Lexington, Kentucky November 1, 2007

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 1, 2007 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Stinnett, Beard, Blevins, Blues, Crosbie, DeCamp, Ellinger, Gorton, Gray, James, Lane, McChord, Moloney, Myers and Stevens.

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

Ordinances No. 232-2007 thru 238-2007 inclusive and Resolutions No. 520-2007 thru 546-2007 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky November 1, 2007

The Invocation was given by Mr. Ked Frank, Care Associate Minister, Southland Christian Church.

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Upon motion of Ms. Gorton, seconded by Mr. Beard and passed by unanimous vote, approval of the minutes of the September 27, 2007 Council Meeting was removed until the November 15, 2007 Council Meeting.

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The Presentation for the Southeast Lexington Baseball Team was postponed.

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The Mayor introduced Mr. John Nardolillo, Conductor of the UK Symphony Orchestra.

Mr. Nardolillo recognized several University of Ky. Orchestra students and Mr. Arlo Guthrie, legendary Folk Singer and special guest for their upcoming concert. He stated that they were proud to be part of the civic life of Lexington and that Mr. Guthrie had invited the University of Ky. Symphony Orchestra to perform with him in New York during Thanksgiving at Carnegie Hall.

The Mayor and Ms. Gorton presented a Proclamation to Mr. Nardolillo for his many accomplishments.

The Mayor and Mr. Gorton presented a Key to the City to Mr. Guthrie.

Mr. Guthrie thanked the Mayor and Council for the Key to the City and for recognizing Mr. Nardolillo and the University of Ky. Symphony Orchestra.

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

Aye: Stinnett, Beard, Blevins, Blues, Crosbie, DeCamp, Ellinger,
Gorton, Gray, James, Lane, McChord, Moloney, Myers, Stevens --------- 15

Nay: --- 0

An Ordinance changing the zone from a Single Family Residential (R-1C) zone to a High Density Apartment (R-4) zone for 6.62 net (6.89 gross) acres of property located at 1201 Devonshire Avenue, subject to a certain use restriction imposed as a condition of granting the zone change. (Scott Baesler & Neal Evans)

An Ordinance amending Article 1-11 and subsections (b) and (n) of Article 8-16 of the Zoning Ordinance to define a “banquet facility”, to allow banquet facilities as a principal use in the Neighborhood Business (B-1) zone, and to specify the off-street parking requirements for banquet facilities.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Engineering Aide Sr., Grade 109N, creating one (1) position of Engineering Technician, Grade 111N, and reclassifying the incumbent, in the Div. of Traffic Engineering, to become effective retroactive to September 3, 2007, and appropriating funds pursuant to Schedule No. 68.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Staff Assistant, Grade 107N, and creating one (1) position of Staff Assistant Sr., Grade 108N, in the Div. of Family Services, and appropriating funds pursuant to Schedule No. 69.

An Ordinance amending section 9 of Ordinance No. 330-2001, as amended by Ordinances No. 286-2003, 272-2004, and 143-2006, extending the payments and benefits provided to activated employees who are members of the United States Armed Forces Reserve or National Guard until they are released from active duty, or until January 1, 2009, whichever shall first occur.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Fayette County Commonwealth Attorney's Office, for a "Fast Track" prosecutor for the Street Sales Enforcement Project, at a cost not to exceed $47,932.00, and appropriating funds pursuant to Schedule No. 70.

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. 67.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds in the amount of $5,600.00 from Neighborhood Development Funds in the Div. of Streets, Roads and Forestry for a Quiet Zone application for the Waller Avenue/Rosemont Garden railroad crossing, and appropriating and reappropriating funds, Schedule No. 74.

An Ordinance creating Section 17B-13 of the Code of Ordinances to create civil penalties for any violation of Chapter 17B regulating street trees, to allow appeal of citations to the Infrastructure Hearing Board, and to allow abatement of violations; amending Section 14-10(6) to reflect a change in the division for the Urban Forester; and amending Section 16-76 to grant jurisdiction to the Infrastructure Hearing Board over enforcement of Ordinances by the Div. of Streets, Roads and Forestry.

An Ordinance amending Section 21-5 of the Code of Ordinances creating one (1) position of Equipment Operator Sr., Grade 109N, in the Div. of Streets, Roads and Forestry.

An Ordinance amending Section 21-5 of the Code of Ordinances transferring two (2) positions of Clerical Assistant Sr., Grade 106N, and the incumbents, from the Div. of Computer Services to the Div. of Accounting, and appropriating funds pursuant to Schedule No. 72.

An Ordinance amending Section 22-5 of the Code of Ordinances creating one (1) temporary position of Administrative Officer P/T, Grade 118E, in the Div. of Waste Management, and appropriating funds pursuant to Schedule No. 71.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Loan Agreement with Hope Center, Inc,. for funds from the HOME Program for the construction of an apartment building for use as transitional housing for low-income men recovering from substance abuse, at a cost not to exceed $500,000.00, and appropriating funds pursuant to Schedule No. 73.

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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 a two family residential (R-2) zone to a Townhouse Residential (R-1T) zone for 0.27 net (0.35 gross) acre of property located at 419 South Upper Street and 422-426, 428, 432, and 436 Lawrence Street. (WML Properties, LLC and Douglas E. Cauthen (AMD))

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of $1,000.00 from Wal-Mart for upgrades to the Hazardous Devices Unit bomb robot, and appropriating funds pursuant to Schedule No. 81.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Vehicle Equipment Mechanic, Grade 110N, and creating one (1) position of Vehicle and Equipment Technician, Grade 112N, and reclassifying the incumbent, in the Div. of Fleet Services, and pursuant to Ordinance No. 197-2002 adjusting the salary of one (1) employee occupying the position of Vehicle and Equipment Technician in the Div. of Fleet Services after review pursuant to the Pay Equity Ordinance, all to become retroactive to August 20, 2007, and appropriating funds pursuant to Budget Schedule No. 77.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing three (3) positions of Human Resources Manager, Grade 119E, and creating three (3) positions of Human Resources Manager Sr., Grade 121E, and reclassifying the incumbents, in the Div. of Human Resources, to become effective retroactive to October 1, 2007, and appropriating funds pursuant to Budget Schedule No. 79.

An Ordinance amending Ordinance No. 205-2007 to correct a clerical error in the subsection line number for Network Security Engineer, in the Div. of Computer Services.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Military Affairs, Div of Emergency Management, which grant funds are in the amount of $125,320.00 Federal funds, are for continuation of the Chemical Stockpile Emergency Preparedness Program (CSEPP), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 76, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Div. of Emergency Management, which grant funds are in the amount of $650,000.00 Federal funds, are for construction of a tornado safe shelter at Suburban Mobile Home Park, the acceptance of which obligates the Urban County Government for the expenditure of $340,000.00 as a local match (to be provided as a land contribution, in the form of an easement, by the property owner), appropriating funds pursuant to Schedule No. 80, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a Grant from the Ky. Dept. of Education, which grant funds are in the amount of $112,500.00 Federal funds under the 21st Century Community Learning Center Program, are for continuation of the Homework Huddle and Dare To Be You Programs at the Gainesway Community Empowerment Center and after-school programming at Tates Creek Elementary School, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 82, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Staff Assistant, Grade 107N, and creating one (1) position of Clerical Assistant, Grade 104N, in the Dept. of General Services, and appropriating funds pursuant to Budget Schedule No. 85.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Reimbursement Agreement with C Brothers, LLC, and Hillenmeyer Properties, LLC, for developer reimbursement for construction of a sanitary sewer trunk line, at a cost not to exceed $447,780.30, and appropriating funds pursuant to Schedule No. 86.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 84.

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The following resolutions were given second reading. Upon motion of Mr. Stinnett, seconded by Mr. McChord, the resolutions were approved by the following vote:

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

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

A Resolution accepting the bid of L & N Commercial Cleaning, establishing a price contract for custodial services for the Recycling Center.

A Resolution accepting the bids of Gray Bar Electric Co., Inc., Rexel, Inc., Anixter, Inc., and Communications & Electrical Supplies, Inc., establishing price contracts for fiber optic cable and control equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bids of Univar USA, Inc., Brenntag Mid-South, Inc., and KA Steel Chemicals, Inc., establishing price contracts for odor control chemicals, for the Div. of Sanitary Sewers.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying fee simple property from Preston W. and Anita M. Madden, Preston Ellen and Kevin Ausbrook, Patrick W. and Jennifer S. Madden, WWM, LLC, and Patricia L. Madden, as Trustee of Fund B of the Patrick Edward Madden Revocable Living Trust, located at 1745 Bryant Road, for Phase I of the Brighton East Rail Trail Project, and authorizing payment in the amount of $10.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from Kitty Seals Estate, located at 630 Caden Lane, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from Elizabeth and Earl Jones, located at 646 Caden Lane, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from Helen Young and Margaret Johnson, located at 662 Caden Lane, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from Charles Thomas and Rachel Y. Thomas and Joyce E. McGee and Neal McGee, located at 690 Caden Lane, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from James P. Crouch, located at 727 Caden Lane, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from NEWS, located at 752 Caden Lane, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from Alvin M. and Carr Chrysanthia Seals, located at 776 Caden Lane, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from Bernitha L. Kendrick, located at 784 Caden Lane, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from James and Sandy Reynolds, located at 2822 Liberty Road, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from James and Sandy Reynolds, located at 2826 Liberty Road, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from Rose Mary Griffith, located at 2838 Liberty Road, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from Dennis Anderson, located at 2852 Liberty Road, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from Janice Beall, located at 820 Campbell Lane, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer and temporary construction easements from Rick G. and Deborah Moore for property located at 813 Mickey Lane, for the Cadentown Sanitary Sewer Project, and authorizing payment in the amount of $930.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from Alan W. and Wanchat Francis, located at 3061 Todds Road, for the Cadentown Sanitary

Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement and temporary construction easement from James D. and Sherry G. Taylor, located at 3081 Todds Road, for the Cadentown Sanitary Sewer Project, at no cost to the Urban County Government, with usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Statement of Compliance with Commonwealth of Ky., Transportation Cabinet, for bridge posting requirements.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Engineering Services Agreement with CDP Engineers, Inc., for Radcliffe Road Stormwater Improvement Design, at a cost not to exceed $38,500.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Clinical Services Agreement with the University of Ky., Chandler Medical Center, College of Medicine, Dept. of Pediatrics, for the provision of health care services to clients of the Family Care Center, at a cost not to exceed $303,184.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the University of North Florida Training and Service Institute, for Bloodstain Interpretation training course, at a cost not to exceed $9,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Memorandum of Agreement with the Ky. Law Enforcement Council, for conducting polygraphs for law enforcement candidates for other agencies, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Mutual Non-Disclosure Agreement with

POLICEREPORTS.US, LLC, for distribution of collision reports on the internet, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Ky. Mansions Preservation Foundation, Inc., for the Mary Todd Lincoln House in conjunction with the Abraham Lincoln Bicentennial Celebration, at a cost not to exceed $10,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Contracts and any other agreements with Everest Indemnity Insurance Company for Asbestos Liability Insurance for the term October 16, 2007, through October 16, 2008, at a cost not to exceed $4,427.75 and ACE USA for Aviation Liability Insurance for the term October 21, 2007 through October 21, 2008, at a cost not to exceed $19,000.80 and authorizing payment to Marsh USA on behalf of Everest Indemnity Insurance Company and ACE USA.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with CM Construction, for the South Point parking lot, increasing the contract price by the sum of $42,810.50 from $39,700.00 to $82,510.50.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 1 to the Contract with Free Contracting, Inc., for the Solid Waste Facility Expansion Project, increasing the contract price by the sum of $7,092.80 from $1,208,101.20 to $1,215,194.00

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a portion of a streetlight easement on lots 643 and 644 in Masterson Hills Subdivision.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to purchase ten (10) Pro Laser 3 with battery and charger for use by the Traffic Offense Unit from Kustom Signals, Inc., a sole source provider, at a cost not to exceed $28,060.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Professional Services Agreement with Kinzelman Kline

Gossman, LLC, for the Downtown Streetscape Master Plan, at a cost not to exceed $170,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Golfview Estates Neighborhood Association, Inc., ($1,000.00) for the Office of the Urban County Council, at a cost not to exceed the sum stated.

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

The resolutions were given second reading. Upon motion of Dr. Stevens, seconded by Mr. Blevins, the resolutions were approved by the following vote:

Aye: Stinnett, Beard, Blevins, Blues, Crosbie, DeCamp, Ellinger,
Gorton, Gray, James, Lane, McChord, Moloney, Myers, Stevens --------- 15

Nay: -- 0

A Resolution accepting the bid of Todd Johnson Contracting, Inc., in the amount of $666,372.41, for the Meadows-Northland-Arlington Neighborhood Improvement Phase 2D.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of land located at East Third Street and Midland Place and to execute a Memorandum of Agreement and all necessary closing documents for the Isaac Murphy Memorial Art Garden.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent easement and temporary construction easement from the Board of Education of Fayette County, Ky., located at 811 Star Shoot Parkway, for the Star Shoot Parkway Extension, and authorizing payment in the amount of $10.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Change Order No. 4 to the Contract with Nesbitt Engineering, Inc., for Meadows-Northland-Arlington Pubic Improvements Design Phase 3, increasing the contract price by the sum of $32,100.00 from $172,858.78 to $204,958.78.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government , to execute an Agreement with Kentucky Utilities Company, to install electrical facilities to provide West Hickman Wastewater Treatment Plant with redundant power, at a cost not to exceed $118,741.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Kentucky Utilities Company, to install electrical facilities to provide Town Branch Wastewater Treatment Plant with redundant power, at a cost not to exceed $275,160.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute Releases of Easement, releasing a utility easement and a sanitary sewer easement on property located at 2553 Nicholasville Road.

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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 Dixon Electric, establishing a price contract for traffic sign installation and maintenance.

A Resolution accepting the bid of AC Metalworks, in the amount of $50,070.00, for leaf collection boxes, for the Div. of Fleet Services.

A Resolution accepting the bid of J. Edinger & Son, Inc., in the amount of $40,672.00, for dump truck bodies, for the Div. of Fleet Services.

A Resolution accepting the bid of Baldwin & Sours, Inc., establishing a price contract for radar speed signs, for the Div. of Traffic Engineering.

A Resolution accepting the bids of Ready Mix Concrete and Harrod Concrete & Stone Co., establishing price contracts for wet mix concrete, for the Div. of Streets, Roads and Forestry.

A Resolution accepting the bid of Tennis Technology, Inc., in the amount of $64,991.00, for the Shillito Park tennis court resurfacing.

A Resolution accepting the bid of Southern Sales Company, Inc. in the amount of $23,405.00, for a sewage pump, for the Div. of Water and Air Quality.

A Resolution accepting the bids of J. Edinger & Son, Inc., McNeilus Truck and Manufacturing, Municipal Equipment, Inc., and WasteEquipmentParts.com, establishing price contracts for refuse parts, for the Div. of Fleet Services.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Certificate of Consideration and to accept a General Warranty Deed, from Lexington Habitat for Humanity, Inc., for the property located at 504 Georgetown Street, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a Deed for the properties located at 300 and 308 Elm Tree Lane from Faith Community Housing Foundation, Inc., for the Lyric Theatre Improvement Project, and authorizing payment in the amount of $45,000.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and to accept a Deed for the properties located at 310 and 312 E. Third Street and 309 and 311-313 Gunn Street from O. L. Hughes and Sons Mortuary, for the Lyric Theatre Improvements Project, and authorizing payment in the amount of $250,000.00, plus usual and appropriate closing costs.

A Resolution authorizing the Div. of Parks and Recreation, on behalf of the Urban County Government, to purchase golf pro shop resale merchandise from the list of sole source providers, attached hereto and incorporated herein.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Lexington-Fayette Urban County Airport Board, for airline related services, with an effective date retroactive to July 1, 2007, at a cost not to exceed $50,000.00.

A Resolution ratifying the probationary civil service appointments of: Jody Evans, Fleet Parts Specialist, Grade 109N, $13.815 hourly, in the Div. of Fleet Services, effective November 12, 2007; Gracie Wu, Staff Assistant, Grade 107N, $13.230 hourly, in the Div. of Building Inspection, effective November 12, 2007; Phillip Stiefel, Computer Systems Manager Sr., Grade 120E, $2,750.00 bi-weekly, in the Div. of Computer Services, effective October 1, 2007; Frank Boateng, GIS Specialist, Grade 114N, $18.238 hourly, in the Div. of Planning, effective November 12, 2007; Joseph Davis, Public Service Worker Sr., Grade 107N, $14.645 hourly, in the Div. of Parks and Recreation, effective October 29, 2007; ratifying the permanent civil service appointments of: William Pugh, Security Supervisor, Grade 112N, in the Dept. of General Services, effective October 16, 2007; Donald Dunaway Jr., Security Officer, Grade 106N, in the Dept. of General Services, effective October 16, 2007; Fred T. Stokley, Building Inspector, Grade 113N, in the Div. of Building Inspection, effective October 30, 2007; Clay Gotwalt, Building Inspector, Grade 113N, in the Div. of Building Inspection, effective October 30, 2007; Brandon Coslow, Building Inspector, Grade 113N, in the Div. of Building Inspection, effective October 30, 2007; approving the unclassified civil service appointment of: John Cubine, Senior Advisor for Policy and Budget, Grade 212E, $4,038.47 bi-weekly, in the Office of Policy and Budget, effective November 19, 2007.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Facility Usage Contract with Fayette County Board of Education, for usage of Paul Laurence Dunbar High School, at a cost not to exceed $1,377.63.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Second Amendment to Contract No. 4150 with GRW Engineers, Inc., for additional design services on the Comprehensive Sanitary Sewer Project, at an additional cost not to exceed $84,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement with Kentucky Humanities Council, Inc. for the Abraham Lincoln Bi-Centennial Celebration, at a cost not to exceed $25,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Purchase of Service Agreement, with Simon and Company, Incorporated, for services related to federal matters and funding, at a cost not to exceed $39,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Sunflower Kids, Inc., for operation of a visitation center as part of the Supervised Visitation and Safe Exchange Program, at a cost not to exceed $158,750.00.

A Resolution changing the street name and property address numbers of 217 Pasadena Drive to 2385 Huguenard Drive, of 621 Mannington Place, Units 1 through 11 to 3250, 3252, 3254, 3256, 3258, 3260, 3262, 3264, 3266, 3268, and 3270 Mannington Court, of 754, 743, 750, 755, and 753 Wilderness Road to 2135, 2139, 2143, 2154, and 2158 Wilderness Court, of 507, 511, 515, 519, 521, 523, 525, and 537 Wilderness Road to 2347, 2351, 2355, 2359, 2363, 2367, 2371, and 2375 Wilderness Place; and changing the property address numbers of 715 Chiles Avenue to 721 Chiles Avenue, of 325 Culpepper Road to 333 Culpepper Road, of 2321 and 2345 Elkhorn Road to 2320 and 2344 Elkhorn Road, of 538 East High Street to 530 East High Street, of 2680 Newtown Pike to 2672 Newtown Pike, of 2213 Richmond Road to 2209 Richmond Road, of 238 McDowell Road Units 101, 100, 201 and 200 to 238 McDowell Road Units 1, 2, 3, and 4, of 518, 514, 538, 589, and 747 Wilderness Road to 512, 516, 541, 591, and 742 Wilderness Road; all effective thirty days from passage.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with Dixie Basketball and Cheerleading, Inc. ($500.00) Cardinal Valley Neighborhood Association, Inc. ($500.00) and Bluegrass Community Action Agency ($912.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with the Black Church Coalition of the Bluegrass, Inc. ($1,800.00) and Tatesbrook Neighborhood Association, Inc. ($300.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with New World Systems Corporation, for software maintenance, upgrades and revisions, at a cost not to exceed $240,369.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with CDP Engineers, Inc., for neighborhood study and evaluation phase for the Green Acres Storm Sewer Project funded from the Kentucky Infrastructure Authority, at a cost not to exceed $260,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent storm sewer, drainage, sanitary sewer easement and temporary construction easement from Paige and Matthew Good, located at 226 Forest Park Road, for the Elizabeth Street Drainage Improvement Project, and authorizing payment in the amount of $23,125.00, plus usual and appropriate closing costs.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Certificate of Consideration and accept a Deed conveying a permanent sanitary sewer easement from Hi Acres Development Co., Inc., for construction of a sanitary sewer trunk line across Spring Lake Golf Course by C Brothers, LLC, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Partial Release of Easement, releasing a portion of a sanitary sewer easement at 4501, 4513, 4517, 4521, and 4525 Arum Park.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a utility easement on property on the Mulliken Property (Shady Hills).

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Upon motion of Ms. Gorton, seconded by Mr. Stinnett and passed by unanimous vote, the communications from the Mayor were approved and are as follows: (1) recommending the appointment of Kimberly H. Bryant to the Address Enforcement Hearing Board with a term to expire 11-1-2009, (2) recommending the reappointment of Betty Boyd to the Carver Neighborhood Center Board with a term to expire 3-20-2011, (3) recommending the appointment of Lori K. Johnson to the Civil Service Commission with a term to expire 4-30-2008. Ms. Johnson will fill the unexpired term of Joy Fugazzi, (4) recommending the appointments of Cynthia E. Lindsay, 7th District Rep., and Amanda Plakash-Angeles, 2nd District Rep., to the Environmental Commission with terms to expire 10-1-2011, and (5) recommending the appointment of Ed Holmes to the Lexington Center Corporation Board with a term to expire 10-30-2010.

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Upon motion of Mr. Blues, seconded by Mr. Ellinger and passed by unanimous vote, the communications from the Mayor were amended to recommend the appointment of Ms. Donna McMahan to the Parks and Recreation Advisory Board instead of the Masterson Station Park Advisory Board.

Upon motion of Ms. Gorton, seconded by Mr. Stinnett and passed by unanimous vote, the amended communications from the Mayor were approved and are as follows: (6) recommending the appointment of Virginia Howard, Masterson Equestrian Trust Foundation, to the Masterson Station Park Advisory Board with a term to expire 5-1-2010. Also, recommending the reappointments of Bill Bakert, Inline Hockey Program, Coleman Crawford, Bracktown Neighborhood Assoc., Stephen M. Dewalt, Federal Medical Center, Steve Gahafer, Masterson Station Neighborhood Assoc., Mike Lorton, Div. of Parks, and Eleanor Peavy, Ky. Border Collie Assoc., to the Masterson Station Park Advisory Board with terms to expire 5-1-2011 and (7) recommending the appointments of Donald L. Adkins, Fayette Co. Public School Rep., and Donna McMahan, Masterson Station Neighborhood Assoc., to the Parks and Recreation Advisory Board with terms to expire 1-14-2011 and 11-1-2011, respectively.

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The following communications were received from the Mayor for information only: (1) Resignation of James Kilgore, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective November 4, 2007, (2) Resignation of Kristie Hardin, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective November 2, 2007, (3) Resignation of Daniel Ray, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 22, 2007, (4) Resignation of John McCoy, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective October 24, 2007, (5) Resignation of Patrick Tiernan, Police Trainee, Grade 311N, Div. of Police, effective October 16, 2007, (6) Resignation of Leroy Edwards, Equipment Operator Sr., Grade 109N, Div. of Waste Management, effective October 10, 2007, (7) Reinstatement of Ursula Jones, Life Skills Program Instructor, Grade 110E, $15.271 hourly, in the Div. of Family Services, effective October 29, 2007 and (8) Reinstatement of Ronald Warner, Jr., Enforcement Officer, Grade 110N, $17.353 hourly, in the Div. of Waste Management, effective October 15, 2007.

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The report from the Div. of Building Inspection for the 3rd Quarter (July-September) of 2007 was received and ordered filed.

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Mr. Moloney asked Ms. Marlene Helm, Commissioner of the Dept. of Social Services, to assist residents from Ingleside Trailer Park because of a new development in the area.

Ms. Helm stated that they were willing to provide contacts to other agencies for any residents that need assistance.

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Mr. Bernard McCarthy, Harry Street, stated his concerns with the portion of East Maxwell Street that is closed.

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Mr. Robert Dalton, Douglas Avenue, stated his concerns with Army veterans health insurance issues and asked everyone to remember all the veterans on November 11th, Veterans Day.

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Upon motion of Mr. Blues, seconded by Ms. Gorton and passed by unanimous vote, the Council adjourned at 7:58 p.m.

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Deputy Clerk of the Urban County Council