Lexington, Kentucky September 13, 2007

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on September 13, 2007 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Lane, McChord, Moloney, Myers, Stevens, Stinnett, Beard, Blevins, Blues, Crosbie, DeCamp, Ellinger, Gray and James. Absent was Council Member Gorton.

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

Ordinances No. 184-2007 thru 198-2007 inclusive and Resolutions No. 394-2007 thru 435-2007 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky September 13, 2007

The Invocation was given by Mr. Jamie Murphy, Victory Baptist Church.

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Upon motion of Mr. Ellinger and seconded by Mr. Moloney, the minutes of the August 14, 2007 meeting were approved by unanimous vote.

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The Mayor and Mr. Don Kelly, Commissioner of the Dept. of Public Works and Development, presented a Certificate of Appreciation to Mr. Mike Goldie, an employee in the Div. of Streets, Roads and Forestry, for his actions in returning a young woman's wallet and car keys that he had found on the street. Mr. Kelly read a letter from the girl's father who wanted to thank and commend Mr. Goldie, and introduced Mr. Albert Miller, the supervisor of Mr. Goldie.

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The Mayor presented a Proclamation to Ms. Pat Dugger, Director of the Div. of Environmental and Emergency Management, that proclaimed September, 2007 as Preparedness Month.

Ms. Dugger thanked the Mayor and spoke on the importance for everyone to be prepared for any disaster.

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Mr. Richard Murphy, attorney for the petitioner for the zone change request on Alexandria Drive that was to have a public hearing at a special meeting on October 2, 2007, requested that the public hearing be rescheduled to October 18th.

Mr. Moloney made a motion, seconded by Mr. Ellinger and passed by unanimous vote, to reschedule the public hearing on an Ordinance changing the zone from a Professional Office (P-1) zone to a Neighborhood Business (B-1) zone for 1.140 net (1.476 gross) acres of property located at 1388 Alexandria Drive (Anthony W. Justice) to October 18, 2007 at 8:00 p.m.

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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 on the docket for second reading.

Upon motion of Dr. Stevens, seconded by Mr. DeCamp and passed by majority vote, the ordinance was amended to change the effective date from November 1, 2007 to December 11, 2007.

The ordinance was given second reading as amended.

Ms. James made a motion, seconded by Mr. Myers to table the ordinance and move it back to the Services Committee.

The motion failed by majority vote.

Dr. Stevens made a motion, seconded by Ms. Crosbie, to approve the second reading ordinances.

Mr. Myers made a motion, seconded by Mr. Gray and passed by unanimous vote, to amend Dr. Stevens' motion and vote on this ordinance separately from the other second reading ordinances.

Dr. Stevens' motion, as amended, to vote on the ordinance separately from the others passed by unanimous vote.

Ms. James and Mr. Myers asked the Mayor about having the public speak on the ordinance before the Council voted on it.

The Mayor asked Mr. Stinnett, Council Parliamentarian, about the public speaking before the Council and the time to be allowed for that.

Mr. Beard asked Mr. Stinnett about the number of speakers to be heard.

Mr. Moloney made a motion, seconded by Dr. Stevens to limit debate to one speaker in favor for ten minutes, and one speaker against for ten minutes.

Mr. Gray called for the question on the motion.

The motion passed by majority vote.

The Mayor stated that each side would have ten minutes, and those in favor would speak first.

Ms. Renee Jackson, President of the Downtown Development Corporation, spoke in support of the ordinance.

Pastor Fugate spoke against the proposed ordinance.

There was a discussion among the Council on the ordinance.

Dr. Stevens made a motion, seconded by Mr. DeCamp and passed by majority vote, to approve the ordinance and it passed by the following vote:

Aye: Crosbie, DeCamp, Moloney, Ellinger, Beard, Gray, Lane,
Stevens, Blues, Blevins -- 10

Nay: Myers, James, Stinnett, McChord --- 4

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

Aye: Lane, McChord, Moloney, Myers, Stevens, Stinnett, Beard, Blevins,
Blues, Crosbie, DeCamp, Ellinger, Gray , James ---------------------------- 14

Nay: -- 0

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 Count

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.

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An Ordinance changing the zone from a High Density Apartment (R-4) zone to a Downtown Frame Business (B2-A) zone for 0.2195 net (0.3672 gross) acre of property located at 252 East High Street (K.L. II, LLC) was on the docket for second reading with a public hearing to be held.

Mr. DeCamp stated that the attorney for K.L. II, LLC, the applicant for the zone change request, has submitted a letter requesting that the zone change application be withdrawn.

Mr. DeCamp made a motion, seconded by Mr. Ellinger and passed by unanimous vote, that based upon that request to (1) file in the record the letter requesting the withdrawal, (2) grant the withdrawal, (3) remove the ordinance from the docket, and (4) cancel the public hearing on the zone change scheduled tonight at 8:00 p.m.

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An Ordinance amending Section 21-5 of the Code of Ordinances creating two (2) positions of Customer Service Specialist, Grade 110N, in the Div. of Government Communications was given first reading.

Upon motion of Mr. Myers and seconded by Mr. Ellinger, the rules were suspended by unanimous vote, and the ordinance was given second reading. Mr. Myers made a motion, seconded by Mr. Ellinger and passed by unanimous vote, to approve the ordinance and it passed by the following vote:

Aye: Lane, McChord, Moloney, Myers, Stevens, Stinnett, Beard, Blevins,
Blues, Crosbie, DeCamp, Ellinger, Gray , James ---------------------------- 14

Nay: -- 0

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The following ordinances were given first reading. Upon motion of Mr. Blevins and seconded by Mr. DeCamp, the rules were suspended by unanimous vote, and the ordinances were given second reading. Mr. Blevins made a motion, seconded by Mr. Myers and passed by unanimous vote, to approve the ordinances and they passed by the following vote:

Aye: Lane, McChord, Moloney, Myers, Stevens, Stinnett, Beard, Blevins,
Blues, Crosbie, DeCamp, Ellinger, Gray, James ------------------------------ 14

Nay: -- 0

An Ordinance amending Section 21-5 of the Code of Ordinances creating one (1) position of Network Security Engineer, Grade 119E, in the Div. of Computer Services.

An Ordinance amending Ordinance No. 161-2007 to correct a typographical error in the line number of Revenue Processing Supervisor, to become effective retroactive to July 5, 2007.

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An Ordinance authorizing the Mayor to execute Supplemental Agreement No. 1 with the Ky. Transportation Cabinet, Dept. of Highways, for up to $7,063,231 in reimbursable funding for resurfacing of roads and appropriating funds pursuant to FY 2008 Schedule No. 55 was on the docket for first reading.

Mr. Lane made a motion, seconded by Mr. Stinnett to amend the ordinance to remove the words “for up to $7,063,231 in reimbursable funding” and “and appropriating funds pursuant to FY 2008 Schedule No. 55”, and to add the words “in Fayette Co.”

The Mayor asked Mr. Logan Askew, Commissioner of the Dept. of Law, to further explain the reason for amending the ordinance.

The motion passed by majority vote (Mr. Beard voted no, and Ms. James was absent).

An Ordinance authorizing the Mayor to execute Supplemental Agreement No. 1 with the Ky. Transportation Cabinet, Dept. of Highways for resurfacing of roads in Fayette Co. was given first reading as amended.

Upon motion of Mr. DeCamp and seconded by Mr. Lane the rules were suspended by unanimous vote (Ms. James was absent), and the ordinance was given second reading.

Mr. Blevins made a motion, seconded by Mr. Blues and passed by unanimous vote (Ms. James was absent), to approve the ordinance and it passed by the following vote:

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

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

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

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone for 1.405 net (1.469 gross) acres of property located at 2509 and 2497 Georgetown Road, subject to certain use restrictions imposed as conditions of granting the zone change. (Dennis R. Anderson)

An Ordinance authorizing the Mayor to accept a donation from Gray Construction in the amount of $100.00 for use at the Safety City Program, and appropriating funds pursuant to Schedule No. 45.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Clerical Assistant, Grade 104N, and creating one (1) position of Mailroom Clerk, Grade 108N, and reclassifying the incumbent, in the Dept. of General Services, to become effective retroactive to July 9, 2007, and appropriating funds pursuant to Schedule No. 48.

An Ordinance amending Section 22-5 of the Code of Ordinances creating one (1) temporary position of Staff Assistant Sr., Grade 108N, in the Dept. of Environmental Quality, and appropriating funds pursuant to Schedule No. 46.

An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Security Officer, Grade 106N; and amending Section 21-5 of the Code of Ordinances creating one (1) position of Security Officer, Grade 106N, in the Dept. of General Services, and appropriating funds pursuant to Schedule No. 47.

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. 44.

An Ordinance amending Section 21-5 of the Code of Ordinances creating one (1) position of Deputy Director, Grade 120E, in the Div. of Internal Audit, to become effective January 7, 2008.

An Ordinance amending Section 21-5 of the Code of Ordinances transferring one (1) position of Resources Analyst, Grade 115E, and its incumbent, and one (1) position of Administrative Specialist, Grade 110N, and its incumbent, from the Div. of Human Resources to the Div. of Accounting, and changing the position title and the title of the incumbent from Human Resources Analyst to Payroll Analyst, in the Div. of Accounting, and appropriating funds pursuant to Schedule No. 49.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Environmental and Public Protection 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 $144,556.00 Commonwealth of Ky. funds, are for continuation of the Litter Control Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 53, 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 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 $55,000.00 Federal funds under the Violence Against Women Act (VAWA) Program, are for continuation of the Sexual Assault Nurse Examiner (S.A.N.E.) Program, the acceptance of which obligates the Urban County Government for the expenditure of $26,340.00 as a local match, appropriating funds pursuant to Schedule No. 54, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance ratifying and adopting the 2006 Div. of Community Corrections Policy and Procedural Manual, ratified and adopted by Ordinance No. 276-2006, which provides procedures for general management, public information, inmate information system and inmate records, budgeting and accounting, inmate accounts, commissary, staffing, disciplinary actions, sworn status, appearance, code of ethics, court proceedings, personnel records, physical fitness, training requirements, off-duty employment, drug free workplace policy, employee assistance program, tobacco free/no smoking designation, admissions, commitment authority, inmate records, inmate searches, inmate property, orientation, transfer and release, objective classification, security assessments, custody assessments, disciplinary segregation, administrative segregation, inmate supervision, security procedures, inspections, searches, transportation of inmates, use of restraints, use of force, weapons, use of firearms, emergency procedures and operations, inmate health care, food service procedures, equipment maintenance, control and use of dangerous materials, sanitation, hygiene, inmate services unit, statement of inmate rights, disciplinary offenses, hearing procedures, inmate grievance procedures, probation services unit, community alternative program-goals, drug testing unit, and community service unit, as the 2007 Policy and Procedure Manual.

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Mr. Lane made a motion, seconded by Ms. Crosbie, to place on the docket an Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures related to Supplemental Agreement No. 1 with the Ky. Transportation Cabinet, Dept. of Highways and appropriating and re-appropriating funds pursuant to Schedule No. 55.

The Council asked Mr. Logan Askew, Commissioner of the Dept. of Law, and Mr. Don Kelly, Commissioner of the Dept. of Public Works and Development, to further explain the ordinance.

The Mayor spoke about the state funds for repaving roads that the ordinance would provide.

The motion passed by unanimous vote.

The ordinance was given first reading and ordered placed on file two weeks for public inspection.

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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. Lane and passed by unanimous vote, the resolution was removed from the docket and placed on the September 27, 2007 docket under second reading resolutions.

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The following resolutions were given first reading. Upon motion of Mr. Myers and seconded by Mr. Lane the rules were suspended by unanimous vote, and the resolutions were given second reading. Mr. Blues made a motion, seconded by Mr. Ellinger and passed by unanimous vote, to approve the resolutions and they passed by the following vote:

Aye: Lane, McChord, Moloney, Myers, Stevens, Stinnett, Beard, Blevins, Blues, Crosbie, DeCamp, Ellinger, Gray, James ------------------------------ 14

Nay: -- 0

A Resolution accepting the bid of The Allen Co., Inc., in the amount of $168,383.00, for the Wellington Bike and Pedestrian Facility Project.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with Lexington Heritage Classic, Inc., for the 6th Annual Historical Black College Football Classic, at a cost not to exceed $10,000.00.

A Resolution ratifying the probationary civil service appointments of: Lincoln Mackey, Engineering Technician Sr., Grade 113E, $1,411.60 bi-weekly, in the Div. of Engineering, effective September 3, 2007, Wallace Barker, Human Resources Manager, Grade 119E, $2,730.77 bi-weekly, in the Div. of Human Resources, effective September 3, 2007, Brian Reynolds, Laboratory Technician, Grade 109N, $11.708 hourly, in the Div. of Water and Air Quality, effective September 3, 2007, Robert Poage, GIS Specialist, Grade 114N, $19.704 hourly, in the Div. of Enhanced 911, effective October 1, 2007, Timothy Clark, Parks and Recreation Superintendent, Grade 119E, $3,031.60 bi-weekly, in the Div. of Parks, effective September 3, 2007, Robert Riney, Revenue Compliance Auditor Supervisor, Grade 116E, $2,230.77 bi-weekly, in the Div. of Revenue, effective September 17, 2007, Linda Lannert, Administrative Specialist Sr., Grade 112N, $19.712 hourly, in the Div. of Revenue, effective September 17, 2007, Susan Bowie, Revenue Compliance Auditor Sr., Grade 115E, $1,846.15 bi-weekly, in the Div. of Revenue, effective September 17, 2007, Tamera Aufderhaar, Staff Assistant Sr., Grade 108N, $15.747 hourly, in the Div. of Police, effective September 17, 2007, Laura Harris, Revenue Processing Supervisor, Grade 114E, $1,884.62 bi-weekly, in the Div. of Revenue, effective September 17, 2007, Judy Higgins, Revenue Compliance Auditor, Grade 114E, $1,747.92 bi-weekly, in the Div. of Revenue, effective September 17, 2007, Kathleen O'Neill, Administrative Specialist, Grade 110N, $19.544 hourly, in the Div. of Historic Preservation, effective September 17, 2007, Mary Fister-Tucker, Director of Accounting, Grade 121E, $3,403.84 bi-weekly, in the Div. of Accounting, effective October 1, 2007; ratifying the permanent civil service appointments of: Jason

Thompson, Computer Analyst, Grade 115E, in the Div. of Computer Services, effective August 5, 2007, Kevin Lyne, Engineering Aide, Grade 111N, in the Div. of Water and Air Quality, effective September 19, 2007, Horace Miles, Public Service Worker Sr., Grade 107N, in the Div. of Water and Air Quality, effective September 19, 2007, Jeff Baumgardner, Engineering Technician, Grade 111N, in the Div. of Water and Air Quality, effective September 19, 2007, T. J. Taylor, Project Manager, Grade 114E, in the Div. of Water and Air Quality, effective August 22, 2007, James Taylor, Engineering Technician, Grade 111N, in the Div. of Engineering, effective September 5, 2007; ratifying the permanent sworn appointments of: Harold Oney, Fire Captain, Grade 316N, in the Div. of Fire, effective August 16, 2007, Carl Tackett, Jr., Fire Lieutenant, Grade 315N, in the Div. of Fire, effective August 16, 2007; approving leave of absence for: Lori Vanover-Segar, Probation Officer Sr., Grade 112N, in the Div. of Youth Services, requests a 20 day Council approved leave without pay from September 20, 2007 to October 9, 2007; approving the unclassified civil service appointment of: Renee Chappell, Administrative Specialist Sr., Grade 112N, $20.024 hourly, in the Office of the Mayor, effective September 3, 2007, James Webb, Administrative Officer, Grade 119E, $2,692.31 bi-weekly, in the Dept. of General Services, effective September 17, 2007.

A Resolution requesting that the Ky. Economic Development Finance Authority adopt a Resolution providing for the issuance of Revenue Bonds in an amount not to exceed $18,000,000, the proceeds of which will be loaned to Christian Care Communities, Inc., a Ky. non-profit organization with facilities located within the boundaries of Fayette County, to refinance the acquisition, construction and equipping of certain facilities consisting of health care and health related facilities and waiving certain requirements of the Urban County Government's Industrial Revenue/Housing Bond Policies and Guidelines.

A Resolution authorizing the Mayor to execute Purchase of Service Agreements with Baby Health Services ($16,000), Bluegrass Area Development District ($98,000), Bluegrass Community Action Agency ($20,000), Bluegrass Domestic Violence Program, Inc. ($70,000), Bluegrass Rape Crisis Center ($70,000), Bluegrass Technology Center, Inc. ($2,370), Center for Women, Children & Families ($35,100), Chrysalis House, Inc. ($40,000), Bluegrass Comprehensive Care Center ($234,750), Community Action Council ($170,000), Emmaus Road Village, Inc. ($55,000), Family Counseling Service, Inc. ($32,500), Hope Center, Inc. ($718,770), M.A.S.H. Services of the Bluegrass, Inc.

($152,000), Nursing Home Ombudsman Agency of the Bluegrass, Inc. ($45,000), Operation Read, Inc. ($27,550), Salvation Army ($160,000), and Moveable Feast Lexington, Inc. ($40,000), to provide services to the public, at a cost not to exceed $1,987,040.00.

A Resolution authorizing the Mayor to execute an Agreement with Gail Hayden, for clerical support for the Needs Assessment Project, for the Dept. of Social Services, at a cost not to exceed $15,000.00.

A Resolution authorizing the Mayor to execute an Agreement with Girls Scouts-Wilderness Road Council, Inc. ($1,025.00), Appalachia-Science in the Public Interest, Inc. ($775.00), Joyland Neighborhood Association, Inc. ($600.00), Autumn Ridge Homeowners Association ($675.92), Deep Springs Elementary PTA ($500.00), Russell Cave Church of Christ ($500.00), and Gainesway Community Empowerment Center ($750.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute the Dell TechKnow Program Agreement with Dell Marketing, L.P. and Fayette County Public Schools, for Dell TechKnow/Tubby's Clubhouse Program, at no cost to the Government.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with Bluegrass State Games, Inc., for the Bluegrass State Games, at a cost not to exceed $22,500.00.

A Resolution authorizing the Mayor to execute the First Amendment to Frequency Reconfiguration Agreement with Nextel Wes Corp., for $13,598.00 in additional services to be paid by Nextel West Corp. to the vendor, Lexington Call Mobile, at no cost to the Urban County Government.

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Upon motion of Dr. Stevens, seconded by Ms. Crosbie and passed by unanimous vote, a Resolution ratifying the Dept. of Law's execution, on behalf of the Urban County Government, of a Settlement Agreement, Stipulation and Recommendation, and any other necessary settlement documents in Kentucky Public Service Commission Case No. 2007-00143 was placed on the docket and given first reading.

Upon motion of Mr. Myers and seconded by Mr. Lane the rules were suspended by unanimous vote, and the resolution was given second reading. Mr. Blues made a motion, seconded by Mr. Ellinger and passed by unanimous vote, to approve the resolution and it passed by the following vote:

Aye: Lane, McChord, Moloney, Myers, Stevens, Stinnett, Beard, Blevins, Blues, Crosbie, DeCamp, Ellinger, Gray, James ------------------------------ 14

Nay: -- 0

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

A Resolution accepting the bid of SBR Machinery Movers, LLC, in the amount of $29,500.00, for facility structural upgrade.

A Resolution accepting the bid of KBS Khempco Building Supply, establishing a price contract for lumber and plywood.

A Resolution accepting the bid of Guarantee Pest Control, Inc., establishing a price contract for pest control services.

A Resolution accepting the bids of Blackhawk Enterprises and Path Master, Inc., establishing price contracts for video surveillance equipment for the Div. of Revenue.

A Resolution authorizing the Mayor to accept a donation from Home Depot and Ky. Utilities of building materials, for use at the storage buildings at the Police Firearms Training Facility, 4300 Airport Road, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the March of Dimes and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of $23,500.00, and are for the support of a project that will assess and treat perinatal and postpartum mood disorders, to be conducted in conjunction with the Home Network's HANDS Program at Family Care Center.

A Resolution authorizing the Mayor to execute a Support Services Agreement with Northrop Grumman Commercial Information Services, Inc., for the provision of maintenance support to the Memorex-Telex tape backup system, at a cost not to exceed $6,999.96.

A Resolution authorizing the Mayor to execute a Mental Health Services Agreement with Bluegrass Regional Mental Health – Mental Retardation Board, Inc., for court ordered mental health evaluations of clients referred to the Div. of Youth Services, at a cost not to exceed $3,000.00.

A Resolution authorizing the Mayor to execute an Affiliation Agreement with Baptist Healthcare, Inc. (d/b/a Central Baptist Hospital), for practical experience training for paramedic students, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with St. Paul African Methodist Episcopal Church, Inc. ($500.00) and Bryan Station Band Association, Inc. ($350.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Dept. of Law to institute condemnation proceedings in Fayette Circuit Court to obtain temporary construction easements and permanent sanitary sewer easements for the property located at 537 Wilderness Road for the Wilderness Road/Woodward Lane Sanitary Sewer Project.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #3 to provide garbage and refuse collection; finding a need for this service in the area included; finding the ability of the Urban County Government to provide this service in this area, which area is defined as certain properties on the following streets: Millcreek, Appian Crossing Way, Jones Trail; and Longleaf Place Subd., Longleaf Place.

A Resolution specifying the intention of the Urban County Council to expand and extend Partial Urban Services District #5 to provide street lighting and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these services in this area, which area is defined as certain properties on the following streets: South Mill Commons Section 3, Lawrence Street; Cravens Property (The Lofts at 991), McClanahan Lane, Todds Road; and Beaumont Centre, Verandah Place.

A Resolution specifying the intention of the Urban County Council to expand and extend the Full Urban Services District to provide street lighting, street cleaning and garbage and refuse collection; finding a need for these services in the area included; finding the ability of the Urban County Government to provide these services in this area, which area is defined as certain properties on the following streets: Angela Court; Blackhorse Lane; Bracktown Road; Bradley Lane; Leestown Road; Rebecca Drive; Richardson Prop Unit 8 Sec 1, Stuart Hall Boulevard; Still Meadows LLC Prop Sec 1 (Portion of 501 Chilesburg Road), Andover Creek Lane; Arnold Properties, LLC, Appian Crossing Way; Blackford Prop Phase 3 Unit 1B, Bay Springs Park; Blackford Prop

Phase 3 Unit 1E, Bay Springs Park; Blackford Prop Phase 3 Unit 1G, Bay Springs Park; Blackford Prop Phase 3 Unit 1-I, Bay Springs Park; Blackford Prop Phase 3 Unit 1-J, Bay Springs Park; Beaumont Farm Unit 1, R-3 Area A, Beacon Street; Beaumont Farm Unit 1 R-3 Area, Beacon Street; Beaumont Farm Unit 1 R-3 Area A, Beacon Street, Beaumont Centre Circle; Beaumont Farm Unit 1 R-3 Area, Beaumont Centre Circle; Blackford, Blackford Parkway; Blackford Prop Phase 3 Unit 1B, Blackford Parkway; Newmarket, Unit 4-B, Brick House Lane; The Reserve and Tates Creek (5301 Tates Creek Road), Bridlewood Lane; Longleaf Subd., Unit 2, Broadleaf Lane; Burgess Avenue; Sebastian Property Unit 3C Section 2, Burnt Mill Road; Sebastian Property Unit 3B Section 2, Burnt Mill Road; Sebastian Property Unit 3E Sec 2, Burnt Mill Road; Ramsey-Sullivan, Creek Path Lane; Ramsey-Sullivan Prop Unit 1A Sec 1 (Kearney Ridge), Creek Path Lane; Masterson Station Central (Citation Village), Darenia Lane; Asbury, Dawson Springs Way; Newtown Springs, Unit 2B, Dawson Springs Way; Carroll, Rollie B., Sr, Eastway Drive; Masterson Station Central (Citation Village), Ferndale Pass; Blackford Prop Phase 3 Unit 1G, Hibernia Pass; Blackford Prop Phase 3 Unit 1H, Hibernia Pass; Still Meadows LLC Prop Sec 1 (Portion of 501 Chilesburg Road), Horsemint Trail; Scully Property, Kavenaugh Lane; Ramsey-Sullivan Prop Unit 1B (Kearney Ridge), Kearney Creek Lane; Ramsey-Sullivan Prop Unit 1C (Kearney Ridge), Kearney Creek Lane; Ramsey-Sullivan Prop Unit 1D (Kearney Ridge), Kearney Creek Lane; Ramsey-Sullivan Property Unit 3, Kearney Ridge Boulevard; Ramsey-Sullivan Prop Unit 1B (Kearney Ridge), Kearney Ridge Boulevard; Ramsey-Sullivan Prop Unit 1A Sec 1 (Kearney Ridge), Kearney Ridge Boulevard; Sunny Slope Farm Unit 3B, Sec 1, Kelli Rose Way; Woodward-Lander Property Unit 1A, Laguna Court; Woodward-Lander Property Unit 1C, Lander Court; Highland Lakes Unit 1H, Largo Lane; Scully Property, Lawson Lane; Masterson Station Central (Citation Village), Leestown Road; Sunny Slope Farm Unit 3A, Loblolly Court; Sunny Slope Farm Unit 3G Sec 1, Loblolly Way; Ramsey-Sullivan Prop. Unit 1C (Kearney Ridge), Locust Blossom CV; Blackford Prop Phase 3 Unit 1E, Mathern Trail; Blackford Prop Phase 3 Unit 1F, Mathern Trail; Blackford Prop Phase 3 Unit 1H, Mathern Trail; Ramsey-Sullivan Prop. Unit 1D (Kearney Ridge), Meadowsweet Lane; Ramsey-Sullivan Property Unit 3, Meadowsweet Lane; Johnson Prop Unit 1-J, Millbank Road; Millbank Road; Johnson Property, Unit 1B, Sec.2, Millbank Road; Still Meadows LLC Prop Sec 1 (Portion of 501 Chilesburg Road), Mist Flower Lane; Beaumont Farm Unit 1, R-3 Area A, Monarch

Street; Woodward-Lander Property Unit 1D, Movado Court; Newtown Springs, Unit 1, Sec 1, Newtown Center Way; Asbury, Newtown Springs Drive; Newtown Springs, Unit 1, Sec 1, Newtown Springs Drive; Sebastian Property Unit 3B Section 2, Old Woolen Mill Lane; Sebastian Property Unit 3A Section 2, Old Woolen Mill Lane; Denton Farms, Inc Unit 3 Section A (Ellerslie at Delong), Ormesby Place; Carroll, Rollie B. Sr, Pasadena Drive; Denton Farms, Inc Unit 3 Section A (Ellerslie at Delong), Richmond Road; Woodward-Lander Property Unit 1G, Riney Road; Masterson Station Central (Citation Village), Robinson Way; Russell Cave Road; Johnson Property, Unit 1B, Sec.2 Russell Cave Road; Woodward-Lander Property Unit 1A, Sandersville Road; Woodward-Lander Property Unit 1B, Sandersville Road; Woodward-Lander Property Unit 1C, Sandersville Road; Woodward-Lander Property Unit 1D, Sandersville Road; Newtown Spring, Unit 2B, Saunders Springs Way; Asbury, Saunders Springs Way; Masterson Station Central (Citation Village), Shell Court; Newton Springs, Unit 2B, Silver Springs Drive; Asbury, Silver Springs Drive; Sunny Slope Farm Unit 3G Sec 1, Silverbell Trace; Ramsey-Sullivan Prop Unit 1B (Kearney Ridge); Sullivans Trace; Ramsey-Sullivan Prop Unit 1A Sec 1 (Kearney Ridge), Sullivans Trace; Ramsey-Sullivan, Sullivans Trace; Pasadena Point Subd, Sun Seeker Court; Sunny Slope Farm Unit 3A, Sweetspire Drive; The Reserve and Tates Creek (5301 Tates Creek Road), Tates Creek Road; Woodward-Lander Property Unit 1E, Tiburon Court, Tiburon Way; Woodward-Lander Property Unit 1F, Tiburon Way; Woodward-Lander Property Unit 1G, Tiburon Way; Woodward-Lander Property Unit 1H, Tiburon Way; Sebastian Property Unit 3D, Trailwood Lane; Sebastian Property Unit 3B Section 2, Trailwood Lane; The Reserve and Tates Creek (5301 Tates Creek Road), Tykes Pass; Sebastian Property Unit 3A Section 2, White Oak Trace; Sebastian Property Unit 3C Section 2, White Oak Trace; and Sebastian Property Unit 3D, White Oak Trace, Whiteberry Drive.

A Resolution approving the issuance of tax-exempt Industrial Revenue Bonds by the City of Stamping Ground, Ky. to finance an Industrial Building Project of Central Christian Church within Fayette County.

A Resolution authorizing and approving the purchase of Excess General Liability, Excess Automobile Liability, Excess Public Official's Liability and Excess Law Enforcement Liability Insurance through the Ky. League of Cities from ACE Insurance Company for the term of October 1, 2007 to October 1, 2008, at a cost not to exceed

$615,010.00, and authorizing the Mayor to execute all necessary documents to accomplish the same.

A Resolution changing the street name and property address numbers of 4001 Blushing Groom Lane to 655 Orientate Way, of 3647, 3685, and 3701 Bryan Station Road to 760, 870, and 890 Mahmoud Lane, of 4168 Paris Pike to 109 La Troienne Way, of 4160 Paris Pike to 275 Mahmoud Lane, of 3758 Paris Pike to 625 Mahmoud Lane, and of 3890 Paris Pike to 290 Orientate Way; changing the property address numbers of 828-832 Malabu Drive to 828 Malabu Drive, of 3500 North Cleveland Road (Rear) to 3610 North Cleveland Road, of 5820 Kingpost Court to 5826 Kingpost Court, and of 3901 Peter Pan Road to 3900 Peter Pan Road; and changing the street name of the portion of Morrow Alley from its intersection with West Third Street to its southwest terminus to Morrow Place, and of 620 Peter Pan Road to 620 Mahmoud Lane; all effective thirty days from passage.

A Resolution approving and adopting a Solid Waste Management Plan for Lexington-Fayette County for 2008-2012, pursuant to KRS 224.43-340.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Charles Rice, for the property located at 225 Forest Park Road, for the Elizabeth Street Drainage Project , and authorizing payment in the amount of $300.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Esma Greer, for the property located at 215 Floral Park, for the Elizabeth Street Drainage Project, and authorizing payment in the amount of $150.00, plus usual and appropriate closing costs.

A Resolution amending Resolution No. 7-2005 to authorize the acceptance of a Deed for roadway improvements conveying fee simple right-of-way and a temporary construction easement from Bill McNeese, located at 677 East Loudon Avenue, for the Loudon Avenue Improvements Project, and to authorize payment in the amount of $250.00, plus usual and appropriate closing costs, effective retroactive to January 13, 2005.

A Resolution amending Resolution No. 273-2003, previously amended by Resolution No. 173-2004 and Resolution No. 366-2007, to change the name of the approved company, which was granted an inducement pursuant to the Ky. Jobs

Development Act, from Tempur Pedic, Inc., to Tempur World LLC, and to recognize Tempur-Pedic North America, Inc. as the sole “approved affiliate” for the economic development project, effective retroactive to April 2, 2007.

A Resolution authorizing the Mayor to execute a Pipeline Crossing Agreement with CSX Transportation, Inc. (CSX Agreement No. CSX – 048165), for installing a sanitary sewer force main for the North Elkhorn Diversion Wastewater Project, at a cost not to exceed $8,250.00.

A Resolution authorizing the Mayor to execute a Pipeline Crossing Agreement with CSX Transportation, Inc. (CSX Agreement No. CSX – 048166), for installing a sanitary sewer force main for the North Elkhorn Diversion Wastewater Project, at a cost not to exceed $8,250.00.

A Resolution authorizing the Mayor to execute a Pipeline Crossing Agreement with CSX Transportation, Inc. (CSX Agreement No. CSX – 048167), for installing a sanitary sewer force main for the North Elkhorn Diversion Wastewater Project, at a cost not to exceed $8,250.00.

A Resolution authorizing the Mayor to execute the Rebanding Agreement with Lexington Call Mobile, for reconfiguration services related to the Div. of Fire and Emergency Services 800 MHz communications system, with an effective date retroactive to March 1, 2007, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute and Agreement with Ad-Success, for the Mobility Office Marketing Campaign, at a cost not to exceed $40,400.00.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with the Downtown Lexington Corporation, to provide services to strengthen relationships among downtown businesses, residents and community organizations, and to conduct various activities that emphasize the assets and promote the growth and revitalization of downtown Lexington, at a cost not to exceed $60,000.00.

A Resolution authorizing the Mayor 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 $86,910.00.

A Resolution authorizing the Mayor to execute a Lease Agreement for an initial term of one year and an optional renewal term of one year with MES Enterprises, LLC, for space in the Triangle Center Condominiums located at 325 West Main Street, Unit 3, for the STARS (ERP) Implementation Team, at a cost not to exceed the sum of $5,750 per month for the initial term and $6,325.00 per month for the renewal term, subject to the appropriation of sufficient funds.

A Resolution authorizing the Mayor to execute an Engineering Services Agreement with GRW, Inc., for impervious area GIS data creation, at a cost not to exceed $195,000.00.

A Resolution authorizing the Mayor to execute a Facility Usage Contract with Fayette County Public Schools, for the ESP and Real Programs, at no cost to the Government.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with Lenco Excavation Co., Inc., for Seventh Street at Old Railroad Crossing Improvements, increasing the contract price by the sum of $10,412.32 from $238,718.65 to $249,130.97.

* * *

Upon motion of Mr. DeCamp, seconded by Dr. Stevens and passed by unanimous vote (Ms. James was absent), the communications from the Mayor were approved and are as follows: (1) recommending the appointment of Dr. Jamshed F. Kanga to the Board of Health with a term to expire 6-30-2008. Dr. Kanga will fill the unexpired term to Dr. Scutchfield; (2) recommending the appointment of Rosemary Corrigan, Retired Employee Representative, to the City Employees Pension Fund Board with a term to expire 12-2-2008. Ms. Corrigan will fill the unexpired term of James Galvin. Also, recommending the appointment of Kyna Koch, Commissioner of the Dept. of Finance, to the City Employees Pension Fund Board as an ex-officio; (3) recommending the reappointments of William R. Embry, Jr., Business Rep., and Fred Mitchell, Nonprofit Agency Rep., to the Commission on Housing and Support Services with terms to expire 7-1-2010; (4) recommending the appointment of Rebecca Langston, Council Administrator, to the Internal Audit Board, as an ex-officio; (5) recommending the appointment of Marilyn Machara, Meadowthorpe Neighborhood Rep. to the Masterson Station Park Advisory Board with a term to expire 5-1-2009. Also, recommending the reappointments of William Bakert, In-Line Hockey Program Rep., Steve Gahafer, Masterson Station Neighborhood Rep., and Eleanor Peavy, Ky. Border Collie Association Rep., to the Masterson Station Park Advisory Board with terms to expire 5-1-2008. Also, recommending the reappointment of Stephen M. Dewalt, Federal Medical Center Rep., to the Masterson Station Park Advisory Board as an ex-officio; and (6) recommending the appointment of Victoria C. Carling, At-Large Rep., to the Picnic with the Pops Commission with a term to expire 7-1-2008. Mrs. Carling will fill the unexpired term of Mary Ellen Slone.

Mr. Ellinger noted that there were a number of resignations from the Div. of Community Corrections, and requested that the director speak to the Council on it.

The Mayor asked Mr. Arty Greene, Council Liaison in the Mayor's Office, to have Mr. Ron Bishop, Director of the Div. of Community Corrections, come to a Work Session to speak on this issue.

* * *

The following communications were received from the Mayor for information only: (1) Resignation of James Richardson, Probation Aide, Grade 107N, in the Div. of Community Corrections, effective August 29, 2007; (2) Resignation of Adrienne Thomasson, Police Officer, Grade 311N, in the Div. of Police, effective October 23, 2007; (3) Resignation of Mark Caton, Fleet Systems Manager, Grade 116E, in the Div. of Fleet Services, effective September 2, 2007; (4) Resignation of Virginia Graves, Administrative Officer, Grade 118E, in the Dept. of General Services, effective August 6, 2007; (5) Resignation of Judy Jones, Cook, Grade 103N, in the Div. of Family Services, effective August 2, 2007; (6) Resignation of Brad Riley, Police Officer, Grade 311N, in the Div. of Police, effective September 7, 2007; (7) Resignation of Curtis Napier, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 24, 2007; (8) Resignation of Nathan Stewart, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 23, 2007; (9) Resignation of Matthew Tackett, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective September 5, 2007; (10) Resignation of Karen Stormbringer, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 19, 2007; (11) Resignation of Mark Sweat, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 30, 2007; (12) Reinstatement of Deboraha Griffin, Administrative Specialist, Grade 110N, $17.868 hourly, in the Div. of Waste Management, effective September 17, 2007.

* * *

A representative from the Div. of Police stated that Officer Benjamin L. Limp has committed the offense of Processing Property in violation of KRS 95.450 and Lexington Division of Police General Order 73-2/H, Section 1.17 in that on the 3rd day of April, 2007 he took property/evidence to an establishment and came back with items not gathered in connection with the investigation he had conducted. Thereby, the original property/evidence is now lost. On 4/3/07, Ofc. Limp was contacted by Det. Prebble to report to Property & Evidence to count change he had booked in as evidence. Ofc. Limp asked if the evidence could be changed to personal property. Det. Prebble said it could but it still had to be counted. Ofc. Limp reported to Property & Evidence and took the change to count it. After attempting to count it himself, he decided to take it to a bank to be counted in a change machine. He placed the change in the machine and received a receipt back. The teller handed him back $111.99 in dollar bills and change (not the same as the evidence that was taken to the bank). This is what Ofc. Limp took back to Property & Evidence and booked in, and that the appropriate punishment for this conduct is a Letter of Reprimand.

Upon motion of Mr. Beard and seconded by Mr. Ellinger, the disciplinary action was approved by unanimous vote (Ms. James was absent).

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Mr. Paul Jorgenson spoke against alcohol sales on Sunday, and in support of expanding the social services to prevent problems with alcohol.

* * *

Mr. Joe Graves, Fincastle Road, stated that public input was needed on the Lyric Theatre and new museum proposal, and filed the following exhibit: (1) Written statement.

* * *

Mr. Robert Dalton, Douglas Avenue, spoke in support of the community stepping in to help people more on the alcohol issue.

* * *

Ms. Norma Reynolds, Rose Street, spoke against alcohol sales on Sunday, and in support of having trolleys downtown to take people to the various historical locations in Lexington.

* * *

Upon motion of Mr. Stinnett, seconded by Dr. Stevens and passed by unanimous vote, the Council adjourned at 9:48 p.m.

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Clerk of the Urban County Council