Lexington, Kentucky   September 27, 2007

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on September 27, 2007 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Myers, Stinnett, Beard, Blevins, Blues, Crosbie, DeCamp, Ellinger, Gorton, Gray, James, Lane and McChord. Absent were Council Members Moloney and Stevens.

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

Ordinances No. 199-2007 thru 208-2007 inclusive and Resolutions No. 436-2007 thru 446-2007 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky September 13, 2007

The Invocation was given by Associate Pastor Jay T. Silence, Beaumont Presbyterian Church.

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The Mayor stated that the presentation for the Southeast Lexington Baseball Team was postponed until the October 4, 2007 Council Meeting.

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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 was on the docket for second reading.

Mr. Beard made a motion, seconded by Ms. Gorton and passed by unanimous vote (Mr. DeCamp was absent when the vote was taken), to amend the ordinance to remove the budget amendment Schedule No. 46 because other sources of funding had been found.

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 was given second reading as amended.

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

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

Nay: -- 0

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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 was given second reading.

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

Aye: Myers, Stinnett, Beard, Blevins, Blues, Crosbie,
DeCamp, Ellinger, Gorton, James, Lane, McChord -------------------------- 12

Nay: -- 0
(Mr. Gray disqualified himself when the vote was taken.)

* * *

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

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

Nay: -- 0

On 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 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 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.

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.

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

An Ordinance accepting the bid of BCD, Inc., in the amount of $776,700.00, for the Gainesway Park Community Building, and appropriating funds pursuant to Schedule No. 59.

An Ordinance accepting the bid of Central Rock Mineral Co., LLC, in the amount of $1,861,910.79, for the Star Shoot Parkway Extension, and appropriating funds pursuant to Schedule No. 63.

An Ordinance amending Section 13-44(2) of the Code of Ordinances to specify a tax rate of five (5) percent on all insurance companies based upon the premiums of policies other than life insurance.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Staff Assistant Sr., Grade 108N, creating one (1) position of Administrative Specialist, Grade 110N, and reclassifying the incumbent, in the Div. of Community Corrections, to become effective retroactive to July 9, 2007, and appropriating funds pursuant to Schedule No. 56.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing forty (40) vacant positions within various divisions, and amending Section 22-5 of the Code of Ordinances abolishing twenty-five (25) vacant positions in various divisions, to become effective retroactive to June 25, 2007, and appropriating funds pursuant to Schedule No. 57.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Office of Homeland Security, which grant funds are in the amount of $220,713.50 Federal funds, are for continuation of the Metropolitan Medical Response Systems (MMRS), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 58, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

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. 60.

An Ordinance authorizing the Mayor to accept a donation of $1,000.00 from McDonald's for refurbishment of the Safety City Facility, and appropriating funds pursuant to Schedule No. 62.

An Ordinance authorizing the Mayor to accept a Grant from the U. S. Dept. of Justice, Office on Violence Against Women, which grant funds are in the amount of $200,000.00 Federal funds, are for continuation of a Safe Havens Project (the Sunflower Kids Visitation Center, a part-time position in the Office of the Friend of the Court, and partial funding of the Director of the Fayette County Violence Prevention Board), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 61, and authorizing the Mayor to transfer unencumbered funds within the Grant budget.

An Ordinance amending section one of Ordinance No. 357-2006 correcting a typographical error in the pay grade of Victim's Advocate, Grade 112N, in the Div. of Police.

An Ordinance amending section three of Ordinance No. 186-2007 correcting a typographical error in the class code for Risk Management Analyst.

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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. Ellinger and passed by unanimous vote, the resolution was removed from the docket.

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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 was given second reading with a public hearing being held.

The Mayor opened the public hearing.

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

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

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

Nay: --- 0

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

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

Nay: --- 0

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, Beacon Street; Beaumont Farm Unit 1, Beacon Street; Beaumont Farm Unit 1, Beacon Street, Beaumont Centre Circle; Beaumont Farm Unit 1, 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, 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 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 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.

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

Aye: Myers, Stinnett, Beard, Blevins, Crosbie, DeCamp,
Ellinger, Gorton, Gray, James, Lane, McChord -------------------------------- 12

Nay: Blues -- 1

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.

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The following resolutions were given first reading. Upon motion of Mr. Blues and seconded by Ms. Gorton, the rules were suspended by unanimous vote.

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

Aye: Myers, Stinnett, Beard, Blues, Crosbie, DeCamp,
Ellinger, Gorton, Gray, James, Lane, McChord ------------------------------- 12

Nay: Blevins -- 1

A Resolution accepting the bid of Woodall Construction, in the amount of $785,158.00, for the Southend Park Redevelopment Temporary Housing Project.

A Resolution authorizing the Mayor to execute a Purchase Agreement and any other necessary closing documents with Eastland Out, LLC, for the purchase of the properties located at 1268 and 1276 Eastland Drive, at a cost not to exceed $600,000.00.

A Resolution authorizing the Mayor to execute a Site Specific Agreement with the Jessamine South Elkhorn Water District and Ashtree Properties, LLC, to provide sanitary sewer service to the Ashtree Subdivision – Unit 2 development in Jessamine County, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with Versailles Road-Bennett-Porter Place Neighborhood Association, Inc. ($500.00) and Lafayette Band Association ($700.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute a Fifth Amendment to Agreement with the Ky. Transportation Cabinet, for extension of the completion date for the Newtown Pike Small Area Plan Project to June 30, 2008, at no cost to the Urban County Government.

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A Resolution rescinding Resolution No. 359-2007 which had authorized the Mayor to execute an Agreement with Commonwealth of Ky. Transportation Cabinet, Dept. of Highways, for installation of fiber optic cable and conduit along portions of Newtown Pike and Iron Works Pike and provided for reimbursement of the Cabinet by the Urban County Government in an amount estimated to be $342,234.25 was on the docket for first reading.

Upon motion of Mr. Lane, seconded by Mr. Ellinger and passed by unanimous vote, the resolution was amended to also provide for termination of the agreement executed pursuant to Resolution No. 359-2007.

The resolution was given first reading as amended and ordered placed on file one week for public inspection.

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A Resolution ratifying the probationary civil service appointments of: Yvonne Brown, Child Care Program Aide, Grade 107N, $12.416 hourly, in the Div. of Family Services, effective October 15, 2007; Sharon Bradley, Customer Service Specialist/Bilingual, Grade 110N, $14.723 hourly, in the Div. of Government Communications, effective October 1, 2007; Candice Byrd, Customer Service Specialist/Bilingual, Grade 110N, $13.600 hourly, in the Div. of Government Communications, effective October 1, 2007; Scott Tyree, Public Service Worker Sr., Grade 107N, $12.934 hourly, in the Div. of Water and Air Quality, effective October 1, 2007; Crystal Mundy, Staff Assistant Sr., Grade 108N, $14.156 hourly, in the Div. of Central Purchasing, effective October 1, 2007; ratifying the permanent civil service appointment of: Rodger Cotton, Public Service Worker Sr., Grade 107N, in the Div. of Parks, effective October 2, 2007; ratifying the probationary sworn appointments of: Charles Pendleton, Fire Lieutenant, Grade 315N, $16.261 hourly, in the Div. of Fire, effective June 25, 2007; ratifying the permanent sworn appointments of: Chris Ward, Police Captain, Grade 316N, in the Div. of Police, effective June 13, 2007; Mark Samuelson, Police Lieutenant, Grade 315N, in the Div. of Police, effective June 13, 2007; ratifying the unclassified civil service appointment of: Sheila Combs, Child Care Program Aide, Grade 107N, $10.347 hourly, in the Div. of Youth Services, effective October 1, 2007 was on the docket for first reading.

Upon motion of Mr. Ellinger, seconded by Ms. Gorton and passed by unanimous vote, the resolution was amended to correct an error in the title and division of the two permanent sworn appointments from the Div. of Police to the Div. of Fire and Emergency Services.

The resolution was given first reading as amended and ordered placed on file one week for public inspection.

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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 Graybar, establishing a price contract for switch gear maintenance, for the Div. of Sanitary Sewers.

A Resolution accepting the bid of KIMCO Corp., establishing a price contract for custodial services for the Downtown Arts Center.

A Resolution accepting the bid of Bluegrass Fire Equipment, establishing a price contract for fire hose for the Div. of Fire.

A Resolution accepting the bid of Business Printing America, establishing a price contract for printing newsletters, for the Div. of Solid Waste.

A Resolution accepting the bid of Dynamic Technologies, Inc., dba Ocean Systems, in the amount of $37,994.00, for a forensic video analysis system, for the Div. of Police.

A Resolution accepting the bid of Tom Chesnut Excavation & Construction, LLC, in the amount of $16,200.00 for the Cross Keys Park low water crossing.

A Resolution accepting the bid of CAB and Associates, Inc., establishing a price contract for custodial services for the Fire Dept. 911 Call Center.

A Resolution accepting the bid of Coverall Commercial Cleaning, establishing a price contract for custodial services for Youth Services.

A Resolution accepting the bid of Mary’s Cleaning Service, establishing a price contract for custodial services for the County Extension Office.

A Resolution accepting the bid of Mary’s Cleaning Service, establishing a price contract for custodial services for the Phoenix Building.

A Resolution accepting the bid of KAG Management Group, establishing a price contract for custodial services for the Senior Citizens Center.

A Resolution accepting the bid of TMAC Properties, establishing a price contract for custodial services for Police Headquarters.

A Resolution accepting the bid of L & N Commercial Cleaning, establishing a price contract for custodial services for Police Roll Call at Goodwin Drive.

A Resolution authorizing the Mayor to accept the donation of a Lexmark 3500-4500 Series printer from Lexmark International, Inc., for the Urban County Council Office, at no cost to the Government.

A Resolution authorizing the Div. of Traffic Engineering, pursuant to Code of Ordinances Section 18-86, to install multiway stop controls at Brynell Drive and Northside Drive.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying permanent sanitary sewer and temporary construction easements from John and Janet Bricker, for property located at 2405 Olde Bridge Lane, for the South Elkhorn Force Main Project, and authorizing payment in the amount of $3,975.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed for the property located at 541-543 Goodloe Street from Thomas W. Coffey, Jr., Jamie & David Richardson, James Coffey, Charles Coffey, Thomas Wendell Coffey, Mark & Edith Givens, James Searight, Jr., Felicia & Enrico Robinson, Candy Givens, Mary Thomason, Doris Searight and Joan T. Brown, for the Ann Street Acquisition Project and authorizing payment in the amount of $6,000.00, plus usual and appropriate closing costs.

A Resolution accepting the pricing of Phoenix Disaster Service, LLC, in the amount of $79,850.30, for acquisition of medical disaster management software, for the Div. of Environmental and Emergency Management Services.

A Resolution authorizing the Mayor to execute a Maintenance Agreement providing for maintenance by the Urban County Government of roads paralleling and intersecting U.S. Route 68 constructed by the Cabinet during its recent improvement project and providing for future transfer of the right of way to the Urban County Government.

A Resolution authorizing the Mayor to execute an Agreement with the Friends of McConnell Springs, Inc. ($1,025.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute Agreements with Ky.-American Water Co., for collection of sewer user fees and landfill user fees, at a cost not to exceed $996,000.00.

A Resolution authorizing the Mayor to execute a Hold Harmless Agreement with Lincoln General Insurance Co., for settlement of claims under performance bonds for the Wolf Run Project and the Gardenside Sewer Project, at a cost not to exceed $119,576.25, the amount of funds which remain due on these projects.

A Resolution authorizing the Mayor to execute a Master License Agreement with Connectivity Systems Incorporated for TCP/IP software, at a cost not to exceed $5,510.

A Resolution authorizing the Mayor to execute a Contract with Kroger Limited Partnership I to supply influenza vaccine and administer vaccinations to Lexington-Fayette Urban County Government employees, at a cost of twenty-two dollars ($22.00) per employee, not to exceed $36,400.00.

A Resolution making a Declaration of Official Intent with respect to reimbursement from subsequent borrowings of temporary advances made for capital expenditures for numerous government projects, including but not limited to acquisition of land for a new fire station, a ladder truck and emergency medical care unit for the Div. of Fire and Emergency Services; renovation, remodeling and repair of certain police and fire facilities, the Downtown Art Center, the Government Center, the Opera House, the Versailles Road Campus Facility, and the Annex garage; acquisition and installation of mobile data terminals for the Div. of Police and portable computers for the Div.'s of Building Inspection and Code Enforcement; acquisition and installation of a variety of technology equipment, including modems and mounts, personal computers, servers, and related software, for several divisions; acquisition and construction of various shared-use trails; construction of a salt barn; acquisition and installation of fiber optic cable; acquisition and installation of a wayfinding sign system; acquisition and installation of signal lamps and traffic signal upgrades by the Div. of Traffic Engineering; various Infill and Redevelopment capital improvement projects; architectural design services for a Senior Citizens Center; various stormwater and other engineering projects; funding for the Purchase of Development Rights Program; government-wide fleet replacement; and acquisition of miscellaneous government equipment, all as described in the attached exhibit, in an approximate aggregate amount of $31,618,520.00.

A Resolution authorizing the Mayor to execute an Agreement with Software Development, Inc., for billing services for emergency medical services, at a cost not to exceed $145,347.60.

A Resolution authorizing the Mayor to execute a Memorandum of Agreement with the Madison County Emergency Management Agency, et al., to participate in the Joint Information Center in Madison County, Ky., as part of the Chemical Stockpile Emergency Preparedness Program, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Second Amendment to Health Services Agreement with Correctional Medical Services, Inc., for meeting the increased need for medical services for inmates at the Detention Center, at an additional cost not to exceed $253,023.00.

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Upon motion of Mr. DeCamp, seconded by Mr. Blevins and passed by majority vote (Ms. Gorton abstained when the vote was taken), the communication from the Mayor was approved and is as follows: (5) Recommending the appointment of Ms. Andrea James, Council Member Rep., to the Lexington Center Corp. Board with a term to expire 9-27-2011.

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Upon motion of Mr. DeCamp, seconded by Mr. Blevins and passed by unanimous vote, the communications from the Mayor were approved and are as follows: (1) Recommending the appointment of Mr. Garry Perry, Esq. to the Ethics Commission with a term to expire August 21, 2011; (2) Recommending the appointment of Mr. J. Michael Moore, Lexington Medical Society Rep., to the Board of Health with a term to expire 6-30-2009, (3) Recommending the appointment of Dr. Steven J. Stack, St. Joseph Hospital Rep., to the Emergency Medical Advisory Board with a term to expire 7-1-2009. Dr. Stack will fill the unexpired term of Christine Fleming. Also, recommending the reappointment of Dr. Scott Dunavant to the Emergency Medical Advisory Board with a term to expire 7-1-2011, (4) Recommending the appointment of Mr. Daryl W. Smith to the Industrial Revenue Bond Review Committee with a term to expire 9-27-2011. Also, recommending the appointment of Ms. Gina Greathouse to the

Industrial Revenue Bond Review Committee with a term to expire 9-27-2011, (6) Recommending the appointment of Mr. Jerry E. Hancock to the Picnic with the Pops Commission with a term to expire 7-1-2010. Mr. Hancock will fill the unexpired term of Chuck Ellis and (7) Recommending the appointment of Mr. Bob Carpenter, director of Building Inspection Rep., to the Tree Board as an ex-officio. Mr. Carpenter will fill the ex-officio term of Ms. Belinda Labodie.

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The following communications were received from the Mayor for information only: (1) Resignation of LaDonna Tyler, Program Administrator, Grade 117E, in the Division of Youth Services, effective September 28, 2007, (2) Resignation of Cassity Burke, Staff Assistant Sr., Grade 108N, in the Division of Family Services, effective August 27, 2007, (3) Resignation of Julio Serrano, Customer Service Specialist, Grade 110N, in the Division of Government Communications, effective August 6, 2007, (4) Resignation of Roger Cook, Probation Officer – Juvenile, Grade 112N, in the Division of Youth Services, effective September 3, 2007, (5) Resignation of Bernard Villalobos, Community Corrections Officer, Grade 110N, in the Division of Community Corrections, effective September 30, 2007 and (6) Resignation of Shenica Bingham, Staff Assistant Sr., Grade 108N, in the Division of Police, effective September 30, 2007.

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Assistant Fire Chief David Mattingly stated that Paul Abercrombie has committed the offense of Misconduct in violation of KRS 95.450 and Chapter 17 of the Uniform Disciplinary Code (Section 21-45H) in that he admitted to searching and viewing inappropriate content on a LFUCG owned computer during work hours, Captain Abercrombie admitted to knowing such behavior was unacceptable and that the appropriate punishment for this conduct is 48 Hour Suspension.

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

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Assistant Fire Chief David Mattingly stated that David McIntosh has committed the offense of Misconduct in violation of KRS 95.450 and Chapter 17 of the Uniform Disciplinary Code (Section 21-45H) subsection 8c in that he admitted to viewing inappropriate content on a station owned computer while on duty, Firefighter McIntosh admits to having been made aware by his Company Officer that such behavior was inappropriate, additionally he attend classes presented by the Div. of Human Resources that also identified such actions as inappropriate and that the appropriate punishment for this conduct is 24 Hour Suspension.

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

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Mr. Bernard McCarthy, Harry Street, stated his concerns with the ordinance that requires property owners to be responsible for the utility easements adjoining their property.

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Upon motion of Mr. Stinnett, seconded by Ms. Gorton and passed by unanimous vote, the Council adjourned at 8:00 p.m.

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Deputy Clerk of the Urban County Council