphitheater.

* * *
Mr. Lane spoke about the tabled ordinance to adjust jail fees, and the costs associated with operating the jail. He itemized many of the costs, and spoke about the financial burden on the community.

* * *

Ms. Henson announced that the Cardinal Valley Neighborhood Association would meet on June 11, 2012.

* * *

Ms. Lawless spoke about operating costs at the jail, and about the tabled ordinance to adjust jail fees.

She reminded citizens about the Southland Jamboree, the Southland Drive Clean up, Triangle Park Flix on Friday nights, Thursday Night Live, and the Aylesford Neighborhood Association garden tour on June 9 and 10, 2012.

* * *

Mr. Ford spoke about the benefit of tabling the ordinance to adjust jail fees until after the scheduled June 19, 2012, workshop for councilmembers. He encouraged councilmembers to attend.

* * *

Mr. Bernard McCarthy, Harry Street, spoke about the ordinance on increased jail fees that had been tabled, and his concern about offenders incurring additional debt.

* * *

Upon motion of Mr. Ellinger, seconded by Ms. Gorton, and approved by a majority of vote 13-0 (Ms. Crosbie was absent when the vote was taken), the meeting adjourned at 8:07 p.m.

Deputy Clerk of the Urban County Council