

Lexington, Kentucky August 23, 2007

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on August 23, 2007 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding, and the following members of the Council: Council Members Gray, James, Lane, McChord, Moloney, Myers, Stevens, Stinnett, Beard, Blevins, Blues, Ellinger and Gorton. Absent were Council Members Crosbie and DeCamp.

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

Ordinances No. 178-2007 thru 183-2007 inclusive and Resolutions No. 388-2007 thru 393-2007 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky August 23, 2007

The Invocation was given by Pastor Chuck Cooper, Daybreak Community Church.

*

*

*

Upon motion of Ms. Gorton and seconded by Ms. James the minutes of the July 5 and 10, 2007 Council Meetings were approved by unanimous vote.

*

*

*

Ms. Marlene Helm, Commissioner of the Dept. of Social Services, spoke about the Summer Youth Program and recognized the employers who participated in the program.

The Mayor thanked everyone involved.

*

*

*

Council Member McChord read a Commemoration hailing and commending the 2007 KHSAA State Baseball Champions – the Paul Laurence Dunbar Baseball Team, and introduced the team and coaches.

Coach Mickey Marshall spoke and thanked the Mayor and Council for honoring the team.

*

*

*

The Mayor opened the public hearing on the Anchor Baptist Church Bond Issue.

There being no one to appear before the Council, the Mayor declared the public hearing closed.

*

*

*

An Ordinance changing the zone from a Light Industrial (I-1) zone to a Mixed Use Community (MU-3) zone for 0.10 net (0.16 gross) acres and from a Neighborhood Business (B-1) zone to a Mixed Use Community (MU-3) zone for 5.07 net (5.44 gross) acres of property located at 225 Walton Avenue, subject to certain use and buffering restrictions imposed as conditions of granting the zone change (Ernie M. Hanna) was on the docket for second reading.

Upon motion of Mr. Ellinger, seconded by Ms. Gorton and passed by unanimous vote, the ordinance was removed from the docket and a public hearing on it was scheduled for a Special Meeting to be held on September 18, 2007 at 5:00 p.m.

*

*

*

The following ordinances were given second reading. Ms. Gorton made a motion, seconded by Mr. Stinnett and passed by unanimous vote, to approve the ordinances and they passed by the following vote:

Aye: Gray, James, Lane, McChord, Moloney, Myers, Stevens,
Stinnett, Beard, Blevins, Blues, Ellinger, Gorton ----- 13

Nay: ----- 0

An Ordinance amending Article 15-6(a)(3) of the Zoning Ordinance to allow an existing accessory structure to remain at its current location when a principal residential structure is expanded to project past the front wall of that accessory structure in a residential zone, provided that the accessory structure is at least eighteen inches from any adjoining property line.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 31.

An Ordinance amending Section 21-5 of the Code of Ordinances reorganizing the Div. of Risk Management as follows: abolishing one (1) position of Risk Manager, Grade 119E; reallocating two (2) positions of Risk Manager from Grade 119E to Grade 120E; abolishing one (1) position of Contract Specialist, Grade 118E, and creating one position of Attorney Sr., Grade 121E; abolishing one (1) position of Exposure Analyst, Grade 114E, and creating one (1) position of Risk Management Analyst, Grade 115E; abolishing one (1) position of Accountant, Grade 113E, and creating one (1) position of Risk Management Accountant, Grade 114E; abolishing one (1) position of Administrative Specialist, Grade 110N, and creating one (1) position of Administrative Specialist Sr., Grade 112N; and reclassifying the incumbents, in the Div. of Risk Management, to become effective retroactive to March 5, 2007, and appropriating funds pursuant to Schedule No. 41.

An Ordinance authorizing the Mayor to execute a Claim Request Form for reimbursement in the amount of \$4,106 from the Commonwealth of Ky. Dept. for Environmental Protection for removal of underground storage tanks and further authorizing and directing the Mayor to execute future such claim request forms during Fiscal Year 2008 not to exceed a total amount of \$36,500, and appropriating funds pursuant to Schedule No. 39.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Justice and Public Safety Cabinet, which grant funds are in the amount of \$110,000.00 Federal funds, are for continuation of the Street Sales Drug Enforcement Project, the acceptance of which obligates the Urban County Government for the expenditure of \$36,670.00 as a local match, appropriating funds pursuant to Schedule No. 32, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance approving and adopting a Program Amendment for use of Community Development Block Grant funds in the 2007 Consolidated Plan to establish a new project, the rehabilitation of the Russell Elementary School (201 West Fifth Street) for the Russell School Community Service Center (\$200,000.00), appropriating funds pursuant to Schedule No. 33, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Justice and Public Safety Cabinet, which grant funds are in the amount of \$35,000.00 Commonwealth of Ky. funds from the Law Enforcement Service Fee Program, for police officer overtime hours for a Traffic Alcohol Patrol Program and the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 34, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet, 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 \$75,000.00 Federal funds, are for continuation of the Motor Carrier Safety Assistance Program (MCSAP), the acceptance of which obligates the Urban County Government for the expenditure of \$18,750.00 as a local match, appropriating funds pursuant to Schedule No. 35, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the National Association of Police Athletic/Activities League, Inc., 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 \$6,500.00 and are for

expansion of the Lexington Police Activities League Football Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 36, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor 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 \$92,149.00 Federal funds, are for continuation of the Truancy Assessment Center Project, the acceptance of which obligates the Urban County Government for the expenditure of \$46,464.00 as a local match, appropriating funds pursuant to Schedule No. 38, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute Agreements with the City of Richmond and the Madison County Fiscal Court, for services under the 2006 Project Safe Neighborhood Program, at a cost not to exceed \$8,217.00 for the City of Richmond and \$8,216.00 for the Madison County Fiscal Court, and appropriating funds pursuant to Schedule No. 37.

* * *

An Ordinance levying ad valorem taxes for purposes of support of the Agricultural Extension Office for the Fiscal Year July 1, 2007 through June 30, 2008, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government (all taxes on each \$100.00 of assessed valuation as of the January 1, 2007 assessment date), as follows: \$.0031 on all taxable real property, including real property of public service companies, \$.0034 on taxable personal property, including personal property of public service companies and noncommercial aircraft, and excluding inventory in transit, insurance capital, tobacco in storage, and agricultural products in storage; and levying an ad valorem tax for purposes of support of the Agricultural Extension Office at the rate of \$.0032 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2008 assessment date was on the docket for second reading.

Upon motion of Ms. Gorton, seconded by Mr. Ellinger and passed by unanimous vote, the ordinance was amended to add an assessment for noncommercial watercraft.

Ms. Gorton stated that this was a material change and required a new first reading and that second reading of the ordinance would occur at the Special Meeting of the Urban County Council scheduled for August 28, 2007.

An Ordinance levying ad valorem taxes for purposes of support of the Agricultural Extension Office for the Fiscal Year July 1, 2007 through June 30, 2008, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government (all taxes on each \$100.00 of assessed valuation as of the January 1, 2007 assessment date), as follows: \$.0031 on all taxable real property, including real property of public service companies, \$.0034 on taxable personal property, including personal property of public service companies and noncommercial aircraft, and noncommercial watercraft. and excluding inventory in transit, insurance capital, tobacco in storage, and agricultural products in storage; and levying an ad valorem tax for purposes of support of the Agricultural Extension Office at the rate of \$.0032 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2008 assessment date was given first reading as amended and ordered placed on file until a Special Meeting to be held on August 28, 2007 for public inspection.

*

*

*

An Ordinance pursuant to a request received from the Lexington-Fayette County Health Department, levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Department for the Fiscal Year July 1, 2007 through June 30, 2008, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including real and personal property of public service companies, noncommercial aircraft, and inventory in transit, and excluding insurance capital, tobacco in storage, and agricultural products in storage, at the rate of \$.028 on each \$100.00 of assessed value as of the January 1, 2007 assessment date; and levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Department at the rate of \$.028 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the

Lexington-Fayette Urban County Government, as of the January 1, 2008 assessment date was on the docket for second reading.

Upon motion of Ms. Gorton, seconded by Ms. James and passed by unanimous vote, the ordinance was amended to add an assessment for noncommercial watercraft.

Ms. Gorton stated that this was a material change and required a new first reading and that second reading of the ordinance would occur at the Special Meeting of the Urban County Council scheduled for August 28, 2007.

An Ordinance pursuant to a request received from the Lexington-Fayette County Health Department, levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Department for the Fiscal Year July 1, 2007 through June 30, 2008, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including real and personal property of public service companies, noncommercial aircraft, noncommercial watercraft, and inventory in transit, and excluding insurance capital, tobacco in storage, and agricultural products in storage, at the rate of \$.028 on each \$100.00 of assessed value as of the January 1, 2007 assessment date; and levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Department at the rate of \$.028 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government, as of the January 1, 2008 assessment date was given first reading as amended and ordered placed on file until a Special Meeting to be held on August 28, 2007 for public inspection.

*

*

*

An Ordinance levying ad valorem taxes for purposes of support of the Soil and Water Conservation District for the Fiscal Year July 1, 2007 through June 30, 2008, on the assessed value of all taxable real property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including real property of public service companies, at a rate of \$.0004 on each one hundred dollars (\$100.00) of assessed valuation as of the January 1, 2007, assessment date was on the docket for second reading.

Upon motion of Ms. Gorton, seconded by Ms. James and passed by unanimous vote, the ordinance was removed from the docket and placed on the August 28, 2007 Special Council Meeting docket for second reading.

*

*

*

An Ordinance levying ad valorem taxes for municipal purposes for the Fiscal Year July 1, 2007 through June 30, 2008, on the assessed value of all taxable property within the taxing jurisdictions of the Lexington-Fayette Urban County Government (all taxes on each \$100.00 of assessed valuation as of the January 1, 2006 assessment date), as follows: General Services District, \$.0800 on real property, including real property of public service companies, \$.0990 on personal property, including personal property of public service companies, noncommercial aircraft, and noncommercial watercraft, \$.1500 on insurance capital, \$.0150 on tobacco in storage, and \$.0450 on agricultural products in storage; Full Urban or Partial Urban Services Districts based on Urban Services available on real property, including real property of public service companies, \$.1590 for refuse collection, \$.0210 for street lights, \$.0094 for street cleaning, \$.0920 on insurance capital, \$.0150 on tobacco in storage, \$.0450 on agricultural products in storage; and levying an ad valorem tax for municipal purposes at the rate of \$.0880 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2008 assessment date was on the docket for second reading.

Upon motion of Ms. Gorton, seconded by Ms. James and passed by unanimous vote, to amend the ordinance to correct a typographical error relating to the assessment date.

Ms. Gorton stated that this was a material change and required a new first reading and that second reading of the Ordinance would occur at the Special Meeting of the Urban County Council scheduled for August 28, 2007.

An Ordinance levying ad valorem taxes for municipal purposes for the Fiscal Year July 1, 2007 through June 30, 2008, on the assessed value of all taxable property within the taxing jurisdictions of the Lexington-Fayette Urban County Government (all taxes on each \$100.00 of assessed valuation as of the January 1, 2007 assessment date), as follows: General Services District, \$.0800 on real property, including real property of public service companies, \$.0990 on personal property, including personal property of public

service companies, noncommercial aircraft, and noncommercial watercraft, \$.1500 on insurance capital, \$.0150 on tobacco in storage, and \$.0450 on agricultural products in storage; Full Urban or Partial Urban Services Districts based on Urban Services available on real property, including real property of public service companies, \$.1590 for refuse collection, \$.0210 for street lights, \$.0094 for street cleaning, \$.0920 on insurance capital, \$.0150 on tobacco in storage, \$.0450 on agricultural products in storage; and levying an ad valorem tax for municipal purposes at the rate of \$.0880 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2008 assessment date was given first reading as amended and ordered placed on file until a Special Meeting to be held on August 28, 2007 for public inspection.

*

*

*

The following ordinances were given first reading and ordered placed on file until September 13, 2007 for public inspection.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 43.

An Ordinance amending Section 21-38 of the Code of Ordinances to give employees the entire day off on Christmas Eve.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Transportation Cabinet, which grant funds are in the amount of \$324,000.00 Federal funds, are for the Traffic Signal Upgrades Project (\$134,000.00) and the ITS Traffic Control Project (\$190,000.00), 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. 42 and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute Supplemental Agreement No. 1 with and accept a Grant from the Ky. Transportation Cabinet, which grant funds are in the amount of \$3,655,000.00 Federal funds, both of which are for the construction phase of the Loudon Avenue Improvements Project, the acceptance of which obligates the Urban County Government for the expenditure of \$913,750.00 as a local match,

appropriating funds pursuant to Schedule No. 40, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

* * *

An Ordinance deleting Section 3-9.1 through 3-9.3 of the Code of Ordinances which provided that establishments meeting certain requirements could apply for a special Sunday sale retail drink license to sell alcohol during limited hours on Sunday and for extended hours supplemental sales licenses for certain establishments to sell additional hours; and amending Section 3-21 of the Code of Ordinances to provide that the selling, giving away or delivering of distilled spirits and wine by the drink shall be prohibited between the hours of 2:30 a.m. and 11 a.m. on a Sunday, between the hours of 2:30 a.m. and 6 a.m. on a Monday, and between the hours of 2:30 a.m. and 6 a.m. on any day from Tuesday through Saturday; that the selling, giving away or delivering of malt beverages shall be prohibited between the hours of 2:30 a.m. and 11 a.m. on a Sunday, between the hours of 2:30 a.m. and 6 a.m. on a Monday, and between the hours of 2:30 a.m. and 6 a.m. on any day from Tuesday through Saturday; and that the selling, giving away or delivering of retail packaged distilled spirits and wine shall be prohibited between the hours of 2:30 a.m. and 1 p.m. on a Sunday, between the hours of 9:00 p.m. on a Sunday and 6 a.m. on a Monday, and between the hours of 2:30 a.m. and 6 a.m. on any day from Tuesday through Saturday; that any commercial airport may apply for a special extended hours license to extend its hours of sale through 4:00 a.m. on any day of the week; that no premises shall sell, give away or deliver alcoholic beverages of any kind on primary or regular election days during the hours that the polls are open; that a premises must obtain the appropriate types of licenses in order to lawfully sell, deliver, or give away alcohol of any kind; to eliminate the term all stocks of malt beverages from the locked department provisions, and to clarify or renumber existing subsections to be consistent with the above, all effective on November 1, 2007 was given first reading.

The following citizens spoke in favor of the proposed ordinance: (1) Mr. Ted Mason, English Oak Circle, and (2) Ms. Fran Taylor, West High Street.

The following citizens spoke against the proposed ordinance: (1) Rev. Wayne Smith, Hill N' Dale Drive; (2) Mr. David McCracken, Picadome Park; (3) Mr. Edward McCracken, Cherry Middle Path, and (4) Mr. Jim Blakeman, Hartland Parkway.

There was a discussion among the Council on the ordinance.

Dr. Stevens made a motion, seconded by Mr. Stinnett and passed by unanimous vote, to have public comment on the ordinance on September 11, 2007 during Work Session.

The ordinance was placed on file until September 13, 2007 for public inspection.

* * *

The following resolutions were given second reading. Mr. Beard made a motion, seconded by Mr. Ellinger and passed by unanimous vote, to approve the resolutions and they passed by the following vote:

Aye: Gray, James, Lane, McChord, Moloney, Myers, Stevens,
Stinnett, Beard, Blevins, Blues, Ellinger, Gorton ----- 13

Nay: ----- 0

A Resolution accepting the bid of R & L Cleaning Service, establishing a price contract for custodial services for the General Services Building.

A Resolution accepting the bid of R & L Cleaning Service, establishing a price contract for custodial services for the Operation Adjustment Center.

A Resolution accepting the bid of R & L Cleaning Service, establishing a price contract for custodial services for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Education Remedies, Inc., d/b/a JDC Cleaning, LLC, establishing a price contract for custodial services for Police Roll Call, Training, Gym and Com-Tec.

A Resolution accepting the bid of Pipe Eyes, LLC, in the amount of \$494,439.80, for the annual preventive maintenance sewer cleaning program, for the Div. of Water and Air Quality.

A Resolution accepting the bid of Visual Image Systems Co., LLC, establishing a price contract for reflective vehicle decals, for the Div. of Police.

A Resolution accepting the bid of CM Construction, in the amount of \$39,700.00, for parking lot construction at Southpoint Park.

A Resolution accepting the bids of Shively Sporting Goods and The Trophy Center, establishing price contracts for trophies, plaques and silver.

A Resolution accepting the bid of Lagco, Inc., in the amount of \$74,935.00, for parking lot construction at Wellington Park.

A Resolution accepting the bids of Cumulus Broadcasting, Insight Media, WDKY-TV, WKYT-TV, WLEX-TV, and WTVQ-TV, establishing price contracts for LFUCG Marketing Programs.

A Resolution accepting the bid of L & N Commercial Cleaning, establishing a price contract for custodial services for the Coroner's Office.

A Resolution authorizing the Mayor to accept a donation from Ms. Priscilla Menard of a horse and sign the Bill of Donation, for use at the Mounted Patrol Unit, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute and submit an Application to the U. S. Dept. of Homeland Security and to provide any additional information requested in connection with this application, for a Wolf Pack Remote Viewing System under the Commercial Equipment Direct Assistance Program (CEDAP).

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Div. of Emergency Management and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$4,195.00 Commonwealth of Ky. funds, and are for the purchase of rescue equipment for the Div. of Fire.

A Resolution authorizing the Mayor to approve payment to the Lexington Philharmonic Society for the Patriotic Concert on July 3, 2007, at a cost not to exceed \$21,750.00.

A Resolution amending Section 1(a) of Resolution No. 649-2005 to change the references to Nichols Park to Nichols Park Drive.

A Resolution approving the Report of the Audit Examination of the Lexington-Fayette Urban County Government Sheriff's Settlement – 2006 taxes, for taxes collected as of April 27, 2007, and granting the Sheriff a Quietus.

A Resolution authorizing the Mayor to execute an Agreement with Jane F. Brake, Ph.D., for the provision of mental health services to children and families served by the Div. of Youth Services, at a cost not to exceed \$1,000.00.

A Resolution authorizing the Mayor to execute Agreements with the Kenton County Commonwealth Attorney's Office and the 28th Judicial Circuit Commonwealth Attorney for services under the Project Safe Neighborhoods Grant Program, at a cost

not to exceed \$22,000.00 for the Kenton County Commonwealth Attorney's Office and \$10,000.00 for the 28th Judicial Circuit Commonwealth Attorney.

A Resolution authorizing the Mayor to execute an Agreement with the Office of the Fayette County Sheriff, for the provision of services under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, at a cost not to exceed \$7,930.00.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with Roberts and Kay, for facilitation of a Community Needs Assessment, for the Dept. of Social Services, at a cost not to exceed \$6,000.00

A Resolution authorizing the Mayor to execute a Group Sales Agreement with Hyatt Regency Lexington, for the Bluegrass Invitational Wheelchair Basketball Tournament, at a cost not to exceed \$3,000.00.

A Resolution authorizing the Mayor to execute an Agreement with the Ky. Transportation Cabinet for control, sharing and maintenance of camera systems for traffic management, Homeland Security, and Amber Alerts and rescinding the previous such agreement approved by Resolution No. 319-2005.

A Resolution authorizing the Mayor to execute an Agreement with Bluegrass Regional Mental Health-Mental Retardation Board, Inc., d/b/a Comprehensive Care Center, for mental health services for inmates at the Detention Center, at a cost not to exceed \$743,709.23.

A Resolution authorizing the Mayor to execute a Clinical Services Agreement with the University of Ky., Chandler Medical Center, for the provision of dental health services to clients of the Family Care Center by the College of Dentistry, at a cost not to exceed \$227,740.00.

A Resolution authorizing the Mayor to execute a Cost Reimbursement Agreement with the Federal Bureau of Investigations, for reimbursement of overtime worked by police officers, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Clinical Services Agreement with the University of Ky., Chandler Medical Center, College of Nursing, for Nurse Practitioner services at the Family Care Center, at a cost not to exceed \$320,320.00.

A Resolution authorizing the Mayor to execute an Amendment to Agreement with Asbury College, for additional funds for the creation of an anti-gang public service announcement, which is part of the 2003 Project Safe Neighborhoods Project, at an additional cost not to exceed \$11,370.00.

A Resolution authorizing the Mayor to execute Contracts with the Lexington-Fayette County Health Dept., for reimbursement to the Family Care Center for the provision of dental health services to students attending Harrison, Johnson, Bates Creek and Arlington Elementary Schools, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute change orders to the construction contract with Past Respects, LLC, for the renovation of the Cadentown School provided: budgeted funds are available for change order increases; no change order has the effect of materially changing the scope of the contract; no individual change order increase shall exceed \$2,600.00; the cumulative total increase for all change orders shall not exceed \$10,000.00; and a summary of all change orders so executed shall be furnished to the Urban County Council monthly.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with Jarboe Construction, Inc., for Gainesway Park Community Building, increasing the contract price by the sum of \$7,500 from \$23,250 to \$30,750.

* * *

A Resolution authorizing the Mayor to execute an Option and Lease Agreement with SprintCom, Inc., for a cell tower at Coldstream Park, at no cost to the Urban County Government was on the docket for second reading.

Upon motion of Mr. Blues, seconded by Mr. McChord and passed by unanimous vote, the resolution was removed from the docket and ordered placed on the docket for Thursday, September 13, 2007 for second reading.

* * *

A Resolution ratifying the probationary civil service appointment of: John Angel, Equipment Operator Sr., Grade 109N, \$16.977 hourly, in the Div. of Water and Air Quality, effective August 27, 2007; approving the unclassified civil service appointments of: Shari Kawashima, Victims Advocate, Grade 112N, \$15.080 hourly, in the Div. of Police, effective September 3, 2007; Mariann Forsythe, Life Skills Program Instructor, Grade 110E, \$1,487.26 bi-weekly, in the Div. of Family Services, effective July 9, 2007; Margarita

Arroya, Eligibility Counselor, Grade 110E, \$1,563.52 bi-weekly, in the Div. of Family Services, effective July 9, 2007 was on the docket for first reading.

Upon motion of Mr. Moloney, seconded by Ms. Gorton, and passed by unanimous vote, the resolution was amended to add the unclassified civil service appointment of Mary Gaunder, Victims Advocate, in the Div. of Police.

A Resolution ratifying the probationary civil service appointment of: John Angel, Equipment Operator Sr., Grade 109N, \$16.977 hourly, in the Div. of Water and Air Quality, effective August 27, 2007; approving the unclassified civil service appointments of: Shari Kawashima, Victims Advocate, Grade 112N, \$15.080 hourly, in the Div. of Police, effective September 3, 2007; Mariann Forsythe, Life Skills Program Instructor, Grade 110E, \$1,487.26 bi-weekly, in the Div. of Family Services, effective July 9, 2007; Margarita Arroya, Eligibility Counselor, Grade 110E, \$1,563.52 bi-weekly, in the Div. of Family Services,, effective July 9, 2007; Mary Gaunder, Victims Advocate, Grade 112Nm \$14.663 hourly, in the Division of the Police, effective September 3, 2007 was given first reading as amended.

Upon motion of Mr. Moloney and seconded by Mr. McChord, the rules were suspended by unanimous vote, and the resolution was given second reading.

Mr. McChord made a motion, seconded by Ms. Gorton and passed by unanimous vote, to approve the resolution and it passed by the following vote:

Aye: Gray, James, Lane, McChord, Moloney, Myers, Stevens,
Stinnett, Beard, Blevins, Blues, Ellinger, Gorton ----- 13
Nay: ----- 0

* * *

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

Mr. McChord made a motion, seconded by Ms. Gorton and passed by unanimous vote, to approve the resolutions and the passed by the following vote:

Aye: Gray, James, Lane, McChord, Moloney, Myers, Stevens,
Stinnett, Beard, Blevins, Blues, Ellinger, Gorton ----- 13
Nay: ----- 0

A Resolution accepting the bid of Cloud Concrete, establishing a price contract for concrete items.

A Resolution accepting the bid of Claunch Construction, LLC, in the amount of \$1,371,268.99, for the Bluegrass Aspendale Collector Street – Phase 2, for the Div. of Engineering.

A Resolution authorizing the Dept. of Law to institute condemnation proceedings in Fayette Circuit Court to obtain fee simple title to the properties located at 547 and 549 Goodloe Street, 245 and 253 Ann Street and 528 East Third Street for the extension of Shropshire Blvd. for the Ann Street Acquisition Project.

A Resolution authorizing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Sixth Street and Headley Avenue.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with LexArts, Inc., for various services related to Creative Arts in Lexington-Fayette County, at a cost not to exceed \$500,000.00, (\$350,000.00 for services and \$150,000.00 to match contributions).

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with Roots & Heritage Festival, Inc., for the FY 2008 Roots & Heritage Festival, at a cost not to exceed \$43,720.00.

A Resolution authorizing the Mayor to execute an Agreement with M.A.S.H. Services of the Bluegrass, Inc., for operation of the M.A.S.H. Drop Inn Facility, at a cost not to exceed \$173,458.00 in Grant funds from the U. S. Dept. of Health and Human Services.

A Resolution authorizing the Mayor to execute an Agreement with Bryan Station Traditional Magnet School PTSA, Inc. (\$500.00), North Pointe Neighborhood Association, Inc. (\$500.00), Stonewall Community Association, Inc. (\$1,000.00), YMCA of Central Ky. (\$1,325.00), Lexington Opera Society, Inc. (\$1,525.00), Smithtown Neighborhood Organization, Inc. (\$500.00), The Northside Neighborhood Association, Inc. (\$550.00) and Joyland Neighborhood Association, Inc. (\$400.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

*

*

*

Upon motion of Mr. Blevins, seconded by Mr. McChord and passed by unanimous vote, a Resolution authorizing the Mayor to execute an Agreement with Kathy H. Witt, Sheriff of Fayette County, for the collection of the Urban Service District

taxes for the 2007 property tax year, at a cost not to exceed \$350,000, with payment net from collections was placed on the docket and given first reading.

Upon motion of Mr. Moloney and seconded by Mr. McChord, the rules were suspended by unanimous vote, and the resolution was given second reading.

Mr. McChord made a motion, seconded by Ms. Gorton and passed by unanimous vote, to approve the resolution and it passed by the following vote:

Aye: Gray, James, Lane, McChord, Moloney, Myers, Stevens,
Stinnett, Beard, Blevins, Blues, Ellinger, Gorton ----- 13

Nay: ----- 0

* * *

Upon motion of Mr. McChord, seconded by Mr. Myers and passed by unanimous vote, a Resolution authorizing the Mayor to accept a grant from the Commonwealth of Kentucky, for funds to construct recreational trails in Higbee Mill/South Point Park and/or Wellington Park was placed on the docket and given first reading.

Upon motion of Mr. Moloney and seconded by Mr. McChord, the rules were suspended by unanimous vote, and the resolution was given second reading.

Mr. McChord made a motion, seconded by Ms. Gorton and passed by unanimous vote, to approve the resolution and it passed by the following vote:

Aye: Gray, James, Lane, McChord, Moloney, Myers, Stevens,
Stinnett, Beard, Blevins, Blues, Ellinger, Gorton ----- 13

Nay: ----- 0

* * *

The following communication was received from the Mayor for information only:

(1) Lateral transfer of Jennifer Davis, Staff Assistant Sr., Grade 108N, \$17.064 hourly from the Div. of Revenue to the Div. of Police, effective August 20, 2007.

* * *

Police Captain Barry Cecil stated that Officer Bobby Joe Hall has committed the offense of At Fault Collisions in violation of KRS 95.450 and Lexington Div. of Police General Order 73-2/H, Section 1.40 in that on the 3rd day of May, 2007 he was involved in his third at-fault collision. On June 20, 2006, Officer Hall was involved in an at-fault collision at Man O' War and Winthrop Drive and a Letter of Counseling was issued. On November 14, 2006, Officer Hall was involved in his second at-fault collision at Alexandria Drive and Maywick View and a Letter of Counseling was issued and Officer Hall was sent to driver retraining. A memo dated April 9, 2007 documents that this

training had been completed. Then on May 3, 2007, Officer Hall was involved in his third at-fault collision within 12 months and this collision occurred at 1318 Versailles Road and that the appropriate punishment for this conduct is a Letter of Reprimand, Retraining at Bureau level and loss of Home Fleet Vehicle Privileges for four (4) working days.

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

* * *

Ms. Gilliam Scowby, Tates Creek Road, stated that she was against postponing the Saron Drive connection.

* * *

Ms. Katie McCormick, Woodward Lane, stated her concerns with the intersection of Maple Leaf Drive and Man O' War Drive since her grandchildren had been seriously injured there in a car accident.

The Mayor asked Mr. Don Kelly, Commissioner of the Dept. of Public Works, to speak with Ms. McCormick about her concerns.

Mr. Stinnett stated that when the report of this intersection was ready that he would put the issue into Services Committee.

* * *

Upon motion of Mr. Ellinger, seconded by Mr. Blevins and passed by unanimous vote, the Council adjourned at 8:25 p.m.

Clerk of the Urban County Council