Lexington, Kentucky   November 15, 2007

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on November 15, 2007 at 7:00 P.M. Present were Mayor Jim Newberry in the chair presiding and the following members of the Council: Council Members Beard, Blevins, Blues, Crosbie, DeCamp, Gorton, Gray, James, Lane, McChord, Moloney, Myers, Stevens and Stinnett. Absent was Council Member Ellinger.

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

Ordinances No. 239-2007 thru 251-2007 inclusive and Resolutions No. 547-2007 thru 587-2007 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky November 15, 2007

The Invocation was given by Associate Pastor Jimmy Fields, Vineyard Community Church.

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Upon motion of Ms. Gorton and seconded by Mr. Blues, the minutes of the September 27, October 4 & 18 and November 1, 2007 Council Meetings were approved by unanimous vote. (Ms. Crosbie was absent when the vote was taken.)

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Mr. Myers introduced the Cub Scout Webelos Dens 6 and 10 from Pack 73, Henry Clay District who presented a Flag Ceremony. He introduced the Den Leaders Mr. Gene Travers for Den 10 and Mr. Dan Miller for Den 6. Four Cub Scouts asked questions of the Council.

Mr. Travers thanked the Mayor and Council for allowing their troops to participate in the process.

Dr. Stevens spoke about serving on the Bluegrass Council of the Scouts and what an honor it was.

The Mayor asked the adult leaders to introduce themselves and thanked them for their work.

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Mr. Stinnett presented a Commemoration to the Northern Cal Ripken Eight and Under Girls Softball team and coaches.

Coach Clifford Hensley Jr. introduced each member and the Mayor presented them with their Commemoration. He said it was an honor to coach the girls and thanked the Mayor and Council for the recognition.

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Ms. Stefanie Hong, Director, Partners for Youth, spoke about the program and introduced the 2007 Partners for Youth recipients.

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

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

Nay: -- 0

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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An Ordinance amending Section 2-87(a) of the Code of Ordinances to change the composition of the Masterson Station Park Advisory Board by deleting one (1) member from the Newtown Pike Corridor, and adding a member from the International Sports Community was given first reading.

Upon motion of Mr. Blues and seconded by Ms. Gorton, the rules were suspended by majority vote. (Mr. Blevins and Mr. Stinnett voted no.)

The ordinance was given second reading. Upon motion of Mr. DeCamp, seconded by Mr. Blues, the ordinance passed by the following vote:

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

Nay: --- 0

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The following ordinances were given first reading and ordered placed on file until December 6, 2007 for public inspection.

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Light Industrial (I-1) zone for 40.68 net (45.57 gross) acres of property located at 1100 Alexandria Drive, subject to a certain use restriction imposed as a condition of granting the zone change. (Hougham Industrial)

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to accept a donation of $2,750.00 from State Farm Mutual Automobile Insurance Company and $2,000.00 from Wal-Mart Stores, Inc. (Sam's Club) for use by the Div. of Fire and Emergency Services Public Education Programs, and appropriating funds pursuant to Schedule No. 94.

An Ordinance amending Chapter 13 of the Code of Ordinances, Sections 13-1 through 13-16 to conform to the requirements set forth in KRS 67.750-67.795 with respect to the taxation of businesses, in addition creating Section 13-7.2 to require employers to file Federal Form 1099, and amending Section 13-9 to increase the initial license fee from $10 to $25.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Staff Assistant, Grade 107N, creating one (1) position of Administrative Specialist, Grade 110N, and reclassifying the incumbent, in the Div. of Planning, to become effective retroactive to August 20, 2007, and appropriating funds pursuant to Budget Schedule No. 92.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Staff Assistant, Grade 107N, creating one (1) position of Administrative Specialist, Grade 110N, in the Div. of Police, and appropriating funds pursuant to Budget Schedule No. 90.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing two (2) positions of Operations Manager, Grade 116E, creating two (2) positions of Facility Manager, Grade 118E, abolishing three (3) positions of Skilled Trades Worker Sr., Grade 112N, and creating three (3) positions of Electrical Instrumentation Tech, Grade 113N; abolishing one (1) position of Trades Supervisor, Grade 113N, and creating one (1) position of Electrical Instrumentation Tech Sr., Grade 114E; reallocating one (1) position of Director of Building Maintenance and Construction, Grade 120E, to Grade 121E; and reclassifying the incumbents, in the Div. of Building Maintenance and Construction, to become effective retroactive to May 28, 2007, and appropriating funds pursuant to Budget Schedule No. 96.

An Ordinance amending Section 22-5 of the Code of Ordinances creating ten (10) temporary positions of Equipment Operator Sr., Grade 109N, for a term of five months, beginning December 10, 2007 and ending May 25, 2008, in the Div. of Waste Management, and appropriating funds pursuant to Budget Schedule 91.

An Ordinance amending Section 26-1(6) of the Lexington-Fayette Urban County Government Code of Ordinances by deleting reference to August 26, 1998 and a moratorium; and amending Section 26-1(7) by deleting references ten acre tracts.

An Ordinance notwithstanding Section 21-33(a) of the Code of Ordinances providing that employees holding the position of Telecommunicator, Telecommunicator Sr., Telecommunicator Supervisor, and PSAP Manager in the Div. of Enhanced 911 may carry over accumulated vacation leave in excess of one hundred sixty-eight (168) hours at the end of calendar year 2007; providing that these employees shall have their accumulated vacation hours reduced to one hundred sixty-eight (168) hours on March 31, 2008; and providing that these employees who separate from employment with the Lexington-Fayette Urban County Government prior to March 31, 2008 shall be paid pursuant to Section 21-33(e) of the Code of Ordinances for no more than one hundred sixty-eight (168) hours plus any hours accumulated for service during the calendar year of 2008.

An Ordinance authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Kentucky 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 $1,350 Federal funds from the Violence Against Women Act Program, are for participation in the Ending Sexual Assault and Domestic Violence Conference, the acceptance of which obligates the Urban County Government for the expenditure of $450.00 as a local match, appropriating funds pursuant to Schedule No. 88, 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 execute and submit a Grant Application to the Bluegrass Area Development District, 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 $12,872.00 Commonwealth of Kentucky funds, are for the purchase of a portable air compressor for the Div. of Parks and Recreation, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 95, 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 U.S. Department of Justice, which Grant funds are in the amount of $13,608.23 Federal funds, are for the purchase of bulletproof vests for the Div. of Police ($9,526.23) and the Office of the Fayette County Sheriff ($4,082.00), the acceptance of which obligates the Urban County Government for the expenditure of $9,526.23 as a local match, appropriating funds pursuant to Schedule

No. 87, 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 re-appropriating funds, Schedule No. 93.

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An Ordinance of the Urban County Council finding that the Hope VI Affordable Housing Development Project located at 898 Georgetown Street meets the guidelines for the expenditure of Urban Development Action Grant (UDAG) funds and authorizing the expenditure of $450,000.00 in such funds to assist with site development and infrastructure improvements for this project, appropriating funds pursuant to Schedule No. 97 was given first reading.

The following citizens stated concerns with developers on a previous Georgetown Street development and requested the Council to watch more closely on the project being approved by this ordinance: (1) Mr. Robert Dalton, Douglas Avenue, and (2) Mrs. Diane Parsons, Douglas Avenue.

Ms. James stated that she would like to follow up with these concerns.

Mr. Gray suggested that these issues be looked into and addressed.

The ordinance was ordered placed on file until December 6, 2007 for public inspection.

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

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

Nay: -- 0

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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The following resolutions were given first reading. Upon motion of Ms. James and seconded by Mr. Myers, the rules were suspended by majority vote. (Mr. Blevins, Dr. Stevens and Mr. Stinnett voted no.)

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

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

Nay: -- 0

A Resolution accepting the bid of Randle-Davies Construction Company, in the amount of $216,701.00, for the South Elkhorn Trail Section I.

A Resolution accepting the bid of Dubya J. Brands, LLC dba Man O' War Harley-Davidson, establishing a price contract for motorcycles, for the Div. of Police.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to accept the donation of a "Buzz E. Smoke Alarm" fire safety education tool (approximate value $5,000.00) from Windstream Communications, Inc. for use by the Div. of Fire and Emergency Services, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Governor's Office for Local Development and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $18,500.00 Commonwealth of Kentucky funds, and are for construction of a walking trail between the Day Treatment Center property and Addison Park.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute and submit a Grant Application to the Bluegrass Workforce Investment Board and to provide any additional information requested in connection with this Grant Application, which Grant funds are in the amount of $40,000.00 Federal funds, and are for development of an out-of-school youth program.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Rental Agreement with Lexington Center Corporation, for the 2008 Minority Business Expo, at a cost not to exceed $5,900.00 to be paid by event sponsors.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Crossing License Agreement with R. J. Corman Railroad Company/Central Kentucky Lines, LLC, for construction and maintenance of a pedestrian crossing of railroad tracks on Russell Cave Road, at a cost not to exceed $5,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the Facility Usage Agreement with Fayette County Board of Education, for use of Tates Creek High School, at a cost not to exceed $470.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement for Professional Services with McIlwain & Associates, for design services for the Shillito Park Trail, at a cost not to exceed $38,030.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement for Professional Services with McIlwain & Associates, for design services for the Lafayette Trail, at a cost not to exceed $19,270.00.

A Resolution rejecting right-of-way shown on a plat of Druid Hills Subdivision of record in Plat Cabinet E, Slide 412 in the Fayette County Clerk's Office, provided that any appropriate utility easements are dedicated, and authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Quitclaim Deed to Gateway Plaza, LLC for said right-of-way.

A Resolution adopting the FY 2008-2010 Trails Capital Improvement Plan and the Spending Plan for funding in the FY 2008 Budget.

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A Resolution rescinding Resolution No. 334-2007, which authorized an Agreement in lieu of taxes with the Board of Education of Fayette County, Kentucky and BP Shelbourne, LLC, for the Shelbourne Plaza Industrial Revenue Bond Project was given first reading.

Mr. Beard asked a question of Mr. Joe Kelly, Sr. Advisor for Management, concerning the agreement.

Upon motion of Ms. James and seconded by Mr. Myers, the rules were suspended by majority vote. (Mr. Blevins, Dr. Stevens and Mr. Stinnett voted no.)

The resolution was given second reading. Upon motion of Mr. McChord, seconded by Mr. Myers, the resolution passed by the following vote:

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

Nay: -- 0

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The following resolutions were given first reading ordered placed on file until December 6, 2007 for public inspection.

A Resolution accepting the bid of Benjamin Franklin Plumbing, establishing a price contract for the sump pump redirection program.

A Resolution accepting the bid of GKT Enterprises LLC, establishing a price contract for asphalt speed humps (including pavement markings).

A Resolution ratifying the probationary civil service appointments of: Christopher Cunningham, Computer Analyst, Grade 115E, $1,788.08 bi-weekly, in the Div. of Computer Services, effective November 26, 2007; Brian Dennis, Public Information Supervisor, Grade 115E, $1,947.79 bi-weekly, in the Div. of Government Communications, effective November 12, 2007; Paul Hockensmith, GIS Programmer Analyst, Grade 117E, $1,940.16 bi-weekly, in the Div. of Enhanced 911, effective October 29, 2007; Kendra Carter, Customer Service Supervisor, Grade 113E, $1,776.66 bi-weekly in the Div. of Government Communications, effective November 12, 2007; Kenneth Goble, Equipment Operator Sr., Grade 109N, $15.337 hourly, in the Div. of Waste Management, effective November 12, 2007; Horace Miles, Equipment Operator Sr., Grade 109N, $15.455 hourly, in the Div. of Waste Management, effective November 12, 2007; Kimberly Huffman, Administrative Specialist Sr., Grade 112N, $17.072 hourly, in the Div. of Revenue, effective November 19, 2007; Donald Bowman, Treatment Plant Operator/Apprentice, Grade 107N, $15.951 hourly, in the Div. of Water and Air Quality, effective November 26, 2007; Tonia Alexander, Cook, Grade 103N, $12.367 hourly, in the Div. of Family Services, effective October 29, 2007; Elaine Dionne, Administrative Specialist Sr., Grade 112N, $19.712 hourly, in the Div. of Revenue, effective November 26, 2007; Diane Catlett, Staff Assistant Sr., Grade 108N, $11.879 hourly, in the Div. of Revenue, effective November 26, 2007; Robert Sebring, Public Service Supervisor Sr., Grade 114E, $2,083.92 bi-weekly, in the Div. of

Community Corrections, effective November 12, 2007; ratifying the permanent civil service appointment of: Starlena Ward, Microcomputer Support Specialist, Grade 113N, in the Div. of Computer Services, effective October 30, 2007; ratifying the permanent sworn appointment of: Chris O'Bryan, Fire Lieutenant, Grade 315N, in the Div. of Fire and Emergency Services, effective October 16, 2007; approving leave of absence for: Michael Kirkland, Public Service Worker Sr., Grade 107N, in the Div. of Building Maintenance and Construction, requests a 42 day Council approved leave without pay from November 19, 2007 to December 30, 2007.

A Resolution of the Lexington-Fayette Urban County Government approving the execution and delivery by the County of Clark, Kentucky of its County of Clark, Kentucky County Cultural and Recreational Revenue Bonds (Crossroads Christian Church of Lexington, Inc. Project) Series 2007 in an amount not to exceed $5,750,000 (The "Bond"), and the use of the proceeds thereof to assist Crossroads Christian Church of Lexington, Inc. ("Crossroads") to finance and refinance the cost of the construction and equipping of a 66,000 square foot facility located at 4128 Todds Road, Lexington, Fayette County, Kentucky, including a multi-purpose building for recreational fellowship and cultural activities, and to pay costs of issuance.

A Resolution, pursuant to Code of Ordinances Section 18-66, designating the speed limit on Kavanaugh Lane as 25 miles per hour and authorizing and directing the Div. of Traffic Engineering to install proper and appropriate signs in accordance with the designation.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute FY08 Purchase of Service Agreement with Lexington Center Corporation, for the facilitation of economic development projects in Fayette County, at a cost not to exceed $50,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute the FY08 Purchase of Service Agreement with Commerce Lexington, Inc., for the facilitation of economic development activities and initiatives, at a cost not to exceed $620,000.00.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Agreement with The German Marshall Fund of the United

States ($1,075.00), Inner Youth Development, Inc. ($450.00) and God's Pantry Food Bank, Inc. ($1,450.00) 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 Kentucky Office of Homeland Security, for extension of the Agreement for Federal funds for continuation of the Metropolitan Medical Response Systems (MMRS) Project from October 31, 2007 to June 30, 2008, 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 Memorandum of Agreement with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, for reimbursement of overtime salary and other costs, at no cost to the Urban County Government.

A Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Amendment to Agreement with Community Action Council for Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc., for extension of the Agreement for use of Community Development Block Grant Funds to support the Young Builders Program to December 31, 2007, at no cost to the Urban County Government.

A Resolution amending Section 2 of Resolution No. 544-2007 which authorized and directed the Mayor, on behalf of the Urban County Government, to execute an Agreement with Kentucky Utilities Company for the relocation of utilities from the temporary housing site for residents displaced by the Newtown Pike Extension Project and authorized payment in the amount of $5,949.00, to list the correct payee as Kentucky Utilities Company.

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 temporary construction easement from Susan Y. Miller and Walter Miller, for the property located at 213 Floral Park, for the Elizabeth Street Drainage Project, and authorizing payment in the amount of $300.00, plus usual and appropriate closing costs.

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Upon motion of Mr. Blues, seconded by Mr. Beard and passed by majority vote (Ms. Gorton abstained when the vote was taken.), the communications from the Mayor were approved and are as follows: (1) recommending the appointment of Jonathon Melton to the Address Enforcement Hearing Board with a term to expire 11-15-2010; (2) recommending the appointments of Christine C. Brown, Casual Riders Rep., and Martin D. Barr, Audubon Society Rep., to the Masterson Station Park Advisory Board with terms to expire 5-1-2011 and 5-1-2010, respectively and (3) recommending the appointments of Councilmember Linda Gorton and Craig Hardin, Landlord – Business – Community Rep., to the Town and Gown Commission with terms to expire 2-1-2011.

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The following communications were received from the Mayor for information only: (1) Resignation of Tommie Johnson, Equipment Operator, Grade 108N, in the Div. of Water & Air Quality, effective October 15, 2007; (2) Resignation of Ronald Roper, Landfill Inspector, Grade 108N, in the Div. of Water & Air Quality, effective October 30, 2007; (3) Resignation of Marvin Wilson, Equipment Operator Sr., Grade 109N, in the Div. of Streets, Roads & Forestry, effective October 18, 2007; (4) Resignation of Katrina J. Smallwood, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective November 10, 2007; (5) Resignation of Brian L. Bumpus II, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective November 24, 2007; (6) Resignation of Stephanie Endicott, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective December 3, 2007; (7) Resignation of Kristin L. Malone, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective November 1, 2007; (8) Resignation of Patrick Ebbitt, Police Officer, Grade 311N, in the Div. of Police, effective November 21, 2007 and (9) Resignation of LaRon Patton, Police Trainee, Grade 311N, in the Div. of Police, effective November 7, 2007.

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The Mayor announced he was appointing Ms. Cheryl Taylor as the Commissioner of Environmental Quality. He stated that Ms. Taylor was currently the Commissioner of Environmental Protection Department in Frankfort.

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Mr. Dalton stated that the Bluegrass Army Depot would be hiring 40 security police and that a job fair would be held on December 8th and 15th at the Richmond Office of Employment and Training.

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Ms. Anita Gallivan, stated her concerns with the Mayor's Report on Immigration.

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Mr. Louis Cobb, Cornerstone Drive, thanked the Council for helping people and offered free shoe shines for the holidays to help people and to help stop the war in Iraq.

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Upon motion of Mr. Lane, seconded by Ms. Gorton and passed by unanimous vote, the Council adjourned at 8:35 p.m.

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Deputy Clerk of the Urban County Council