

## Lexington-Fayette Urban County Government Council Meeting

Lexington, Kentucky October 27, 2011

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on October 27, 2011 at 6:00 P.M. Present were Mayor Gray in the chair presiding, and the following members of the Council: Council Members Beard, Blues, Crosbie, Ellinger, Farmer, Ford, Gorton, Henson, Kay, Lane, Lawless, Martin, McChord, Myers and Stinnett.

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

Resolutions No. 437-2011 thru 470-2011, and Ordinances No. 129-2011 thru 131-2011, inclusive were reported as having been signed and published, and ordered to record.

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The Invocation was given by Rabbi Marc Kline, Temple Adath Israel. The Mayor thanked Rabbi Kline for arranging for various members of the clergy to give invocations at Council Meetings.

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Upon motion of Mr. Ellinger, seconded by Ms. Crosbie, the Minutes of the August 18 and 25, and September 15, 20, and 29, 2011 Council Meetings were approved by unanimous vote.

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The Mayor presented a Proclamation of recognition to the Apostles of Hope, a group from the Catholic Action Center who collected and delivered donations to the victims of the tornado that affected Joplin, Missouri, in May of 2011. The Mayor recognized the following members of the group: Mr. Rudy Alarcorn, Mr. Bill Barkley, Ms. Carrie Berend, Mr. Ellis Boatley, Ms. Sherrie Buresh, Mr. Thomas Caudill, Ms. Christina Carl, Mr. Bill Day, Mr. Jay Day, Ms. Helen Day, Ms. Kelly Duffy, Ms. Mary Duffy, Mr. David Hosey, Mr. Tim Smith, Ms. Mary June Smith, and Ms. Ginny Ramsey.

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The Mayor presented a Proclamation of recognition to the Senior Intern Program, and recognized Ms. Kristy Stambaugh, employee of the Dept. of Social Services. Ms. Stambaugh recognized members of the Senior Intern Program Planning Committee: Ms. Ann Harper, Ms. Fanny Covington, Mr. Russ Schneider-Smith, Mr. Ronn Schneider-Smith, Ms. Marie Tsiboukas, and Ms. Nan Potter. Also acknowledged were Ms. Patrice Blanchard, AARP Sponsor, Ms. Shannon Settles, Legislative Aide for Councilmember Chuck Ellinger, and Ms. Beth Mills, Commissioner of the Dept. of Social Services.

The Mayor recognized Mr. Ellinger, who thanked those who worked on the program, including the Ky. League of Cities for their sponsorship. Mr. Ellinger explained the details and history of the program.

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Mr. Farmer introduced Mr. Josh Douglas, Professor in the University of Ky. College of Law, who spoke on redistricting laws.

Mr. Farmer asked questions of Mr. Douglas regarding redistricting laws. Mr. Douglas responded.

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The Mayor spoke on the issue of the changes in employee health insurance options, and thanked everyone in the audience for coming to the meeting.

The Mayor recognized Ms. Gorton to speak on the issue, and thanked the Council for their work on the issue.

Ms. Gorton thanked the employees for their attention on the issue. She introduced Mr. Benji Marrs, Benefit Insurance Marketing, who went over the 2012 Benefit Pool & LFUCG Supplement by Division.

Ms. Lawless asked a question of Mr. Marrs about how the \$75.00 benefit pool supplement would work for the HSA 1 & 2 plans. Mr. Marrs responded.

The Mayor asked Mr. Marrs to simplify his explanation so that those who do not have the information being shown on the overhead projector could understand.

The Council offered several suggestions for making the information more visible.

Mr. Ellinger spoke about the new plan and thanked his colleagues for their work on this plan.

Mr. Stinnett asked the Mayor to have someone explain the supplement plan.

The Mayor asked Mr. Marrs to speak to the educational plan and Ms. Melissa Leuker, Chief Administrative Officer's Office, to speak about the plan.

The Council discussed the issue and asked questions of Mr. Marrs. The Mayor, Ms. Gorton, and Mr. Stinnett also responded to questions.

Mr. Farmer asked questions about the supplement plan, and what actions the Council should take. The Mayor asked Mr. Keith Horn, Attorney in the Dept. of Law, to respond. Mr. Horn responded.

The Council continued to discuss the issue and to ask questions of Mr. Marrs and the Mayor.

Mr. Myers asked questions regarding specifics for the Wellness Center, and about determining wellness risk factors for the employee population. Mr. Briggs Cochran, Benefits Insurance Marketing, responded to his concerns.

The Council continued to discuss the issue and to ask questions

Mr. Ford spoke about the time frame for employee and retiree open enrollment, and asked for additional time in open enrollment.

Mr. Stinnett commented on the time needed to complete open enrollment.

The Mayor asked Ms. Leuker to comment on the ramifications of moving the enrollment period. Mr. Marrs also commented on the time period for open enrollment. Ms. Leuker responded that the open enrollment period could be moved back.

The Council discussed the issue of moving open enrollment, and asked questions of Mr. Cochran, Mr. Marrs, and Ms. Leuker.

Mr. Ford made a motion, seconded by Mr. Ellinger, and approved by unanimous vote, to begin employee benefits open enrollment on November 14, 2011 instead of November 7, 2011.

Ms. Crosbie asked Mr. Horn if the Resolution of the Urban County Council authorizing the Mayor and Administration to commit up to an extra \$1.9 million dollars (\$1,900,000) toward health care rates for all employees and retirees to bring the rates similar to the current Platinum Plan rates would require two readings at the same meeting. Mr. Horn responded that it would be best to do so in order to give the administration more time to identify funds. The Mayor also responded to Ms. Crosbie's concerns.

The Council continued to discuss the issue and to ask questions of Mr. Horn and Mr. Marrs.

Mr. Kay made a motion, seconded by Ms. Gorton, and approved by unanimous vote, to suspend the rules in order to consider a Resolution of the Urban County Council authorizing the Mayor and Administration to commit up to an extra \$1.9 million dollars (\$1,900,000) toward health care rates for all employees and retirees to bring the rates similar to the current Platinum Plan rates immediately after public comment on the issue in order to accommodate those waiting in the audience to speak on the issue.

The following citizens spoke about the proposed employee health care plans: (1) Ms. Debbie Tester, Council Clerk's Office, Memphis Ct.; (2) Ms. Pam Brandenburg, Div. of Fire and Emergency Services, President of CSEA/AFSCME 3562; (3) Ms. Kellie Stidham, Dept. of Community Corrections, Georgetown, Ky.; (4) Mr. Thomas Hagger, Woodlawn Ct.; (5) Ms. Sandi Whitt, Maywick Ct., who shared a worksheet that she had

created with the Council and the Mayor; (6) Ms. Sharessa Crovo, Roxburg Dr.; (7) Mr. William Pinkston, retired Div. of Fire and Emergency Services employee, Lancaster, Ky.; (8) Mr. Frank Harris, Old Kingston Rd.; (8) Mr. Mike Sweeney, Div. of Police; and (9) Mr. Tom Dupree, business owner on E. Main St.

The Mayor responded to Mr. Pinkston's concern about funding for the new ice skating rink in Triangle Park in downtown Lexington; and clarified Mr. Harris' concern about the suspension of rules for the second reading of a docket item.

Mr. Kay made a motion, seconded by Mr. Farmer, to consider a Resolution of the Urban County Council authorizing the Mayor and Administration to commit up to an extra \$1.9 million dollars (\$1,900,000) toward health care rates for all employees and retirees to bring the rates similar to the current Platinum Plan rates out of order, and to have a first reading.

The motion **passed** by a majority vote of 14-0. (Mr. Beard was absent when the vote was taken.)

A Resolution of the Urban County Council authorizing the Mayor and Administration to commit up to an extra \$1.9 million dollars (\$1,900,000) toward health care rates for all employees and retirees to bring the rates similar to the current Platinum Plan rates was given first reading.

Mr. Kay made a motion, seconded by Mr. Ellinger, to suspend the rules to give the resolution second reading.

Mr. Stinnett spoke about the funding required for compliance with the resolution.

Mr. Kay called for a point of order, stating that the motion on the floor was regarding suspension of the rules for second reading.

The motion **passed** by a majority vote of 14-0. (Mr. Beard was absent when the vote was taken.)

The resolution was given second reading.

Mr. Blues made a motion, seconded by Mr. Ellinger, to approve the resolution.

Mr. Farmer stated his concerns about the resolution. The Mayor responded. Ms. Gorton also responded to Mr. Farmer's concerns.

Mr. Martin asked questions of Mr. Briggs Cochran, Benefits Insurance Marketing, about whether the supplement could be changed in the middle of the benefits year. Mr. Cochran responded, along with Mr. Ryan Barrow, Director of the Div. of Budgeting.

The Council continued to discuss the resolution and to ask questions of Mr. Cochran and Mr. Barrow.

The Mayor spoke about the Wellness Center and the role it will play.

Ms. Gorton asked questions about the premium and supplement of Mr. Cochran and Mr. Barrow.

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

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

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

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An Ordinance redistricting the districts of the members of the Lexington-Fayette Urban County Council was given second reading.

Ms. Gorton thanked all of the citizens who had worked hard to complete the redistricting process.

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

Aye: Blues, Crosbie, Ellinger, Farmer, Ford,  
Gorton, Henson, Kay, Lane, Lawless,  
McChord, Myers-----12

Nay: -----0  
(Mr. Beard, Mr. Martin, and Mr. Stinnett were absent when the vote was taken.)

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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. 40 was given second reading.

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

Aye: Blues, Crosbie, Ellinger, Farmer, Ford,  
Gorton, Henson, Kay, Lane, Lawless,  
McChord, Myers-----12

Nay: -----0  
(Mr. Beard, Mr. Martin, and Mr. Stinnett were absent when the vote was taken.)

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An Ordinance amending Section 22-5(2) of the Code of Ordinances, abolishing one (1) position of Citizens' Advocate, Grade 118E and creating one (1) position of Citizens' Advocate P/T, Grade 115E in the Office of the Citizens' Advocate was given second reading.

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

Aye: Blues, Crosbie, Ellinger, Farmer, Gorton,  
Henson, Kay, Lane, Lawless, McChord,  
Myers-----11

Nay: Ford-----1  
(Mr. Beard, Mr. Martin, and Mr. Stinnett were absent when the vote was taken.)

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The Council recessed at 9:20 p.m., and returned with the same members present at 9:28 p.m.

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The following ordinances were given first reading. Upon motion of Mr. Blues, seconded by Mr. Myers, the rules were suspended by a majority vote of 14-0 (Mr. Beard was absent when the vote was taken.)

Ms. Crosbie asked questions of Mr. Blues about why the ordinances required second reading at this meeting. Mr. Blues responded.

The ordinances were given second reading.

Upon motion of Ms. Gorton, and seconded by Mr. Ellinger, the ordinances were approved by the following vote:

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

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

An Ordinance amending Section 2-87(a) of the Code of Ordinances related to the Masterson Station Park Advisory Board to reduce the number of the Board from twenty (20) to nineteen (19) eliminating the members representing inline hockey and the Federal Medical Center and replacing them with a member from the Ky. Radio Control Racing Club; amending Section 2-87(d) of the Code of Ordinances relating to the Masterson Station Park Advisory Board to delete the term limits and replace the section with the sentence any member may be reappointed for additional terms.

An Ordinance granting a waiver to the Richmond Rd. Landscape Plan (Ordinance No. 213-83) for 3043 Richmond Rd.

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

An Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone for 5.0 net (5.74 gross) acres, with a conditional use permit, for property located at 564 Asbury Ln. (a portion of), subject to certain use restrictions imposed as conditions of granting the zone change (DMK Development Group, LLC).

An Ordinance amending Article 17-7(e)(6) of the Zoning Ordinance to allow a third wall-mounted identification or business sign for buildings with two street frontages within a professional office project in the Professional Office (P-1) zone.

An Ordinance amending subsection 17-148(a) of the Code of Ordinances of the Lexington-Fayette Urban County Government to limit enforcement to those defects which create a hazard to public safety and to provide for the adoption of enforcement regulations by the Urban County Council, and amending Subsection 17-152(b) of the Code to decrease the maximum civil penalty from \$1,000 to \$500.

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. 41.

An Ordinance creating and enacting Chapter 9A of the Code of Ordinances of the Lexington-Fayette Urban County Government pertaining to fireworks, and more specifically creating Section 9A-1 of the Code providing for a title; creating Section 9A-2 of the Code defining ancillary fireworks retailer, consumer fireworks, fireworks,



permanent fireworks retailer, and seasonal fireworks retailer; creating Section 9A-3 of the Code prohibiting use or sale except as provided in ordinance and providing additional requirements for use or sale of non-consumer and display fireworks; creating Section 9A-4 of the Code providing for compliance with applicable federal, state and local laws; providing for use between 10 A.M. and 10 P.M. only except on December 31st, July 3rd, July 4th or officially recognized Independence Day, when use allowed until 12 A.M.; prohibiting possession or use by persons under the age of eighteen years; prohibiting use within two hundred feet of any structure, motor vehicle, or any other person or during a ban on burning; providing for compliance with KRS 227.752 storage notification; and providing for responsibility for resultant trash and debris; creating Section 9A-5 of the Code providing for Retail Fireworks Permit and application process including information on applicant and site, proof of other compliances and approvals and insurance coverage, and payment of permit fees per location of \$500 for seasonal fireworks retailer or renewal of permanent fireworks retailer and \$2,500 for initial permanent fireworks retailer; creating Section 9A-6 and 9A-8 of the Code providing for restrictions on permittees and/or retailers including display of permit, no sales to or by those under the age of eighteen years and sales between 8 A.M. and 10 P.M. only; creating Section 9A-7 of the Code providing for suspension or revocation of permits; and creating Section 9A-9 of the Code providing for penalties for violations not to exceed \$1,000, thirty (30) days imprisonment, or both with a minimum fine of \$500 for violations not related to sections 9A-4(a) through (e) or (g), and a minimum fine for all other violations of \$100 for first offense, \$200 for second offense within twelve months and \$500 for a third or greater offense within twelve months; all effective on January 1, 2012.

An Ordinance amending Sections 4-12.3(e), 4-21(d) and 4-21.1 of the Code of Ordinances, relating to the Spay and Neuter Fund and Grant Program, to permit an agency designated by the Dept. of Public Safety to operate and administer the program and to retain a portion of license and redemption fees for funding the program.

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

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

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

A Resolution accepting the bid of Detroit Salt Co., establishing a price contract for treated rock salt, for the Div. of Streets and Roads.

A Resolution accepting the bid of Oldcastle Precast, Inc., establishing a price contract for concrete items, for the Div. of Water Quality.

A Resolution ratifying the probationary civil service appointment of: Tamara McMullen, Program Coordinator, Grade 109N, \$15.605 hourly, in the Div. of Family Services, effective October 24, 2011.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Southland Association (\$100), LexArts (\$1,900), Bluegrass Greenworks, Inc. (\$300), Police Activities League (\$575), 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 accept a Grant from the Ky. Transportation Cabinet, which Grant funds are in the amount of \$52,000 Federal funds, are for development of the Old Frankfort Pike Corridor Management Plan, the acceptance of which obligates the Urban County Government for the expenditure of \$13,000 as a local match to be provided by Lexington-Frankfort Scenic Corridor, Inc., authorizing the Mayor to transfer unencumbered funds within the Grant budget, and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Lexington-Frankfort Scenic Corridor, Inc., for management of the project, at a cost not to exceed \$52,000.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Commonwealth Attorney's Office, for a 'Fast Track' prosecutor for the Street Sales Drug Enforcement Project, at a cost not to exceed \$56,200.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Information Station Specialists, Inc., a sole source provider, for an AM Alert Station at a cost not to exceed \$44,975.

A Resolution authorizing and directing the Mayor, on behalf of the Urban county Government, to accept a Grant from the U.S. Dept. of Justice, Office on Violence Against Women, which Grant funds are in the amount of \$400,000 Federal funds from the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program and are for continuation of a project designed to hold offenders of domestic violence accountable for their actions through investigation, arrest and prosecution, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, authorizing the Mayor to transfer unencumbered funds within the Grant budget, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Subrecipient Agreements with Bluegrass Domestic Violence Program (\$52,000), Bluegrass Rape Crisis Center (\$8,000), Legal Aid of the Bluegrass (\$5,000), Fayette County Sheriff's Office (\$8,000), Fayette County Commonwealth Attorney's Office (\$42,000), and American Probation and Parole Association (\$5,000), for services for the project.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a streetlight easement on property located at 2387 Merluna Dr.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed and Release of Easement, releasing a utility easement on property located at 2010 Harrodsburg Rd.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Bluegrass State Games, Inc., for operation of the Bluegrass State Games, at a cost not to exceed \$47,250.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Concession/Donation Agreement with Fayette County Cooperative Extension District Board, for acceptance of an Agricultural Building and Concession Agreement.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for Kiddie Kapers at Norsworthy Auditorium, at a cost not to exceed \$1,299.

A Resolution appointing an ad hoc Citizens' Committee to recommend candidates for the position of Citizens' Advocate.

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A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Clinical Education Agreement, with the University of Ky.'s College of Nursing, to provide an intern to perform services for the Urban County Council Office, and authorizing payment of a stipend to the intern in an amount not to exceed \$500 upon successful completion of the program was given first reading.

Ms. Lawless asked questions regarding the details of the resolution. Mr. Blues responded on behalf of Mr. Myers, in whose office the intern would be working.

Upon motion of Mr. Blues, seconded by Ms. Lawless, the rules were suspended by a majority vote of 12-0. (Mr. Beard, Mr. McChord and Mr. Myers were absent when the vote was taken.)

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

Aye: Blues, Crosbie, Ellinger, Farmer, Ford,  
Gorton, Henson, Kay, Lane, Lawless,  
Martin, Stinnett-----12

Nay: -----0  
(Mr. Beard, Mr. McChord, and Mr. Myers were absent when the vote was taken.)

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A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration, and any other documents necessary, and to accept a Deed for the property located at 416 Carlisle Ave., for the Meadows-Northland-Arlington Public Improvements Project, and authorizing payment in the amount of \$84,000, plus usual and appropriate closing costs was given first reading.

Upon motion of Mr. Ford, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 12-0. (Mr. Beard, Mr. McChord and Mr. Myers were absent when the vote was taken.)

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

Aye: Blues, Crosbie, Ellinger, Farmer, Ford,  
Gorton, Henson, Kay, Lane, Lawless,  
Martin, Stinnett-----12

Nay: -----0  
(Mr. Beard, Mr. McChord, and Mr. Myers were absent when the vote was taken.)

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A Resolution accepting the bid of MXenergy, establishing a Fixed Price Contract for Natural Gas Purchase SVGTS, contingent upon a price not to exceed \$6.06 per MCF, for the Div. of Environmental Policy was given first reading.

Mr. Keith Horn, Attorney in the Dept. of Law, requested on behalf of the Administration that the rules be suspended in order to give second reading to the resolution.

Upon motion of Ms. Gorton, seconded by Mr. Ellinger, the rules were suspended by a majority vote of 12-0. (Mr. Beard, Mr. McChord and Mr. Myers were absent when the vote was taken.)

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

Aye: Blues, Crosbie, Ellinger, Farmer, Ford,  
Gorton, Henson, Kay, Lane, Lawless,  
Martin, Stinnett-----12

Nay: -----0  
(Mr. Beard, Mr. McChord, and Mr. Myers were absent when the vote was taken.)

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A Resolution accepting the response of J. Stowe & Co., LLC to request for Proposal No. 5-2011 to perform the auditing of utility franchises for an amount not to exceed \$45,760, and authorizing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with J. Stowe & Co., LLC for the performance of such services was given first reading.

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

Upon motion of Mr. Ellinger, seconded by Ms. Gorton, the rules were suspended by a majority vote of 12-0. (Mr. Beard, Mr. McChord and Mr. Myers were absent when the vote was taken.)

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

Aye: Blues, Crosbie, Ellinger, Farmer, Ford,  
Gorton, Henson, Kay, Lane, Lawless,  
Martin, Stinnett-----12

Nay: -----0  
(Mr. Beard, Mr. McChord, and Mr. Myers were absent when the vote was taken.)

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

A Resolution accepting the bid of S & S Truck Tire Center, establishing a price contract for truck tire retreading, for the Div. of Facilities and Fleet Management.

A Resolution accepting the bid of MMI of KY, in the amount of \$78,424.82 for Portable Heating System for Municipal Recycling Facility, for the Div. of Waste Management.

A Resolution approving and adopting regulations for the Div. of Code Enforcement for sidewalk violations, replacement and repair pursuant to Section 17-148 of the Code of Ordinances of the Lexington-Fayette Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with Federal Emergency Management Agency Integrated Public Alert and Warning System Program Management Office, for management and utilization of various warning systems.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Customer Services Agreement with Windstream Communications, which is attached hereto and incorporated herein by reference, to provide ISDN dial tone service to the Div. of Emergency Management/911 (229 E. Third St.), at an annual cost not to exceed \$6,000 plus any additional long distance charges.

A Resolution changing the street names and property address numbers of 1 Imperial Ct. to 779 Newtown Pike, of 1765 Hatter Ln. to 1781 Sharkey Way, and of 1839 St. Ives Circle to 3849 Hidden Pond Rd.; changing the property address numbers of 336 and 372 Corral St. to 368 and 374 Corral St., of 231 Elm Tree Ln. to 217 Elm Tree Ln., of 770 Fox Industrial Rd. to 747 Fox Industrial Rd., of 109-111 Church St. to 111 Church St., and of 200 and 206 Burley Ave. to 208 and 202 Burley Ave.; and

changing the street name of 786, 790, 794, and 798 Glendover Rd. to 786, 790, 794, and 798 Glendover Ct., all effective thirty days from passage.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Amendment to the Management Agreement with Meridian Management, for courthouse facilities maintenance, at a cost not to exceed \$36,000.

A Resolution ratifying the probationary civil service appointment of: Beth Florence, Accountant, Grade 113E, \$1,656.40 bi-weekly, in the Div. of Accounting, effective upon passage of Council; approving the probationary sworn appointments of: Gary Harris, Fire Lieutenant, Grade 315N, \$17.786 hourly, Carrie Bowling, Fire Captain, Grade 316N, \$23.039 hourly; Andrew Areaux, Fire Major, Grade 318E, \$3,521.79 bi-weekly, in the Div. of Fire and Emergency Services, effective September 29, 2011.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute Engineering Services Agreements with EA Partners, PLC, Integrated Engineering, PLLC, Nesbitt Engineering, Inc., Palmer Engineering, CDP Engineers, Inc., HDR Engineers, GRW Engineers, Inc., and Tetra Tech, Inc., for stormwater and sanitary sewer projects, for the Div. of Water Quality.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Agreements with Rabbit Run/Stonewall Neighborhood Association (\$600), Black Church Coalition of the Bluegrass (\$1,225), Copperfield Neighborhood Association (\$600), ACT Ministries (\$450), for the Office of the Urban County Council, at a cost not to exceed the sums stated.

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 Bellefonte Dr. and E. Lowry Ln.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Contract with The Lamar Companies for the production and installation of "Smart 911" billboard advertisements, for the Div. of Emergency Management/911, at a cost not to exceed \$5,650.

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute an Advertising Space Rental Contract and any other necessary documents,

with Advertising Vehicles for "Smart 911" advertisements to be placed on Lextran buses, for the Div. of Emergency Management/911, at a cost not to exceed \$6,535.

A Resolution authorizing the Dept. of Environmental Quality and Public Works, on behalf of the Urban County Government, to renew the Contract with Bluegrass PRIDE for the Environmental Public Education Program for a period of one (1) year at no additional cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Lease Agreement with Nursing Home Ombudsman Agency for space in the Senior Citizens Center (1530 Nicholasville Rd.)

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Auction Listing Contract with Schrader & Robertson Commercial Auctioneers, LLC, for disposal of surplus properties that have been unsuccessfully advertised for bid, at ten percent (10%) of the gross selling price.

A Resolution authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government and its Div. of Historic Preservation, to concur with the Memorandum of Agreement among the Ky. Finance and Administration Cabinet, the Ky. Community and Technical College System, Bluegrass Community and Technical College and the Ky. State Historic Preservation Office regarding the development of a Bluegrass Community and Technical College, Newtown Pike Campus in Lexington, Fayette County, Ky.

A Resolution approving an Amendment to the Addendum to the Purchase of Service Agreement with Chrysalis House to permit Chrysalis House to use the remainder of funds provided in the Agreement for FY 12 for the treatment of women with substance abuse issues and mental health disorders.

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The following Communications from the Mayor were received for information only: (1) Resignation of Donald Woodard, Equipment Operator Sr., in the Div. of Waste Management, effective October 6, 2011; (2) Resignation of Lesa Spillman, Equipment Operator Sr., in the Div. of Waste Management, effective October 15, 2011; and (3) Resignation of Andrew Jackson, Equipment Operator Sr., in the Div. of Waste Management, effective October 10, 2011.

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Commander Lawrence Weathers, Div. of Police, stated that Officer Anthony J. Guidugli had committed the offense of Operation of Vehicles in violation of KRS 95.450 and General Order #73-2/H, Operational Rules, Section 1.13 in that on the 7<sup>th</sup> day of August, 2011, he was not wearing his seatbelt when he was involved in a vehicle collision at approximately 0459 hours at the intersection of Harrodsburg Rd. and Bob-O-Link Dr. The Collision Reconstruction Unit responded to the scene and determined that Officer Guidugli was not at fault; however, they determined that he was not utilizing his seatbelt at the time of the collision. General Order 73-3/M, Operation and Maintenance of Home Fleet, Section (c), Use of Home Fleet Vehicles, (#16), advises that officers are required to use seatbelts (in accordance with KRS 189.125) while driving or riding in a vehicle belonging to the Div. of Police, and that the appropriate punishment for this offense is a Written Reprimand and Suspension of Home Fleet Privileges for Eighty (80) Hours.

Upon motion of Mr. Ellinger, seconded by Ms. Gorton, the disciplinary action was approved by a majority vote of 12-0. (Mr. Beard, Mr. McChord, and Mr. Myers were absent when the vote was taken.)

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Ms. Lawless announced that the Thriller Parade would take place on October 30, 2011, in downtown Lexington. She also announced that Change for Art would hold an exhibit at 6:00 p.m. on October 30, 2011, at the Kentucky Theatre.

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Mr. Bernard McCarthy, Harry St., spoke about plans in discussion for changes to the Lexington Civic Center.

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Upon motion of Mr. Stinnett, seconded by Ms. Crosbie, and approved by a majority vote of 12-0 (Mr. Beard, Mr. McChord, and Mr. Myers were absent when the vote was taken), the meeting adjourned at 10:00 p.m.

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Clerk of the Urban County Council